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*A Reference Handbook*



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*A Reference Handbook*



# CRIMINOLOGY

## *A Reference Handbook*

Edited by

J. Mitchell Miller



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2455 Teller Road  
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E-mail: [order@sagepub.com](mailto:order@sagepub.com)

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1 Oliver's Yard  
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# PREFACE

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Criminology has experienced tremendous growth over the last few decades, which is evident, in part, by the widespread popularity and increased enrollment in criminology and criminal justice departments at the undergraduate and graduate levels, both across the United States and internationally. An evolutionary paradigmatic shift has accompanied this criminological surge in definitional, disciplinary, and pragmatic terms. Though long identified as a leading sociological specialty area, criminology has emerged as a stand-alone discipline in its own right, one that continues to grow and is clearly here to stay. Today, criminology remains inherently theoretical but is also far more applied in focus and thus more connected to the academic and practitioner concerns of criminal justice and related professional service fields. Contemporary criminology is also increasingly interdisciplinary and thus features a broad variety of ideological orientations to and perspectives on the causes, effects, and responses to crime.

*21st Century Criminology* provides straightforward and definitive overviews of nearly 100 key topics comprising traditional criminology and its more modern outgrowths. The individual chapters have been designed to serve as a “first-look” reference source for most criminological inquires. The contributor group is composed of several well-known discipline figures and emerging younger scholars who provide authoritative overviews coupled with insightful discussion that will quickly familiarize researchers, students, and general readers alike with fundamental and detailed information for each topic.

This two-volume set begins by defining the discipline of criminology and observing its historical development to date (“Part I: The Discipline of Criminology”). The various social (e.g., poverty, neighborhood, and peer/family influences), personal (e.g., intelligence, mental illness), and demographic (e.g., age, race, gender, and immigration) realities that cause, confound, and mitigate crime and crime control are featured in “Part II: Correlates of Crime and Victimization.” The chapters in this section consider each correlate’s impact, both independently and in a broader social ecological context. The sociological origins of

theoretical criminology are observed across several chapters that stress classical, environmental, and cultural influences on crime and highlight peer group, social support, and learning processes. Examination of these criminological theory chapters quickly confirms the aforementioned interdisciplinary nature of the field, with chapters presenting biological, psychological, and biosocial explanations and solutions for crime (“Part III: Theories of Crime and Justice”).

Part IV (“Measurement and Research in Criminology”) provides sound introductory overviews of the various quantitative and qualitative designs and techniques employed in criminological research. Comparison of the purposes and application of these research methods across various crime and justice topics illustrates the role of criminologists as social scientists engaged in research enterprises wherein single studies fluctuate in focus along a pure–applied research continuum. This section also addresses the measurement of crimes with attention to major crime reporting and recording systems.

Having established a theoretical–methodological symmetry as the scientific foundation of criminology, and increasingly the field of criminal justice, Part V (“Types of Crime”) considers a wide range of criminal offenses. Each chapter in this section thoroughly defines its focal offense and considers the related theories that frame practices and policies used to address various leading violent, property, and morality crimes. These chapters also present and critically evaluate the varying level of empirical evidence, that is, research confirmation, for competing theoretical explanations and justice system response alternatives that are conventionally identified as best practices.

Ostensibly, an accurate and thorough social science knowledge base—theoretically driven and empirically validated—stands to render social betterment in terms of reduced crime and victimization through the development of research–based practices. This science–practitioner relationship is featured, advocated, and critiqued in the final section, Part VI (“Criminology and the Justice System”). Here, the central components of the American juvenile and criminal justice systems (law enforcement,

courts, and corrections) are presented from a criminology–criminal justice outlook that increasingly purports to leverage theory and research (in particular, program evaluation results) toward realizing criminal justice and related social policy objectives. Beyond the main system, several chapters consider the role and effectiveness of several popular justice system and wrap-around component initiatives (e.g., specialty courts, restorative justice, and victim services).

## Acknowledgments

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The content of *21st Century Criminology* was designed in collaboration with Advisory Board members (Robert Brame, Nicole Leeper Piquero, Travis C. Pratt, Jeffery T. Walker, and John L. Worrall) who also assisted in securing leading scholars as contributors. The professionalism of the Sage folks kept the project on track. Jim Brace-Thompson and Sanford Robinson facilitated development, Carla Freeman oversaw production, and Laura Notton and

Leticia M. Gutierrez addressed a plethora of issues concerning the online contracting and submission system. Equally vital to the project's completion, managing editor Alison Routh was in the trenches interacting with the authors and troubleshooting problems that unavoidably arise with an undertaking of this size. A special acknowledgement of appreciation is due to Holly Ventura Miller for unswerving loyalty and moral support.

Connected to both the sociological origins of criminology (i.e., theory and research methods) and the justice systems' response to crime and related social problems, as well as coverage of major crime types, this two-volume set offers a comprehensive overview of the current state of criminology. From student term papers and master's theses to researchers commencing literature reviews, *21st Century Criminology* is a ready source by which to quickly access authoritative knowledge on a range of key issues and topics central to contemporary criminology.

*J. Mitchell Miller*  
*University of Texas at San Antonio*

## ABOUT THE EDITOR

---

**J. Mitchell Miller** is professor and chair of the Department of Criminal Justice at the University of Texas at San Antonio. He received his PhD in sociology, with a specialization in criminology, from the University of Tennessee in 1996. While he was a doctoral student, he served as graduate research associate for the Society for the Study of Social Problems and participated in the American Sociological Association Honors Program. From 1996 through 2006, he served on the faculty of the former College of Criminal Justice and then the Department of Criminology and Criminal Justice at the University of South Carolina, where he held affiliate appointments with the College of Social Work and the School of Environmental Studies. While at the University of South Carolina, Dr. Miller also served as director of graduate studies in Drugs and Addictions, as lead evaluator of the Moscow Police Command College (a U.S. State Department democratization initiative), and as interim director of the Southern Violence and Substance Abuse Prevention Center.

Dr. Miller's generalist research agenda involves mixed-methodological criminological theory testing and criminal and juvenile justice program evaluation as well as drug ethnography. He has conducted funded research for various

state and federal agencies, including the National Institute of Justice, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, and the U.S. Department of Education. His publications have appeared in a range of social science outlets, including *Justice Quarterly*, the *Journal of Research in Crime and Delinquency*, *Crime & Delinquency*, *The American Sociologist*, *Humanity & Society*, the *Journal of Drug Issues*, and the *Journal of Criminal Justice*. His recent books include *Criminology: A Brief Introduction* (2nd ed., 2008), with Chris Schreck and Rick Tewksbury; *Crime & Criminals* (2nd ed., 2009), with Frank Scarpetti and Amie Nielsen; and *Criminology* (2nd ed., 2008), with Leonard Glick.

Dr. Miller is the former editor of the *Journal of Crime and Justice*, the *Journal of Criminal Justice Education*, and *The Encyclopedia of Criminology* (Vols. I–III, 2005). Currently, he is immediate president of the Southern Criminal Justice Association. His active research includes evaluation of a cognitive restructuring initiative for serial inebriates incarcerated in the Texas Department of Criminal Justice East Texas Treatment Facility and development of a bioterrorist prevention plan for the San Antonio River Authority.

# ABOUT THE CONTRIBUTORS

---

**Robert S. Agnew** is Samuel Candler Dobbs Professor of Sociology and chair of the Sociology Department at Emory University. He has published four books and approximately 70 articles on the causes of crime and delinquency, with his most recent books being *Juvenile Delinquency: Causes and Control* (2009), *Why Do They Do It? A General Theory of Crime and Delinquency* (2005), and *Pressured Into Crime: An Overview of General Strain Theory* (2006). He is best known for his development of general strain theory, one of the leading theories of crime and delinquency. He has served as associate editor of *Theoretical Criminology* and on the editorial boards of *Criminology*, *Social Forces*, and other journals. A Fellow of the American Society of Criminology, he has been active in many professional organizations and groups dealing with crime and delinquency.

**Ronald L. Akers**, PhD, is a professor of criminology and sociology at the University of Florida. He is former chair of the Department of Sociology and Director of the Center for Studies in Criminology and Law. He is past president of the American Society of Criminology, a Fellow of that society, and recipient of its prestigious Sutherland Award. He is also past president of the Southern Sociological Society and has held various other influential leadership positions in criminology and sociology. Dr. Akers has authored more than 100 journal articles and book chapters. He is the author of *Criminological Theories: Introduction, Evaluation, and Application*; *Law and Control in Society*; *Drugs, Alcohol and Society*; *Deviant Behavior: A Social Learning Approach*; and *Social Learning and Social Structure: A General Theory of Crime and Deviance*, and was coeditor of *Social Learning Theory and the Explanation of Crime: A Guide for the New Century*. His extensive scholarly history has involved developing and testing social learning theory of crime and deviant behavior and analyzing and conducting research on theory and policy in criminology, criminal justice, law, and deviance.

**Leanne Fiftal Alarid** is an associate professor in the Criminal Justice Department at the University of Texas at San Antonio. She was previously at the University of Missouri—Kansas City after she earned her PhD from

Sam Houston State University. Dr. Alarid has authored/coauthored journal articles in the area of corrections, gender and crime, and policing in journals such as *Justice Quarterly*, the *Journal of Research in Crime and Delinquency*, and the *Journal of Criminal Justice*. She has authored/edited six books, including *Community-Based Corrections* and *Corrections: A Contemporary Introduction*.

**Geoffrey P. Alpert** is a professor of criminology and criminal justice at the University of South Carolina. For the past 25 years, his research interests have included policing strategies, behaviors, management and decision making. He has been the principal investigator on research funded by the National Institute of Justice on the use of force, emergency driving, and police officer behavior. His recent books include *Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight* (with J. Noble), and *Understanding Police Use of Force: Officers, Suspects and Reciprocity* (with R. Dunham).

**Tammy L. Anderson** is an associate professor in the University of Delaware's Department of Sociology and Criminal Justice. She has published many articles and an edited volume (*Neither Villain nor Victim*, 2008) on drug abuse, identity, gender, race, and stigma. Her forthcoming book *Rave Culture: The Alteration and Decline of a Philadelphia Music Scene* (2009), is a comparative ethnographic study about the social, cultural, and economic forces that alter youth-based music scenes. Her work has been sponsored by the National Science Foundation and the National Institute of Justice.

**Robert Apel** received his PhD from the University of Maryland in 2004 and is currently an assistant professor in the School of Criminal Justice at the University at Albany, State University of New York. His research interests include the relationship between employment and crime, the long-term impact of incarceration during the transition to adulthood, and situational determinants of injury from violent victimization. His research has appeared in *Criminology*, *Crime & Delinquency*, the *Journal of Quantitative Criminology*, and *Social Forces*.



**J. C. Barnes** is a doctoral student in the College of Criminology & Criminal Justice at Florida State University. He was named Graduate Student Of The Year by the Southern Criminal Justice Association for 2008. His research interests include the etiology of delinquency and policy evaluation. His work has appeared in *Crime and Delinquency*, *Criminal Justice and Behavior*, *Criminal Justice Policy Review*, *American Journal of Criminal Justice*, and the *Journal of Criminal Justice Education*.

**Vidisha Barua**, PhD, Esq., is an assistant professor of criminal justice at The Pennsylvania State University Altoona. She received her PhD in criminal justice from Sam Houston State University. She also holds a master's degree in criminal law from the State University of New York at Buffalo. Her book-length publications include the *Press and Media Law Manual* (2002) and *Terrorism in India* (2006). She also has served as executive editor of the *Buffalo Criminal Law Review*. Her research areas include police and prison officers' civil liabilities for the use of Tasers and stun guns, ethical issues in criminal justice, forced medication of death row inmates to induce synthetic sanity, the federal judiciary, and terrorism. She is a licensed attorney in New York.

**Gordon Bazemore** is currently professor and director of the School of Criminology and Criminal Justice, and director of the Community Justice Institute, at Florida Atlantic University. His research has focused on juvenile justice and youth policy, restorative justice, crime victims, corrections, and community policing. Dr. Bazemore is the author of 68 peer-reviewed articles, 34 book chapters, 25 monographs and technical reports, and numerous other publications. He is first author of three books on juvenile justice reform: *Juvenile Justice Reform and Restorative Justice: Building Theory and Policy From Practice* (with Mara Schiff), *Restorative Juvenile Justice: Repairing the Harm of Youth Crime* (with Lode Walgrave), and *Restorative and Community Justice: Cultivating Common Ground for Victims, Communities and Offenders* (with Mara Schiff). He was recipient of Florida Atlantic University's Researcher of the Year Award in both 1995 and 1999.

**Kevin M. Beaver** earned his PhD from the University of Cincinnati and is an assistant professor in the College of Criminology and Criminal Justice at Florida State University. His current research examines the biosocial and genetic underpinnings to antisocial behavior.

**Michael L. Benson** is a professor of criminal justice at the University of Cincinnati. Writing mainly in the areas of white-collar and corporate crime, he has published in numerous journals, including *Criminology*, *Justice Quarterly*, the *Journal of Research and Delinquency*, *American Sociological Review*, the *American Journal of Sociology*, and *Social Problems*. He received the Outstanding Scholarship Award of the Society for the

Study of Social Problems Division on Crime and Juvenile Delinquency for his coauthored book *Combating Corporate Crime: Local Prosecutors at Work*. His most recent books include *Corporate Crime Under Attack: The Fight to Criminalize Business Violence* and *White-Collar Crime: An Opportunity Perspective*.

**Mark T. Berg** is an assistant professor in the School of Public and Environmental Affairs at Indiana University–Purdue University, Indianapolis. His current research focuses on the social sources of violent behavior and research methods.

**Kristie R. Blevins** is an assistant professor in the Department of Criminal Justice at the University of North Carolina at Charlotte. She received her PhD in criminal justice at the University of Cincinnati in 2004. Her research interests include environmental crime, corrections, the work reactions of criminal justice employees, and crime prevention. Her work can be found in the *Journal of Offender Rehabilitation*, *Criminal Justice Policy Review*, the *American Journal of Criminal Justice*, *Deviant Behavior*, and the *International Journal of Police Science and Management*.

**Scott Blough** is chair of the Department of Criminal Justice and Security Studies at Tiffin University, where he specializes in policy development, international crime, terrorism, international security, corrections, and information systems and technology. Prior to this appointment, he served as the chief of the Bureau of Adult Detention in the Ohio Department of Rehabilitation and Correction, where he had oversight of more than 250 jails throughout Ohio. Professor Blough wrote the *Minimum Standards for Jails in Ohio*, which comprises the administrative rules governing jail operations in Ohio. He also served as a lieutenant on the Marion (Ohio) Police Department, where he conducted numerous gang, drug, and gambling investigations. He supervised a multi-jurisdictional gambling task force and successfully investigated and prosecuted the two largest embezzlement cases in Marion's history. He has been a featured lecturer for the National Institute of Corrections, the South Carolina Gang Investigators Association, the Ohio Community Corrections Association, the Southwest Ohio Information Technology Association, the National Association of Government Archives and Records Association, the Buckeye State Sheriff's Association, and the National Sheriffs Association, and he has given presentations at the Criminal Justice Facilities Planning and Management Conference and the Ohio Jail Administrator's annual conference. He was also a featured speaker in Romania, where he lectured on developing standards for adult and juvenile incarceration and probation. In addition to the aforementioned presentations, he has authored numerous publications on international justice and corrections issues, and he is a consultant on justice policy, prison and jail design, security, and technology application

in justice. Professor Blough is ABD (All But Dissertation) from the University of Southern Mississippi International Development/Security Program.

**Robert M. Bohm** is a professor of Criminal Justice and Legal Studies at the University of Central Florida and a Fellow of the Academy of Criminal Justice Sciences. He has taught both undergraduate and graduate courses on capital punishment since 1985. He regularly makes presentations on capital punishment at the annual meetings of scholarly associations and has been invited to speak on the subject at several universities. He also has served as an expert witness in death penalty cases. Professor Bohm has published numerous books, book chapters, and journal articles on capital punishment. His books include *Deathquest III: An Introduction to the Theory and Practice of Capital Punishment in the United States* (3rd ed., 2008), *The Death Penalty Today* (2008), *America's Experiment With Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Sanction* (with James R. Acker and Charles S. Lanier, 2nd ed., 2003), and *The Death Penalty in America: Current Research* (1991).

**Danielle Boisvert** is a doctoral candidate in the Division of Criminal Justice at the University of Cincinnati. Her areas of interests include biosocial criminology, life course criminology, behavioral genetics, and early intervention. Much of her research focuses on the effects of genetic and environmental factors on antisocial behaviors. She has published widely in criminology and genetics journals.

**Leana A. Bouffard** is an assistant professor of criminal justice at Washington State University. She received her PhD in criminology from the University of Maryland. Her primary area of research interest is criminological theory, especially from a life course perspective. Her current work in this area focuses on the role of various life events, including parenthood and military service, on trajectories of offending. Her other research interests include sexual aggression on college campuses, integrating feminist and mainstream theories of violence against women, and intimate partner violence and police behavior. She has published articles in the leading peer-reviewed journals in the field, including *Criminology*, *Justice Quarterly*, *Crime & Delinquency*, *Criminal Justice and Behavior*, and the *Journal of Criminal Justice*.

**Anthony A. Braga** is a senior research associate in the Program in Criminal Justice Policy and Management, a lecturer in public policy at Harvard University's John F. Kennedy School of Government, and a Senior Research Fellow in the Berkeley Center for Criminal Justice at Boalt Hall School of Law, University of California, Berkeley. He is also a Fellow of the Academy of Experimental Criminology. His research focuses on working with criminal justice agencies to develop crime prevention strategies to deal with urban problems such as gang violence, illegal gun

markets, and violent crime hot spots. He received his MPA from Harvard University and his PhD in criminal justice from Rutgers University.

**Robert Brame** is a professor in the Department of Criminal Justice at the University of North Carolina at Charlotte. His current research interests include domestic violence policy, the effects of adolescent employment on criminal behavior, and the use of criminal records to predict future criminal offending. He has also worked on research to study the linkage between juvenile delinquency and adult offending and issues related to capital punishment. His recent research has appeared in *Criminology*, *Crime & Delinquency*, *Criminology & Public Policy*, and the *Journal of Quantitative Criminology*.

**Kevin Buckler**, PhD, is an assistant professor of criminal justice at the University of Texas at Brownsville and Texas Southmost College. His previous publications have focused on media and crime, crime and public policy, public opinion, and race and ethnicity. Dr. Buckler's research has appeared in the *Journal of Criminal Justice*, the *American Journal of Criminal Justice*, the *Journal of Crime and Justice*, the *Journal of Criminal Justice Education*, and the *Journal of Criminal Justice and Popular Culture*. His current research focus is on county-level voting patterns.

**Michael E. Buerger** is an associate professor of criminal justice at Bowling Green State University in Ohio. A former police officer, he holds a PhD in criminal justice from Rutgers (1993) and was a National Institute of Justice Visiting Fellow. In addition to street work in New Hampshire and Vermont, he has worked with the Minneapolis (Minnesota) Police Department during the Crime Control Institute's RECAP (Repeat Call Address Policing) and Hot Spots of Crime Experiments, and he was Director of Research for the Jersey City (New Jersey) Police Department on a National Institute of Justice locally initiated research grant. In addition to research on racial profiling, he has written on police training, community policing, and the police role in national intelligence, and he is a charter member of the Futures Working Group, a working collaboration between Police Futurists International and the Federal Bureau of Investigation.

**Hoan N. Bui** is an associate professor in the Department of Sociology, University of Tennessee at Knoxville. She earned a PhD in social sciences with a concentration in criminology and criminal justice at Michigan State University. Her research centers on the relationship between immigration adaptation and crime with a focus on delinquency and domestic violence among immigrants. Her work emphasizes social class, gender, race, and ethnicity as factors that influence the likelihood of domestic violence experienced by immigrant women and delinquency committed by immigrant adolescents.

**Ronald G. Burns** is an associate professor and Director of the Criminal Justice Program at Texas Christian University. He earned his PhD from Florida State University. He has published several articles on the topic of environmental crime and is a coauthor of *Environmental Crime: A Sourcebook* and *Environmental Law, Crime and Justice: An Introduction*. His primary area of interest with regard to environmental crime concerns the availability of data to research environmental crime, issues pertaining to environmental justice, and enforcement practices with regard to harms against the environment.

**George W. Burruss** is an assistant professor in the Center for the Study of Crime, Delinquency and Corrections at Southern Illinois University Carbondale. He received his PhD in criminology and criminal justice from the University of Missouri—St. Louis. He conducts research on criminal justice organizations, including juvenile courts and the police. He has published articles in *Justice Quarterly*, *Policing*, the *Journal of Criminal Justice*, and the *Journal of Criminal Justice Education*.

**Dean John Champion (1940–2009)** was a professor of criminal justice and sociology, Texas A&M International University, Laredo, until his unexpected passing in February 2009. Dr. Champion formerly taught at the University of Tennessee; California State University, Long Beach; and Minot State University. He earned his PhD from Purdue University and BS and MA degrees from Brigham Young University. Over his 40-year career, Dr. Champion authored more than 40 texts and edited works as well as numerous articles. He held memberships in 11 professional organizations and is a lifetime member of the American Society of Criminology and the Academy of Criminal Justice Sciences. A former Editor of the Academy of Criminal Justice Sciences/Anderson Publishing Series on *Issues in Crime and Justice* and the *Journal of Crime and Justice*, he was a Visiting Scholar at the National Center for Juvenile Justice and a former president of the Midwestern Criminal Justice Association. Dr. Champion's specialty interests included juvenile justice, criminal justice administration, corrections, and statistics/methods.

**Derral Cheatwood** obtained his PhD from The Ohio State University and is currently a professor of sociology at the University of Texas at San Antonio. His primary areas of research in criminology are capital punishment, media and crime, and homicide. He has served as president of the Homicide Research Working Group and was awarded a Fulbright Scholarship to study European crime data at the Max Planck Institute for Foreign and International Criminal Law in Germany. His articles on the relationship of weather to crime have appeared in *Criminology* and the *Journal of Quantitative Criminology*.

**Meda Chesney-Lind**, PhD, is a professor of women's studies at the University of Hawaii at Manoa. Nationally

recognized for her work on women and crime, her books include *Girls, Delinquency and Juvenile Justice*; *The Female Offender: Girls, Women and Crime*; *Female Gangs in America*; *Invisible Punishment*; and *Girls, Women and Crime*. She has just finished a book on trends in girls' violence, entitled *Beyond Bad Girls: Gender, Violence and Hype*. She received the Bruce Smith Sr. Award "for outstanding contributions to criminal justice" from the Academy of Criminal Justice Sciences in April 2001. She was named a Fellow of the American Society of Criminology in 1996 and has received the Herbert Block Award for service to the society and the profession from the American Society of Criminology. She has also received the Donald Cressey Award from the National Council on Crime and Delinquency for "outstanding contributions to the field of criminology," the Founders award of the Western Society of Criminology for "significant improvement of the quality of justice," and the University of Hawaii Board of Regents Medal for Excellence in Research. Finally, Chesney-Lind has been included among the scholars working with the Office of Juvenile Justice and Delinquency Prevention's Girls Study Group. In Hawaii, she has worked with the Family Court, First Circuit, advising them on the recently formed Girls Court as well as helping improve the situation of girls in detention.

**John W. Clark** received his bachelor's degree from the University of Alabama at Birmingham in 1996 and his master's degree in criminal justice in 1998 from University of Alabama. Upon graduation, he designed his own doctoral curriculum, which focused on the interaction between psychology and the criminal justice system. His minor area of concentration was political science. In 2002, Dr. Clark earned his Interdisciplinary PhD from the University of Alabama. He has taught at the University of Alabama and the University of North Alabama and is currently an associate professor at Troy University. His publications include articles in *Law and Psychology Review*, *Behavioral Sciences and the Law*, *Criminal Justice and Behavioral Science*, the *Journal of Criminal Justice*, *Criminal Law Bulletin*, the *Journal of the Legal Profession*, and *Criminal Law Brief*.

**Todd R. Clear** is a Distinguished Professor at the John Jay College of Criminal Justice of the City University of New York. Dr. Clear earned his PhD in criminal justice from the University at Albany, State University of New York. An expert in the areas of corrections and community justice, Dr. Clear served as founding editor of the American Society of Criminology's policy journal, *Criminology & Public Policy*.

**Ellen G. Cohn** is currently an associate professor in the Department of Criminology at Florida International University, in Miami. She received her PhD from Cambridge University in 1992. With David Farrington, she has published numerous articles using citation analysis in

criminology and criminal justice. The new techniques they have developed to allow them to use citation analysis to examine the influence of scholars, works, and journals are considered groundbreaking and their book (with Richard Wright), *Evaluating Criminology and Criminal Justice*, is considered one of the leading works in the field of citation analysis. In addition, Dr. Cohn is involved in research into the relationship among weather, temporal variables, and criminal behavior. She has published extensively in this area and is a well-known expert in the field.

**Jonathon A. Cooper** received his MA degree in criminal justice from Boise State University and is currently a doctoral student in the School of Criminology and Criminal Justice at Arizona State University. His research interests include the areas of theoretical criminology and crime prevention.

**Heith Copes** is an associate professor in the Department of Justice Sciences at the University of Alabama at Birmingham. He received his PhD in sociology from the University of Tennessee. His research addresses crime from the offender's perspective. He received a grant from the National Institute of Justice to interview federally convicted identity thieves.

**Michael T. Costelloe** received his PhD from Florida State University in 2004. He is currently an assistant professor in the Department of Criminology and Criminal Justice at Northern Arizona University. His research interests focus on public perceptions of crime and punishment, power, crime and justice, undocumented immigration, research methods, and criminological theory.

**Anna Crayton** is a third-year doctoral student in the criminal justice program at the John Jay College of Criminal of Criminal Justice/City University of New York Graduate Center. She joined the Prisoner Reentry Institute at the John Jay College of Criminal Justice as a research assistant in March 2006 and in June 2008 became the deputy director of research. Since joining the Prisoner Reentry Institute, she has worked on a number of projects, including the development of a national resource guide to help individuals plan for their education upon release from prison and a quantitative analysis of the effects of long-term incarceration on reentry.

**Angela D. Crews** is an associate professor of criminal justice at Marshall University in Huntington, West Virginia. She is active in the Academy of Criminal Justice Sciences as the Chair of the Corrections Section, in the American Society of Criminology, and in the Southern Criminal Justice Association. She earned a BS in psychology from Tusculum College (Tennessee), an MA in criminal justice and criminology from East Tennessee State University, and a PhD in criminology from Indiana University of Pennsylvania. Her research interests are varied and involve all aspects of the criminal justice system but share a policy analysis or program evaluation

focus. Most recently, she has been interested in correctional policy analysis and program evaluation, in policies related to the release of ex-prisoners into society, and in comparative policing and corrections. Her areas of teaching include research methods and statistics, corrections, comparative justice systems, and criminological theory. She has authored or coauthored several journal articles, book chapters, encyclopedia entries, and grant proposals, and currently she is developing an edited book on international convict criminology and working on two juvenile crime and violence books with her husband, Dr. Gordon A. Crews.

**Gordon A. Crews** is an associate professor in the Department of Criminal Justice at Marshall University. Since 1990, he has served as a faculty member and/or academic administrator at Washburn University (Kansas), Cameron University (Oklahoma), Roger Williams University (Rhode Island), Jacksonville State University (Alabama), Valdosta State University (Georgia), and the University of South Carolina at Beaufort. Prior to teaching, Dr. Crews worked in law enforcement as a bloodhound officer and trainer, field training officer, and criminal investigator; in corrections as a training and accreditation manager; and in insurance fraud as an investigator. His publications include books, chapters, and journal articles dealing with school violence, occult/Satanic involvement and youth, and various law enforcement and correctional issues. Since 2000, he has conducted extensive field research in these areas across the United States, United Kingdom, Middle East, Netherlands, Central Europe, Scandinavia, and most recently in Turkey and Ghana.

**Christine Crossland** is a senior social science analyst with the National Institute of Justice, U.S. Department of Justice. Ms. Crossland is responsible for planning, implementing, testing, evaluating, managing, and reporting on criminal justice grants, contracts, and studies at the institute. She has served as the deputy director of the former U.S. Department of Justice's Arrestee Drug Abuse Monitoring program, where she directed and managed over 40 drug-testing research sites across the country. She is currently working with other government agencies, nonprofit organizations, public and private businesses, and criminal justice and public health agencies to coordinate the establishment of a broad and enhanced research agenda in the area of violence and victimization, drugs and crime, and American Indian and Alaska Native crime and justice issues.

**Janet T. Davidson, PhD**, is an assistant professor of criminology and criminal justice at Chaminade University of Honolulu. She previously worked as a senior research analyst and project researcher for the Hawaii Department of the Attorney General. Her research interests include predictors of recidivism for community correctional populations, risk and need assessment instruments, and gender and crime. She has been active in applied research

in Hawaii for both the state correctional agencies and the Federal District of Hawaii Probation Office, in particular in the area of recidivism. She has also been active in the evaluation of the recently formed Girls Court in Hawaii.

**Mathieu Deflem** obtained his PhD in sociology from the University of Colorado in 1996. He previously held professional positions at Kenyon College and Purdue University and at present is an associate professor at the University of South Carolina. His main areas of expertise include the sociology of law, social control and policing, terrorism and counterterrorism, and sociological theory. His recent empirical research has focused on the sociology and criminology of terrorism and the law enforcement dimensions of counterterrorism in the United States and in various international settings.

**Matt DeLisi** is coordinator of criminal justice studies, associate professor of sociology, and faculty affiliate with the Center for the Study of Violence at Iowa State University. He has published nearly 100 scholarly books, articles, and chapters, mostly on career criminals, psychopathy, self-control theory, inmate behavior, homicide offenders, and molecular/behavioral genetics and crime.

**Roger G. Dunham** is a professor of sociology at the University of Miami, Florida. His research focuses on policing strategies and decision making; specifically, he has conducted research on use of force, emergency driving, racial profiling, and attitudes toward the police. His recent books include *Understanding Police Use of Force: Officers, Suspects and Reciprocity* (2004); *Critical Issues in Policing* (4th ed., 2005); *Policing: Continuity and Change* (2006), and *Crime and Justice in America* (2nd ed., 2002).

**John E. Eck** is a professor of criminal justice at the University of Cincinnati, where he studies crime pattern formation and prevention. With Lin Liu, he coedited *Artificial Crime Analysis Systems: Using Computer Simulations and Geographic Information System*, the first book on the simulation of crime patterns. With Ronald V. Clarke, he is the coauthor of *Crime Analysis for Problem Solvers*, a manual for police officials on how to prevent crime. Eck received a master's degree in public policy from the University of Michigan in 1977 and his doctorate from the University of Maryland in 1994. From 1977 to 1994, he directed research at the Police Executive Research Forum in Washington, DC. Eck has written extensively on problem-oriented policing, crime mapping, drug markets, computer simulation of crime patterns, and crime prevention. He was a member of the National Academy of Sciences Committee on Police Policy and Research and is a judge for the British Home Office's Tilley Award for Problem-Solving Excellence. He is the author of numerous articles on policing, crime mapping and analysis, evaluation methods, and crime simulation.

**Terry D. Edwards** is an associate professor in the Department of Justice Administration at the University of Louisville, Kentucky. He received his MPA at Golden Gate University and his juris doctor degree at the University of Louisville's School of Law. His research interests include police civil liability, environmental crime, and constitutional law. Professor Edwards has authored, or coauthored several publications, including a textbook on criminal law, various book chapters on criminal and environmental law, and a number of articles on police legal issues.

**Roger Enriquez** is an associate professor of criminal justice at the University of Texas at San Antonio and serves as the Graduate Director for the master's degree program in justice policy. He holds a juris doctor degree from the University of Iowa College of Law. Mr. Enriquez has a robust research agenda that includes policing, crime, courts, gangs, Latinos in the criminal justice system, and empirical testing of anecdotal legal theories with respect to jurors and secondary effects. He has published numerous articles in law reviews and peer-reviewed publications. Recent law review articles have appeared in the *Journal of Gender, Race & Justice*, the *University of Texas Hispanic Journal of Law & Policy*, the *Washington College of Law Criminal Law Brief*, the *Criminal Law Bulletin*, and the *American University Journal of Gender, Social Policy & the Law*. His recent peer-reviewed publications have appeared in the *Journal of Criminal Justice*, the *Journal of Criminal Justice Education*, *Western Criminology Review*, and the *Journal of Ethnicity in Criminal Justice*.

**David P. Farrington, OBE**, is a professor of psychological criminology at the Institute of Criminology, Cambridge University, and an adjunct professor of psychiatry at Western Psychiatric Institute and Clinic, University of Pittsburgh. He is a Fellow of the British Academy of Criminology, the Academy of Medical Sciences, of the British Psychological Society, and of the American Society of Criminology. He is also an Honorary Life Member of the British Society of Criminology and of the Division of Forensic Psychology of the British Psychological Society. He is a chartered forensic psychologist, co-chair of the U.S. National Institute of Justice Study Group on Transitions from Juvenile Delinquency to Adult Crime, a member of the board of directors of the International Observatory on Violence in Schools, a member of the board of directors of the International Society of Criminology, joint editor of the journal *Criminal Behaviour and Mental Health*, and a member of the editorial boards of 15 other journals. He has been president of the American Society of Criminology (the first person from outside North America to be elected to this office), president of the European Association of Psychology and Law, president of the British Society of Criminology, president of the Academy of Experimental Criminology, chair of the Division of Forensic Psychology

of the British Psychological Society, vice chair of the U.S. National Academy of Sciences Panel on Violence, and co-chair of the U.S. Office of Juvenile Justice and Delinquency Prevention Study Groups on Serious and Violent Juvenile Offenders and on Very Young Offenders. He has received BA, MA, and PhD degrees in psychology from Cambridge University; an honorary ScD from Trinity College, University of Dublin; the Sellin-Glueck Award of the American Society of Criminology for international contributions to criminology; the Sutherland Award of the American Society of Criminology for outstanding contributions to criminology; and numerous other international awards. His major research interest is in developmental criminology, and he is director of the Cambridge Study in Delinquent Development and coinvestigator of the Pittsburgh Youth Study. In addition to more than 470 published articles and chapters on criminological and psychological topics, he has published 70 books, monographs, and government publications, one of which (*Understanding and Controlling Crime*, 1986) won the prize for distinguished scholarship of the American Sociological Association Criminology Section.

**Jeff Ferrell** earned his PhD in sociology from the University of Texas at Austin and is currently a professor of sociology at Texas Christian University and visiting professor of criminology at the University of Kent, UK. He is the author of the books *Crimes of Style; Tearing Down the Streets; Empire of Scrounge*; and, with Keith Hayward and Jock Young, *Cultural Criminology: An Invitation*. He is also the coeditor of four books that explore the theories, subject matter, and methods of cultural criminology: *Cultural Criminology*, *Cultural Criminology Unleashed*, *Ethnography at the Edge*, and *Making Trouble*. Dr. Ferrell is the founding and current editor of the New York University Press book series *Alternative Criminology* and one of the founding and current editors of the journal *Crime, Media, Culture*.

**Bonnie S. Fisher** is a professor in the Division of Criminal Justice at the University of Cincinnati. Her recent work includes examining the predictors of repeat sexual victimization and drug-facilitated sexual assault among college women and the criminal justice implications of the detection of genital–anal injury in forensic sexual assault exams. She has edited *Campus Crime: Legal, Social and Political Perspectives* (2nd ed.) and *Violence at Work: Causes, Patterns, and Prevention*. Professor Fisher has authored more than 100 articles, chapters, and reports addressing college student victimization, sexual victimization, stalking of and violence toward female college students, gendered fear, violence against older women, and workplace violence.

**David O. Friedrichs** is a professor of sociology/criminal justice and Distinguished University Fellow at the University of Scranton. He is the author of *Trusted Criminals: White Collar Crime in Contemporary Society* (1996, 2004, 2007) and *Law in Our Lives: An Introduction*

(2001, 2006) and editor of *State Crime, Volumes I and II* (1998). He has published well over 100 journal articles, book chapters, encyclopedia entries, and essays and well over 300 book reviews. He has been a visiting professor or guest lecturer at many colleges and universities, including the University of South Africa and Flinders University in Australia. He has served as editor of *Legal Studies Forum* (1985–1989) and as president of the White Collar Crime Research Consortium (2002–2004). In November 2005, he received a Lifetime Achievement Award from the Division on Critical Criminology of the American Society of Criminology.

**Natasha A. Frost** is an assistant professor in the College of Criminal Justice at Northeastern University. Dr. Frost earned her PhD in criminal justice from the City University of New York's Graduate School and University Center. Dr. Frost's research and teaching interests are in the area of punishment and social control. She has served as founding managing and associate editor of *Criminology & Public Policy*.

**Chris L. Gibson** is an assistant professor in the Department of Sociology and Criminology and Law at the University of Florida, a W. E. B. Du Bois Fellow of the National Institute of Justice, and a research affiliate of the Jim Walter Partnership at the University of South Florida. He received his PhD in criminology and criminal justice at the University of Nebraska in 2005. His current research focuses on neighborhood contextual effects on child and adolescent development and outcomes, neighborhoods and quality of life, applied quantitative methods, and biosocial/life-course criminology. As a W. E. B. Du Bois Fellow, Dr. Gibson is conducting research on how neighborhood conditions in Chicago influence Hispanic children's involvement in antisocial behaviors.

**Angela R. Gover**, PhD, is an associate professor at the School of Public Affairs at the University of Colorado at Denver. She received her PhD in criminology and criminal justice at the University of Maryland. Her research interests include policy-relevant family violence issues, violence against women, gender and crime, and evaluation research. For the past 6 years, Dr. Gover has been working on two Department of Justice–funded research projects involving law enforcement and judicial responses to domestic violence. Her current project is examining the impact of proactive enforcement of no-contact orders on victim safety and repeat victimization in cases of domestic violence.

**Patricia M. Harris** is a professor of criminal justice and associate dean of the College of Public Policy at the University of Texas at San Antonio. She received her PhD in criminal justice from Rutgers—The State University of New Jersey. Her research interests include offender classification, community supervision of offenders, and the regulation of crime risks. She has also published in the area of crime prevention.

**Richard D. Hartley** is an assistant professor in the Department of Criminal Justice at the University of Texas at San Antonio. His research interests include disparities in sentencing practices, prosecutorial and judicial discretion, race/ethnicity and crime, and quantitative methods. His research has appeared in the *Journal of Criminal Justice*, *Justice Quarterly*, and the *Journal of Contemporary Criminal Justice*.

**Dana L. Haynie** is an associate professor of sociology at The Ohio State University. She received a PhD in sociology from The Pennsylvania State University in 1999. Her current research focuses on the social relationships that facilitate delinquent behavior and the developmental implications of exposure to violence.

**Stuart Henry**, PhD, is a professor of criminal justice and director of the School of Public Affairs at San Diego State University. Previously, he has been director of the Interdisciplinary Studies Program and associate dean of the College of Lifelong Learning at Wayne State University in Detroit (1999–2006), professor of criminology at Eastern Michigan University (1987–1998), and chair of the Department of Sociology at Valparaiso University (1998–1999). Dr. Henry's research has been funded by the British Economic and Social Science Research Council, the U.S. Federal Management Agency, and the National Science Foundation. He has authored or edited 23 books and more than 100 professional journal articles on the topics of criminological theory, deviant behavior, law and society, and occupational crime. His books include *The Hidden Economy* (1978), *Criminological Theory* (1995, 2006) *Constitutive Criminology* (1996), *What is Crime?* (2001), and *Essential Criminology* (1998, 2004). He serves on the editorial board of *Critical Criminology* and *Theoretical Criminology* and is a member of the Board of the Association for Integrative Studies.

**Denise Herz**, PhD, is a professor at the California State University, Los Angeles, in the School of Criminal Justice and Criminalistics. Previous to this appointment she was on the faculty of the University of Nebraska at Omaha in the Department of Criminal Justice. Dr. Herz was the site director for the Arrestee Drug Abuse Monitoring Program in Omaha (1996–2001) and in Los Angeles (2003–2004). As part of the Arrestee Drug Abuse Monitoring Program, she authored the National Institute Research in the report "Drugs in the Heartland: Methamphetamine Use in Rural Nebraska." Her current area of research is in juvenile justice, with particular emphasis on mental health and substance abuse issues among offenders, improving the processing of juvenile offenders, and most recently, crossover youth. Denise Herz received her MA and PhD in criminology from the University of Maryland at College Park.

**George E. Higgins** is an associate professor in the Department of Justice Administration at the University of Louisville. He received his PhD in criminology from

Indiana University of Pennsylvania in 2001. His most recent publications have appeared in *Criminal Justice Studies*, *Deviant Behavior*, *Criminal Justice and Behavior*, *Youth & Society*, and the *American Journal of Criminal Justice*.

**Travis Hirschi** is professor emeritus in the Department of Sociology at the University of Arizona. Professor Hirschi has authored several books, including *Delinquency Research* (with Hanan Selvin) and *A General Theory of Crime* (with Michael Gottfredson). He earned his PhD in sociology from the University of California, Berkeley.

**Andy Hochstetler** earned his PhD from the University of Tennessee and is an associate professor of sociology at Iowa State University. Using quantitative and qualitative methodologies, he generally writes on criminal decision making and how offender identity and contexts shape it.

**Lorine A. Hughes** is an assistant professor in the Department of Criminal Justice at the University of Nebraska at Omaha. She received her PhD in sociology from Washington State University. With James F. Short Jr., she edited the book *Studying Youth Gangs*.

**Wesley G. Jennings**, PhD, is an assistant professor in the Department of Justice Administration at the University of Louisville and holds a PhD in criminology from the University of Florida. His research interests cover a number of criminological, psychological, and criminal-justice-related areas, but his primary focus is applying semiparametric group-based modeling techniques to examine similarities/differences among groups that demonstrate distinct behavioral trajectories over time. In addition, some of his recent work has focused on testing the cross-cultural applicability of social learning theory among Hispanic populations.

**Brian D. Johnson** is an assistant professor of criminology and criminal justice at the University of Maryland. He received his PhD in crime, law, and justice from The Pennsylvania State University. His dissertation research was supported by the Forrest Crawford Fellowship for Ethical Inquiry and received the Penn State Alumni Association Dissertation Award. Dr. Johnson has received paper awards for his scholarship from both the American Society of Criminology and the American Sociological Association, and he is a faculty associate of the Maryland Population Research Center. His research examines juvenile transfer to adult court, contextual variations in sentencing, and social inequities in criminal punishments, as well as the use of advanced statistical modeling techniques to study criminal processes. Dr. Johnson recently served as the University of Maryland delegate to the Atlantic Coast Conference Inter-Institutional Academic Collaborative to Study Social Issues in Emerging Democracies in Central and Eastern Europe, and in 2008 he was awarded the Ruth Shonle Cavan Young Scholar Award from the American Society of Criminology.

**Catherine Elizabeth Kaukinen** is an associate professor in the School of Public Affairs at the University of Colorado at Colorado Springs and is the Director of Academic Programs in Criminal Justice. Dr. Kaukinen received her PhD in sociology in 2001 from the University of Toronto. Her research interests include intimate partner violence, risk and protective factors for violent victimization, and the relationship between family structure and adolescent development. She is currently conducting a National Institute of Justice–sponsored project examining the effect of intensive enforcement of no-contact orders in cases of misdemeanor criminal domestic violence on victim well-being and offender recidivism. Her research has appeared in *Criminology*, the *Journal of Marriage and Family*, the *Journal of Research in Crime and Delinquency*, the *Journal of Interpersonal Violence*, *Violence and Victims*, and *Health and Social Care in the Community*, among other outlets.

**Philip R. Kavanaugh** is a doctoral candidate in the University of Delaware's Department of Sociology and Criminal Justice. His dissertation research examines the relationship between individual disposition and social context in criminal offending and victimization among individuals with active night lives. In addition to crime and deviance, he maintains interests in theory, culture, and identity.

**Kent R. Kerley** received the PhD in sociology and criminology from the University of Tennessee. He is an assistant professor and director of the Criminal Justice Honors Program in the Department of Justice Sciences at the University of Alabama at Birmingham. His primary research interests include religiosity and corrections. His work has appeared in the *Journal for the Scientific Study of Religion*, *Justice Quarterly*, *Social Forces*, and *Social Problems*.

**David N. Khey**, MS, MA, is a doctoral candidate in the Department of Sociology and Criminology and Law at the University of Florida. His recent research efforts have concentrated in examining drug and alcohol arrests in college towns and exploring the recreational use of the plant *Salvia divinorum* among youths. More broadly, his research has investigated the changing nature of forensic technology and testimony in U.S. courts and improving forensic education and training through the use of distance education.

**Bitna Kim** is an assistant professor in the Department of Criminology at Indiana University of Pennsylvania. She received her PhD from the College of Criminal Justice at Sam Houston State University, as well as a master's degree in psychology from Chungbuk National University in South Korea. Her specific areas of teaching and research interest include statistics, gender issues in criminal justice system, intimate partner homicide, and hate crimes. Her recent publications have

appeared in the *International Journal of Offender Therapy and Comparative Criminology* and *The Southwest Journal of Criminal Justice*.

**Gary Kleck** is a professor of criminology and criminal justice at Florida State University. He earned his doctorate at the University of Illinois at Urbana–Champaign in 1979. His research has focused on the impact of firearms and gun control on violence, deterrence, crime control, and violence. He has studied gun ownership patterns, the effectiveness of armed self-protection, the frequency of defensive gun use, the impact of offender weapon possession and use on the outcomes of crimes, the effect of gun ownership levels on crime rates, the extent and character of gun trafficking, patterns of support for gun control, and the impact of gun control laws on violence rates. He is the author of *Point Blank: Guns and Violence in America*, which won the 1993 Michael J. Hindelang Award of the American Society of Criminology. More recently, he is the author of *Targeting Guns* (1997) and, with Don B. Kates Jr., *The Great American Gun Debate* (1997) and *Armed* (2001). His articles have appeared in the *American Sociological Review*, the *American Journal of Sociology*, *Social Forces*, *Social Problems*, *Criminology*, the *Journal of Criminal Law and Criminology*, *Law & Society Review*, the *Journal of the American Medical Association*, and other journals. He teaches doctoral students how to do survey research and statistical analysis and how to distinguish good research from bad.

**Peter Kraska** is a professor and Research Fellow at Eastern Kentucky University. He has published numerous books and journal articles, including a major new textbook, *Criminal Justice and Criminology Research Methods*. His most recent research interests include steroid trafficking, further development of the idea of criminal justice theory, and the militarization of the criminal justice system.

**Steven P. Lab** is professor of criminal justice and chair of the Department of Human Services at Bowling Green State University. He received his PhD in criminology from Florida State University and has been a visiting professor at Keele University and the Jill Dando Institute of Crime Science at the University College London. He is the author or coauthor of seven books, including *Juvenile Justice: An Introduction* (with John Whitehead) and *Crime Prevention: Approaches, Practices and Evaluation, and Victimology* (with William Doerner), as well as numerous journal articles. He is also a past president of the Academy of Criminal Justice Sciences.

**Jodi Lane** is an associate professor of criminology, law, and society at the University of Florida. She earned her PhD in social ecology at the University of California, Irvine. Her recent research has focused on fear of crime and program evaluations of juvenile justice programs in California and Florida.



**Sean Maddan** is an assistant professor in the Department of Criminology at the University of Tampa. His research areas include criminological theory, statistics, research methods, and the efficacy of sex offender registration and notification laws. Articles by Dr. Maddan have appeared in *Justice Quarterly*, *Crime and Delinquency*, and the *Journal of Criminal Justice*. Most recently, Dr. Maddan has authored the book *The Labeling of Sex Offenders* and has coauthored the textbook, *Statistics in Criminology and Criminal Justice*.

**David H. Marble** is a professor of criminal justice at Collin College in Plano, Texas. He also serves as chair of the Department of Political Science and Criminal Justice. His interests are law, courts, and corrections. He received his MPA in criminal justice administration from the University of Utah in 1995 and is pursuing a PhD in criminology at the University of Texas at Dallas.

**Ineke Haen Marshall** earned her PhD at Bowling Green State University and is a professor at Northeastern University. She specializes in the study of comparative criminology, ethnicity and crime, self-report methodology, juvenile delinquency, and criminal careers. Her current research focuses on cross-national surveys of juvenile delinquency and comparative examination of homicide. She serves on the editorial board of several international and national journals. She has published widely in leading scholarly periodicals, and she coauthored (with Josine Junger-Tas and Denis Ribeaud) *Delinquency in an International Perspective: The International Self-Report Delinquency Study* (2003). Her other book publications include *Minorities and Crime: Diversity and Similarity Across Europe and the United States* (1997, Sage Publications) and *Between Prohibition and Legalization: the Dutch Experiment in Drug Policy* (with Ed Leuw, 1994, 1996).

**Ramiro Martínez Jr.** is professor of criminal justice at Florida International University. He received the American Society of Criminology's Division on People of Color and Crime Coramae Richey Mann Award, the Florida International University Faculty Award for Excellence in Research, and the American Sociological Association Latino Section Award for Distinguished Contributions to Research. He has authored *Latino Homicide: Immigration, Violence and Community* (2002), and edited *Immigration and Crime: Race, Ethnicity, and Violence* (2006).

**Sheila Royo Maxwell** is an associate professor at the School of Criminal Justice at Michigan State University. Her research and publications include the areas of sanctioning, in particular behavioral responses to sanctioning; the efficacy of sanctioning mechanisms across gender, ethnic, and cultural milieus; and cross-cultural patterns of violence, delinquency, and victimization. Dr. Maxwell has received research grants from the National Science Foundation, the National Institute of

Justice, the Bureau of Cultural and Educational Affairs of the U.S. Department of State, and other local and state agencies.

**John D. McCluskey** earned his PhD from the University at Albany, State University of New York, and is an associate professor in the Department of Criminal Justice at the University of Texas at San Antonio. His research involves understanding police and citizen behavior in the context of everyday encounters, the causes of violence, and the evaluation of the effectiveness of violence intervention efforts.

**Raymond J. Michalowski** is Regents Professor of Criminology and Criminal Justice at Northern Arizona University. He received a PhD in sociology from The Ohio State University and has written extensively on social class and crime in the books *Order, Law and Crime* (1985); *State-Corporate Crime* (2005); *Crime, Power and Identity* (2006); and articles on the political economy of crime and justice in *Criminology*, *Justice Quarterly*, *Social Justice*, and the *Journal of Research in Crime and Delinquency*.

**Holly A. Miller** is the assistant dean of undergraduate programs and an associate professor in the College of Criminal Justice at Sam Houston State University. She received her BA from Bethel University in St. Paul, Minnesota, and her PhD in clinical psychology from Florida State University. She teaches, consults, and conducts research in the areas of malingered psychopathology, assessment and treatment of violent offenders, psychopathy, and human diversity issues within the criminal justice system.

**Holly Ventura Miller** is an assistant professor in the Department of Criminal Justice at the University of Texas at San Antonio and the current National Institute of Justice W. E. B. Du Bois Fellow. She received her PhD in sociology at the University of South Carolina in 2006. Her research interests include criminological theory testing, ethnicity and crime, and program evaluation. Along with Dr. Chris Gibson, she is conducting research on how neighborhood conditions in Chicago influence Hispanic children's involvement in antisocial behaviors.

**Jerry Miller**, PhD, an industrial-organizational psychologist, is project director of Prodigy, a youth arts-based intervention program, and director of research at the Jim Walter Partnership Center, both at the University of South Florida. With a specialty in evaluation and organizational management, Dr. Miller has been leading the effort to enhance the program fidelity of the Prodigy arts program by directing the systematic manualization of the program as well as the development of methods to assess and monitoring the implementation of the program. In addition, he is leading the effort in developing a program evaluation model that examines the program's practices as part of an effort to identify the core components related to program success. Most of his

academic career has been involved in designing and managing community-based interventions and programs, including economic and job placement, anti-crime activities, and community asset building. He is the recipient of numerous grants in the areas of international training of managers of youth programming, community development, and of projects to serve youth.

**Elizabeth Ehrhardt Mustaine**, PhD, an associate professor in the Department of Sociology at the University of Central Florida, received her PhD in sociology from The Ohio State University in 1994. Dr. Mustaine has written numerous journal articles on registered sex offenders and sex offender registries, criminal victimization, routine activities theory, violence, violence against women, and stalking. She recently completed work on the National Institute of Justice-funded project “Violence Against Homeless Women.” She has also coauthored a book on issues in criminal justice research. She developed the Domestic Violence Graduate Track in the Department of Sociology at the University of Central Florida, and she teaches the “Child Abuse in Society” course to master’s and PhD students.

**Raymund Espinosa Narag** is a doctoral student in the School of Criminal Justice at Michigan State University. His research interests focus on communities and crime, criminal victimization, and corrections policy. He is currently one of the recipients of a Fulbright Scholarship to the Philippines.

**Greg Newbold** is a senior academic at the University of Canterbury in Christchurch, New Zealand, where he has been teaching for the past 20 years. While serving a 7½-year sentence for selling drugs in the 1970s, he wrote an MA thesis on the maximum security prison where he was located. Upon his release in 1980, he commenced work on his PhD, which he completed in 1986. Since then he has written seven books and more than 50 academic articles and is currently recognized as one of New Zealand’s leading criminological authorities. He speaks regularly at overseas conferences and is often consulted by New Zealand government agencies on matters of criminal justice and law enforcement.

**Wilson R. Palacios** is an associate professor in the Department of Criminology at the University of South Florida. He received his PhD in sociology from the University of Miami. His primary research areas of interest are in the social epidemiology of illicit drug use/abuse, illicit drug markets (social networks), and qualitative research methods and analysis.

**Karen F. Parker** is a professor in the Department of Sociology and Criminal Justice at the University of Delaware. Her current research interests include exploring the influence of theoretical constructs associated with labor markets and structural disadvantage on urban violence, examining the contextual and spatial dynamics of policing and crime in urban communities, and

incorporating change models into the study of disaggregated homicide rates at the city level. She is the author of *Unequal Crime Decline: Theorizing Race, Urban Inequality and Criminal Violence*.

**Matthew Pate** is a doctoral candidate in the School of Criminal Justice at the University at Albany, State University of New York. He holds advanced degrees in criminal justice, sociology, and environmental design. His primary research interests are comparative criminal justice, corporal punishment, and policing. Pate is the incoming associate editor for the *Journal of Criminal Justice and Popular Culture*.

**Raymond Paternoster** is a professor in the Department of Criminology and Criminal Justice at the University of Maryland and a research associate at the Maryland Population Research Center. His current research interests include the theory of and modeling offender decision making, the transition from adolescence to adulthood, and issues pertaining to capital punishment.

**Brian K. Payne**, PhD, is professor and chair of the Department of Criminal Justice at Georgia State University. His research focuses on elder abuse, family violence, and electronic monitoring. He received his PhD in criminology from Indiana University of Pennsylvania in 1993.

**Lynn Pazzani** is a doctoral candidate at the University of California, Irvine, in the Department of Criminology, Law and Society. Her research focuses on sexual assault, but she often consults on research design and statistics issues for other topics within criminology. She is currently working on her dissertation on how rape is culturally defined and how responsibility is attributed in sexual assault cases.

**Matthew Perdoni** is a faculty research associate in the Administration of Justice Program at George Mason University. Mr. Perdoni’s work includes research and publication on the National Institute on Drug Abuse-funded Criminal Justice Drug Abuse Treatment Studies, a landmark research initiative aimed at depicting and evaluating the landscape of substance abuse treatment in the criminal justice system, and the National Drug Court Survey, which examined the treatment practices and the organizational cultures and characteristics of drug courts and their working relationships with community service providers. His current work includes research to estimate the impact of administrator turnover on correctional treatment practices, measuring the annual population of offenders exposed to clinical treatment services, and evaluating the impact of correctional populations on the public health systems. Mr. Perdoni holds a bachelor of arts degree in psychology from Lehigh University, a master of science degree in criminal justice from Virginia Commonwealth University, and is a juris doctor candidate at the David A. Clarke School of Law, at the University of the District of Columbia.

**Alex R. Piquero**, PhD, is a professor at the University of Maryland Department of Criminal Justice and Criminology, a member of the MacArthur Foundation's Research Network on Adolescent Development, and a member of the National Consortium on Violence Research. He is also executive counselor of the American Society of Criminology, coeditor of the *Journal of Quantitative Criminology*, and a member of the National Academy of Science Panel Assessing the Research Program of the National Institute of Justice. He received a PhD in criminology and criminal justice from the University of Maryland in 1996 and has received several teaching, research, and mentoring awards, including the American Society of Criminology Young Scholar and E-Mail Mentor of the Year Awards and a University of Florida Teacher of the Year Award. His research interests include criminal careers, criminological theory, and quantitative research methods. He has published widely in the fields of criminology, criminal justice, psychology, and sociology, and is coauthor (with Alfred Blumstein and David Farrington) of *Key Issues in Criminal Careers Research*.

**William C. Plouffe Jr.** is an assistant professor in the Department of Criminal Justice at Kutztown University. Plouffe holds advanced degrees in law and criminal justice as well as undergraduate degrees in philosophy and psychology. His professional background includes over a decade each in legal practice, law enforcement, and military service. Professor Plouffe has authored numerous scholarly articles and books.

**Travis C. Pratt** received his PhD in criminal justice from the University of Cincinnati and is currently an associate professor in the School of Criminology and Criminal Justice at Arizona State University. He has published more than 50 journal articles and book chapters, primarily in the areas of criminological theory and correctional policy, that have appeared in journals such as *Criminology*, the *Journal of Research in Crime and Delinquency*, *Justice Quarterly*, and *Crime and Justice: A Review of Research*. He is also the author of *Addicted to Incarceration: Corrections Policy and the Politics of Misinformation in the United States* (2009, Sage Publications) and was the recipient of the 2006 Ruth Shonle Cavan Award from the American Society of Criminology.

**Amy Reckdenwald** is an assistant professor in the School of Criminology and Criminal Justice at Florida Atlantic University. She recently received her doctorate degree in criminology from the University of Florida. Her current research interests include intimate partner homicide, domestic violence, race and gender issues, and capital punishment and sentencing.

**Callie Marie Rennison**, PhD, is an assistant professor at the University of Missouri—St. Louis, in the Criminology and Criminal Justice Department. She earned her PhD in political science at the University of Houston. Her areas of interest focus primarily on the nature, extent, and

consequences of victimization, with an emphasis on research methodology, quantitative analysis, and measurement. She has a particular interest in examining violence against women and minority groups, such as African Americans and Hispanics. Before joining the faculty at the University of Missouri—St. Louis, she served as a statistician in the Victimization Statistics Unit of the Department of Justice's Bureau of Justice Statistics in Washington, DC. From 2004 to 2006, she was a Post-doctoral Fellow with the National Consortium on Violence Research.

**Bradford W. Reynolds** has a BA from Weber State University in anthropology and an MS from Weber State University in criminal justice and is a PhD student in criminal justice at the University of Cincinnati. His research interests include crime prevention, victimology and victimization, stalking, and computer-facilitated crimes. Currently, he is working on studies that address the ways in which online social networks act as arenas for cyberstalking of college students, situational crime prevention and cyberstalking, adolescent lifestyles and victimization, and how "broken windows" in schools affect fear of adolescent victimization.

**Stephen C. Richards** is an associate professor of criminal justice at the University of Wisconsin—Oshkosh. His most recent books include *Behind Bars: Surviving Prison* and *Convict Criminology* (with Jeffrey Ian Ross). Richards is a Soros Senior Justice Fellow and member of the American Society of Criminology National Policy Committee.

**Jeffrey Ian Ross**, PhD, is an associate professor in the Division of Criminology, Criminal Justice and Social Policy, and a Fellow of the Center for International and Comparative Law, at the University of Baltimore. He has researched, written, and lectured on national security, political violence, political crime, violent crime, corrections, and policing for over two decades. Ross's work has appeared in many academic journals and books, as well as popular outlets. He is the author, coauthor, editor, and coeditor of 13 books, including *Behind Bars: Surviving Prison*, *Convict Criminology*, and *Special Problems in Corrections*. Ross has performed consulting services for Westat; CSR; the U.S. Department of Defense; the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice; the National Institute of Justice, U.S. Department of Justice; the U.S. Department of Homeland Security; and the Intel Science Talent Search. From 1995 through 1998, Ross was a social science analyst with the National Institute of Justice, a Division of the U.S. Department of Justice. In 2003, he was awarded the University of Baltimore's Distinguished Chair in Research Award. Ross worked close to 4 years in a correctional institution.

**William Rowe**, DSW, is professor and director of the School Social Work at the University of South of Florida.

He holds appointments in the College of Public Health, the AIDS Education and Training Center, and the Moffitt Cancer Center. He was formerly director of the Center for Applied Family Studies and director and professor of the Schools of Social Work at McGill University and Memorial University, and he was originally tenured at the University of Western Ontario. Dr. Rowe has worked extensively in the fields of social work education, child welfare, corrections, health, and HIV. He has provided training and lectures at agencies and universities throughout North America, Europe, the Middle East, South Asia, Australia, and New Zealand.

During his 30 years as a social work educator, he has edited and authored more than 125 scholarly and professional books, articles, monographs, and research papers on a variety of topics. He serves on the editorial board of a number of academic and professional journals, including *Stress, Trauma, and Crisis*; the *Journal of Evidence-Based Social Work*; and *Best Practices in Mental Health*. He has served on numerous national and international boards and committees in both the academic and practice arenas, and he remains an active researcher. He has been at the forefront of evaluating arts intervention programming.

**Patti Ross Salinas**, JD, PhD, chairs the Criminal Justice Department at the University of Texas at Brownsville and Texas Southmost College. A former city prosecutor for the City of Springfield, Missouri, Dr. Salinas has had diverse research interests and publications. Her current research focus is on delinquency among Hispanic youth.

**Claudia San Miguel** is an assistant professor of criminal justice within the Department of Behavioral, Applied Sciences, and Criminal Justice at Texas A&M International University in Laredo. She is the coauthor of *The Death Penalty: Constitutional Issues, Commentaries, and Cases* and has published in the area of intelligence-led policing strategies, anti-bully programs, and community crime prevention. She was the coeditor of an issue of the *Journal of Social and Ecological Boundaries* entitled "Immigration: Crime, Victimization, and Media Representation." Dr. San Miguel is working on research involving the trafficking of women and children and has recently traveled to Poland to help form collaborative relationships with their anti-trafficking task force. She has also taught courses for the Department of State in Roswell, New Mexico, on crime types and typologies and global human trafficking at the International Law Enforcement Academy.

**Christopher J. Schreck** is an associate professor in the Department of Criminal Justice at the Rochester Institute of Technology. His work primarily focuses on using theories of crime to account for the overlap between criminal offending and victimization. Professor Schreck earned his PhD in Crime, Law, and Justice from The Pennsylvania State University.

**Jason Scott** is an assistant professor in the Department of Criminal Justice at the Rochester Institute of Technology. Dr. Scott received his PhD from the School of Criminal Justice at the University at Albany, State University of New York. While a graduate student at the University at Albany he served as project coordinator for the Police–Community Interaction Project, which sought to define and measure a variety of community-level variables contained in community policing efforts. Dr. Scott's current research interests include comprehensive anti-gang strategies, community policing, and the role of criminal justice agencies in community capacity building.

**Susan F. Sharp** is a professor of sociology at the University of Oklahoma. In 1996, she obtained a PhD in sociology from the University of Texas at Austin, and she has taught at the University of Oklahoma since that time. Her research interests primarily focus on women and crime, women and the criminal justice system, and the effects of penal policies on the families of offenders. Dr. Sharp is a former chair of the Division on Women and Crime of the American Society of Criminology. She is the founding editor of the division's official journal, *Feminist Criminology*. She is the editor of the textbook *The Incarcerated Woman: Rehabilitative Programming in Women's Prisons*, and she has authored more than 30 journal articles and book chapters, as well as the book *Hidden Victims: The Effects of the Death Penalty on Families of the Accused*.

**James F. Short Jr.** is professor emeritus of sociology at Washington State University. Since receiving his PhD in sociology from the University of Chicago, he has spent many years investigating and writing about youth street gangs. He is the author or editor of numerous books, including *Group Process and Gang Delinquency* (with Fred L. Strodbeck); *Gang Delinquency and Delinquent Subcultures*; *Delinquency and Society*; *Studying Youth Gangs* (with Lorine A. Hughes); and *Poverty, Ethnicity, and Violent Crime*.

**Neal Shover** is professor of sociology at the University of Tennessee, Knoxville. His principal areas of interest and expertise are criminal careers, white-collar crime, and ethnographic research methods. A Fellow of the American Society of Criminology, he is author or coauthor of seven books and numerous published articles.

**J. Eagle Shutt**, JD, MCJ, PhD, is an assistant professor at the University of Louisville's Department of Justice Administration. A former prosecutor, public defender, and judicial clerk, Dr. Shutt's research interests include biosocial criminology, subcultures, and law.

**Leslie Gordon Simons** is an associate professor in the Department of Child and Family Development at the University of Georgia. She received her doctorate in sociology from Iowa State University, and her research focuses families and delinquency. Specifically, Dr. Simons

is interested in how family structure and family processes, such as quality of parenting, impact adolescent externalizing problems. Her recent work has addressed the ways in which harsh parenting behaviors are related to risky sex, substance use, dating violence, and sexual coercion among adolescents.

**John J. Sloan III**, PhD, is an associate professor of criminal justice and sociology, senior scientist at the Center for Minority Health, and chair of the Department of Justice Sciences at the University of Alabama at Birmingham. He received his doctorate in sociology from Purdue University. For the past 15 years, he has studied crime and related issues on college and university campuses, including conducting the first ever national-level college student victimization survey in 1994.

**Hayden P. Smith** is an assistant professor in the University of South Carolina's Department of Criminology and Criminal Justice. His principal focus of study is the intersection of the criminal justice and public health systems. His current works address the dynamic processes of self-injurious behaviors in corrections, jail diversion programs, and re-entry issues facing mentally ill inmates. His other areas of interest include criminological theory and corrections.

**Eric A. Stewart** is an associate professor in the College of Criminology and Criminal Justice at Florida State University and a member of the Racial Democracy, Crime and Justice Network. His research interests include racial inequality and criminal outcomes, crime over the life course, and multilevel processes on adolescent development.

**Christopher J. Sullivan**, PhD, is an assistant professor in the University of South Florida's Department of Criminology. He completed his doctorate at Rutgers University in 2005. His research interests include developmental criminology, juvenile delinquency, and research methodology and analytic methods. His recent publications have appeared in *Criminology*, *Youth Violence and Juvenile Justice*, and the *Journal of Research in Crime and Delinquency*. These articles include multiple works on specialization in offending and the effect of shifts in local life circumstances.

**Marc L. Swatt** is currently an assistant professor at the College of Criminal Justice at Northeastern University. He graduated in 2003 from the University of Nebraska—Omaha. His research interests include criminological theory, quantitative criminology, and spatial crime analysis. His recent publications have been featured in the *Journal of Criminal Justice* and the *Journal of Quantitative Criminology*. He is currently working on a collaborative project that is examining crime trends in a medium-sized Midwestern city.

**Faye S. Taxman**, PhD, is a professor in the Administration of Justice Program at George Mason University. Dr. Taxman is recognized for her work in the development of the

seamless systems of care models that link the criminal justice with other service delivery systems as well as re-engineering probation and parole supervision services and organizational change models. Her work covers the breadth of the correctional system, from jails and prisons to community corrections and adult and juvenile offenders. She is the senior author of *Tools of the Trade: A Guide to Incorporating Science Into Practice*, a publication of the National Institute on Corrections that is a guidebook for implementation of science-based concepts into practice. She is on the editorial boards of the *Journal of Experimental Criminology* and the *Journal of Offender Rehabilitation*, and she has published articles in the *Journal of Quantitative Criminology*, the *Journal of Research in Crime and Delinquency*, the *Journal of Substance Abuse Treatment*, the *Journal of Drug Issues*, *Alcohol and Drug Dependence*, and *Evaluation and Program Planning*. She received the University of Cincinnati award from the American Probation and Parole Association in 2002 for her contributions to the field. She is a Fellow of the Academy of Experimental Criminology and a member of the Correctional Services Accreditation Panel of England. In 2008, the American Society of Criminology's Division of Sentencing and Corrections recognized her as Distinguished Scholar.

**Ian Tebbett** is director of the University of Florida Forensic Science Program and a professor in the University of Florida Colleges of Pharmacy and Veterinary Medicine. He holds a bachelor's degree in pharmacy and a PhD degree in forensic toxicology. He has previously held faculty positions in the forensic science programs at the University of Strathclyde, Scotland, and the University of Illinois at Chicago (1988–1992). Dr. Tebbett previously served as director of analytical toxicology and director of the racing laboratory in the University of Florida College of Veterinary Medicine.

**Karen J. Terry**, PhD, is a professor in criminal justice and executive officer of the doctoral program in criminal justice at John Jay College, City University of New York. She holds a doctorate in criminology from Cambridge University. She has authored several publications on sex offender treatment, management, and supervision, including *Sex Offender Registration and Community Notification: A "Megan's Law" Sourcebook* and *Sexual Offenses and Offenders: Theory, Practice and Policy*. She is also the editor of the periodical *Sex Offender Law Report*, published bimonthly by the Civic Research Institute. She has been involved with numerous research projects regarding sexual offenses and offenders. Most recently, she was the principal investigator for a national study on the nature and scope of child sexual abuse in the Catholic Church from 1950–2002, and she is currently analyzing the causes and context of this crisis.

**Richard Tewksbury** is a professor of justice administration at the University of Louisville. He holds a PhD in sociology from The Ohio State University. His research

focuses on issues of criminal victimization; sex offenders and responses to sex offenses; and issues of sex, gender, and sexuality. He has published numerous articles drawing on qualitative data, including studies that have used edge ethnographic methods.

**Marie Skubak Tillyer** is an assistant professor of criminal justice at the University of Texas at San Antonio. She received her doctorate in criminal justice from the University of Cincinnati in 2008, and she received her master's degree in criminal justice from the University of Cincinnati in 2004. Her research has focused on multilevel aspects of guardianship, place management in schools, and the use of environmental criminology to inform the prevention of street violence. Most recently, she has expanded the concept of handlers to explore the prevention possibilities of applying routine activities theory to serious repeat offender problems.

**George Tita** is an associate professor in the Department of Criminology, Law and Society at the University of California, Irvine. His research is anchored in the community and crime literature, with a special focus on the causes and correlates of interpersonal violence. In addition to exploring how youth gangs impact spatial dimensions of crime, he is also interested in examining how racial and ethnic change at the neighborhood level affects levels and patterns of crime. Dr. Tita has used diverse set of methods in his research, including spatial analysis, quasi-experimental methods (propensity score matching), hedonic models, agent-based models, and social network analysis.

**Jeremy Travis** became the fourth president of the John Jay College of Criminal Justice on August 16, 2004. Prior to his appointment, President Travis served 4 years as a Senior Fellow affiliated with the Justice Policy Center at the Urban Institute, a nonpartisan research and policy organization in Washington, DC. Travis has taught courses on criminal justice, public policy, history, and law at Yale University, New York University's Wagner Graduate School of Public Service, the New York Law School, George Washington University, and the John Jay College of Criminal Justice. He is the author of *But They All Come Back: Facing the Challenges of Prisoner Reentry* (2005); coeditor (with Christy Visher) of *Prisoner Reentry and Crime in America* (2005); and coeditor (with Michelle Waul) of *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families, and Communities* (2003). He has published numerous book chapters, articles, and monographs on constitutional law, criminal law, and criminal justice policy.

**Michael G. Turner** is an associate professor and graduate coordinator in the Department of Criminal Justice at the University of North Carolina at Charlotte. His research interests include testing criminological theories and victimization. He has also secured several grants to

address a variety of health-related behaviors that impact the success of college students. He has recently published in the *Journal of Research in Crime and Delinquency*, *Justice Quarterly*, and *Criminal Justice and Behavior*.

**Lynne Vieraitis** is an associate professor at the University of Texas at Dallas. She earned her PhD in criminology from Florida State University. She received a grant from the National Institute of Justice to interview federally convicted identity thieves.

**Gennaro F. Vito** is a Distinguished University Scholar and professor in the Department of Justice Administration at the University of Louisville, where he has a faculty appointment in the Administrative Officer's Course of the Southern Police Institute. He holds a PhD in public administration from The Ohio State University. His research interests are concerned with criminal justice policy analysis and program evaluation and police management. His most recent textbook is *Introduction to Criminal Justice Research Methods: An Applied Approach* (2008).

**Jeffery T. Walker** is a professor of criminal justice and criminology in the Department of Criminal Justice at the University of Arkansas at Little Rock. Dr. Walker also holds joint appointments with the University of Arkansas at Fayetteville and the University of Arkansas Medical School. He earned his PhD from Sam Houston State University in 1992. He has written 6 books and more than 50 journal articles and book chapters, including articles in *Justice Quarterly*, the *Journal of Quantitative Criminology*, and the *Journal of Criminal Justice Education*. He has obtained over \$9 million in grants from the Department of Justice, the National Institute on Drug Abuse, and other agencies. His areas of interest are social/environmental factors of crime and the study of nonlinear dynamics as they relate to crime. He is the immediate past president of the Academy of Criminal Justice Sciences.

**Ralph A. Weisheit** is Distinguished Professor of Criminal Justice at Illinois State University. He is the author of eight books; his most recent is *Methamphetamine: Its History, Pharmacology, and Treatment*. He is also the author of more than 40 journal articles, as well as numerous book chapters and solicited essays. He has appeared in the *Frontline* documentary film series and the news program *60 Minutes*. His work has also been reported in a variety of magazines and newspapers, including the *Atlantic Monthly*, *U.S. News & World Report*, the *New York Times*, and *USA Today*.

**Charles F. Wellford** is a professor of criminology and criminal justice at the University of Maryland. He is a Fellow and past president of the American Society of Criminology and a National Life Associate of the National Academy of Sciences. He received his PhD in 1961 from the University of Pennsylvania.

**John T. Whitehead** is chair of the Department of Criminal Justice and Criminology at East Tennessee State University. He is coauthor, with Steven P. Lab, of *Juvenile Justice* and coauthor, with Mark Jones and Michael Braswell, of *Exploring Corrections in America*. He has published articles on the death penalty, the effectiveness of felony probation, and job burnout in probation and parole.

**Scott E. Wolfe** is a doctoral student in the School of Criminology and Criminal Justice at Arizona State University. He earned his master's degree in justice administration from the University of Louisville. His publications can be found in *Deviant Behavior*, *Social Science Computer Review*, and the *American Journal of Criminal Justice*. His current research interests are criminological theory testing, computer crime, and child sexual abuse.

**Peter B. Wood** is a professor of sociology and department head in the Department of Sociology, Anthropology, and Criminology at Eastern Michigan University. Dr. Wood earned his PhD in Sociology at Vanderbilt University and has served on the faculty at the University of Oklahoma and, most recently, Mississippi State University, where he served as department head and director of the Program in Criminal Justice and Corrections. His work examines issues associated with offender decision making, correctional policy and practice, and testing of criminological theories. He recently served as president of Alpha Kappa Delta, the International Sociology Honor Society, and as president of the Southern Criminal Justice Association. He received the Southern Criminal Justice Association's Educator of the Year Award in 2007. Dr. Wood's work has appeared in many peer-reviewed outlets, including *Justice Quarterly*, *Punishment and Society*, *The Prison Journal*, *Crime & Delinquency*, *Criminology*, the *Journal of Criminal Justice*, the *Journal of Research in Crime and Delinquency*, the *Journal of Offender Rehabilitation*, and others.

**Robert M. Worley**, PhD, is an assistant professor of criminal justice at The Pennsylvania State University Altoona. He received his PhD in criminal justice from Sam Houston State University. His research interests include inappropriate inmate-guard relationships, violent crime, and legal issues in criminal justice. Dr. Worley's publications have appeared in such journals as *Criminal Justice Review*, *Deviant Behavior*, the *American Journal of Criminal Justice*, and *Criminal Law Bulletin*, among others.

**John L. Worrall** is an associate professor of criminology at the University of Texas at Dallas. His interests are policing, courts, and panel data models. He is coeditor of *The Changing Role of the American Prosecutor* (2008) and editor of the journal *Police Quarterly*. He received his PhD in political science from Washington State University in 1999.

**John Paul Wright** is an associate professor of criminal justice in the Division of Criminal Justice at the University of Cincinnati. His work focuses on genetic and biological influences on human violent behavior, life course development of serious antisocial behavior, and the interplay between biological processes and environmental stimuli. He has published more than 80 articles and 4 books.

**Marvin Zalman** is a professor in the Department of Criminal Justice at Wayne State University in Detroit, Michigan. He earned a PhD in criminal justice from the State University of New York at Albany and a JD from Brooklyn Law School. Dr. Zalman's work focuses on constitutional criminal procedure and on criminal justice policies connected with civil liberties, including articles on confessions law and a study of police interrogation attitudes and practices. His most recent work concerns wrongful convictions and includes a jointly authored study of the incidence of wrongful convictions. He is the author of *Criminal Procedure: Constitution and Society*.





# PART I

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## THE DISCIPLINE OF CRIMINOLOGY

# CRIMINOLOGY AS SOCIAL SCIENCE

## *Paradigmatic Resiliency and Shift in the 21st Century*

J. MITCHELL MILLER

*University of Texas at San Antonio*

**C**riminology is the study of crime, as indicated by the formative Latin terms *crimin* (accusation or guilt) and *-ology* (study of). As an intellectual domain, criminology comprises contributions from multiple academic disciplines, including psychology, biology, anthropology, law, and, especially, sociology. Although the defining statements of criminology are rooted across these diverse areas, contemporary criminology is becoming ever more intertwined with still additional sciences and professional fields such as geography, social work, and public health.

This plurality of influences, often referred to as *multi-disciplinarity*, is altogether logical given the complex subject matter and diverse nature of crime. Scholarly attention to crime from various perspectives allows for an extensive range of research questions to be addressed, making possible a fuller understanding of the criminal mind, the nature of crime, and social control processes. Legal scholarship, for example, ranges from philosophical attention to social justice issues to technocratic factors determinant of case outcome. Alternatively, psychology approaches the topic of crime with a focus on individual-level maladjustment and behavioral abnormality. Sociological criminology differs still by concentrating on the multiple causes and nature of crime, as well as society's reaction to it.

The individuals who study crime, *criminologists*, engage research on virtually every imaginable aspect of illegality and society's reactions to it, ranging from the development of theories of crime causation, the roles and

uses of social control (e.g., police, courts, and corrections), crime prevention, and victimization. Of course, criminologists have also developed substantial knowledge bases on specific offenses, which are often categorized as (a) crimes against property (e.g., burglary, theft, robbery, and shoplifting); (b) crimes against a person (e.g., homicide, assault, and rape); (c) morality/social order crimes (e.g., gambling, prostitution, substance offenses, vandalism); and now (d) technology crime/cybercrime, which overlaps with and often facilitates crime in each of the other categories. The collective basic knowledge that criminologists have generated through the scientific process has great potential for informing social policy and criminal justice practice through enhancement of the effectiveness and efficiency of prevention, intervention, enforcement, and rehabilitative strategies and practices in the 21st century.

This introductory chapter quickly surveys the emergence and evolution of criminology, from seminal contributions to its contemporary state in academe. While tracing criminology's history and acknowledging its intellectual diversity (these matters are more fully addressed in Chapter 2), it is contended that criminology is correctly understood and best practiced as a social science. Furthermore, as a field of scientific inquiry criminology is no longer a specialty area of other established disciplines, such as deviance within sociology or abnormal psychology, but instead is a new and steadily growing independent academic discipline in its own right. Last, the

rise of academic criminal justice is acknowledged as a shaping force on criminology that is steadily moving the discipline toward greater interdisciplinary status and public policy utility (the focus of Chapter 3).

## Defining Criminology

The terms *criminology* and *criminologist* are used rather broadly and interchangeably by the news media and in everyday popular culture expression. Criminologists are, in fact, social scientists, but frequently and erroneously they are confused with other crime-related scientific and investigative roles (e.g., forensics scientist/medical examiner, psychological criminal profiler, and ballistics specialists). Much of the confusion and definitional misunderstanding of what criminology is stems from the different functions the individuals in these roles serve. Although each role is important in the fight against crime, some are not scientific at all and certainly not social science in practice or purpose. Although a surging social science today, criminology matured through an evolutionary process of shifts in primary focus, from philosophy to crime prevention/legal reform and then, ultimately, science.

The term *criminology* is attributed to the Frenchman Paul Topinard (1830–1911), who first used it during an 1889 anthropological study of criminality as a function of body types, a line of inquiry later made famous by William Sheldon's (1940) famous and controversial somatotype theory. Sheldon's politically incorrect biological thesis, that criminal propensity is predictable according to body shape and size classifications (endomorphs, mesomorphs, ectomorphs), is still debated in popular culture outlets such as the *New York Times* (Nagourney, 2008) and the social science arena (Maddan, Walker, & Miller, 2008). Although criminology may have originated around physiological foci, most early philosophers of crime were concerned with the functioning of the justice systems of the 18th and 19th centuries and much-needed legal reform.

Over time, criminology has increasingly come to be understood as the study of the causes, dispersion, and nature of crime, with theoretical criminology (i.e., the relating of crime to a plethora of individual, familial, community, and environmental factors known as *correlates of crime*) dominating the field (Vold, Bernard, & Snipes, 2002). The rise of theoretical criminology between the 1940s and today has proven both scientifically rewarding and limiting. On the reward side is a wide range of empirically valid theories that, however, are often criticized for lack of real-world utility. Nonetheless, theoretical criminology is the cornerstone of academic criminology, both historically and today, and is the core of a young discipline that is evolving toward greater pragmatism in terms of *applied criminology*. An applied criminology suggests that strategies and initiatives intended to prevent and lessen crime are informed by scientifically established theoretical

insights that are predictably capable of enhancing best practices within and around the criminal justice system.

The foremost pioneer of contemporary, and particularly American, criminology, Edwin Sutherland, offered what has proven to be a lasting definition, which is most often used to describe the field, in his seminal book *Principles of Criminology* (1939). According to Sutherland, criminology can be defined as follows:

[Criminology is] the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of reacting toward the breaking of laws. These processes are three aspects of a somewhat unified sequence of interactions. (p. 1)

It is interesting to note that whereas criminology is typically considered the study of the causes and nature of crime, and is often contrasted with *criminal justice*, which is concerned with the response to the problem of crime, Sutherland's famous definition clearly emphasized the significance of both. Consequently, criminology today is viewed somewhat dichotomously, with *theoretical* or *sociological criminology* denoting a focus on crime causation or the etiology of crime and *applied criminology* denoting work that is prevention, enforcement, or treatment oriented.

## The Origins and Scientific Maturation of Criminology

Historical concern with crime is traceable to ancient Babylonia and the Code of Hammurabi, as well as biblical times, as evidenced by Old Testament dictates on restitution and the proportionality of punishment. Whereas such early edicts on infraction and punishment informed understanding of social control and justice, the origins of contemporary criminology stem from the Enlightenment period of the late 18th century, particularly the social and intellectual reforms then underway in western Europe. Philosophers from this period, such as Voltaire, Rousseau, and Locke, observed the superiority of reasoning based on direct experience and observation over subscription to faith and superstition that characterized collective opinion throughout the feudal era. Prior to this shift toward logic, crime was addressed informally within and between families whose recognition of justice was largely equated with realization of revenge (Larson, 1984).

The *family-revenge model of justice*, as observed in multigenerational feuds between Scottish clans, presented social-order maintenance and governing problems for feudal lords whose solutions were *trial by battle* and then *trial by ordeal*. Under trial by battle, either the victim or a member of the victim's family would fight the offender or a member of his or her family; under trial by ordeal, the accused was subjected to some "test" that would indicate guilt or innocence, such as running through a gauntlet or

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being repeatedly dunked in water while bound by rope. Both approaches were vested in the spiritual notion of divine intervention. In battle, God would grant victory to the innocent side and likewise protect the falsely accused during trial by ordeal, as in the biblical report of protection afforded the prophet Daniel in the lions' den (J. M. Miller, Schreck, & Tewksbury, 2008).

Obviously, these methods failed to effect justice relative to a person's true guilt or innocence, instead yielding outcomes specific to a person's fighting ability, the capability to withstand various kinds of torture, or simply luck. The idea of being controlled by an evil spirit or that one's criminal behavior is attributable to the influence of the devil or some other "dark" force has long been a basis by which people have attempted to account for the unexplainable. Examples from early U.S. history include the Salem witch trials, wherein crime and deviance problems that could not be solved through actual facts and inquiry were attributed to witchcraft and demonic possession. The origins, for example, of "correctional" institutions in Philadelphia by Quakers who believed that isolation, labor, and Bible reading would result in repentance, reflect an early spiritually based form of rehabilitation. The term *penitentiary*, in fact, refers to institutions where society's crime problems were addressed through religious conversion and illustrates belief in spirituality as a source of and solution to crime. Although the Enlightenment period introduced a novel logic alternative to spiritual explanations, spirituality continued to affect interpretations of both crime causation and systems of justice for several centuries and is still relevant to current crime policy, as indicated by faith-based prevention and rehabilitation programming (Allen, 2003).

Although the Enlightenment period did not completely end the belief that spirituality affects crime, the momentum of experience-based reasoning led to a general view of social life and human behavior that served as a forerunner to criminology. One of the primary concepts from this era that was important for the development of criminology is the idea of the *social contract*. First introduced by Thomas Hobbes (1588–1679), the social contract involves the sacrifice of some personal freedom through internalization of law and endorsement of formal social control in exchange for protection and the benefit of all. For example, it is likely that either alone or with the aid of a friend you could forcibly take personal property, such as a wallet, purse, or textbook, from someone on an almost daily basis. Similarly, there is likely an individual or group that could forcibly take your property. Despite these obvious realities, everyone generally enjoys freedom of movement with peace and safety. By sacrificing your ability to take what you might from others, you are protected from similar victimization. This trade-off of loss of potential gain through limiting free will in exchange for law and order is an oversimplified example of the social contract (J. M. Miller et al., 2008).

As a result of the Enlightenment period, then, superstition- and spirituality-based orientations to crime were uprooted by

innovative ways of thinking that emphasized relationships between criminal behavior and punishment. This newer approach, exemplified in the writings of the Italian Cesare Beccaria (1738–1794) and the Englishman Jeremy Bentham (1748–1832), is known as the *classical school of criminology*, a perspective around which criminology would solidify and develop (Bierne, 1993). Notionally grounded in the concepts of deterrence and the dimensions of punishment (certainty, severity, and celerity), the classical school is significant for the development of criminological thought in at least two respects. First, crime was no longer believed to be a function of religion, superstition, or myth—views that largely placed the problem of crime beyond human control. Second, crime was seen as the result of free will. Viewing crime as a function of free will—in essence, as decision making—meant that it could now be explained as an outcome of rational choice. The ideation of rational thought (a calculation of gains vs. risks) suggests that crime is logically related to the elements impacting the decision to offend, such as the amount and relative value of criminal proceeds and the likelihood of detection, arrest, and conviction. The principles of the classical school, revised by legal reformers (neoclassicists) and now referred to as *rational choice theory*, continue to influence both the study of criminal behavior and the nature of formal social control as the criminal justice system continues in the attempt to achieve deterrence as one of its primary objectives (Paternoster & Brame, 1997).

Paradigm (i.e., model or school of thought) shifts are common to the history of all academic disciplines, and criminology is no exception. A new philosophy began emerging in Europe during the 19th century that first emphasized the application of the scientific method. This perspective, known as *positivism*, stressed the identification of patterns and consistencies in observable facts (Bryant, 1985). It was believed that, by examining known patterns, causes of behavior could be determined that would enable predictions about outcomes when certain conditions exist. For example, one can ascertain a pattern of comparatively high criminality in the lower socioeconomic class. Given the absence of other intervening factors, one can predict a rise in lower class criminality if a sharp increase in unemployment affects unskilled laborers. Regardless of whether this relationship is true, this line of thinking differs from the classical school's attention to free-will decision making, positing crime instead as a manifestation of factors external to and often beyond the control of individuals. Criminology did not move straight from a free-will orientation to endorsement of external influences; in between these perspectives was an era dominated by *determinism*.

Determinism takes the position that human behavior is caused by factors specific to the individual, such as biological and psychological traits. Perhaps the most famous figure associated with determinism in the context of criminality is Cesare Lombroso (1835–1909), whose "criminal type" illustrated in his influential work *Criminal Man*

(1863) suggests that some people, such as convicted murderer and notorious contract killer, who has been featured in several HBO documentaries, Richard “The Iceman” Kuklinski (1935–2006), are simply born criminals. Lombroso’s work, furthered by his student Raffaele Garofalo (1851–1934), was essential to viewing crime in a newer, more scientific light. As criminology continued to develop, determinism became more broadly viewed, with the inclusion of environmental and community criminogenic influences. In the evolution of American criminology, positivism began replacing the classical approach to crime during the 1920s, largely due to the rise of the Chicago School, a movement resulting from a series of seminal studies conducted by staff of the University of Chicago sociology department. From the 1920s through the 1940s, the Chicago School demonstrated that crime is largely a function of ecology, in particular the social disorganization that characterizes much of urban life.

The social ecological approach to crime is less concerned with the ways in which criminals and noncriminals differ in terms of intelligence, physical characteristics, or personality and more attentive to economic disadvantage, community cohesion, collective efficacy, and social stability. The Chicago School crime studies of Shaw and McKay (1942), Merton (1938), and Sutherland (1939) grounded U.S. criminology in sociology and established a dominant *paradigm*, or model of inquiry, oriented toward specifying environmental and community-level causes of crime and delinquency (e.g., Kornhauser, 1978). American criminology since its inception, then, has been conceptualized in theoretical terms—a perspective that has very much shaped its maturation. Although theory is vital to criminology in terms of justifying scientific status, confirmation of hypotheses (i.e., empirical proof) is also necessary and, as discussed in the next section, engaged through an intellectual process of *theory–methods symmetry*.

## Theory: Methods Symmetry and Criminology’s Disciplinary Status

Science is the discovery of truths that comprise knowledge bases on particular topics. Determination of what is to be included or excluded in a knowledge base is a result of which ideas stand the test of scientific scrutiny, that is, which ideas are consistently observed in a systematic manner as factual according to real-world evidence. Accordingly, science is an outcome of theories (ideas) validated by research methods (empirical confirmation). Although leading criminological theories and many of the frequently employed research methods are treated in greater detail throughout the chapters in this book, the general nature of theory and its importance to criminology’s past, present, and future warrants a little more introductory discussion.

What exactly is *theory*? Perhaps the most concise definition of *theory* is simply “explanation.” Too often, theory is

erroneously thought of as philosophy or logic that has little relevance for real-world situations. In reality, theory is a part of everyday life, an attempt to make sense and order of events that are otherwise unexplainable. Think, for example, about the following common scenario. After dating for a long time, a college couple’s relationship is abruptly ended by one of the parties. Surprised and disturbed by this sudden and unwanted change, the rejected person will usually contemplate, often at great length with the counsel of friends, the reasons or causes leading to the outcome. Even if knowing *why* will not change the situation, we still want to know the reasons—the sole or set of causal factors—perhaps because making sense of seemingly random events reassures us that the social world is not chaotic and arbitrary. On a more pragmatic level, knowing why things happen enables us to modify our behavior or change relevant circumstances for a more preferable outcome in the future. In the case of criminology, the more fully we understand crime, its causes, and the evolution of criminal careers, the more ostensibly enhanced is our ability to prevent victimization and reduce crime rates.

Developing explanations for everyday events, then, is a common practice that entails identifying and weighing the relevance of potential causes and effects, which is a form of theoretical construction. Although theory is useful and commonplace in everyday life, academics often refer to scientific theory. Simply put, scientific theories are a means of explaining natural occurrences through statements about the relationships between observable phenomena. Observable phenomena are specified as either a cause or an effect and then positioned in a temporally ordered relationship statement. The causes and effects are termed *variables* (a *variable* is simply something that varies and is not constant). These formal statements, which are presented as *hypotheses*, are formed to explain or predict how some observable factor, or a combination of factors, is related to the phenomena being examined (in the context of criminology, some aspect of crime or social control). These relationships, which form specific theories of crime, are developed according to the logic of *variable analysis*. This analytic strategy specifies causal elements as *independent variables* and effects as *dependent variables*.

In criminology, not surprisingly, crime itself is the foremost dependent variable. It is imperative to note that the strategy of variable analysis is not interested in explaining crime per se; that is, the objective is not to explain what crime is in a definitional, policy, or legal sense. Instead, the variable analysis process seeks to account for *variation* in crime. Most theories conceptualize crime as a generic dichotomy, that is, the separation of phenomena into one of two categories. When crime is the dependent variable in a theory, further scrutiny usually reveals that theorists are actually referring to either *criminality* or *crime rate*. *Criminality* refers to the extent and frequency of offending by a societal group, such as the young, minorities, illegal immigrants, the unemployed, or people from a certain

region. *Crime rate*, on the other hand, refers to the level of crime in a location such as a city, county, or state. The focus on either criminality or crime rate is observable in the framing of different research questions: Why is there more homicide in Los Angeles than in San Antonio? Why are males more criminal than females? Again, the goal is not to explain or define the crime itself but rather to account for variability and fluctuation in criminality or crime rate across locales, social settings, groups, or over time.

After specifying causal and dependent variables, criminologists consider the nature of observed relationships to determine inference and possible implications. The information revealed from a theoretical proposition is interpreted by the condition of *correlation*: a *covariance* of factors or variables specified by the direction and strength of fluctuation in a dependent variable attributed to one or more independent variables. *Directional correlation* generally specifies either a positive or negative relationship. These terms do not mean the same thing as when used in everyday language. The expressions “My bank account is finally positive” and “She has a negative attitude” are value laden and indicate desirable and undesirable conditions. In the social sciences, a positive correlation more simply means that an independent variable and dependent variable fluctuate in the same direction, such as a group’s level of unemployment and involvement in criminal activity. A negative correlation indicates that independent and dependent variables covary in opposite directions, such as educational attainment and crime (with the obvious exception of white-collar offenses).

Consideration of the relationship between school grades and the status offense of truancy provides a clear illustration of directional correlation. Suppose a criminologist gathers data on both absences and grades from a large sample of randomly selected middle and high school students. If findings support the hypothesis that increased absences (the independent variable) bring about lower grades (the dependent variable), then a negative correlation exists, as would a decrease in absences be associated with academic improvement. In the latter scenario, the correlation, though negative in social science jargon, is the desirable outcome.

The strength of a correlation, on the other hand, specifies the degree of covariance between independent and dependent variables. For example, a gang prevention program delivered to an increased number of parents may effect only a minimal decrease in new gang affiliations. This relationship suggests an undesirable outcome, not because the correlation is negative but because the independent variable generated only little change in the dependent variable—perhaps because the parents of gang members are less likely to sincerely participate in an awareness program in the first place. The strength of a correlation is ascertained through statistical analysis, enabling the exact determination of covariance between variables as indicated by statistical significance parameters.

To analyze theoretical propositions, independent and dependent variables are transformed from a nominal or categorical to a measurable level, a conversion process known as *operationalization*. Operational definitions, then, enable empirical examination of cause-and-effect relationships by specifying measurable indicators for variables. How a variable is defined will affect the nature of a relationship and yield different (and possibly undesirable) implications for addressing crime. The following example of measuring recidivism demonstrates how important the measurement process is and how easily measurement error can occur.

*Recidivism* (repeat criminal offending) is one of the most common theoretically based dependent variables used in criminological research, especially as an effectiveness indicator for criminal justice prevention and enforcement programs. Depending on whether recidivism is being considered in a law enforcement, court, or correctional context (all three of which conduct deterrence and rehabilitation programs whose success is largely indicated by recidivism), the act of reoffending is likely to be operationally defined differently according to the immediate context. Repeat offenses are typically measured in law enforcement contexts as the rate of rearrest. Although it is seemingly natural and understandable that rearrest be used as a measure of police productivity, it falsely conveys the assumption that everyone who is rearrested will be convicted and thus potentially overestimates or exaggerates the perceived level of reoffending. Court-based operational definitions more accurately measure repeat offending as reconvictions, which is technically more consistent with legally determined official realities, but in correctional contexts reoffending is often calculated as reincarceration. Measuring reincarceration as an indicator of recidivism can also distort the true level of reoffending by not including convicted persons whose sanction did not include jail or prison time (J. M. Miller et al., 2008).

The strength and direction of correlations, then, serve the objective of determining *causation*, that is, whether the independent variable(s) prompt change in a dependent variable and, if so, in what manner. In order to have confidence in observed causal relationships, there must also be both specificity and accuracy in the measurement process, a methodological challenge in the study of a phenomenon that is inherently hidden, covert, and secretive.

Not all criminological research is engaged according to positivistic variable analysis toward the goal of establishing causal relations per statistical significance demonstration; instead, *subjectivism* exists as the foremost alternative philosophical paradigm in the social sciences. Subjectivists focus on discovery and description of the nature of criminal events; the social dynamics of group interaction in the specification and maintenance of criminal stereotypes and definitions; and the role of social forces, such as culture, that are not easily measured for variable analysis. Often referred to as *fieldwork* or *ethnography*, qualitative criminological research is vital to the overall criminological knowledge base because it enables

scientific attention to realities that cannot be measured because they are unknown (e.g., the population of prostitutes in a city) or are unreachable by traditional overt criminological research methods such as surveys or official data analysis. Some qualitative criminologists, known as *edge ethnographers*, go so far in the research endeavor as to place themselves in active criminal settings so as to observe first hand the immediacy of crime (Ferrell & Hamm, 1998; J. M. Miller & Tewksbury, 2001).

## Criminology as Social Science

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Numerous causal explanations that constitute theoretical criminology have been developed and tested; similarly, various research methods, both quantitative and qualitative, are regularly applied in the analysis of crime phenomena. Criminology thus offers, and is defined by, theory–methods symmetry to the practice of social inquiry. Characterizing theory as scientific means that inferential claims about relationships (the observed correlations) can be falsified. Research entails gathering data according to the operationalization process so that the theory is framed for systematic observation of cause and effect. The analysis and conclusions concerning the existence, nature, and implications of relationships are then compared with the conceptual logic of the theory itself. When observations are inconsistent with the basic premises of a theory, that theory is falsified. Observations that are consistent with a theory's statements about the relationship between cause-and-effect statements are customarily deemed more credible, but this does not mean the theory is necessarily true, because alternative theories might explain the same relationships.

Criminologists especially seek the answers to a wide range of research questions that focus on causality: Will increasing the severity of punishment lower the amount of crime in society? Do fines levied against the parents of truant children increase levels of parental responsibility and ultimately result in less truancy? Does a substance abuse treatment program in a correctional setting impact prisoners' rate of recidivism and drug relapse? These and similar questions reflect the desire to specify causal relationships that in turn may yield implications for criminal justice practice. Causation, in the context of scientific theorizing, requires demonstration of four main elements: (1) logical basis, (2) temporal order, (3) correlation, and (4) a lack of spuriousness. These are discussed in turn in the following paragraphs.

Scientific theory, just like any type of accurate explanation, requires sound reasoning. There must be a *logical basis* for believing that a causal relationship exists between observable phenomena. Criminologists are not concerned with offenders' hair or eye color when attempting to account for their behavior, for example, because there simply is no logical connection between these physical traits

and criminal behavior. A second necessary element for scientific theory construction is *temporal order*—that is, the time sequence of cause-and-effect elements. In short, causal factors must precede outcomes, as in the relationship between religious involvement and morality crime. Faith-based initiatives are vested in the belief that religious-based programs will better social conditions, including a reduction in crime. If offenders participate in religious programs (the independent variable) and subscribe to the convictions of religious doctrine condemning behavior such as gambling, commercial sex, and recreational substance use and abuse, then a reduction in their commission of these vice crimes (the dependent variable) would appear to be a causal relationship, because the religious programming both preceded and logically prompted the decreased involvement in the specified behaviors.

*Correlation*, as described earlier, is a third required element of a scientific theory. Correlation, again, indicates the presence of a relationship between observable phenomena and the nature of the relationship in terms of direction and strength. The last essential element for scientific theory development involves the condition of *spuriousness*. Most subcultures, for example, tend to be characterized by poverty, which confuses the causal relationship between subculture and crime in that it may be poverty that causes crime, and subcultures simply emerge within impoverished groups. Alternatively, it could be that cultural values encourage behavior manifested in both poverty and crime. Thus, the relationship among subculture, poverty, and crime is spurious, because cause and effect cannot be determined. Theorists, then, must frame relationship statements that reflect an absence of spuriousness. By adhering to these four axioms, criminologists increase the likelihood or probability that relationship statements are accurate.

## Theoretical Praxis and the Future of Criminology

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Although much of the criminological theory construction during the 1950s through the 1970s was basic research (the pursuit of knowledge for its own sake), criminologists came to observe that, once constructed and established, theoretical perspectives yield consequences, both intended and unintended, for criminals, victims, policymakers, and the general public. The idea of *theoretical praxis* (Shover, 1977) concerns not only the historical and cultural relativity but also, more importantly, the real-world impact of theories. Theories, once established, not only explain crime but also can significantly influence the behavior of both criminals and agents of social control.

The emergence of academic criminal justice during the 1970s has profoundly impacted criminology in both contrasting and complimentary ways. Given that criminology was primarily a specialty area within sociology and that

the bulk of social control and deviance research therein (e.g., theory construction and testing) was pure, no academic discipline was postured to address crime per se, a very real and pressing concern during the late 1960s and 1970s—a period of great social unrest characterized by a failing economy, civil rights controversies, and the Vietnam conflict. Through the Law Enforcement Assistance Administration Act, Congress sought to professionalize the criminal justice system with graduates of newly created “police science” and “penology” baccalaureate programs that were springing up around the nation. Established by the Omnibus Crime Control and Safe Streets Act of 1968 and abolished in 1982, the Law Enforcement Assistance Administration Act was a U.S. federal agency within the U.S. Justice Department that administered federal funding to state and local law enforcement agencies. Funding was provided for research, state planning agencies, local crime initiatives, and educational programs—the primary catalyst for what we know as criminal justice programs today (Morn, 1995).

Experientially based and rooted more so in public administration than social science, criminal justice programs originally focused on preparing students for practitioner and administrative careers in the prongs of the criminal justice system (policing, courts, and corrections) and were quickly dubbed a “professional” field—a somewhat pejorative term based on the atheoretical and thus unscientific nature of criminal justice. It is illogical to attempt to solve problems, social or otherwise, that have not been thoroughly defined or understood. Relatedly, the anti-crime suggestions offered by early criminal justice scientists were often based on what had proven successful in the past, with little or no concern for the scientific axioms discussed earlier. On the other hand, the most comprehensive knowledge base on crime is of little practical utility for social betterment without a real-world-applicable context.

For several decades, there has been tension between criminology and criminal justice that has witnessed the emergence of both criminology and criminal justice as independent fields of study. The future of criminology will no doubt remain rooted in theory construction and testing, but it is also obvious that increased attention will be devoted to developing best practices for policy based on these models. In this sense, criminology will likely continue to evolve from its theoretical origins, but in a manner more mindful of public policy. Whether criminology and criminal justice merge into a master discipline is doubtful, but theory will remain vital, for several reasons. It provides a scientific orientation to the phenomenon of crime, in which observations of facts are specified and classified as causes and effects. It grounds several styles of inquiry in the logic of systematic analysis. More important, the relationships between causes and effects can be identified, thus composing a knowledge base to guide decision making and planning concerning how to best address the problems presented by crime. Criminological

theorizing is increasingly generating practice and policy implications and, as such, bolsters and is an integral part of applied research. Even the pure theorists, who may have no particular interest in addressing a specific crime or delinquency issue, may generate the knowledge necessary for others to modify the criminal justice system’s efforts. There is, then, a connection between theory and policy reflected in the increasing multidisciplinary of contemporary criminology that is likely to be a major force in the future of the discipline.

## References and Further Readings

- Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology*, 30, 47–87.
- Allen, M. (2003, September 23). Bush presses faith-based agenda. *Washington Post*, p. A10.
- Beccaria, C. (1963). *On crimes and punishments* (H. Paolucci, Trans.). Indianapolis, IN: Bobbs-Merrill. (Original work published 1764)
- Bierne, P. (1993). *Inventing criminology*. Albany: State University of New York Press.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge, UK: Cambridge University Press.
- Bryant, C. G. A. (1985). *Positivism in social theory and research*. London: Macmillan.
- Chambliss, W. J. (1999). *Power, politics, and crime*. Boulder, CO: Westview Press.
- Cloward, R. A., & Ohlin, L. E. (1960). *Delinquency and opportunity: A theory of delinquent gangs*. Glencoe, IL: Free Press.
- Cohen, A. K. (1955). *Delinquent boys: The culture of the gang*. Glencoe, IL: Free Press.
- Cohen, L. E., & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, 44, 588–608.
- Ferrell, J., & Hamm, M. S. (1998). *Ethnography on the edge*. Boston: Northeastern University Press.
- Fishbein, D. H. (1990). Biological perspectives in criminology. *Criminology*, 28, 27–72.
- Glueck, S., & Glueck, E. (1950). *Unraveling juvenile delinquency*. Cambridge, MA: Harvard University Press.
- Kornhauser, R. R. (1978). *Social sources of delinquency*. Chicago: University of Chicago Press.
- Larson, C. J. (1984). *Crime—Justice and society*. Bayside, NY: General Hall.
- Lombroso, C. (1863). *Criminal man*. Turin, Italy: Fratelli Bocca.
- Lynch, M. J., & Groves, W. B. (1986). *A primer in radical criminology*. New York: Harrow & Heston.
- Maddan, S., Walker, J. T., & Miller, J. M. (2008). Does size really matter? A reexamination of Sheldon’s *Somatotypes and Criminal Behavior*. *Social Science Journal*, 45, 330–344.
- Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, 3, 672–682.
- Miller, J. M., Schreck, C. J., & Tewksbury, R. (2008). *Criminological theory: A brief introduction*. Boston: Allyn & Bacon.
- Miller, J. M., & Tewksbury, R. A. (Eds.). (2001). *Extreme methods: Innovative approaches to social science research*. Boston: Allyn & Bacon.



- Miller, W. B. (1958). Lower-class culture as a generating milieu of gang delinquency. *Journal of Social Issues*, 14(3), 5–19.
- Morn, F. (1995). *Academic politics and the history of criminal justice education*. Westport, CT: Greenwood Press.
- Nagin, D., & Land, K. (1993). Age, criminal careers, and population heterogeneity. *Criminology*, 31, 327–362.
- Nagourney, E. (2008). Exercise: Is there a link between crime and fitness? *New York Times*. Retrieved March 15, 2009, from <http://www.nytimes.com/2008/06/17/health/nutrition/17exer.html>
- Paternoster, R., & Brame, R. (1997). Multiple routes to delinquency? A test of developmental and general theories of crime. *Criminology*, 35, 49–84.
- Pepinsky, H. E., & Quinney, R. (Eds.). (1991). *Criminology as peacemaking*. Bloomington: Indiana University Press.
- Rafter, N. H. (1992). Criminal anthropology in the United States. *Criminology*, 30, 525–545.
- Shaw, C., & McKay, H. D. (1942). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.
- Sheldon, W. (1940). *The varieties of human physique*. New York: Harper.
- Shoemaker, D. J. (2004). *Theories of delinquency: An examination of explanations of delinquent behavior* (5th ed.). New York: Oxford University Press.
- Shover, N. (1977). Criminal behavior as theoretical praxis. In J. F. Galliher & J. L. McCartney (Eds.), *Criminology: Power, crime, and criminal law* (pp. 159–174). Homewood, IL: Dorsey Press.
- Sutherland, E. H. (1939). *Principles of criminology* (3rd ed.). Philadelphia: Lippincott.
- Vold, G. B., Bernard, T. J., & Snipes, J. B. (2002). *Theoretical criminology* (5th ed.). Oxford, UK: Oxford University Press.
- Wilson, J. Q., & Herrnstein, R. J. (1985). *Crime and human nature*. New York: Simon & Schuster.

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## HISTORY AND EVOLUTION OF CRIMINOLOGY

CHARLES F. WELLFORD

*University of Maryland*

This chapter discusses the origins and development of the discipline of criminology and addresses the questions of where criminology is today and where it is going. In large part, criminology is a history of the ideas that have informed the evolution of criminology and that stand as the intellectual foundation of one of the fastest growing academic disciplines of the last 40 years.<sup>1</sup>

No history of criminology can ignore the political forces that impact any attempt to address a set of behaviors that stir so much public concern. Although all science is subject to such influences, it is important to recognize that the object of criminological study, more than most social phenomena, produces public images of crime and criminals and ways to respond to them that can constrain and influence their study. Therefore, a history of criminology must also consider the external influences that have affected its development. As these issues are addressed, the internal dynamics of the discipline as well as the external forces that have sometimes changed the course of criminology and its focus are examined.

Any intellectual history is, in part, informed by where we understand ourselves to be today. Today, criminology finds itself defined by three major themes: (1) the steady movement toward a more rigorous science, (2) a commitment to rigorously tested theories of crime and criminal behavior, and (3) the establishment of a demand for evidence-based crime control and justice assurance policies and practices. This was perhaps best expressed by Edwin Sutherland (1934), who defined *criminology* as

the study of the making of law, the breaking of law, and the reaction of society to lawbreaking. However, this is not always how criminology understood its scope. So let us return to one beginning before we consider the beginning that is now defined as the foundation for our field.

### **Two Points of Departure for the Beginning of Criminology**

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#### **The Classical School of Criminology**

In 1764, an obscure Italian lawyer published a book that was soon to remove his obscurity and become one of the most influential legal treatises of the 18th century. The author was Cesare Beccaria, and the book was *Essays on Crime and Punishment*<sup>2</sup> (hereinafter referred to as *Essays*; Beccaria, 1764/1963). Influenced by the Enlightenment philosophers, Beccaria sought to reform the criminal justice system to make it more humane and fair. He argued for punishments other than corporal punishment and death by embedding punishment in an enlightened legal system. Within 10 years of its publication, the book was translated into all European languages, and Beccaria was celebrated as a profound new legal thinker; the work also influenced the governments of numerous countries, including England and the United States. As early as 1775, John Adams referenced *Essays* in his justification for accepting the unpopular and politically dangerous task of defending the British soldiers who fired on

the citizens of Boston who charged the arms depot atop Bunker Hill. Adams (quoted in McCullough, 2001), in explaining this decision, quoted the following from Beccaria:

If, by supporting the rights of mankind, and the invincible truth, I shall contribute to save from the agonies of death one unfortunate victim of tyranny, or of ignorance, equally fatal, his blessing and years of transport will be sufficient consolation to me for the contempt of all mankind.

*Essays* challenged the traditional notion that the foundation of the legal system was religion and that the cause of crime was falling from grace (the devil). Instead, Beccaria (1764/1973) offered the notion that crime was a result of choice (the operation of free will) and that crime was selected when the rewards of crime exceeded the pains resulting from the commission of crime. It is obvious that Beccaria, influenced by the moral calculus of Jeremy Bentham (1789), saw crime as a choice, not a compulsion. From this central idea he built a system of justice that specified that punishments should fit the crime (just enough punishment to offset the pleasure of the crime); that punishment was most effective when it was swift and sure but not overly severe; that confessions could not be coerced; and that the death penalty was not warranted, because it was not reversible in the case of error, and no one would agree to the state taking his life if he had a choice. In a series of interrelated chapters, Beccaria described a system of justice that soon became the model for democracies around the world.

As a legal philosopher, Beccaria subscribed to the idea that government exists at the will of the people and that, as such, the laws should restrict freedom only to the degree necessary to guarantee order and freedom. With this foundation, societies establish governments and laws to expand freedom, not to ensure the interests of one group above another. The drafters of the U.S. Constitution were greatly influenced by Beccaria; the sections of the Bill of Rights that address crime and justice in particular reflect his principles and guidelines.

Beccaria also argued that the setting of punishments (the balancing of pleasure and pain) should be done with “geometric precision,” suggesting that the emerging ideas of science and the scientific method should be used to structure the justice system. Although he was not educated in science, his work reflected the growing role of science in all aspects of social life. The science of criminal justice was fully anticipated in his approach to structuring a fair system of laws and justice. Finally, Beccaria knew how dangerous it was to write a treatise that challenged the conventional wisdom that law came from God and that rulers were God’s representatives on earth. As he sought to mitigate the subversiveness of his arguments, Beccaria noted that he was not challenging the church or church law but was simply offering a model for reform of criminal law and justice that was consistent with teachings of the church and the interests of the state. Beccaria clearly understood the tensions between a science of crime and justice and a system of laws and justice that reflected interests and power. Although he

called for the former, he recognized the danger in doing so and sought to avoid the pain that others had suffered who challenged the positions of those in power.

So, some refer to Beccaria as the father of the *classical school of criminology*, the first school of criminological thought. Notice, however, that this approach to defining criminology has as its primary focus the criminal justice system. The theory of criminal behavior in this school is free will, and the definition of *crime* is behaviors prohibited by the state and punished by the state. Readers will see a very different set of assumptions and foci when the discussion turns to the creation of criminology as an academic field of study. This approach pays little attention to the criminal justice system and focuses almost exclusively on the causes of crime.

## The Causes of Crime

In 1876, another Italian, this time a physician, published a book that was to transform how we think about criminals. Cesare Lombroso wrote *Criminal Man*, in which he reported on his observations of criminals while working as a doctor at a local prison. In the first edition of this work (only 252 pages in length), he observed that criminals had physical characteristics that more closely resembled animals lower in the evolutionary chain than man. Writing just 17 years after Darwin’s (1859) *On the Origin of Species*, which introduced the notion of evolution into scientific and popular thinking, Lombroso explained crime as the behavior of humans who were “throwbacks” to earlier developmental forms. Their physical appearance signaled their inferior intellectual and moral development. Crime was a product of this inferior development. For 30 years, the biological causes of crime heavily influenced thinking about crime causation.<sup>3</sup> The most forceful rejection of this particular approach to crime causation came with the publication of a large-scale empirical test of it, *The English Convict* (Goring, 1913/1972). The author, Charles Goring, using the emerging statistical techniques that now form the basis of social science empirical research, tested convicts and nonconvicts and demonstrated that the physical differences that Lombroso described did not differentiate between these groups. In fact, by the time this work was published, Lombroso had published the fifth edition of his book, with each edition getting longer and noting other possible explanations of crime (the fifth edition had grown to 1,903 pages and listed hundreds of causes of crime).

## Criminology Emerges as a Named Field of Study

The 1800s saw the emergence and growth of the science and the establishment of separate disciplines and research areas. Prior to this time, all sciences were included in faculties of philosophy. It was in the early 1800s that sociology was named and textbooks began to emerge (Spencer, 1874; Ward, 1883), and in 1905, the American Society of Sociology was formed. National organizations promoting

medicine (1847), history (1884), chemistry (1875), physics (1899), psychology (1892), and economics (1885) emerged in the later part of the 19th century as these new sciences became part of universities and public discourse. Criminology had a longer period of formation. In 1885, Raffaele Garofalo (a student of Lombroso) published *Criminology*, in which he used the word *criminology* to refer to the science of explaining crime (Garofalo, 1885/1968). A series of books written in the late 1800s established criminology as a field of study, but, unlike other social sciences, this did not become reflected in the structure of disciplines in universities; neither did national or international organizations emerge to promote this field of social science. It would not be until the 1940s that these signs of a new science of crime and justice would emerge (the American Society of Criminology was founded as an association of police professors in 1941, and the first American School of Criminology was opened in 1950 at the University of California, Berkeley). What happened during this 50-year period between the time criminology was recognized as a field of study and it became organized professionally and in universities? The answer to this question requires us to explore how explanations of crime developed after Lombroso and how Beccaria became central to the new field of criminology.

## The Development of Criminological Theories of Crime

For almost two centuries after Beccaria's (1764/1963) work, criminologists did not pay consistent and organized attention to the criminal justice system; instead, the tradition of criminology begun by Lombroso—the search for the causes of crime—was the focus of criminology until the last half of the 20th century. This period of search for the causes of crime passed through four distinct phases of theoretical development:<sup>4</sup> (1) single-factor reductionism, (2) systemic reductionism, (3) multidisciplinary theories, and (4) interdisciplinary theory. Today, interdisciplinary theory stands as the dominant model for explaining crime (and other human behaviors). Criminology today rests on two foundations: (1) the interdisciplinary explanation of crime and (2) the analysis of the fairness and effectiveness of the criminal justice system. Both of these fundamental aspects of criminology are informed by (as Beccaria [1764/1963], Lombroso [1876], and Sutherland [1939] had called for) by the application of scientific methods.

### Single-Factor Reductionism

In its initial formulation, Lombroso (1876) argued that all crime could be explained by one factor: a failure of evolution. No other variable or dimension needed to be considered to understand the range of crimes and/or the types of criminals. The theory was parsimonious to the extreme; this single factor could explain crime. Soon, others began to identify other

single-factor explanations for crime: Mental illness (or, as it was called then, “feeble-mindedness”; Dugdale, 1877), bad families, the loss of faith or religion, and other explanations were offered not as parts of a comprehensive explanation but as the explanation of crime—with all influences reduced to this one factor. This approach quickly collapsed as the study of persons who committed crime began to identify a wide range of characteristics that appeared to distinguish criminals from noncriminals.<sup>5</sup> This led to the next two approaches to developing theories of criminal behavior: (1) systemic reductionism and (2) multidisciplinary approaches. Although they occurred simultaneously, the greater influence was made by systemic reductionism, for reasons now discussed.

### Systemic Reductionism

As noted earlier, there was a period of over 50 years between the time when criminology emerged as a field of study and when it was institutionalized in universities and with its own professional organizations. During this period, in the United States,<sup>6</sup> criminology was contained in almost all instances in sociology departments. As such, during this period the explanation of crime causation was constrained by the sociological system of knowledge. Systemic reductionism (i.e., explaining a phenomenon from a singular knowledge system or discipline perspective) expanded beyond sociology, but it was the sociological perspective that dominated criminological theory for many years and even today is the dominant theoretical perspective. The importance of systemic reductionism can be seen in many criminological textbooks that organize the discussion of crime causation into a series of sections—sociological explanations, psychological explanations, and biological explanations—each presented as if these systems of knowledge were unrelated to each other and each providing competing ways of explaining crime.

Why did this capture of the study of crime by sociology, which all the early thinkers recognized as having a multitude of explanations, occur? Most likely it occurred because of the way sociology developed at the University of Chicago, the birthplace of American sociology. Here, sociology (the Chicago School) was the study of urban development and the problems associated with such development. It made perfect sense to locate the study of crime in such a field of study and, once located, it is not surprising that the theories that came to dominate criminology were sociological in nature. The biology and psychology of crime were greatly minimized, and instead crime was seen as a function of community, family, school, and the other socializing institutions. The explanation of crime became the explanation of crime rate differences within the city, across class levels, and between recent immigrants and less recent immigrants. Criminals were disproportionately found in poverty and in homes and friendships that saw criminal behavior as a reasonable response to their social location. As Dennis Wrong (1961) observed near the end of this period of theory in criminology, the sociological

systemic reductionism presented an “oversocialized conception” of human behavior that largely ignored personality and biology.

This is not to suggest that this period made no contributions to understanding crime. The focus on variation in crime rates introduced issues of critical importance to understanding crime. The development of theories such as *differential association* (Sutherland, 1934, which offered a social learning explanation), *anomie* (Merton, 1938, which explained crime concentrations in the lower class as a result of a cultural condition), *culture conflict* (Sellin, 1934, which suggested that crime clustered in groups going through a transition from one culture to another), *social disorganization* (Shaw & McKay, 1942, which explained crime in poor areas as a result of the relative absence of family and community controls on behavior), and *labeling* (Schur, 1971, which argued for the criminogenic effect of designating people as criminals) have proven to be valuable in the development of more comprehensive theories of crime and theory-based crime interventions. All of these approaches persist today in only slightly modified forms or as the parts of more complex explanations. The essential element in sociological systemic reductionism is that crime is clustered in the lower class, and therefore there is something in this social situation that accounts for the higher rates of crime. According to systemic reductionism, the individual offender was considered a reflection of his or her social situation.

### Multidisciplinary Approaches

Of course, sociologists were not the only ones interested in the causes of crime. While sociology was dominating the study of crime in universities, psychologists, biologists, and others were considering how their disciplines or theoretical perspectives would explain such behavior. Furthermore, it became clear that these other perspectives offered reasonable approaches as well as some research that demonstrated that the approach had some level of empirical support. Gradually, a model of crime explanation emerged that is still with us today, especially in standard criminological texts: the *multidisciplinary explanation* of criminal behavior. This approach argues that people become criminals because of a set of explanations drawn from all of the social and behavioral sciences, including biology, psychology, anthropology, economics, and sociology. Only by using all of these perspectives can one understand criminal behavior. This can be seen in contemporary criminological texts that have separate chapters on each of these approaches to explaining crime. Of course, multidisciplinary approaches are not theories at all, but instead are the search for the set of causal variables that explain the greatest amount of variation in the occurrence of criminal behavior.

The most prominent practitioners of multidisciplinary criminology were Sheldon and Eleanor Glueck. In a series of longitudinal studies they sought to find the factors that “unraveled” juvenile delinquency and adult criminal behavior.

Sheldon Glueck was a lawyer with little advanced education in the social and behavioral sciences. Although Eleanor had that education, it was Sheldon who formulated their approach to research and theory. Working in a law school setting, they pursued an empirically based way to predict and explain criminal law violations of juveniles and adults. The Gluecks made a particularly clear statement of their position and their rejection of systemic reductionism:

It is common knowledge that the great majority of children growing up in urban slums do not become delinquents despite the depravations of a vicious environment, despite the fact that they and their parents have not had access to fruitful economic opportunities, despite the fact that they are swimming around in the same antisocial subculture in which delinquents and gang members are said to thrive. Why? (Glueck & Glueck, 1968, p. 25)

The Gluecks’s position was that the then-dominant sociological approach could not explain the empirical reality that most of the individuals who grow up in high-crime areas are not criminal. Their focus was on explaining why a few in those areas became, and in some cases remained for many years, offenders while others did not. To answer this question, they sought to find out what distinguished the law violator from the non-law violator when both came from the same deprived social conditions. To do this they studied similarly socially situated individuals, looking for shared characteristics that distinguished them. Drawing on what they considered the best possible sources of explanation, they considered biological factors (e.g., body type), psychological differences, family structure, parent behavior differences, and school factors to predict and understand the occurrence of delinquent and criminal behaviors. In all of their works the Gluecks sought to identify the specific set of factors that accounted for the fact that individuals faced with the same difficult social conditions would behave differently.

Sheldon and Eleanor Glueck sought to move the study of criminal behavior out of the sole domain of sociology and make it at least multidisciplinary. They did this by showing the empirical relationship between criminal behavior and a number of factors drawn from a variety of disciplines and perspectives. However, their work did not produce a coherent theory of crime that went beyond their empirical results—it did produce a widely used (for a time) scale to predict delinquency and focus prevention and intervention efforts, and it did force criminologists to begin to recognize that disciplines other than sociology would be needed to develop a comprehensive explanation of the criminal behavior of individuals.

### Interdisciplinary Explanations

Criminology as a separate field of study emerges when the model underlying the explanation of criminal behavior becomes interdisciplinary. Only then does an intellectual justification for a separate field of study in universities

exist that is compelling enough to support such a development. Today, the leading journal in criminology—the *Journal of the American Society of Criminology*—has as its subtitle *An Interdisciplinary Journal*; a clear statement of the importance of this perspective to criminology.

What, however, is meant by *interdisciplinary theory*? Most obviously, this approach assumes that more than one discipline is needed to explain criminal behavior. Any approach to explanation that is built on one discipline is by definition incomplete. However, if we have only explanations based on the accumulation of variables from different disciplines, then we have what the Gluecks proposed: multidisciplinary explanations. So, an interdisciplinary theory goes beyond the assembly of contributions of different disciplines and integrates the contributions of these different disciplines into a coherent theory of criminal behavior. This approach emphasizes bringing perspectives together, not the competition of perspectives to see which one is “right.”

Interdisciplinary theory assumes there is a role for biological, psychological, social, and cultural explanations but that the relationships among these perspectives is as important and that no perspective can totally explain the influence of another perspective. Thus, interdisciplinary theory can be expected not only to contain elements of all of the explanatory perspectives but also to go beyond that to identify how each level of explanation influences, but does not eliminate, each other level of explanation. For example, the question is not whether nature or nurture causes crime but rather how they interact to account for individual variations in criminal behavior. It is not a question of why does poverty seem to be associated with higher crime rates but rather how do individual development and poverty interact to explain why some people are delinquent and others are not. Each dimension of explanation is to a degree irreducible, and each is related to and influences the other.

One of the most influential theories in criminology today is *developmental or life course theories*.<sup>7</sup> These are good examples of how interdisciplinary theory is emerging as the dominant paradigm in the field. Robert Sampson (2001) suggested that this approach to theory is “best introduced by considering the questions it asks,” which he identifies as including the following:

- Why and when do most juveniles stop offending?
- What factors explain desistance from crime and delinquency?
- Are some delinquents destined to become persistent criminals in adulthood?
- Is there, in fact, such a thing as a life–course-persistent offender?
- What explains the stability of offending?

One of the early contributors to this approach, Terrie Moffitt (2001), addressed these questions by hypothesizing that there were two patterns of antisocial behavior: (1) *life course persistent*, in which the offender started early and maintained his or her involvement in antisocial behavior

throughout the life course, and (2) *adolescent limited*, in which the offender’s antisocial behavior emerges and ends during that period of the life course. Moffitt observed that the persistent pattern results from “childhood neuropsychological problems interacting cumulatively with their criminogenic environments producing a pathological personality” (p. 92), whereas the adolescent limited pattern is the result of “a contemporary maturity gap [that] encourages teens to mimic antisocial behavior in ways that are normative and adjustive” (p. 93). Biology, psychology, and social levels of explanation clearly are evident even in this summary statement of her work. This is characteristic of efforts to answer the questions posed by Sampson (2001) and is a central characteristic of life course theory. For this reason, this approach offers a framework for criminology to move closer to an interdisciplinary theory of criminal behavior that will more fully justify the emergence of the field as a new discipline in the social and behavioral sciences.

### Criminology Emerges as a Separate Field of Study

The emergence of criminology as a separate academic and research field is an issue discussed earlier in this chapter. This occurred at two universities: the University of California at Berkeley and Michigan State University. Neither focused on what had occupied criminologists for over 60 years: the explanation of criminal behavior; instead, both emerged to address the issue of the need for better educated police officers.

The effort at the University of California was led by the now-legendary figure in American policing, August Vollmer. Albert Morris (1975), in his history of the American Society of Criminology, described Vollmer as follows:

Probably the most widely known and most innovative police chief in American police history, August Vollmer (1876–1955) had been Marshal of Berkeley (1905–1909), the first Police Chief of Berkeley (1909–1932), and Professor of Police Administration at the University of California at Berkeley (1932–1937), and was widely sought as a consultant in police administration. He was physically an imposing person (6’4” tall and weighing about 190 lbs.) who always seemed to be in top physical condition. He was a broadly informed and creative man with a contagious enthusiasm for making police work a profession, with a highly trained core of persons who had college degrees and who could teach at the college level. As early as 1916, Vollmer, in collaboration with law professor Alexander Marsden Kidd, developed a summer session program in criminology at the Berkeley campus in which courses were given from 1916 to 1931, with the exception of the 1927 session. (p. 32)

Vollmer taught courses at Berkeley, helped form a major offered in political science at Berkeley in the middle 1930s, joined the faculty in 1932, and led the development of first School of Criminology in the United States founded at

Berkeley in 1950. For Vollmer, the primary purpose of his efforts was to educate police officers who could lead the professionalization of policing. It was Vollmer who in 1941 convened a meeting at his home that led to the creation of the National Association of College Police Training Officials, which later became the Society for the Advancement of Criminology and is today the American Society of Criminology. The purpose of the organization and the academic programs that participated in its founding was stated as follows (Morris, 1975):

1. To associate officials engaged in professional police training at the college level
2. To standardize the various police training curricula
3. To standardize, insofar as possible, the subject matter of similar courses in the various schools
4. To keep abreast of recent developments and to foster research
5. To disseminate information
6. To elevate standards of police service
7. To stimulate the formation of police training schools in colleges throughout the nation

As an academic enterprise at Berkeley, criminology began with a focus on the criminal justice system and, more specifically, the training of police.

The story at Michigan State University was similar. Founded in 1935, the School of Criminal Justice is the program with the longest history of continuous degree granting in the field. Led by the efforts of LeMoyné Snyder (a doctor and son of a former president of Michigan State) and in cooperation with the Michigan State Patrol, the university approved a new department and major in 1935 that was to educate current and potential police officers in administration and law. As stated in 1935 (Brandstetter, 1989), the new dean of the program summarized it as follows:

The graduates of the course be, first of all, well-trained college men with fundamental training in English and the sciences—both physical and social. That over-specialization be avoided in the first three years of training. That students be given instruction in criminal law and evidence. That the third year of training be given to a general survey in police science and administration. That after approximately three years of training at the college, intensive training at the State Police—along special lines for which his earlier training has fitted him. That four years of military science be required so the student may become trained in military discipline. (Brandstetter, 1989)

Educated police were the goal of the program. The professionalization of policing was the ultimate goal of the effort. As an academic enterprise, criminology emerged with a much closer connection to the goals of Beccaria than it did to the goals of Lombroso. The tension between training and education is clear in both programs, but the focus on education in the Michigan State program set the standard for all academic programs that followed.

While the professional organization for criminology was changing from a focus on policing, the new field of

criminology was also changing. When the program at Florida State University was formed in the 1950s, it covered causes of crime, policing, corrections, and criminal law, with an emphasis on science and research as a comprehensive criminology program that would serve as a model for others throughout the country. In 1957, the professional organization changed its name again to the American Society of Criminology, to reflect the growing breadth of the field and the organization.

So, criminology began at two state universities in the 1930s, and by the 1950s was emerging at other, predominantly public, universities. In 20 years, it has changed from police education to a new field that includes the two great traditions of criminology: (1) a concern with the causes of crime and the improvement of the criminal justice system and (2) a reliance on science as the method to understand causes and identify improvements. Still, the field had not yet fully found its identity. Note that Berkeley's program is a School of Criminology, Michigan State's is a School of Criminal Justice, and Florida State's also is a School of Criminology. In the 1970s and 1980s, the model program was at Albany University, the School of Criminal Justice, whereas in the 1990s and 2000s, the most prominent program has been the University of Maryland's Department of Criminology and Criminal Justice. Although the names differ, a look at their programs, research, careers of graduates, and faculty reveals much similarity. Why, then, do the programs have different names?

In the 1960s, crime became a focus of national attention and federal legislation and funding. The goal was to reduce crime through more effective criminal justice. For some people in the political world, criminology was associated with causation ("root causes"), treatment of offenders, and being "soft" on crime. This position was enhanced when the School of Criminology at the University of California at Berkeley became a center for radical, left criminology and was closed by the university. As the field grew, in part fueled by the growing national interest in crime and federal funding, *criminal justice* became a more acceptable name than *criminology*. However, as the field matured and the role of criminology became clearer, the use of the name *criminology and criminal justice* emerged as a clear statement that the field addressed both foundations of the field—causes of crime and criminal justice improvements. Now Beccaria and Lombroso could be seen as the founders of a field that lived up to Sutherland's (1939) definition of a body that scientifically studied the making of law, the breaking of law, and society's reaction to lawbreaking. Today, even a brief perusal of the program of the meetings of the American Society of Criminology reveals that the field encompasses just about every aspect of crime and justice but always with a concern for the scientific rigor of the enterprise.

### The Making of Law

Although Beccaria had a clearly formulated theory of lawmaking, we have not seen much concern with this topic

in this account of the development of criminology. Whereas the theory of law has not been a focus of criminology, the making of law has been. Criminology in all of its primary forms is concerned with lawbreaking. However, we know that criminal law is not a scientific concept; instead, it is a legal or political creation. No other science is like criminology in that its basic object of study is defined external to the field of study. Legislatures do not define elements of the atom, groups, interactions, or economic behavior, but they do define crime and those definitions vary through time and space. To some people this means that a science of criminology is not possible; to others, it simply defines another set of issues for criminology to address, including “What is crime?” Three distinct approaches to answering this question are found in the history of criminology: (1) legalistic, (2) sociological, and (3) social legal.

During most of the time that the field of criminology was being developed, people assumed that crime was behavior that had been judged to be a violation of the criminal law—the legalistic approach. This was perhaps most clearly expressed by Paul Tappan (1947) when he observed that “Crime is an intentional act in violation of the criminal law (statutory and case law), committed without defense or excuse, and penalized by the state as a felony or misdemeanor” (p. 12). Related to this approach to defining crime is the position that the criminal is only known when a “duly constituted authority of the state” (Tappan, 1947) determines that the person has violated the law. Only when convicted is a person a criminal. Thus, any behavior that was prohibited by statute and judged to have occurred by a duly constituted authority was deemed a crime and the object of criminological study. Obviously, in this approach crime is empirically easy to measure but suffers from the relativity of the criminal law and the operation of the criminal justice system. Explanations of crime would have to be relative to the legal system and historical period and could not have the standing of scientific (i.e., universal) explanations.

During the period when sociology dominated criminology, another approach was suggested that was thought to avoid the political and relative nature of criminal law—the sociological approach. Most clearly articulated by Thorsten Sellin (1938), the approach suggests that criminology should broaden its scope and consider all conduct norm violations. Sellin observed that “confinement to the study of crime and criminals and the acceptance of categories of specific forms of crime and criminal as laid down in law renders criminological research invalid from the point of view of science” (p. 4). He suggested that instead criminologists should seek to understand any variation from normative behavior. Although this approach avoided the political nature of law, it introduced an even more relative dependent variable for the field and all but eliminated the connection between studies of causation and crime prevention and control. Needless to say, this approach has not been widely followed in criminology.

The social legal approach offers a way to avoid the problems of the other two approaches to defining crime and the object of criminological study. It begins with the observation that some behaviors must be controlled by the state if society is to function and exist. Killing, sexually and otherwise assaulting, and stealing between citizens must be controlled if a society is to exist. Edwin Lemert (1972) observed the following:

Human interaction always occurs within limits: biological, psychological, ecological, technological, and organizational. These explain why certain general kinds of behavior are more likely to be deemed undesirable than others. Practically all societies in varying degrees and ways disapprove of incest, adultery, promiscuity, cruelty to children, laziness, disrespect for parents and elders, murder, rape, theft, lying and cheating . . . certain kinds of actions are likely to be judged deleterious in any context . . . It is not so much that these violate rules, it is that they destroy, downgrade, or jeopardize values universal in nature. (p. 5)

Thus, criminal laws can be divided into at least two categories: (1) those that seek to control behaviors that must be controlled if the society is to exist (e.g., homicide) and (2) those whose regulation reflects the values and political decisions at a certain place and time (e.g., drug offenses). Criminologists are not terribly concerned with the origins of the former, but they are very much interested in understanding why other behaviors are criminalized and whether criminalizing these behaviors contributes to more or less crime. Connected to social legal approach to the definition of crime is the contention that the best way to measure crime and criminals is by direct observation or questioning. You do not rely on the criminal justice system to measure the level of crime (e.g., from reports to police) but instead ask the public directly about their experiences with crime (e.g., victimization studies). Similarly, you do not determine who is criminal by the operation of the criminal justice system (e.g., arrest or conviction) but instead by seeking direct evidence of the behavior (e.g., self-report studies). This is particularly important to the task of studying the differential application of the law to segments of the population. What is labeled here the *social legal approach* to law and crime is the dominant view in criminology today, although much criminological research violates this perspective and accepts the easier means of measurement: official data.

## The Future of Criminology and Criminal Justice

During the past 40 years, criminology has emerged as one of the most dynamic social sciences and certainly the fastest growing. Today, it stands on clear foundations of commitment to scientific rigor, interdisciplinary theory of crime, and improving the operation and “justness” of the criminal justice system. It stands firmly on the shoulders



of many individuals, most importantly Beccaria and Lombroso. Although federal funding for criminological research has diminished in recent years, there is every reason to believe that it will increase as the role of criminology in preventing and controlling crime through theory and evidence-based approaches becomes more widely known and appreciated.

Few major initiatives in criminal law and criminal justice during this period have been developed without significant criminological involvement. Hot-spots policing, problem-oriented policing, crime mapping and analysis, sentencing guidelines, specialized courts, sex offender programming, effective models of rehabilitation, reentry programs, problems of eyewitness identifications, procedures for police lineups and interrogations, the role of DNA in courts and policing—the list goes on and on. The point is that criminology is making a difference. As long as it continues to be rigorous in methods, interdisciplinary in approach, and guided by a commitment to justice, it will flourish and continue its emergence as a vital scientific enterprise.

## Notes

1. Between 1970 and today, it is estimated that enrollment in criminology programs at universities in the United States has increased by a factor of 1,000, partly because of the rapid growth in the number of such programs.

2. He was the primary author, but contemporary scholarship suggests that others were intimately involved in the development and writing of the book. Although that is not critical for this chapter, readers can find a discussion of this in the foreword to the Paolucci edition (Beccaria, 1764/1963).

3. For a discussion of this criminological work during this period see Vold (1979), especially Chapters 3 and 4.

4. Although these themes were dominant during specific times, the development of theories of crime has not been so straightforward or developmental. In fact, all four approaches to explaining the causes of crime can still be found today.

5. This approach continues today in some public and political discourse. Too frequently we hear that crime is caused by welfare moms, lead paint, unemployment, and a variety of other factors. While criminologists widely acknowledge the multifaceted nature of crime causation, the problem is that we do not know which cause is most important or how multiple factors interact. This type of response reinforces the idea held by some that criminologists do not know much about crime.

6. In Europe and the rest of the world, criminology did not develop as rapidly as it did in the United States. In many ways, the history of criminology since the beginning of the 20th century until quite recently has been written in the United States.

7. As noted earlier, criminological theories do not easily disappear. The problem has been that these theories accumulate but are not cumulative. The issue being addressed today in criminology

is how to use an interdisciplinary framework to integrate these theories and develop cumulative knowledge.

## References and Further Readings

- Beccaria, C. (1963). *Essays on crime and punishment* (H. Paolucci, Trans.). Indianapolis, IN: Bobbs-Merrill. (Original work published 1764)
- Bentham, J. (1789). *Introduction to the principle of morals and legislation*. Oxford, UK: Clarendon Press.
- Brandstetter, A. (1989, October). *Genesis and early history of criminal justice studies at Michigan State University*. Paper presented at the Midwestern Criminal Justice Association meetings, Chicago. Retrieved from <http://criminaljustice.msu.edu/about/history>
- Darwin, C. (1859). *On the origin of species*. London: John Murray.
- Dugdale, R. (1877). *The jukes: A study in crime, pauperism and heredity*. New York: Putnam.
- Garofalo, R. (1968). *Criminology*. Montclair, NJ: Patterson Smith. (Original work published 1885)
- Glueck, S., & Glueck, E. (1968). *Delinquents and nondelinquents in perspective*. Cambridge, MA: Harvard University Press.
- Goring, C. (1972). *The English convict*. Montclair, NJ: Patterson Smith. (Original work published 1913)
- Lemert, E. (1972). *Human deviance, social problems and social control* (2nd ed.). Englewood Cliffs, NJ: Prentice Hall.
- Lombroso, C. (1876). *Criminal man*. Milan, Italy: Hoepli.
- McCullough, D. (2001). *John Adams*. New York: Simon & Schuster.
- Merton, R. (1938). Social structure and anomie. *American Sociological Review*, 3, 672–682.
- Moffitt, T. (2001). Adolescence-limited and life course persistent antisocial behavior. In A. Piquero & P. Mazerolle (Eds.), *Life-course criminology* (pp. 91–145). Belmont, CA: Wadsworth.
- Morris, A. (1975). The American Society of Criminology: A history, 1941–1974. *Criminology*, 13, 123–167.
- Sampson, R. (2001). Foreword. In A. Piquero & P. Mazerolle (Eds.), *Life-course criminology*. Belmont, CA: Wadsworth.
- Schur, E. (1971). *Labelling deviant behavior*. Englewood Cliffs, NJ: Prentice Hall.
- Sellin, T. (1934). Foreword. *Annals of the American Academy of Political and Social Science*, 74, ix.
- Sellin, T. (1938). *Culture conflict and crime*. New York: Social Science Research Council.
- Shaw, C., & McKay, H. (1942). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.
- Spencer, H. (1874). *Principles of sociology*. London: Williams & Norgate.
- Sutherland, E. (1934). *Principles of criminology*. Philadelphia: Lippincott.
- Tappan, P. (1947). Who is criminal? *American Sociological Review*, 12, 96–102.
- Vold, G. (1979). *Theoretical criminology* (2nd ed.). Oxford, UK: Oxford University Press.
- Ward, L. (1883). *Dynamic sociology*. New York: Appleton.
- Wright, D. (1961). The oversocialized conception of man. *American Sociological Review*, 26, 183–193.

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## CRIMINOLOGY AND PUBLIC POLICY

TODD R. CLEAR

*John Jay College of Criminal Justice*

NATASHA A. FROST

*Northeastern University*

Criminology would seem to have a natural connection to public policy. Many, if not most, of the questions that criminologists seek to answer directly or indirectly impact questions of public policy. Criminologists seek to understand the nature and extent of crime, to explain why people commit crime, and to advance knowledge as to how crime might be prevented. Policy-makers seek to address an array of social problems, including the problem of crime. Despite this seemingly natural connection, the field of criminology has had an uneasy relationship with public policy and has had somewhat less of a direct effect on matters of public policy than some might expect.

There have been some notable instances in which criminological research has impacted public policy. For example, Lawrence Sherman's randomized field study in Minneapolis (often referred to as the *Minnesota Domestic Violence Study*), which focused on policing domestic violence, led to widespread reforms in the way that police departments responded to domestic violence calls (Sherman et al., 1999). The work of George Kelling and his colleagues as they developed the "broken windows" model of policing similarly led to important changes in police strategies, first in New York City and later in other major jurisdictions. More recently, the research of Joan Petersilia (2008) has led to the adoption of "earned discharge" parole in California. Although there are a number of instances in which criminological work has directly

impacted policy, much of the policy-relevant criminological research has had little to no measurable effect on public policy. This lack of effect can be attributed in part to the reluctance among some academics to engage directly in the policy arena. In a provocative essay lamenting criminology's irrelevance, James Austin (2003) argued that "in terms of having any effect on criminal justice policy, there is little evidence that any criminologist's career has made much of a difference" (p. 558).

Although criminology's policy impact has been largely inconsequential to date, there have been renewed calls for a policy-oriented approach in criminology. Leading criminologist Ronald Clarke (2004) proposed that the field of criminology be reconfigured as a field of "crime science" that has as its main focus studying crime in ways that inform policy. Prominent criminological theorists David Garland and Richard Sparks (2000) suggested that the coming generation of criminology be one that takes the problem of crime as a serious concern, with a renewed commitment to reducing the impact of crime on everyday lives.

### The Emergence of Criminology

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Criminology began as a theoretically oriented field of study. Notably, the early criminologists were drawn from various disciplines (sociology, psychology, medicine) and

would likely not have self-identified as “criminologists.” Nonetheless, early writers about the social science of crime, such as Émile Durkheim (in the field of sociology), sought to explain the existence of crime in society. Durkheim and others also set out to explain patterns of crime through the examination of crime across time and place. Shortly afterward, writers sought to explain *why* some people engaged in crime when others did not. In the late 1800s, Cesare Lombroso, who is often referred to as the “founder of modern criminology,” launched the science of criminology through his explorations into differences between criminal and noncriminal populations. As Lombroso’s biological explanations for criminal offending waned in popularity, the Chicago School, with its ecological approach to the study of crime (and related social problems) emerged as the dominant paradigm in the 1930s and remains influential today. Between the 1930s and today, the field has experienced a proliferation of theories of crime, such that an entire college semester is no longer enough time to adequately address all of the theories that have been advanced to date. There is no one, uniform theory of crime; instead, there are multiple and competing theories. For most of criminology’s history, developing and testing these theories has been the focus of the field.

Throughout its early history, criminologists now and again have attempted to explain some of the mechanisms of justice, but this was mostly a philosophical project regarding the law. Critical theorists (e.g., Marxist theorists), for example, began to take on the justice system, in particular its relation to larger social structures and mechanisms. By and large, though, the core concern of criminology was crime and its causes.

### The Influence of Criminal Justice

A somewhat radical change in this pattern occurred when the field of *criminal justice*, related to but distinguishable from criminology, was introduced as a separate area of study. As criminologists continued to study crime and its causes, scholars of criminal justice announced their intention to study the operations of the criminal justice system. Not merely a theoretical enterprise, the academic field of criminal justice sought to understand the problems and prospects of criminal justice, including an assessment of its effectiveness.

An assessment of effectiveness entailed necessarily a concern for how well the criminal justice system worked, which in turn implied the ability to give advice on how it should work and what might be done to increase its effectiveness. In other words, scholars of criminal justice began to enter the world of policy and practice.

The growth of academic criminal justice through the 1970s coincided with the upward spike in crime, the politicization of crime policy, and substantial growth in the size and impact of the criminal justice system. Beginning in the mid- to late 1960s and continuing through the early 1970s,

crime rates began to rise quite rapidly. Although today there is debate about just how much crime actually increased over the period, there is little doubt that the perception that crime was increasing rapidly led to elevated fear of crime and an increasing sense of urgency regarding the problem of crime. At about the same time, the foundations of the criminal justice system’s rehabilitative orientation were being questioned, and a new approach emphasizing crime control was offered. Over this period, crime policy became highly politicized. If deemed not “tough enough” on crime, politicians usually saw their political aspirations dashed. Legislatures enacted tougher crime policies, frequently with little to no debate. The new get-tough policies frequently produced injustices (and reproduced inequalities) in ways that criminologists found increasingly troubling. Moreover, criminologists argued that a number of these initiatives were not only theoretically unsound but also ultimately counterproductive.

Increasing concern about the justice of crime policy led to an unprecedented increase in the number of scholars and students whose careers were concerned with criminal justice. Since 1980, the number of doctoral programs offering PhD degrees in criminal justice has increased dramatically, and the number of PhD graduates has increased as well, and still the market for academics remained ahead of the growth curve, as entry-level criminal justice job openings outpaced the number of new PhDs entering the market. The influence of criminal justice on the field of criminology has been quite profound.

### Criminology and Criminal Justice

For some individuals there is a powerful uneasiness between those who identify themselves with the traditional (sociological) roots of criminology and its search for understanding crime and those who associate themselves with criminal justice and the search for the right policies. In particular, concern has grown around criminology’s perceived attempt to establish itself as a distinct discipline, severing its ties with sociology and other more established fields of inquiry. Joachim Savelsberg and Robert Sampson (2002), for example, expressed concern that as criminology has tried to assert its intellectual independence (and establish itself as a separate discipline), it has lost much of its academic credibility. According to Savelsberg and Sampson, part of this lost credibility can be attributed to the field’s reliance on government funding and the concomitant reliance on state definitions and ideas. Savelsberg and Sampson argued that the study of criminology is at its best when attached to another discipline and led by intellectual tradition and ideas instead of by government priorities and dollars. James Austin (2003) similarly suggested that criminology’s irrelevance can be attributed to a lack of knowledge. Although he did not explicitly advocate a return to sociological roots, Austin argued that criminologists have little “good science” to offer policymakers, in

large part because of the decline of scientific methods, unbridled speculation, researcher bias, and the heavy hand of government funders in criminological research.

Other individuals see a perfect melding between criminology and criminal justice as fields of inquiry. The best illustration of this melding is the “what-works” movement and its academic sibling, evidence-based criminology. The what-works movement draws most of its momentum from the now-infamous “nothing works” proclamation made by Robert Martinson and his colleagues in a seminal article published in the mid-1970s (Miller, 1989). Martinson et al. subjected research findings in the area of correctional rehabilitation to *meta-analysis*, an analytical method used to summarize research findings and isolate the size of effects across accumulated research studies. They used a primitive meta-analytic technique and, on the basis of their findings, argued that there was little evidence that rehabilitative programming had any appreciable effect. Although Martinson et al. did not offer a vision for what might work in place of rehabilitation, the take-away message became that we had been too “soft” on crime, and the gap left by rehabilitation was quickly filled with a full complement of new get-tough approaches to the problem of crime. Partly in reaction to the influence of Martinson et al.’s “nothing works” article, more recent criminologists have sought to provide better evidence as to “what works,” offering prescriptions for each of the major subareas of criminal justice (crime prevention, policing, juvenile justice, and corrections, among others).

In the late 1990s, the U.S. Congress asked for a comprehensive evaluation of program effectiveness in preventing crime. Congress’s request led the National Institute of Justice to commission a study of what works in crime prevention. The study, conducted by Lawrence Sherman and colleagues (1999), involved a review of more than 500 program impact evaluations. The researchers concluded that, in terms of crime prevention, some programs appeared to be working, some clearly did not work, and others showed promise. There were a number of programs for which the jury remained out, because the impact evaluations reviewed were not sound enough to allow the researchers to draw valid conclusions. Sherman et al. ultimately recommended that the Department of Justice primarily fund program evaluations seeking to address what works, particularly in high-crime urban areas.

The what-works paradigm draws on an evidence-based criminological approach. Evidence-based criminology requires that high-quality evaluation research form the basis of policy or practice and is perhaps best exemplified by The Campbell Collaboration, a group of interdisciplinary social scientists who undertake systematic reviews of research regarding the effectiveness of various social policies and practices. The Campbell Collaboration’s systematic reviews are designed to help inform both policy and practice through pulling together and synthesizing research findings to advance our understanding of best practices.

Despite the growing popularity of evidence-based criminology and the what-works paradigm, debate remains over what should constitute “evidence” and how high the bar

should be set before the social science of criminology and criminal justice might be in a position to inform public policy. Some scholars believe the bar should be set very high and that only research that relies on true experimental methods (with random assignment to experimental and control groups) meets the bar. Truly experimental research is understandably hard to come by in a field where random assignment is at best difficult to achieve and, in some cases, not possible. Consider, for example, policy-driven research examining the effectiveness of a diversion program for serious offenders. Randomly assigning some offenders to this noncustodial program and others to prison would raise ethical concerns and present some rather complicated logistical challenges.

Other scholars think that research that has been subjected to the scrutiny of others in the field through the peer review process has the capacity to inform public policy. This broader view recognizes that there are limits to what we currently know and that there are limitations to the research that criminologists conduct but advocates for a more fluid approach in which research constantly informs the process. As knowledge grows and changes, so might policy.

## Criminology, Criminal Justice, and Public Policy

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Today, there is a debate within criminology regarding whether, and how much, criminology (and its younger sibling, criminal justice) should seek to influence crime policy. Some have embraced a proactive policy approach, while others remain quite notably opposed.

### Arguments Against Participation

Individuals who are opposed to a policy approach in the field say that (a) criminal justice is inherently political and that this politicization should be a matter of concern, (b) “evidence” in the field of criminology and criminal justice is not only nuanced but also constantly changing and therefore too fluid to be of much use, and (c) there are honest academic disputes among respected social scientists and that these disputes should be taken seriously. We present each of these arguments in turn.

#### *Criminal Justice Is Inherently Political*

Criminal justice involves partisan interests, political pressure, and compromise in ways that some people say are incompatible with science. These opponents would argue that politics distorts scientific inquiry, especially when the results of science are politically unpopular. Take for example, the complicated relationship between crime and incarceration. For at least the past three decades, the war on crime (and the war on drugs and, more recently, the war on terror) have involved a get-tough orientation to addressing the problem of crime. Driven in part by increasing crime

rates and in part by political and practical expediency, current strategies for addressing the problem of crime have led to unprecedented growth in the size of prison populations. Incarceration has, in some respects, been advanced as the one-size-fits-all answer to the problem of crime. Social science evidence suggests, however, that incarceration is at best limited in its ability to prevent or control crime and in some important ways problematic for crime prevention. Yet criminological research highlighting the limited impact of prison expansion policies is politically unpopular, because politicians seeking to address the concerns of their constituents see few other politically viable options.

Similarly, when studies conducted by criminologists kept finding that boot camps featuring shock incarceration as an environmental intervention did not work, a chasm grew between the research community and the policy community. Opening new boot camps across the country remained a priority of the Clinton Administration throughout Clinton's tenure, even as study after study uncovered disappointing results. The main reaction of the policy community was to increase funding for studies of boot camps, possibly in the hopes that a new set of findings might someday emerge.

#### *Criminological Evidence Is Nuanced and Ever Changing*

There is a related problem of the nature of academic evidence itself. The evidence generated through social science research is almost never definitive and almost always nuanced, yet to make evidence palatable for the policy process seems to require watering it down and removing the crucial nuances of scientific "fact." There is a tendency for those nuances to get lost during the political process. Studies of the recidivism rate of people convicted of sexual crimes shows that the risk represented by this subgroup is complex, depending on personal background and type of offense. These nuances are typically forgotten in the policy-writing process, however, and widely varying types of sex crimes are treated as identical for purposes of legal action.

Moreover, criminological evidence is constantly changing, suggesting that the knowledge within the field is a lot more dynamic than policy about crime is able to be. At one time, for example, there was a strong consensus that poverty "caused" crime, but that view has changed markedly as new evidence on the causes of crime emerge.

Nobody should be surprised if the evidentiary foundation of the field is dynamic rather than static; the purpose of criminological scholarship, after all, is to produce new evidence. To build policy on "facts" that may well be contravened by new evidence is to erect crime policy on a bed of shifting sands.

#### *Academic Disputes Among Criminologists Show Why Policy Positions Are Problematic*

There are honest disputes among serious scientists about what really works and how well. The death penalty

offers a good example. Although there is a growing consensus around the utility of the death penalty—with most criminologists arguing that it either does not deter crime or deters no more than a lengthy prison sentence—some criminologists continue to argue that pursuing the death penalty is worthwhile. Recently, for example, a series of empirical papers written by economists suggesting that the death penalty reduces the rate of homicide have challenged the field's widely accepted consensus that it does not have that effect.

Serious academic disputes exist around all of the most controversial or contentious criminological debates (with gun control offering yet another example). Perhaps more surprising is that these serious academic debates also exist around questions that are more fundamental to the field. The "crime decline" experienced across the United States from the latter part of the 1990s represents the most sustained decline in crime rates in at least 50 years. Its cause has been the subject of much criminological thought, as some of the most respected criminologists in the field have advanced theories and offered evidence to support those theories. Some have argued that more aggressive policing and/or a change in the orientation of policing contributed to the crime decline. Others have argued that more strict control and regulation of guns have reduced crime (in particular, violent crime). Many of these expert opinions conflict with one another and such debates just highlight how little we actually know for sure about crime, its causes, and its prevention. As any student of criminology can tell you, there are easily as many theories of crime as there are types of crime.

#### **Arguments in Favor of Participation**

Individuals who favor greater involvement of social science in the justice policy process say that (a) policy should be based on the best available evidence, (b) avoiding involvement simply allows for false claims of evidence, (c) avoiding involvement allows gross injustices to continue, and (d) the work of criminology can influence agency practice without necessarily engaging directly in the legislative process. Again, we present each of these arguments in turn.

#### *Policy Should Be Based on the Best Available Evidence*

Policies should be based on the best available evidence, not on whatever political fancy rules the day. The only way to do that is to make the evidence available to policymakers. Thus, it falls to criminologists—and in particular, the professional organizations that represent them—to inform policymakers of the evidence. Precisely because the evidence is so often heavily nuanced, this must be done in a proactive and interactive way, not merely by publishing articles and letting the chips fall where they may. The professional associations must approach policymakers and

speak to them in ways that assist policymakers in interpreting the evidence and translating that evidence into policy. Only then can policy become a reflection of evidence.

*Staying Out of Policy Debates Allows Charlatans and False Claims of Evidence to Shape Them Instead*

Avoiding involvement in the policy process opens the door for charlatans to take control on false claims of evidence. Washington, D.C., is filled with advocacy groups that seek to marshal evidence to support their favored policies. Often, the organization of evidence is quite slanted toward the favored policy position, ignoring studies that do not support the already-determined positions being promoted. This leads to a potpourri of policy strategies, often taking opposing positions but all citing evidence as the foundation for their claims. The role of criminology in such a setting is to help sort out the evidence, provide critical reviews of what is known, and help policymakers see which claims are most well supported by what is known and (of equal importance) what is “bunk.”

*Remaining Removed From Policy Debates Leaves Gross Injustices Unaffected*

To stay out of the policy process is to allow gross injustice to continue to dominate a field and to turn a blind eye to stupidity in policies. Many justice policies are, it is argued, known to be harmful. For the criminological community to remain mute when policies are proposed (or enacted) that are known to either make the problem worse or to result in untenable consequences is to tacitly participate in the perpetuation of injustice. Juvenile transfer laws, which result in charging juveniles as adults, are an excellent example, because research shows they fail to deter juvenile crime while resulting in worse treatment of juveniles under adult laws. To fail to speak out is to leave this mistreatment of youngsters unchallenged. Speaking out against unjust policies, from an informed and scientific point of view, seems an essential requirement of an ethical criminological profession. We would be shocked if, for example, the American Medical Association allowed policies to go forward without comment if they were demonstrably bad for the nation’s health. Why are we not shocked that criminologists do the same with crime policy?

*There Are Good Reasons for Influencing Agency Practice*

There are many ways that criminologists (and their work) can influence *agency practice* without having to get enmeshed in the legislative process. Joan Petersilia’s Center for Evidence-Based Corrections, housed in the University of California at Irvine, has just that mission in the California penal system. The National Institute of Corrections promulgates an annual agenda of technical

assistance using some of the nation’s most well-established scholars as vehicles for improving the practice of criminal justice agencies. Many, if not most, academic criminal justice programs enjoy strong relationships with practicing criminal justice agencies, not only feeding them students but also helping them plan, implement, and evaluate new policies. To perform this kind of service is counted as a positive on the tenure and promotion requirements of many colleges and universities, and rightfully so.

## Informing Public Policy

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Thinking about criminology and policy today, we must begin by recognizing that the policymaking process is indeed a process, with a formal legislative course of action (bill writing, lobbying, testimony, etc.) and attendant side effects. We should also recognize that scientific opinion is actively sought in this process and that opinion will be located whether the field of criminology is comfortable with that fact or not.

## Individual Participation

There are four ways that individual criminologists can take intentional action that is designed to influence policy: (1) thoroughly addressing policy implications of their research in their work, (2) working with policy-involved organizations, (3) directly inserting themselves in the policy-making process, and (4) engaging the media.

*Addressing Policy Implications*

Criminologists routinely seek to publish their research findings in traditional outlets (journals) and in doing so usually submit their work to the peer review process. At its best, this peer review process provides some level of assurance that the research used acceptable methods and that the findings are relatively sound. In other words, the purpose of the peer review process is to ensure that only research meeting established quality standards is published. When seeking publication in peer review publications, the focus is naturally on the research and the findings, and therefore authors are discouraged from straying too far from the facts. In other words, lengthy discussions about what the findings might mean for either policy or practice are considered polemic and are discouraged. One way in which criminologists might seek to influence policy would be through more directly addressing the policy implications of their work. Several journals have been established that explicitly focus on the policy relevance of criminological research. Although this represents a small step in the direction of informing public policy, our own experience in developing the journal *Criminology & Public Policy* suggests that if the field wishes to influence policy through its science, merely publishing the work of academic

researchers in accessible venues will not be enough. Neither will it be enough to simply offer the media concisely written summaries of research findings with the policy prescriptions emphasized. It would seem that criminologists need to do more.

#### *Working With Policy-Involved Organizations*

A second way in which individual criminologists might become involved in the world of policy would be through working directly with policy-involved organizations. Agencies and organizations frequently seek to engage in collaborations with academic researchers to either evaluate specific programs or to put together proposals for new initiatives. A number of criminologists have made a substantial impact on criminal justice policy primarily through their working relationships with organizations and agencies that are directly involved in the criminal justice process. Joan Petersilia, for example, is well-known for her work with the California Department of Corrections and, through that work, has influenced correctional policy in California and beyond. Similarly, George Kelling, who is most well-known for his contribution to the “broken windows” model for policing, has worked closely with police departments over the years. Kelling’s work has led to the widespread adoption of the broken-windows model, not only in policing but also in other areas of the system, such as courts and corrections. In other words, working directly with the individuals responsible for administering criminal justice can have a substantial impact on policy.

#### *Direct Engaging in the Legislative Process*

The most direct way for criminologists to engage in the policy arena is through offering expert opinion at various points in the legislative process. Legislative bills do not simply become law: They are lobbied for, introduced, sent to committee, debated, and ultimately voted on. Criminologists could exert influence at many stages during this process. This influence could range from signing a petition, to sending a letter or a paper to legislators, to advising those who are drafting legislation and offering expert testimony during legislative debate. By far the most common way that criminologists insert themselves into the legislative process is through expert testimony. There is no systematic way that people are vetted for this testimony, but some criminologists are called on repeatedly to offer the legislature their understanding of the criminological wisdom of certain policies.

#### *Engaging the Media*

Experts are not only sought out for direct participation in the legislative process through testifying during hearings, they also are sought out for indirect participation in the policy process through engaging in debates that take place in the media. The power of this indirect participation to exert

influence on the policy process should not be underestimated. Research suggests that the relationship among the media, politicians, and the public is a powerful one. In many ways, the media—driven primarily by ratings—reflect (and perhaps shape) public interests, priorities, and sentiment. With the advent of 24-hour news networks and the proliferation of Internet news sites, the supply of news outlets has grown dramatically. These news outlets often rely on “experts” to buttress their news stories. Research has demonstrated that the media will turn to “expert sources” to support their stories whether those sources are academic experts or not. Criminal justice officials, practitioners, and even laypeople serve as experts in the absence of academic researchers. Michael Welch and colleagues (Welch, Fenwick, & Roberts, 1998) reported that other sources to which the media might turn when criminologists are not available (e.g., practitioners and criminal justice officials) are typically more ideological in orientation. Practitioners and others tend to rely on anecdotal evidence (as opposed to research evidence) and tend to advocate for more “hard” approaches to the problem of crime. Criminologist Greg Barak (2007) argued that criminologists ought to engage more deliberately in “newsmaking criminology.” Barak argued that, by engaging the media, criminologists can help set and shape the crime policy agenda.

Despite the opportunities to engage in newsmaking criminology, relatively few criminologists engage the media with any frequency. There are a handful of criminologists (e.g., James Alan Fox and Larry Kobilinsky) who routinely make themselves available to local and national media outlets. Most others engage the media on more of an ad hoc basis, typically following an individual request from a local news agency.

There are clearly some downsides to engaging the media. The media rely heavily on overly simplistic explanations for complex phenomena. In an age of sound bites and easily digestible news, much of the story—and almost all of the nuances—gets lost. Most criminologists who have worked with the media have tales to tell of misquotes or selective use of material that distort meaning.

### **Organizational Participation**

It is one thing for criminologists, acting as private citizens, to insert themselves into the policy process. It is quite another for formal associations, such as the American Society of Criminology (ASC) or the Academy of Criminal Justice Sciences (ACJS), to take formal organizational action in this arena. The main way these organizations have, to date, been active in the policy process is by a very limited role, such as supporting the work of the specialist scientific group Consortium of Social Science Associations. However, that is now changing. For about 5 years, the ACJS has had a public policy section that has a presence in Washington, D.C., and writes a newsletter about what is happening in the politics of crime. Also, the ASC recently

contracted with a firm in DC to strengthen its voice on Capitol Hill.

Levels of organizational participation in the policy process, in order of “comfort” for the field, might include the following:

1. Advocating for the best possible quality of crime and justice statistics
2. Advocating for scientific peer review process for funding crime and justice research
3. Advocating for large crime research budgets
4. Commissioning the writing of white papers that summarize what is known about a topic
5. Supporting expert testimony before legislative bodies
6. Vetting experts to testify about specific legislation
7. Taking formal organizational positions in crime and justice matters

These are all strategies that are variously taken by one or another of other professional societies (the American Medical Association, American Bar Association, American Sociological Association), and so there is precedent for each of these kinds of participation by criminology. We now briefly review each type of participation.

#### *Advocating for Quality Criminal Justice Data*

Quite a bit of the work of criminologists draws on official data collected by various federal agencies. The Federal Bureau of Investigation collects and compiles crime data through the Uniform Crime Reports (UCR) and the National Incident Based Reporting System. The Bureau of Justice Statistics, alone and in collaboration with the Bureau of the Census, also collects criminal justice data, including, among many others, the National Crime Victimization Survey, the National Corrections Reporting Program, and the National Judicial Reporting Program. Similarly, a number of other federal agencies undertake substantial data collection efforts that address criminal justice issues. These data are used by criminologists as they conduct their research. As is always the case, the quality of the data will, in large part, dictate the quality of the research and the reliability of the findings. Criminologists therefore have a vested interest in ensuring the quality and integrity of these data. Just as important, these data are also sometimes used by the media and unscrupulous criminologists in ways that are seen as problematic by many in the field. Some of the ways in which UCR data have been used—for instance, to rank the nation’s safest or most dangerous cities—are particularly troubling because they rely on overly simplistic rankings of the raw data. Individually or collectively, criminologists might advocate for the collection of quality criminal justice data and for appropriate and responsible use of official data.

#### *Advocating for Scientific Peer Review Processes*

Just as some of the data used by criminologists as they conduct their research is generated by government agencies,

some of the research in the area of crime and justice is funded by those very same agencies. The National Institute of Justice is one of the major funding sources for academic criminological research. The National Institutes of Health; its subsidiary, the National Institute on Drug Abuse; the Office of Juvenile Justice and Delinquency Prevention; and the National Science Foundation also fund research in the areas of criminology and criminal justice. Although the amount of funding set aside for research might vary across presidential administrations, the need for quality controls in the selection of projects identified for funding should not. To that end, academic criminologists seeking to influence public policy sometimes actively involve themselves in the funding selection processes by advocating for peer review processes and, in some instances, serving as peer reviewers.

#### *Advocating for Research Budgets*

Criminologists and criminological organizations have at times advocated on behalf of agencies and bureaus involved in the data collection and research funding enterprises. When local, state, and federal budgets are tight (or in crisis), the tendency has been to reduce or eliminate research funding. Some people would argue this strategy is shortsighted because criminological research has the capacity to address fundamental questions of public policy. The Consortium of Social Science Associations serves as a national umbrella organization that promotes social science research. Criminology is quite well represented in that lobbying group.

#### *Commissioning White Papers*

Professional criminological organizations might also engage in the commissioning of white papers that summarize what we collectively know about an issue based on the accumulated evidence. This is particularly important because one of the major barriers to effective participation in the policy-making process has been the issue of accessibility. Research findings in the field of criminology typically appear in academic journals and books written for academic audiences. These journals and books are frequently loaded with relatively advanced statistical methods, complicated descriptions of the findings, and no small amount of academic jargon. In other words, the findings are not particularly accessible to a general audience or to policymakers. Moreover, the findings often represent a small piece of a much larger puzzle. Findings from one study typically build on findings from previously published work. Experts in the field may be familiar with the accumulated body of evidence, whereas those in a general audience would typically not be. White papers can draw on and more concisely summarize the collection of research findings in a particular area.

An annual publication, *Crime and Justice: A Review of Research*, published by the University of Chicago Press and edited by Michael Tonry, does this for research findings



across a number of areas. The National Academy of Sciences also has commissioned works that synthesize and summarize the state of knowledge within a particular area (perhaps most notably, deterrence and gun control). White papers commissioned by professional associations could be drafted in response to pressing issues of public policy. These reports could adeptly synthesize what criminology as a field has to offer in the form of contributions to our understanding of the issue. The white papers fall short of offering official positions and instead provide information relevant to and necessary for making informed decisions around policy issues.

The ASC has experimented with the white-paper process, but not very successfully. After two white papers were written on incarceration policy, the ASC's executive board decided to end the process because it was deemed not to fit very well with the way the organization works. White papers were seen as too politically controversial to be sustainable by the organization, and no easy process for vetting the papers throughout the whole organization was available.

#### *Supporting Expert Testimony Before Legislative Bodies*

Another way professional organizations could become more directly involved in the policy arena would be through supporting expert testimony before legislative bodies. Most bills that are introduced in legislatures are subject to some debate before they come to a vote. All sorts of legislation related to crime and justice policy makes its way through this process without any input from criminologists or criminal justice experts. Professional organizations might provide funding or simply encourage their memberships to more actively involve themselves in the legislative process.

#### *Vetting Experts to Testify About Specific Legislation*

Professional organizations—and in particular their executive boards—might vet experts to testify about specific legislation. For example, if legislation proposing stricter limits on access to guns were up for discussion, professional organizations could solicit the participation of known experts in the field, perhaps carefully selecting experts representing a variety of viewpoints. The criminological organization could establish a stable of people who have been identified as having unassailable expertise in given areas and then promote their testimony on legislative matters as they arise.

#### *Taking Formal Organizational Positions*

Although some professional organizations (e.g., the American Bar Association) quite routinely announce official organizational positions on issues of importance to their field, the two largest professional criminological

associations—the ASC and the ACJS—have been more reluctant to take formal (e.g., official) positions on matters of criminal justice policy. To date, the ASC has officially taken official policy positions on just two issues: (1) the death penalty and (2) the irresponsible use of crime data. In 1989, the ASC issued its first official policy position proclaiming opposition to the death penalty:

Be it resolved that because social science research has demonstrated the death penalty to be racist in application and social science research has found no consistent evidence of crime deterrence through execution, The American Society of Criminology publicly condemns this form of punishment, and urges its members to use their professional skills in legislatures and courts to seek a speedy abolition of this form of punishment. (American Society of Criminology, n.d.)

Although the ASC's official position on the death penalty reflects the wider membership's general opposition to capital punishment, not all members support that view; neither would all members agree with the official position taken. In part because of concern about announcing official positions in a field in which there are notable differences of opinion, the ASC's death penalty position stood as the sole policy position for nearly 20 years until, in 2007, the ASC board voted to announce a second official policy position, regarding the irresponsible use of crime data. Amid growing concern that official crime data were being misused and misrepresented (particularly in the media), in November 2007, the executive board of the ASC took an official policy position with regard to the use of UCR data:

Be it resolved, that the Executive Board of the American Society of Criminology opposes the use of Uniform Crime Reports data to rank American cities as “dangerous” or “safe” without proper consideration of the limitations of these data. Such rankings are invalid, damaging, and irresponsible. They fail to account for the many conditions affecting crime rates, the mis-measurement of crime, large community differences in crime within cities, and the factors affecting individuals' crime risk. City crime rankings make no one safer, but they can harm the cities they tarnish and divert attention from the individual and community characteristics that elevate crime in all cities. The Executive Board of the American Society of Criminology urges media outlets to subject city crime rankings to scientifically sound evaluation and will make crime experts available to assist in this vital public responsibility. (American Society of Criminology, n.d.)

In addition to announcing official policy positions of the organization, the ASC has also convened a National Policy Committee. As mentioned previously, earlier iterations of the ASC's National Policy Committee have issued two policy papers (i.e., white papers). Each of these white papers makes clear through a disclaimer that the papers express the views of their authors and do not represent official policy positions of the organization (although clearly the policy paper on the death penalty supports the ASC's previously announced official position on the death penalty).

## Conclusion

The purpose of this chapter was to review the position of criminology and criminal justice relative to the world of public policy. Despite an obvious relevance, the field of criminology has historically exhibited a reluctance to engage in questions of public policy in any systematic or concerted manner. Although there are some notable individual exceptions, as a group criminologists have been reticent to participate in the process. Criminological associations have expressed even more reservations regarding such participation.

We should be clear that the state of criminology as a field related to public policy is changing. Where it is headed we cannot say, but there is almost a certainty that the extremely limited participation of the field that has characterized its history is ending. Debates today are less about *whether* to participate and more about how *best* to participate in the policy arena.

## References and Further Readings

- American Society of Criminology. (n.d.). *Policy positions*. Retrieved from <http://www.asc41.com/>
- Austin, J. (2003). Why criminology is irrelevant. *Criminology & Public Policy*, 2, 557–564.
- Barak, G. (1988). Newsmaking criminology: Reflections on the media, intellectuals, and crime. *Justice Quarterly*, 5, 565–587.
- Barak, G. (2007). Doing newsmaking criminology from within the academy. *Theoretical Criminology*, 11, 191–207.
- Barlow, H. (Ed.). (1995). *Crime and public policy: Putting theory to work*. Boulder, CO: Westview Press.
- Blumstein, A., & Wallman, J. (2005). *The crime drop in America*. New York: Cambridge University Press.
- Braithwaite, J. (2005). For public social science. *British Journal of Sociology*, 56, 345–353.
- Burawoy, M. (2004). Public sociology: Contradictions, dilemmas and possibilities. *Social Forces*, 82, 1603–1618.
- Burawoy, M. (2005). For public sociology. *American Sociological Review*, 70, 4–28.
- Chancer, L., & McLaughlin, E. (2007). Public criminologies: Diverse perspectives on academia and policy. *Theoretical Criminology*, 11, 153–173.
- Clarke, R. (2004). Technology, criminology, and crime science. *European Journal on Criminal Policy and Research*, 10, 55–63.
- Clear, T. R., & Frost, N. A. (Eds.). (2007). Criminal justice policy [Special issue]. *Criminology & Public Policy*, 6(4).
- Clear, T. R., & Frost, N. A. (2007). Informing public policy. *Criminology & Public Policy*, 6, 633–640.
- Clear, T. R., & Frost, N. A. (2008). Rules of engagement: Criminology and public policy. *Criminal Justice Matters*, 72, 37–38.
- Cullen, F. (2005). The twelve people who saved rehabilitation: How the science of criminology made a difference. *Criminology*, 43, 1–42.
- Currie, E. (2007). Against marginality: Arguments for a public criminology. *Theoretical Criminology*, 11, 175–190.
- Garland, D., & Sparks, R. (2000). Criminology, social theory, and the challenge of our times. *British Journal of Criminology*, 40, 189–204.
- Laub, J. H. (2006). Edwin H. Sullivan and the Michael–Adler Report: Searching for the soul of criminology seventy years later. *Criminology*, 44, 235–258.
- MacKenzie, D. (2000). Evidence-based corrections: Identifying what works. *Crime & Delinquency*, 46, 457–471.
- MacKenzie, D. (2006). *What works in corrections: Reducing the criminal activities of offenders and delinquents*. New York: Cambridge University Press.
- Miller, J. G. (1989, March). The debate on rehabilitating criminals: Is it true that nothing works? *Washington Post*. Retrieved March 15, 2009, from <http://www.prisonpolicy.org/scans/rehab.html>
- Petersilia, J. (1991). Policy relevance and the future of criminology. *Criminology*, 29, 1–15.
- Petersilia, J. (2008). Influencing public policy: An embedded criminologist reflects on California prison reform. *Journal of Experimental Criminology*, 4, 335–356.
- Sampson, R. J. (2000). Whither the sociological study of crime? *Annual Review of Sociology*, 26, 711–714.
- Savelsberg, J. J., & Sampson, R. J. (2002). Mutual engagement: Criminology and sociology. *Crime, Law and Social Change*, 37, 99–105.
- Sherman, L. W. (2005). The use and usefulness of criminology, 1751–2005: Enlightenment justice and its failures. *Annals of the American Academy of Political and Social Science*, 600, 115–135.
- Sherman, L. W., Gottfredson, D., MacKenzie, D., Eck, J., Reuter, P., & Bushway, S. (1999). *Preventing crime: What works, what doesn't, what's promising*. New York: Russell Sage Foundation.
- Stanko, B. (2007). From academia to policy making: Changing police responses to violence against women. *Theoretical Criminology*, 11, 209–219.
- Tittle, C. (2004). The arrogance of public sociology. *Social Forces*, 82, 1639–1643.
- Welch, M., Fenwick, M., & Roberts, M. (1998). State managers, intellectuals, and the media: A content analysis of ideology in experts' quotes in feature newspaper articles on crime. *Justice Quarterly*, 15, 219–241.

## PART II

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### CORRELATES OF CRIME AND VICTIMIZATION

# 4

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## AGE AND CRIME

LEANA A. BOUFFARD

*Washington State University*

The curvilinear relationship between age and crime is one of the most consistent findings in criminology, and it has been referred to as a “resilient empirical regularity” (Brame & Piquero, 2003, p. 107) and “one of the brute facts of criminology” (Hirschi & Gottfredson, 1983, p. 552). Social statisticians as early as Quetelet in the 1800s (Steffensmeier, Allan, Harer, & Streifel, 1989) identified a strong relationship between age and crime that has come to be known as the *age–crime curve*. The general form of the relationship between age and crime is not much debated. In aggregate studies, the age–crime curve is unimodal, with official crime rates rising in adolescence to a peak in the late teenage years and then declining rapidly through adulthood. It is also apparent that the age–crime curve peaks somewhat later for violent crimes as compared with property crimes. Although much research examining the age–crime relationship has relied on official data and age-specific arrest rates (Marvell & Moody, 1991), Moffitt (1993) noted that the general curvilinear pattern also holds true more generally for conduct disorder, antisocial behavior, and childhood aggression. Farrington (1986) and Hirschi and Gottfredson (1983) have commented that although scholars agree on the general form of the age–crime curve, there is less agreement on its meaning and implications.

### Hirschi and Gottfredson’s “Age and the Explanation of Crime”

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Many scholars have pointed to Hirschi and Gottfredson’s (1983) seminal article, “Age and the Explanation of Crime,” as the beginning of serious debate surrounding the relationship between age and crime. This debate centers around a number of factors, both methodological and theoretical. Specifically, Hirschi and Gottfredson set forth a number of basic perspectives on the relationship between age and crime. First, and perhaps most important, these authors argued that the age–crime curve is invariant across a wide variety of social and cultural factors, including time, place, individuals, and types of crime. Although they recognized that there may be differences in levels of offending among groups (e.g., males and females), they dismissed this variation in favor of the conclusion that the general form of the curve is the same. This invariance argument has profound implications for methodological, theoretical, and practical considerations in criminology and has provoked intense debate among criminologists that are visited in more detail later in this chapter.

Hirschi and Gottfredson (1983) also addressed theoretical attempts to contend with the age–crime curve, arguing that theories should not be obligated to try to explain this

relationship and should not be rejected solely because of their inability to do so. The authors further contended that no existing criminological theories are capable of explaining the age–crime curve. In the absence of strong theoretical explanations, Hirschi and Gottfredson suggested that age has a direct effect on crime and on other social factors proposed to explain crime. An apparent relationship between marriage and reduced offending is spurious, because age causes both; in other words, this relationship appears only because individuals get married and begin to age out of crime at the same time. Finally, Hirschi and Gottfredson argued that conceptualizing the age–crime relationship in terms of a criminal career is unnecessary and potentially misleading, especially because the causes of crime are the same at all ages throughout life.

The arguments Hirschi and Gottfredson (1983) put forth in their article have spurred a great deal of debate in the field and have far-reaching implications for criminological research, theory, and policy. Tittle and Grasmick (1998), for example, argued that Hirschi and Gottfredson's perspective presents a major challenge to many current directions in criminology, including the criminal careers perspective, longitudinal research, developmental theories, and social theories in general. Subsequent sections of this chapter explore the methodological, theoretical, and policy implications of these various arguments about the age–crime curve.

### Methodological Implications of the Invariance Argument

Steffensmeier and colleagues (Steffensmeier, Allan, Harer, & Streifel, 1989) noted disagreement about the strength and consistency of the relationship between age and crime. One of the main methodological points of argument stems from Hirschi and Gottfredson's (1983) assertion that the age–crime curve is invariant across time, place, individual characteristics, offense type, and so on. Many criminologists have addressed this argument and contend that the claim of invariance is overstated. In summarizing the debate, Tittle and Grasmick (1998) found evidence of invariance only when considering the general mathematical form of the curve; in other words, the aggregate age–crime curve looks similar across different places, times, types of individuals, and offense types. All curves share the same general unimodal pattern of rising rates to a peak in late adolescence and declining rates through adulthood. However, Tittle and Grasmick (1998) commented that the claims of parametric and individualistic invariance have been conclusively rejected.

In terms of parametric invariance, studies examining the specific properties of the age–crime curve (i.e., median,

mean, skewness, and kurtosis) have found variations (see Farrington, 1986, and Tittle & Grasmick, 1998). For example, using both the Uniform Crime Reports and self-report data, Steffensmeier and colleagues (1989) found that whereas the general shape of the aggregate curves are similar, specific parameters of the curve do vary. They noted in particular that, over time, the peak of the age–crime curve has shifted to younger ages and the curve has become steeper. In his study of the specific components of the curve, Farrington (1986) also concluded that the age–crime curve is not invariant. Although Gottfredson and Hirschi (1986) dismissed these variations as unimportant, others find them to be substantively interesting and worth attention (Blumstein, Cohen, & Farrington, 1988).

The claim of invariance has also been rejected when the age–crime curve is considered at the individual level. Tittle and Grasmick (1998) noted many individual deviations from the modal age–crime curve. Blumstein and colleagues (1988) argued that because the aggregate age–crime curve is capturing prevalence (e.g., the proportion of the population of a given age that engages in crime), it only appears to be invariant. When one looks at the relationship between age and crime at the individual level, however, one can see a great deal of variation. Farrington (1986) also cited individual variation in offending trajectories, which have been replicated in more recent research (see Nagin & Land, 1993).

This highlights an important methodological debate in terms of whether the relationship between age and crime is due to prevalence (i.e., participation rates) or incidence (i.e., individual patterns of the frequency of offending). Differences in prevalence or participation rates of offending imply that the general shape of the age–crime curve appears because involvement in offending varies by age group. In other words, a larger proportion of the adolescent population participates in offending, while the proportion of the population involved in offending declines for older age groups. A consideration of incidence or frequency of offending, on the other hand, suggests that the age–crime curve is an aggregate representation of individual differences in the number of crimes committed at various ages. In other words, individuals commit a larger number of offenses during their adolescent years and reduce the frequency of their offending as they age. It is now generally agreed that the relationship apparent in the aggregate age–crime curve is due to prevalence (Farrington, 1986; Moffitt, 1993). Beginning with the work of Nagin and Land (1993), studies have continued to demonstrate variation in trajectories of the frequency of offending. Hirschi and Gottfredson (1983) also agreed, and they further argued that differences in prevalence (i.e., distinguishing accurately between offenders and nonoffenders) are the most important consideration in criminology.

### Age, Crime, and Criminal Careers

Other methodological debates surrounding the relationship between age and crime largely stem from the issue of the invariance of the age–crime curve. The claim of individualistic invariance has been rejected, and some researchers, recognizing that there are individual variations in the age–crime relationship, have considered offending in the context of a criminal career. Blumstein et al. (1988) referred to the *criminal career* as “the longitudinal sequence of offenses committed by an offender who has a detectable rate of offending during some period” (p. 2). The criminal careers perspective looks at the relationship between age and crime at the individual level and addresses such components of a career as onset, persistence, and desistance. *Onset* refers to the initiation of criminal behavior, and some researchers have focused on age of onset as an important element of the criminal career. In particular, research has examined whether individuals who initiate their offending early in life are more likely to become long-term or high-rate offenders. *Persistence* refers to the continuation or duration of an offending career, and *desistance* refers to the termination of that career. Although Blumstein et al. argued that there is no reason to expect any particular pattern or tendency within criminal careers, they suggested that the inquiry as to the presence of certain patterns (e.g., escalation in seriousness, specialization in particular types of crime, etc.) is open to empirical investigation.

The criminal careers perspective does not present any particular theoretical model; instead, it is a methodological and empirical strategy that separately considers participation in offending from the frequency of offending among active offenders and allows for the possibility that various theoretical perspectives may be important in explaining different components of the criminal career. Gottfredson and Hirschi (1986), on the other hand, contended that the appropriate comparison for criminology is between offenders and nonoffenders (i.e., prevalence or participation) and that theories that are capable of distinguishing these two groups are adequate without needing to explain different components of a career. For Gottfredson and Hirschi, questions of the incidence or frequency of offending are irrelevant to the understanding of criminal behavior, and the causes of crime are the same regardless of age or criminal career component.

### Longitudinal Research in Criminology

The age–crime curve and the criminal career perspective both imply long-term processes at work. For a variety of reasons, longitudinal studies, which involve repeated measurement over time, have emerged as preferable to cross-sectional studies (i.e., measurement at one point in time) in the study of criminal careers. Blumstein and colleagues (1988) argued that understanding dynamic patterns of offending, whether one is looking for variation or stability, virtually requires longitudinal data,

and they pointed to the inadequacies of cross-sectional data in studying criminal careers. Steffensmeier et al. (1989) likewise argued that there are many social factors that vary by age and that may provide an explanation for the shape of the age–crime curve. Greenberg (1985) pointed out that the impact of dynamic factors will be underestimated in cross-sectional analyses depending on the stability or instability of the variable over time. The distinction between longitudinal and cross-sectional data may be most important when causal ordering is unclear. For example, whereas social control theories propose that weakened social bonds will lead to criminal behavior, it is also plausible that involvement in offending may weaken social bonds (Greenberg, 1985). By measuring social factors and criminal behavior at various points in time, longitudinal studies are better able to ensure the appropriate temporal ordering necessary to demonstrate causation instead of just correlation.

Another important consideration in choosing between cross-sectional and longitudinal research was raised by Farrington (1986), who argued that cross-sectional research easily confuses period, cohort, and age effects. *Period effects* refers to the impact of living in a particular historical period. Regardless of age, individuals who live through particular periods (e.g., World War II) may experience the same events or social conditions. *Cohort effects* may be more easily confused with age effects in that individuals in the same cohort (e.g., born in the same year) may be exposed to similar life experiences (e.g., the Baby Boomer generation). In contrast, the term *aging effects* refers to those social conditions that may vary by age (e.g., maturational reform, changes in peer networks or social bonds, etc.) and would affect individuals regardless of cohort or period. Farrington argued for the necessity of using multicohort longitudinal studies to truly distinguish these period, cohort, and age effects.

Gottfredson and Hirschi (1986, 1987), however, have taken issue with many of these arguments. Hirschi and Gottfredson (1983) argued that if the age–crime curve is the same for everyone, then no special techniques are necessary to understand this relationship. They argued that good cross-sectional studies (e.g., true experiments) are capable of answering the same questions as longitudinal designs, especially considering that the timing of crime and social events is not ambiguous. Because temporal ordering should not be a major problem when studying criminal behavior, according to this perspective one major argument in favor of longitudinal designs is rejected. They also discounted the need to disentangle age, period, and cohort effects, because “crime cannot cause age, period, or cohort” (Gottfredson & Hirschi, 1987, p. 588), and they argued that the attention paid to these issues has distracted criminology from more substantive, policy-relevant concerns.

Gottfredson and Hirschi (1987) also contended that the correlates of crime uncovered by longitudinal research are the same as those reported by cross-sectional research, concluding that longitudinal studies have merely confirmed

results from cross-sectional studies. They cautioned that longitudinal studies are far more expensive, inefficient, and time consuming than cross-sectional studies, providing no added value to the study of crime. Other researchers have pointed to additional difficulties of longitudinal research, including the possible confusion of testing and maturation or aging effects and the high levels of attrition (i.e., dropping out) of high-rate chronic offenders from longitudinal studies over time (Brame & Piquero, 2003).

This debate is far from settled. Gottfredson and Hirschi (1987) contended that the invariance of the age–crime curve means that nothing of value has been learned from longitudinal studies and that it is more important to distinguish offenders from nonoffenders, regardless of age. On the other hand, researchers who are interested in the incidence of offending (i.e., frequency) and criminal careers argue that the curve varies a great deal at the individual level and requires longitudinal data to truly understand the patterns. Sampson and Laub (1995), for example, suggested that although differences between offenders are important, differences within individuals over time are just as important to understand. Scholars, especially those in the criminal careers or developmental/life course traditions, are increasingly turning to individual-level, longitudinal designs (Brame & Piquero, 2003). This research continues to find evidence of varying criminal career patterns and to explore whether different social factors may account for these different patterns (Nagin & Land, 1993; Steffensmeier et al., 1989).

### Theoretical Implications of the Age–Crime Relationship

Debate over the age–crime curve also has significant implications for criminological theory. Hirschi and Gottfredson (1983) claimed that the age–crime curve is invariant, that the causes of crime are the same at all ages, and that no existing social theory is capable of explaining the curve. Traditional criminological theories, such as differential association and social control, have tended to focus on explaining crime during the adolescent period, which represents the peak of the age–crime curve. Although this is to be expected, given that the bulk of delinquent and criminal activity occurs during these ages, Greenberg (1985) argued that crime does not just level off following the transition to adulthood; instead, it consistently declines, which suggests the need for theoretical attention to the entire life span and to the decline and desistance from offending in addition to onset.

Hirschi and Gottfredson (1983) noted that traditional theories have often been judged by their ability to explain the patterns apparent in the age–crime curve. For example, theories are criticized as being able to explain the onset of criminality, leading to the peak of offending, but not desistance. The failure to explain all aspects of the age–crime curve is often taken as a fatal flaw for theories. Hirschi and

Gottfredson argued, however, that a theory that adequately distinguishes offenders from nonoffenders at a particular age (e.g., adolescence) may not necessarily account for the aging-out effect. Because aging out and desistance from crime occur consistently for all groups, the failure to explain desistance should not be used to discount a theory, especially considering that no existing theory, in their opinion, is capable of providing an adequate explanation.

Hirschi and Gottfredson (1983) also argued that, in the absence of a sufficient theoretical explanation, the remaining conclusion is that age has a direct effect on crime independent of other social factors and incapable of being explained by any existing social theories. This would seem to imply some sort of biological explanation, and they referred to a process of *maturational reform*, which occurs pervasively for all offenders, as an explanation of desistance. Farrington (1986) also suggested that maturational reform reflects some biological forces, noting age-related variation in physical strength and skills. Again, according to Gottfredson and Hirschi (1986), because the age–crime curve is invariant, and because aging out of crime occurs similarly for everyone, attempts to explain these patterns with social forces, which are assumed to vary, is futile. These authors ultimately concluded that the correlation between various social factors and crime is spurious, calling into question all existing criminological theories.

### The Age–Crime Relationship in Traditional Criminological Theory

Despite the critique leveled by Hirschi and Gottfredson (1983), the major theoretical traditions in criminology (i.e., strain, social control, and social learning theories) have all been used to provide explanations for variation in criminal behavior over the life span. For example, *strain theory* argues that adolescents and young adults experience more status frustration and strain, which eases with entry into adulthood and legitimate employment. The relative deprivation experienced by youth declines with entry into the legitimate adult labor market (Greenberg, 1985). Theorists have also incorporated some elements of strain theory when considering Easterlin's (1978) perspective on relative cohort size. Easterlin argued that larger cohorts (e.g., the Baby Boomers) face certain disadvantages, such as competition for scarce resources, that result in higher levels of economic deprivation for that cohort. Although Easterlin highlighted the negative economic conditions consistent with a strain perspective, he also suggested that large cohorts may overwhelm social institutions, subjecting cohort members to additional criminogenic social conditions, such as reduced supervision, weakened socialization, and lower levels of social control. These conditions prove to be most detrimental for adolescents and young adults and may account for increasing crime rates when these large cohorts enter the most crime-prone years (i.e., late adolescence and early adulthood).

As Easterlin (1978) and Greenberg (1985) suggested, social control theory may also provide an argument for the changing of crime rates by age. Sampson and Laub (1995) pointed out that the impact of both formal and informal social controls varies by age. This theory argues that social bonds are weakened during adolescence, freeing an individual to violate social norms. Thus, adolescence represents a time when attachments to conventional others, especially parents, and commitment to conventional institutions are reduced. Social bonds may be re-formed in adulthood as individuals accumulate conventional ties to jobs and begin to build their own families through marriage and parenthood. In addition, the consequences of crime become more serious with age and function as more of a control on behavior as individuals amass a greater stake in conformity (Steffensmeier et al., 1989).

Differential association would anticipate that increasing involvement in crime during the adolescent years is due to variation in experiences with delinquent peers (Warr, 1993). In support of this perspective, Warr (1993) used data from the National Youth Survey to demonstrate age-related changes in exposure to delinquent peers, including the percentage of friends who are delinquent, time spent with peers, and the self-reported importance of peers, that correspond to the age-crime curve. During later periods of adolescence individuals in the National Youth Survey reported a larger number of delinquent friends, more time spent with those friends, and more importance of peers in their lives. In multivariate models, the relationship between age and crime was attenuated when peer variables were included. Thus, Warr's research suggests that the age-crime relationship may be at least partially explained by changes in peer associations.

Stolzenberg and D'Alessio (2008) more recently examined the implications of peer association in a different way, addressing whether changes in co-offending account for age-related variations in criminal involvement. Researchers have consistently noted that criminal behavior during adolescence is largely a group phenomenon. This pattern of co-offending may explain the increasing prevalence rates during adolescence that are apparent in the aggregate age-crime curve. Stolzenberg and D'Alessio put forth the following argument:

[The] greater prevalence of co-offending among juveniles, engendered to a large extent from the influence of criminally inclined peers, in turn explains why crime levels peak during adolescence and then begin to decline in early adulthood following graduation from high school. (p. 69)

If this perspective is true, the age-crime relationship should be most apparent when one is considering crimes involving co-offending, but it should disappear when co-offending is taken into account. In other words, the age-crime curve for solo offending should be flat, whereas the curve for co-offending should demonstrate the typical

curvilinear pattern. Using National Incident Based Reporting System data, however, Stolzenberg and D'Alessio (2008) found two interesting results. First, contrary to much of the discussion surrounding adolescent offending, co-offenses are not the most common pattern; instead, solo offending is more common for all age groups, including juveniles. Also, the age-crime curve emerges for both solo and co-offending, suggesting that accounting for co-offending does not attenuate the typical age-crime relationship. Thus, patterns of co-offending do not appear to account for the age-crime curve.

Marvell and Moody (1991) argued that although there is no shortage of speculation about the causes of the age-crime curve, there is little empirical support for any of these explanations, concluding that there is no firm theoretical foundation for the age-crime curve. Tittle and Grasmick (1998) examined a variety of age-varying criminogenic factors but found that including these factors did not seem to account for the age-crime relationship. They reported an inability to discount Hirschi and Gottfredson's (1983) theoretical arguments and concluded that it is not easy to explain away the age-crime curve.

### Propensity Versus Developmental Theories

More recent criminological theories have attempted to explain the curve itself as well as to understand changes in levels of crime over the course of the age-crime curve. Two strategies of accounting for variation across the life course are apparent in criminological theory: (a) propensity theories and (b) developmental or life course theories. *Propensity theories* point to a single underlying stable trait that causes crime at all ages. The most well-known and most frequently tested propensity theory in criminology is Gottfredson and Hirschi's (1990) general theory of crime, which suggests that crime and other risky behaviors at all ages are the result of an individual's low level of self-control. Using a theoretically stable trait to account for obvious age-related variation in criminal offending patterns may seem counterintuitive. Gottfredson and Hirschi contended that low self-control produces criminal behavior in the presence of criminogenic opportunities. Thus, opportunities for crime may vary across the life course even though levels of self-control are relatively stable. Hirschi and Gottfredson (1995) suggested that variation in the opportunity for crime by age accounts for a great deal of the variation in actual criminal activity observed.

In concert with their earlier assertion that the relationship between age-varying social factors and offending is spurious because of age (Hirschi & Gottfredson, 1983), propensity theory argues that any relationship between social factors (e.g., deviant peer associations and weak social bonds) and offending is spurious because of self-control. In other words, deviant peer associations and weakened social bonds are related to offending because they are all caused by the underlying factor of self-control.



Individuals with low levels of self-control are also more likely to associate with deviant peers and have difficulty forging and maintaining the conventional connections that foster strong social bonds. Thus, they continue to argue that criminological theories attributing changes in offending over time to changes in social factors are inadequate.

In contrast to propensity theories, *developmental or life course theories of offending* point to age-related variations in criminogenic factors to explicitly account for the age-crime relationship. Both developmental and life course theories look to the full life course in their explanations of offending. Moffitt's (1993) developmental theory, for example, starts with the conclusion, based on empirical research, that the age-crime curve represents differences in prevalence by age, with a larger proportion of the adolescent population engaging in delinquent or criminal activity. She also argued that the aggregate age-crime curve masks group differences in the relationship between age and crime. In other words, she noted that individual variation in the frequency of offending by age is hidden within the aggregate age-crime curve.

Moffitt (1993) proposed a typological perspective that identifies two separate groups of offenders, each with a different age-crime curve. Thus, the aggregate age-crime curve is a mix of a small group of long-term offenders (referred to as the *life-course-persistent offenders*), which has a relatively flat and stable age-crime curve, and a larger group of individuals with a short-term period of delinquent involvement occurring during adolescence (referred to as *adolescent-limited offenders*), which demonstrates the typical age-crime curve with a large peak during late adolescence. With two different offending patterns, these two groups require different etiological explanations. According to Moffitt, life-course-persistent offenders become involved in criminal behavior early in life and persist in their criminal activity because of the combination of neuropsychological deficits, inadequate parenting, and cumulative disadvantage associated with the negative consequences of early criminal involvement. Adolescent-limited offenders, on the other hand, engage in offending for a relatively short duration. Entry into offending is explained by a maturity gap, in which youth may be biologically mature but remain dependent on and under the control of their families. Minor offending occurs in an attempt to gain some independence and as a result of the imitation of antisocial models. Desistance in this group occurs in early adulthood as social bonds increase and the consequences of criminal activity become more punitive.

Life course theories of offending similarly point to long-term patterns of offending and social forces that operate over the full life course. Sampson and Laub's (1993) *age-graded theory of social control* highlights the processes of both continuity and change in behavior over the life course, looking at both differences between individuals and differences within individuals over time. Entry into delinquent behavior is accounted for by a variety of

social factors, including weak social bonds to family and school in childhood and adolescence. Desistance from delinquency occurs with the accumulation of social bonds, namely, strong marriages, stable employment, and other stabilizing influences, in the transition to adulthood. Persistence (i.e., continuity), on the other hand, occurs as a result of the cumulative disadvantage of early criminal involvement. Sampson and Laub (1995) contended that criminal behavior further attenuates already-weakened social bonds by limiting opportunities within conventional society. Some scholars have argued that the focus on social bonding is too narrow and that many life events may function to alter peer association more in line with a learning perspective instead of a social control perspective (Stolzenberg & D'Alessio, 2008). Sampson and Laub (1995) contended that this does not directly contradict their theory, and the most recent version of the theory (Laub & Sampson, 2003) has expanded to accommodate social bonding, peer, and routine activity influences that change over the life course. For example, marriage may strengthen social bonds as well as attenuate preexisting deviant peer associations and restructure routine activities and criminal opportunities. These life events, then, account for the peak of offending during late adolescence and the dramatic decline in offending that occurs shortly after the transition to adulthood.

### Variation in the Causes of Crime by Age

One question remaining from traditional and life course/developmental theories is whether the causes of crime are the same regardless of age. As might be expected, Hirschi and Gottfredson (1983; Gottfredson & Hirschi, 1990) have argued that the causes of crime are the same at all ages; in other words, social factors do not interact with age to produce criminal behavior. Other theorists suggest that the causes of offending may vary by age. For example, Moffitt (1993) pointed to a variety of theoretical factors that may influence offending at different ages, including early neuropsychological deficits and parenting influences, negative peer associations in adolescence, and social control mechanisms in later adolescence and early adulthood. Tittle and Grasmick (1998) examined the interaction thesis and found no evidence that age interacts with criminogenic forces to produce criminal behavior. Again, they had difficulty discounting Hirschi and Gottfredson's (1983) assertions; however, this issue remains open for debate and empirical investigation.

### Practical and Policy Implications of the Age-Crime Relationship

The debate surrounding the relationship between age and crime has also highlighted some practical and policy implications. Existing criminal justice policies have often

been assessed in relation to the implications of the age-crime curve. For example, strategies such as the *three-strikes law* (according to which courts are required to hand down a mandatory incarceration sentence to offenders who have been convicted of felonies three or more times) have been criticized in that, by the time the penalty for a third strike is implemented, the offender is likely at the end of his or her criminal career and would age out of criminal involvement regardless of the severity of the penalty. Other issues arise with regard to the appropriate crime reduction strategies implied by the age-crime curve and forecasting future trends in crime rates.

### Targeting Participation Versus Frequency

The distinction between participation and frequency highlighted in the criminal careers debate proves to be an important consideration for crime policy. Hirschi and Gottfredson (1986) argued that programs targeted at reducing participation rates (i.e., reducing the proportion of the population that is engaging in criminal behavior) will have the largest effect on crime rates. They advocated for early intervention programs in particular. Farrington (1986) likewise suggested that, because the aggregate age-crime curve represents differences in participation, the best strategy to reduce crime is to prevent its onset by investing in early intervention programs. Blumstein and colleagues (1988), however, suggested that this is only one approach to decreasing crime. A second approach would be to reduce the frequency of offending among active offenders, which would involve more criminal justice strategy. These authors argued that there is a small group of offenders with a high frequency of offending and a relatively flat, stable age-crime curve (e.g., “chronic offenders” or “career criminals,” recognized as early as 1972 by Wolfgang, Figlio, & Sellin). A strategy such as selective incapacitation, which is targeted at reducing the frequency of offending among these chronic offenders, might be recommended. Selective incapacitation, however, relies on the assumption that these chronic offenders can be reliably identified before they are involved in an extensive number of offenses, something that has proven to be a difficult prospect (Gottfredson & Hirschi, 1986). Blumstein and colleagues did not dispute the difficulties in identifying these career criminals but suggested that they remain a valid topic of criminological inquiry.

### Forecasting Crime Rates

Age has also become a major factor in explaining changes in crime rates over time and in forecasting future crime trends. For whatever theoretical reason, scholars have concluded that the age-crime curve reflects changes in the prevalence of offending among certain age groups. It is logical, then, that changing numbers of adolescents and young adults in the population should produce corresponding changes in crime rates (Phillips, 2006). This provides the

potential opportunity to forecast changes in crime trends based on the age distribution of the population (Marvell & Moody, 1991).

Some research has suggested that the dramatically increasing crime rates during the 1960s and 1970s were attributable, at least in part, to demographic changes in the age structure of the population. Steffensmeier and Harer (1999) also suggested that the decline in crime during the first half of the 1980s was partly due to the declining population of teenagers. During this time, the sizable population of Baby Boomers was moving out of the most crime-prone years (i.e., aging out of crime). However, Marvell and Moody (1991) noted that although forecasts suggested a massive decline during the 1980s as the Baby Boomers aged out, the decline occurred for only the first half of the decade. Crime rates then increased again to record highs in the early 1990s even as the size of the teenage population declined (Fox, 1996; Marvell & Moody, 1991). Despite this confusion and apparent complexity in using age to predict crime rates, the declining crime rates during the 1990s were again attributed largely to the declining population of young adults (Steffensmeier & Harer, 1999).

In 1999, Steffensmeier and Harer found that changes in the age composition of the population did not appear to account for changes in crime rates as measured by both the Uniform Crime Reports and the National Crime Victimization Survey. Phillips's (2006) cross-national research also finds no real relationship between the size of the youth population and crime rates. Most important, she found that the relationship between the percentage of young people in the population and homicide is attenuated when other criminogenic social conditions (e.g., low social control, high economic deprivation) are present. She suggested that the relationship between age and crime is complex and that the exact nature of the relationship depends on other social and cultural conditions. Levitt (1999) also concluded that, although forecasting crime rates on the basis of the number of teenagers in the population may be a logical assertion, the magnitude of the impact of age structure on crime remains unclear. His research suggests that changes in the age structure of the population account for no more than a 1% change in crime rates per year.

Marvell and Moody (1991) argued that demographic changes should not be used to forecast crime trends, because the age-crime relationship may not be strong enough to base predictions on, and other criminogenic forces may be more important. Despite the apparent complexity of this relationship, scholars and the popular media continue to forecast trends in crime rates based on the age structure of the population. In 1996, for example, Fox pointed to a “demographic time bomb” of crime and violence related to the increasing population of adolescents and young adults expected through 2010. This echoed earlier suggestions that a new crime wave would be fueled by a new, large generation of “super-predators” (Steffensmeier & Harer, 1999). By 2005, the teenage population was expected to reach its largest size

in three decades (Fox, 1996). However, crime rates declined substantially throughout the decade of the 1990s and remained low in the early 2000s (Steffensmeier & Harer, 1999). Marvell and Moody (1991) summarized this difficulty by concluding from their review of 90 studies that “the age/crime relationship is far from established” (p. 251), limiting its utility in predicting future crime trends based on the age distribution of the population.

## Conclusion

That the age–crime curve is a well-known and consistent correlate of crime often is taught as one of the major facts of crime in criminology courses. Yet the implications of the age–crime relationship for research methods, criminological theory, and practice remain a subject of debate. Largely prompted by Hirschi and Gottfredson’s (1983) strong assertions about the age–crime curve, scholars have continued to argue about its implications. Although Hirschi and Gottfredson argued that explanations accounting for the age–crime pattern are unnecessary, other scholars find various components of the criminal career to be relevant and fruitful avenues for research. Research in this tradition has increasingly turned to longitudinal designs, and theories specifically built around explaining the age–crime curve have become popular in recent years. The practical and policy implications of the curve have proved to be more difficult. The relationship between age and crime is complex, and researchers will likely continue to explore the various issues raised in this chapter.

## References and Further Readings

- Blumstein, A., Cohen, J., & Farrington, D. P. (1988). Criminal career research: Its value for criminology. *Criminology*, 26, 1–35.
- Brame, R., & Piquero, A. R. (2003). Selective attrition and the age–crime relationship. *Journal of Quantitative Criminology*, 19, 107–127.
- Easterlin, R. (1978). What will 1984 be like? Socioeconomic implications of recent twists in age structure. *Demography*, 15, 397–432.
- Farrington, D. P. (1986). Age and crime. In M. Tonry & N. Morris (Eds.), *Crime and justice: A review of research* (Vol. 7, pp. 189–250). Chicago: University of Chicago Press.
- Fox, J. A. (1996). *Trends in juvenile violence: A report to the United States Attorney General on current and future rates of juvenile offending*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.
- Gottfredson, M., & Hirschi, T. (1986). The true value of lambda would appear to be zero: An essay on career criminals, criminal careers, selective incapacitation, cohort studies, and related topics. *Criminology*, 24, 213–234.
- Gottfredson, M., & Hirschi, T. (1987). The methodological adequacy of longitudinal research on crime. *Criminology*, 25, 581–614.
- Gottfredson, M., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Greenberg, D. F. (1985). Age, crime, and social explanation. *American Journal of Sociology*, 91, 1–187.
- Hirschi, T., & Gottfredson, M. (1983). Age and the explanation of crime. *American Journal of Sociology*, 89, 552–584.
- Hirschi, T., & Gottfredson, M. (1995). Control theory and the life course perspective. *Studies on Crime and Crime Prevention*, 4, 131–142.
- Laub, J. H., & Sampson, R. J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA: Harvard University Press.
- Levitt, S. D. (1999). The limited role of changing age structure in explaining aggregate crime rates. *Criminology*, 37, 581–597.
- Marvell, T. B., & Moody, C. E., Jr. (1991). Age structure and crime rates: The conflicting evidence. *Journal of Quantitative Criminology*, 7, 237–273.
- Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 674–701.
- Nagin, D. S., & Land, K. C. (1993). Age, criminal careers, and population heterogeneity: Specification and estimation of a nonparametric, mixed Poisson model. *Criminology*, 31, 327–362.
- Phillips, J. A. (2006). The relationship between age structure and homicide rates in the United States, 1970 to 1999. *Journal of Research in Crime and Delinquency*, 43, 230–260.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Sampson, R. J., & Laub, J. H. (1995). Understanding variability in lives through time: Contributions of life-course criminology. *Studies on Crime and Crime Prevention*, 4, 143–158.
- Steffensmeier, D. J., Allan, E. A., Harer, M. D., & Streifel, C. (1989). Age and the distribution of crime. *American Journal of Sociology*, 94, 803–831.
- Steffensmeier, D., & Harer, M. D. (1999). Making sense of recent crime trends, 1980 to 1996/1998: Age composition effects and other explanations. *Journal of Research in Crime and Delinquency*, 36, 235–274.
- Stolzenberg, L., & D’Alessio, S. H. (2008). Co-offending and the age–crime curve. *Journal of Research in Crime and Delinquency*, 45, 65–86.
- Tittle, C. R., & Grasmick, H. G. (1998). Criminal behavior and age: A test of three provocative hypotheses. *Journal of Criminal Law and Criminology*, 88, 309–342.
- Warr, M. (1993). Age, peers, and delinquency. *Criminology*, 31, 17–40.
- Wolfgang, M., Figlio, R., & Sellin, T. (1972). *Delinquency in a birth cohort*. Chicago: University of Chicago Press.

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## AGGRESSION AND CRIME

KEVIN M. BEAVER

*Florida State University*

One of the most consistently documented findings flowing from criminological research is that approximately 5% to 6% of the U.S. population commits more than 50% of all criminal offenses. This small cadre of offenders is often referred to as *career criminals* or *habitual offenders*, to capture their prolonged and frequent involvement in criminal offenses. Even more striking than the sheer volume of crime committed at the hands of habitual offenders is their widespread use of physical violence. Compared with other criminals, career criminals are more likely to use serious violence; they also use physical aggression much more frequently. Rape, robbery, assault, and murder, for example, are crimes that are almost exclusively confined to habitual offenders. In all respects, then, career criminals represent the most serious violent offenders, and they also pose the greatest danger to society.

Career criminals are thus very different than all other offenders in terms of their frequent involvement in crime as well as their frequent use of aggression. The questions that come to bear, then, are the following: (a) What are the factors that contribute to the development of habitual offenders, and (b) are these the same factors that contribute to the development of all other types of offenders? The answers to these questions are obviously complex, but rich insight can be garnered by focusing on two intertwined issues. First, the use of aggression appears to be one of the main elements that distinguishes chronic offenders from

other offenders. Second, and closely related, the making of criminals is a sequential process that begins at conception and continues throughout the rest of the life course. Any understanding of chronic, habitual offending, therefore, must begin by unraveling the developmental origins of aggression. This chapter explores these issues in great detail and examines the close nexus between aggression and crime.

### Defining Aggression

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Before moving into a discussion of the development of aggression and how it relates to crime, it is first necessary to arrive at a definition of *aggression*. Many types of behaviors can be categorized as aggressive. Lying, stealing, and vandalism are often used as visible indicators of aggression. Although disruptive and socially annoying, these types of behaviors do not necessarily constitute acts of aggression, and they certainly are not harbingers of chronic offending in adulthood. As a result, scholars often divide aggression into different components, each reflecting a relatively homogeneous set of behaviors. The underlying assumption is that different types of aggression may have different etiologies and may differentially relate to the odds of engaging in offending behaviors later in life.

One of the main distinctions made by scholars trying to define aggression is delineating indirect aggression and

direct aggression. *Indirect aggression* is usually verbal and covert and includes actions such as gossiping and ostracism. *Direct aggression*, in contrast, is typically physical and overt and includes behaviors such as hitting, kicking, punching, and biting. In general, females are more likely than males to use indirect aggression, and males are more likely than females to use direct aggression. Although both forms of aggression have important ramifications, it is direct aggression that is most applicable to the etiology of criminal behaviors. As a result, this chapter focuses exclusively on direct aggression.

Simply focusing on direct aggression leaves open a lot of room for ambiguity and treats all forms of direct aggression as the same. For example, consider two men, both of whom engaged in a serious physical fight in the past week. Unprovoked, one of the men attacked an elderly woman. The other man, in contrast, was jumped by a group of teenagers and fought back in self-defense. These two types of direct aggression clearly are different, and thus it is essential that the definition of aggression be able to delineate between the two. In the preceding example, the behaviors were the same: Both men were fighting; however, the intentions were quite different. For one man, using aggression was a way of inflicting harm on someone, whereas for the other man, using aggression was a defense mechanism. To take differences in intentions into account, this chapter defines aggression as direct aggression whereby the actor intends to inflict harm on or intimidate another person.

## The Development of Aggression

One of the most firmly established criminological findings is the age-crime curve, which captures the age-graded nature of delinquency. The age-crime curve resembles an inverted *U*, whereby delinquent involvement does not exist until around the age of 12, then rises sharply until around the age of 18 or 19, at which point it begins to decline relatively quickly. By age 30, rates of criminal involvement hover near zero and remain that way throughout the rest of life. The age-crime curve has been observed at different time periods, in different countries, and by means of different methodological techniques—it is, in short, a robust criminological finding. As a direct result, there has been little reason to suspect that the age-crime curve may not be painting an accurate picture of the ebb and flow of delinquency over time.

Part of the reason that there has been little dispute of the age-crime curve is because most criminologists study adolescents and adults but fail to investigate antisocial behaviors among children. After all, how could children commit crimes such as rape, robbery, or assault? This is, of course, a rhetorical question; children do not—in fact, they cannot—commit these types of crimes. However, they can begin to display signs of antisocial behaviors, and they can engage in various forms of aggression during the first year

or two of life. The problem, however, is that this section of the life course has not been studied extensively among criminologists. In recent years, a small group of researchers, spearheaded by Richard Tremblay, have examined the use of physical aggression among children (Tremblay, 2000, 2006; Tremblay et al., 1999). Their scholarship has pointed to the possibility that theory regarding the age-crime curve may perhaps need to be revamped.

Tremblay and his colleagues have examined aggressive behavior in very young children and tracked them throughout childhood. The results of their studies have been quite striking. They have found that some children begin using aggression, including hitting and kicking, well before their first birthday; in some cases, around 7 or 8 months of age (Tremblay, 2000). Even more revealing is that Tremblay et al. have reported that more than 80% of children began using physical aggression by age 17 months (Tremblay et al., 1999). Within childhood, the peak age at which children use aggression and violence is around 2 to 3 years, after which rates of aggression decline until mid-adolescence. Other types of antisocial behaviors that are not necessarily aggressive per se are also almost universal behaviors among children. For example, Tremblay and associates (1999) found that approximately 90% of children took things from others. With age, all of these types of behaviors become less prevalent.

Against this backdrop, Tremblay and others have argued that there are really two distinct age-crime curves (Tremblay, Hartup, & Archer, 2005). The first, the traditional age-crime curve described earlier, is based on official crime measures and captures involvement in law-violating behaviors. The second age-crime curve measures not criminal involvement per se but rather physical aggression. This age-crime curve also resembles an inverted *U*, whereby physical aggression does not appear until around the age of 1, then increases sharply until around age 3, declining quickly thereafter. Keep in mind that this latter age-crime curve indexes only acts of physical aggression, not official acts of crime or delinquency.

The fact that there are two age-crime curves is a somewhat new finding, and the next logical question is whether these two age-crime curves are interrelated or whether they are distinct from each other. Before tackling this issue, it is first necessary to determine whether behavior is stable and what is meant by *behavioral stability*. There are, in general, two types of stability: (a) absolute stability and (b) relative stability. It is easiest to make the distinction between these different types of stability clear by providing an example. Suppose a group of children was examined when they were 10 months old, again when they were 18 months old, and again when they were 24 months old. Suppose, further, that at each of these three ages, they were assigned an aggressiveness score (based on a valid measure of aggression) that ranged from 0 to 10, with higher scores representing more aggressiveness.

In order for absolute stability to be preserved, the scores for each person must remain the exact same at each age. For example, if a child received a score of 3 on the aggression scale at age 10 months, that child must also receive a score of 3 on the scale at age 18 months, and he or she must also receive a score of 3 at age 24 months. Any change in the value of the aggression scale across time would reduce absolute stability. Perfect absolute stability, where everyone has the exact same score at each age, is rarely, if ever, observed in the social sciences. However, it is possible to approach perfect absolute stability in some instances. *Absolute stability*, in short, measures the degree to which people have identical scores on some measure over time.

*Relative stability*, in contrast, compares all people being assessed (on the aggression scale, in this example) and rank orders them. So, for instance, suppose that there were three children who were once again assigned an aggressiveness score (again, based on a valid measure of aggression) when they were 10 months old, 18 months old, and 24 months old. At each age, it would be possible to rank order these three children, whereby one child would be rated as the most aggressive, another would be rated as the second most aggressive, and the last would be rated as the least aggressive (or the third most aggressive). Relative stability is achieved when the rank ordering of people does not change over time. In the current example, the most aggressive child at age 10 months would also be the most aggressive child at age 18 months, and he or she also would be the most aggressive child at age 24 months. With relative stability, then, change is possible on an absolute level, as long as the rank orderings remain the same. In reality, perfect relative stability is rarely, if ever, achieved, because there is usually at least some change in the rank ordering of people.

The distinction between absolute stability and relative stability is critical, especially when one is examining behaviors over the life course. After all, the frequency with which aggression is used varies drastically across different stages of the life course, and just because someone uses aggression on a daily basis at the age of 18 months does not necessarily mean that he or she will also use aggression on a daily basis at age 35 (absolute stability); however, it is quite a different question to ask whether the most aggressive 18-month-old will mature into the most aggressive 20-year-old (relative stability). In this case, an 18-month-old might use aggression daily, which would make him or her a highly aggressive child. As an adult, however, this individual may not use aggression as frequently and instead may resort to aggression perhaps twice a month. If this is the case, then as an adult this person would still rank near the high end of the aggression spectrum. It is clear that his or her use of aggression has dropped appreciably from an absolute stability perspective, but from a relative stability perspective this person remains one of the most aggressive persons when compared with other adults. From a developmental standpoint it makes more intuitive sense to speak in

terms of relative stability when one is examining the stability of behavior over time. As a result, for the most part when criminologists speak of *stability* they are referring to relative stability, not absolute stability, and in this chapter stability should be equated with relative stability.

A wealth of studies have examined the stability of anti-social behaviors, including violent aggression, over long swaths of the life course, and the results have been remarkably consistent. Across samples, generations, and countries, and regardless of the sample analyzed and the methodological techniques used, extremely high levels of relative stability in aggressive behaviors have been observed. In a classic article, Dan Olweus (1979) reviewed studies that had examined the stability of aggressive behavior over time; he found that aggression was extremely stable, even more so than IQ scores. Findings from more recent reviews have upheld Olweus's original article by showing that aggressive and violent behaviors are highly stable across long periods of the life course. Persons with the highest degrees of stability, moreover, are those who score extremely high or extremely low on aggression. In other words, people who are the most aggressive (or the least aggressive) at one point in time are likely to be characterized as the most aggressive (or the least aggressive) at another point in time. Change, in other words, is highly unlikely. With this information in hand, it is probably not too surprising to learn that one of the best predictors of future criminal behavior is a history of aggressive behavior in childhood and adolescence.

Building on the studies that have examined behavioral stability, criminologists have also examined whether the age of criminal onset is associated with offending behaviors later in life (DeLisi, 2005). Age of criminal onset typically is broken down into two categories: (1) an early age of criminal onset and (2) a later age of criminal onset. Although there are many ways to operationalize an early age of criminal onset, most criminologists measure early-onset offending by examining the age at first arrest. Offenders who were arrested at or before age 14 are usually considered early-onset offenders, whereas those who were arrested after age 14 are considered as having a later age of criminal onset.

Results culled from an impressive body of literature have shown that offenders who have an early age of criminal onset are more violent and aggressive when compared with offenders who have a later age of criminal onset. Early-onset offenders, in contrast to later-onset offenders, engage in delinquent acts more frequently; commit more serious, violent offenses; and continue to commit criminal behaviors for a longer period of time, usually well into adulthood. By all objective standards, early-onset offenders have a much worse prognosis in terms of criminal outcomes than do offenders who have a later age of criminal onset.

One of the main pitfalls of measuring early-onset offending with official crime statistics (e.g., age at first criminal arrest) is that aggressive propensities begin to

emerge much earlier than the age of official offending. This is why Tremblay and others have argued that the age–crime curve does not necessarily portray an accurate picture of criminal involvement over time; instead, it ignores early childhood and pretends that this stage of the life course has no bearing on later-life aggressive conduct. With this in mind, it is now possible to return to the original question: Are the two age–crime curves related, or are they separate? According to Tremblay and others, the two age–crime curves are indeed intertwined, and in the following sections a number of different theoretical perspectives are presented that are able to shed some light on the link between early-life aggression, or the early age–crime curve, and later-life involvement in crime and delinquency, or the later age–crime curve.

### Theoretical Perspectives Linking Early-Life Aggression With Later-Life Crime

Because early-life aggression is such a strong predictor of adolescent delinquency and adult criminal behavior, any sound theory must be able to explain the rise of aggression in childhood, how aggression in childhood is linked to later-life crime, and why most aggressive children do not become criminal as adults. Most mainstream criminological theories collapse when they attempt to provide an explanation for these known behavioral patterns. There are, however, a handful of theories that hold some promise in their ability to explain some of these patterns. Two of the more influential theories—at least within mainstream criminology—are Michael Gottfredson and Travis Hirschi's (1990) general theory of crime and Terrie Moffitt's (1993) developmental taxonomy.

#### Gottfredson and Hirschi's General Theory of Crime

In 1990, Gottfredson and Hirschi published a widely read and highly influential book titled *A General Theory of Crime*, in which they set forth a parsimonious and easily testable theory of crime. Unlike most criminological theories that focus almost exclusively on social factors, Gottfredson and Hirschi centered their attention on a psychological personality trait: low self-control. According to this theory, low levels of self-control are the cause of crime; delinquency; aggression; and analogous acts, such as smoking, drinking, and arriving late to class. Low self-control was defined through six different dimensions: (1) an inability to delay gratification, (2) a preference for simple tasks, (3) a penchant for risk seeking, (4) a preference for physical activities as opposed to mental ones, (5) an explosive temper, and (6) self-centeredness. Persons who score high on these six dimensions have, on average, relatively low levels of self-control and thus are at high risk for engaging in antisocial and criminal behaviors. A rich line of research has tested this proposition, and the results

have been strikingly supportive of the theory. Indeed, of all the existing criminological theories, Gottfredson and Hirschi's theory of low self-control is among the most empirically supported, and measures of low self-control are often the strongest predictors of delinquent acts.

It appears, then, that variation in individual levels of self-control is an important contributor to adolescent delinquency and adulthood crime. Still, the questions that remain are whether this theory can explain (a) aggression in childhood and (b) the link between early-life aggression and later offending behaviors. To address these issues, it is necessary to examine the nature of self-control.

Gottfredson and Hirschi (1990) maintained that self-control is engineered during childhood, typically by the ages of 8 to 10 years. Parents, according to the general theory, are the main agents responsible for shaping and molding their children's level of self-control. Specifically, parents who monitor their children, recognize their children's misbehavior, and punish their children's transgression will raise, on balance, children with relatively high levels of self-control. Parents who fail to engage in these parenting techniques will, in general, raise children with comparatively low levels of self-control.

If this part of the theory is correct, then it takes about 8 to 10 years for parents to shape a child's level of self-control. Moreover, it is not inconceivable to assume that most parents do not engage in much discipline before their children are approximately age 18 months. It is around this time that most children begin to display signs of aggression and consequentially is approximately the same time that most parents begin to punish and correct their child's misbehavior. Over the course of the next few years, at least according to the logic of self-control theory, most parents will continue trying to blunt their children's aggressive behaviors. Most children will respond to parental socialization, their use of aggression will subside, and between the ages of 5 to 8, their aggressive behavior will not be nearly as widespread as it was during early childhood. Parental socialization tactics thus might be able to explain the early age–crime curve set forth by Tremblay and his colleagues (2005).

During the time between childhood and early adolescence the use of aggression is not nearly as high as it was early in life. With the onset of adolescence, delinquent involvement begins to rise sharply to form the initial upswing in the more traditional age–crime curve. Proponents of Gottfredson and Hirschi's (1990) theory argue that variations in self-control can also explain this age–crime curve. Although not well understood, and rarely studied, there is some reason to believe that levels of self-control are, on average, at their lowest during mid-to-late adolescence, around the same time that delinquent involvement is at its pinnacle. Near the end of adolescence and during early adulthood, levels of self-control begin to climb, which corresponds to the rapid drop in delinquency participation rates. The precise reasons for why levels of self-control change over time, however, are not known.

Also, it is important to note that the general theory places a relatively heavy emphasis on the role that criminal opportunities play in transforming low levels of self-control into a criminal act. If there is no crime opportunity available, then no one—not even persons with very low levels of self-control—will commit a crime. Thus, it is possible that there are more crime opportunities available during adolescence (especially because youths are able to escape the constant surveillance of their parents) than earlier in life (between the ages of 8 and 12 years). If this is the case, then self-control theory may be able to explain at least part of the age-graded nature of adolescent delinquent involvement.

The preceding discussion highlights the possible ways in which self-control theory can explain both the early age-crime curve and the later age-crime curve. However, can this theory also explain the stability in antisocial behaviors over time, including the link between early-life aggression and later-life crime? According to Gottfredson and Hirschi (1990), the answer is a resounding “Yes!” To understand their explanation of stability it is important to remember that levels of self-control purportedly emerge by around the age of 8 to 10. Furthermore, according to this theory, after levels of self-control are established, they remain relatively stable over the remainder of the life course. This means that a child with relatively low levels of self-control will mature into an adolescent with relatively low levels of self-control, who in turn will develop into an adult with relatively low levels of self-control. Given that low self-control is the cause of antisocial acts, including aggression and crime, then children with low self-control will be at risk for using aggression and, because they will develop into adolescents with low self-control, they will also be at risk for using aggression in adolescence. In adulthood, persons with low self-control will be apt to engage in aggression as well as criminal acts.

To recap, according to the general theory, the reason that aggression is prevalent during childhood is because self-control has not yet been acquired. As children age and as their parents socialize them, they begin to accumulate much higher levels of self-control. This emergence of self-control is accompanied by a concomitant drop in aggressive behaviors. Of course, not all children develop high levels of self-control, and those children who are typified by low levels of self-control are, according to Gottfredson and Hirschi (1990), the same children who are at greatest risk for continuing to engage in aggressive behaviors in adolescence, and they are also at great risk for engaging in criminal conduct during adulthood. Gottfredson and Hirschi’s theory of low self-control has the potential to explain the link between early-life aggression and later-life law-violating behaviors.

### **Moffitt’s Developmental Taxonomy**

Moffitt’s (1993) developmental taxonomy is one of the most influential criminological theories advanced in recent years. One of the theory’s most noteworthy contributions is

that, instead of treating all offenders as having the same developmental pathways, Moffitt recognized that there were at least two different types of offenders, each with their own unique etiology. The first type of offender, which she labeled *life-course-persistent* (LCP) offenders, begins to display signs of antisocial behavior, including aggression, early in life, often well before the age of 2. LCP offenders, according to the theory, persist with their antisocial behaviors throughout childhood and, during adolescence, they engage in all different types of delinquent acts, ranging from very minor (e.g., underage drinking) to very serious (e.g., assault and robbery). As adults, LCP offenders continue their violent behaviors and criminal conduct; as a result, they often spend a considerable amount of time incarcerated. Approximately 6% of all males are considered LCP offenders, and there is debate over whether there are any female LCP offenders. Although LCP offenders comprise only a relatively small percentage of the population, they make up a disproportionate amount of all crimes, and they are responsible for the majority of all violent crimes.

According to Moffitt (1993), two interrelated factors are responsible for producing LCP offenders. First, LCP offenders are born with neuropsychological deficits. These neuropsychological deficits can be the result of birth complications, exposure to toxins in utero, genetics, or a range of other factors. Second, LCP offenders are born into adverse, criminogenic family environments, where their parents may be abusive, cold and withdrawn, or emotionally detached. To understand how these two factors (i.e., neuropsychological deficits and an adverse family environment) work together to produce LCP offenders it is important to recognize that children born with neuropsychological deficits are often challenging to care for; they tend to be fussy and socially taxing, and they typically have difficult temperaments. Parents who are warm, loving, caring, and attached to their children are often in a position to override the problem behaviors displayed by children with neuropsychological deficits. Some children with neuropsychological deficits, in contrast, are born into criminogenic family environments where their parents are not well equipped with the necessary skills needed to overcome the difficult nature of their child. Over time, the family environment exacerbates the antisocial behaviors of children with neuropsychological impairments, thereby setting the child onto an antisocial pathway that ultimately culminates in the creation of an LCP offender.

Moffitt’s explanation of LCP offenders also has the ability to explain the association between aggression in childhood and crime in adulthood. LCP offenders show extremely high levels of behavioral stability, wherein early-life aggression is associated with serious physical violence in adolescence, followed by criminal involvement during adulthood. Moffitt explained the stable antisocial behavioral patterns of LCP offenders by focusing on transactional processes that occur between the difficult temperaments of LCP offenders and the environment. In



brief, aggressive temperaments propel LCP offenders into certain criminogenic situations. For example, highly aggressive children often have difficulties excelling in school, which may lead to difficulties excelling in school during adolescence. LCP offenders, because of their problems at school, may drop out or, if they do graduate, face career prospects that often are circumvented and not very promising. As adults, then, LCP offenders are somewhat “knifed off” from conventional society, thereby embedding them even further into an antisocial lifestyle where behavioral change is unlikely to occur.

Because only a small fraction of all persons would be considered LCP offenders, Moffitt was left to explain why rates of delinquent involvement are so high during adolescence. To answer this question, she identified a second class of offenders, which she termed *adolescence-limited* (AL) offenders. AL offenders do not display antisocial tendencies in childhood; neither do they engage in criminal behaviors during adulthood. Unlike LCP offenders, who engage in antisocial behaviors at all stages of the life course, AL offenders confine their offending behaviors to adolescence, and their delinquent acts are much less serious than those committed by LCP offenders. The types of delinquent behaviors that most AL offenders commit are relatively minor and mostly include status offenses (e.g., underage drinking, truancy) or other forms of minor delinquency (e.g., petty theft). Most youth would be considered AL offenders because the majority of adolescents dabble in delinquency but are not antisocial as children and never commit a crime in adulthood.

Moffitt (1993) provided a unique and provocative explanation for the factors that contribute to the development of AL offenders. Unlike LCP offenders, who suffer from neuropsychological deficits and an adverse home environment, AL offenders engage in delinquency because of what Moffitt called the *maturity gap*. The maturity gap, according to Moffitt, captures the disjuncture that exists between biological maturity and social maturity for adolescents. Most adolescents would be considered biologically mature in the sense that they are capable of reproducing. In historical times, youth around the age of 13 did, in fact, begin to marry and produce offspring. They were also afforded the same rights and privileges that were extended to adults. In other words, their biological maturity was matched to their social maturity. In contemporary times, in most industrialized countries, however, adolescents are subjected to a series of laws and rules that adults are not. These regulations limit youths’ ability to partake in adult behaviors. Adolescents in the United States, for example, are not allowed to drive a car until they turn 16 years old, they are not allowed to vote until they turn 18, and they may be required to attend school until a certain age. The end result is a gap between biological maturity (i.e., they are able to reproduce) and social maturity (i.e., society places limits on their privileges) in which adolescents are trapped.

The maturity gap creates dissonance in adolescents and, as a result, they search out ways (unconsciously) to reduce

the disjuncture between their biological maturity and their social immaturity. To do so, they turn their attention to LCP offenders. LCP offenders live their lives with a total disregard for rules. They skip school, drink alcohol, have promiscuous sex, and basically thumb their nose at any and all regulations that seek to limit their freedom. In many ways, then, they engage in minor acts of delinquency that are reminiscent of “adult-like” behaviors (e.g., drinking alcohol, not going to school). To reduce the maturity gap, AL offenders mimic these adult-like behaviors being displayed by LCP offenders. By doing so, AL offenders increase their social maturity and erase, at least in part, the disjuncture between biological maturity and social immaturity. As adolescents mature into adults, they begin to be afforded the same privileges that are bestowed to adults. Maturation thus eliminates the maturity gap and, consequentially, delinquent involvement decreases appreciably as adolescents become adults.

Moffitt’s (1993) theoretical perspective has the potential to explain the conventional age–crime curve, but can it also explain the newer age–crime curve discovered by Tremblay and associates (1999, 2005)? Even though Moffitt did not directly confront this issue when setting forth her theory, there is some reason to believe that the developmental taxonomy may be able to shed some light on the early age–crime curve. During childhood, LCP offenders obviously display various signs of antisocial behaviors, including aggression. According to Moffitt’s theory, however, AL offenders do not show any signs of aggression early in life. Thus, the developmental taxonomy is able to explain why LCP offenders use aggression in childhood, but it is not able to explain why almost all children, including AL offenders, use aggression. Moreover, Moffitt’s theory does lend itself to an explanation of why aggressive behaviors decline around age 3 only to reappear once again in adolescence. Overall, however, the developmental taxonomy provides some needed insight into how aggressive behaviors in childhood may be tied to criminal behaviors later in life.

## Implications for Crime Prevention

Rates of recidivism (being rearrested after being released from prison, probation, or parole) in the United States and other countries are extremely high, often hovering around 70% to 80%. Criminals who are released from prison, as well as newly released probationers and parolees, are all at very high risk for committing another crime in the near future. This holds true even among offenders who complete intervention modalities, such as drug and alcohol abuse programs. Part of the explanation for why the United States is not very good at reducing crime is that intervention programs focus almost exclusively on adolescents and adults and ignore children. As this chapter has discussed, this is a serious oversight, because the roots of violence begin to take hold early in life, and early-life antisocial behaviors

remain relatively stable over time. Thus, it would seem logical to conclude that the best way to reduce crime is to prevent it from ever surfacing. This is exactly what the research tends to show. Although some programs that focus on adolescents and adults have been found to be successful at reducing recidivism, the overwhelming majority of such programs have dismal success rates—that is, recidivism rates are extremely high. There is some good news: Programs that focus on the critical time periods of childhood and infancy have been shown to be extremely successful at preventing crime.

To understand how it is possible to intervene in the lives of young children to reduce offending behaviors later in life, it is first necessary to recognize that not all children are equally likely to become habitual offenders. Career criminals, for instance, disproportionately come from impoverished, urban neighborhoods, from single families, and from families in which one or both parents have been arrested previously. A number of other factors have also been found to relate to serious, violent offenders, but the key point is that these factors can be used to identify families who are at risk for producing career criminals. This is precisely the information that early intervention programs use to seek out children who are at risk for future offending behaviors.

Perhaps the most well-known and most successful early intervention program is David Olds's (2007) *nurse-family partnership* (NFP). The NFP identifies mothers who are pregnant with their firstborn child and who are also from low-socioeconomic classes (typically, they are unwed adolescents). Although the original aim of the NFP was to reduce abuse, neglect, and negative birth outcomes, emphasis also has been placed on reducing antisocial behaviors among these children. This latter goal is an especially daunting task given that the NFP focuses on families that are at elevated risk for producing criminals.

Once the women agree to participate in the NFP, they immediately have a meeting with a nurse; this meeting occurs while the women are pregnant. There typically are approximately six to nine nurse visits while the women are pregnant. These nurse visits are designed to accomplish three goals. First, they are concerned with improving the outcomes of pregnancy by helping mothers improve their prenatal health. This entails educating women about the harms associated with drinking, smoking, and using drugs. Improvements in nutrition also are discussed. Note that this part of the NFP is consistent with Moffitt's (1993) explanation of LCP offenders because it targets known risk factors that interfere with healthy brain development and that are linked to neuropsychological deficits. Second, nurses attempt to improve the child's health and development by helping mothers learn about competent care. This part of the program focuses on parental socialization, such as reducing abuse and maltreatment, and increasing effective parenting tactics. Note how this part of the NFP is in line with Gottfredson and Hirschi's (1990) theory on the development of self-control, and it is also consistent with

Moffitt's explanation of LCP offenders. Third, the NFP attempts to help mothers after their children are born by promoting smart choices about education and employment. Nurse visitations continue to occur throughout childhood to promote positive outcomes.

To evaluate the effectiveness of the NFP, Olds (2007) used random assignment, whereby families were randomly assigned either to the NFP or to some other type of programs. To say that the results showed that NFP is effective would be a gross understatement. Compared with children who were placed into another type of program, NFP children accrued 61% fewer arrests, they had 72% fewer convictions, and they spent 98% fewer days in jail. These are truly remarkable gains, especially given that the NFP focuses on infancy and childhood and yet the effects are visible decades into the future. Contrast this with the fact that programs that focus on adolescents and adults rarely achieve such marked reductions in crime. Other early intervention programs, such as the High/Scope Perry Preschool Programs, have also been found to be very effective at reducing and preventing antisocial behaviors in the future (Schweinhart, 2007). The common theme that cuts across most effective intervention programs is that they are established very early in the life course and the earlier the intervention is implemented, the better the results.

## Conclusion

The overarching goal of this chapter was to examine the association between aggression displayed early in life and acts of criminal violence committed during adolescence and adulthood. This discussion led to five key points. First, there is now a rich line of empirical research indicating that the use of aggression peaks during childhood, typically around age 3 years. Second, although the use of aggression usually wanes by late childhood, and is not a predictor of future criminal behavior, most violent offenders have long histories of aggression that can be traced back to early childhood. Third, aggressive behaviors are relatively stable, even across very lengthy periods of time. Fourth, the traditional age-crime curve that captures the ebb and flow of official delinquency in adolescence is complemented by a similar age-crime curve that captures the ebb and flow of aggression during early childhood. Fifth, research has revealed that the most effective intervention programs focus on at-risk families and implement prevention programs immediately after conception. In general, the earlier interventions are established, the larger the reduction in antisocial outcomes.

These findings have important implications for criminologists and for the criminal justice system. To begin with, less attention needs to be paid to offending during adolescence, and more attention needs to be expended on examining the development of aggression in childhood. As it stands now, mainstream criminological research typically

fails to study this important section of the life course and usually focuses narrowly on adolescence and adulthood. However, as an abundance of research outside of criminology has shown, childhood is perhaps the key stage of the life course in terms of the etiology of violent offending. More and more research needs to be directed at unpacking the development of aggression during childhood. Focusing research efforts on childhood advance the understanding of the causes and correlates of crime and delinquency. This important knowledge base then can be used to develop early intervention programs that are based on and guided by methodologically rigorous research findings.

The development of criminal behavior, as this chapter has discussed, is complex, involving a multitude of factors that interlock across time and space. To gain a complete picture of what causes offending behaviors to emerge, how they develop, and why they are stable is a daunting yet exciting enterprise. Insight into these issues is most likely to be garnered from research that takes an interdisciplinary approach and examines environmental and genetic influences on human behavior across the entire life course.

## References and Further Readings

- Benson, M. L. (2002). *Crime and the life course: An introduction*. Los Angeles: Roxbury Press.
- Cairns, R. B., & Cairns, B. D. (1994). *Lifelines and risks: Pathways of youth in our time*. New York: Cambridge University Press.
- DeLisi, M. (2005). *Career criminals in society*. Thousand Oaks, CA: Sage.
- DeLisi, M., & Conis, P. (Eds.). (2008). *Violent offenders: Theory, research, public policy, and practice*. Sudbury, MA: Jones & Bartlett.
- Farrington, D. P., & Coid, J. W. (Eds.). (2003). *Early prevention of adulthood antisocial behaviour*. New York: Cambridge University Press.
- Farrington, D. P., & Welsh, B. C. (2007). *Saving children from a life of crime: Early risk factors and effective interventions*. New York: Oxford University Press.
- Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Karr-Morse, R., & Wiley, M. S. (1997). *Ghosts from the nursery: Tracing the roots of violence*. New York: Atlantic Monthly Press.
- Moffitt, T. E. (1990). The neuropsychology of juvenile delinquency: A critical review. In M. Tonry & N. Morris (Eds.), *Crime and justice: An annual review of research* (pp. 99–169). Chicago: University of Chicago Press.
- Moffitt, T. E. (1993). Adolescence-limited and life-course persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, *100*, 674–701.
- Moffitt, T. E., Caspi, A., Rutter, M., & Silva, P. A. (2001). *Sex differences in antisocial behaviour: Conduct disorder, delinquency, and violence in the Dunedin Longitudinal Study*. New York: Cambridge University Press.
- Olds, D. (2007). Preventing crime with prenatal and infancy support of parents: The nurse–family partnership. *Victims and Offenders*, *2*, 205–225.
- Olweus, D. (1979). Stability of aggressive reaction patterns in males: A review. *Psychological Bulletin*, *86*, 852–875.
- Piquero, A. R., Farrington, D. P., & Blumstein, A. (2007). *Key issues in criminal career research: New analyses of the Cambridge Study in Delinquent Development*. New York: Cambridge University Press.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Schweinhart, L. J. (2007). Crime prevention by the High/Scope Perry Preschool Program. *Victims & Offenders*, *2*, 141–160.
- Shover, N. (1996). *Great pretenders: Pursuits and careers of persistent thieves*. Boulder, CO: Westview Press.
- Stoff, D. M., & Cairns, R. B. (Eds.). (1996). *Aggression and violence: Genetic, neurobiological, and biosocial perspectives*. Mahwah, NJ: Lawrence Erlbaum.
- Tremblay, R. E. (2000). The development of aggressive behavior during childhood: What have we learned in the past century? *International Journal of Behavioral Development*, *24*, 129–141.
- Tremblay, R. E. (2006). Prevention of youth violence: Why not start at the beginning? *Journal of Abnormal Child Psychology*, *34*, 481–487.
- Tremblay, R. E., Hartup, W. W., & Archer, J. (Eds.). (2005). *Developmental origins of aggression*. New York: Guilford Press.
- Tremblay, R. E., Japel, C., Perusse, D., McDuff, P., Boivin, M., Zoccolillo, M., & Montplaisir, J. (1999). The search for the age of “onset” of physical aggression: Rousseau and Bandura revisited. *Criminal Behaviour and Mental Health*, *9*, 8–23.
- Walsh, A., & Beaver, K. M. (Eds.). (2008). *Biosocial criminology: New directions in theory and research*. New York: Routledge Press.
- Wilson, J. Q., & Herrnstein, R. J. (1985). *Crime and human nature: The definitive study of the causes of crime*. New York: Free Press.
- Wright, J. P., Tibbetts, S. G., & Daigle, L. E. (2008). *Criminals in the making: Criminality across the life course*. Thousand Oaks, CA: Sage.

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## CITIZENSHIP AND CRIME

RAMIRO MARTÍNEZ JR.

*Florida International University*

The scarcity of research on Latinos and crime, citizens and noncitizens alike, is one of the most curious shortcomings in the development of race/ethnicity and social science scholarship. This oversight is interesting, because the 1931 Wickersham Commission report focused on police treatment of Mexican immigrants. Moreover, early research on Latinos and police by Julian Samora (1971) includes overlooked studies on Border Patrol mistreatment of noncitizens or illegal aliens and state police abuse of persons of Mexican origin in Texas. The contentious relationship between ethnic minorities and urban police departments during World War II was also highlighted by the “zoot-suit hysteria” and police misconduct in the 1940s, when the singling out of Latinos by various facets of the criminal justice system laid the foundation for protracted animosity between the Los Angeles Police Department (LAPD) and the city’s Mexican-origin community (Martínez, 2002). In fact, Edward Escobar (1999) contended that, even in the absence of solid data on this topic, the LAPD and general community stereotyped Mexican-origin youth as inherently delinquent or criminal aliens for the last half of the 20th century.

Even though early research on immigrants and the police exists, contemporary research on Latino perception of local police, U.S. citizen and noncitizen encounters with federal police agents (i.e., Immigration and Customs Enforcement agents), or city police by residents of heavily

immigrant communities across the United States is scarce. Scholars have understandably directed attention to black and white attitudinal differences toward the police and documented the perception and prevalence of police misconduct in some African American areas, in particular extremely poor communities, where aggressive police strategies are concentrated. Still, researchers interested in examining racial and ethnic variations in experiences with the police and other criminal justice agencies should extend attention to Latinos, because they are the largest immigrant group in the United States; also, almost one third are unauthorized, or illegal, making them one of the largest noncitizen groups in the nation.

This failure to conduct research is even more apparent when one considers that over the last two decades, social scientists have argued that not only is the Latino experience quite different from that of non-Latino whites and blacks but that distinctions also exist among Latino subgroups and gender. In addition to immigration and legality status, these include variations in terms of historical, cultural, political, demographic, economic, and religious patterns. Although a comprehensive discussion of these differences across the social sciences disciplines is beyond the scope of this chapter, it is important to recall that ethnic and immigrant groups require attention by criminologists. More important, a historical foundation on Latinos and crime exists, and that starting place should be used to inform contemporary studies while ensuring that

the incorporation of Latino citizens and noncitizens is a routine development in criminological research.

The purpose of this chapter, then, is to remind readers that noncitizens, especially Latinos and other immigrant group members, usually reside in economically disadvantaged communities. Sampson and Bartusch (1998) noted that legal cynicism and dissatisfaction with police were both intertwined with levels of neighborhood disadvantage, an effect that trumped racial differences in attitudes toward the police, even after controlling for neighborhood violent crime rates. Moreover, ecological characteristics of policing also include the use of physical and deadly force at the city level, officer misconduct in police precincts, and slower response times in communities, highlighting research that attitudes toward the police may be a function of neighborhood context. These actions hit young black males harder than others, but the impact on Latino youths is an open issue, as is the impact of recent immigration and the role of immigrant concentration in shaping police encounters. These issues potentially appear to construct a different story with respect to Latinos, violence, and the police.

This chapter closes with suggestions for future research. U.S. society is now composed of multiethnic populations, and the time has come to routinely examine Latinos in police research as well as differences within citizenship status groups, including naturalized citizens, legal residents, and unauthorized migrants. Pioneering research, together with early immigration and crime studies, includes issues relevant to Latinos and the police. Before addressing what we do and do not know about Latinos and police, the consequences of ignoring the Latino population is emphasized.

### Why Is Research on Latinos Important?

The need to transcend the black–white paradigm of U.S. criminological research is obvious. Latinos comprise both native-born (60%) and foreign-born (40%) individuals, making them a very diverse group in terms of historical background, their manner of reception, and their year of entry into the United States. This last factor is important to acknowledge, because since 1960, the Latino population has experienced substantial growth due to rapid migration from Latin American countries and the Caribbean, along with high levels of fertility. Latinos are now the largest racial/ethnic minority group in the United States, meaning that the nation is as racially, ethnically, and linguistically diverse as it was at the turn of the 20th century, and the Latino population will likely continue to grow in the near future. Also, according to the U.S. census, the population of immigrants who are eligible for naturalization was 8.5 million in 2005; of these, more than one third, or nearly 3 million, were Mexican-origin Latinos (Rodríguez, Sáenz, & Menjívar, 2008). Thus, not only are Latinos of

Mexican origin are less likely to become U.S. citizens, but also the number of naturalized citizens from Mexico rose by 144% from 1995 to 2005—the sharpest increase among immigrants from any major country.

This growth has implications for the United States. Stereotypes regarding the Latino population proliferates in public discourse in the United States, fueled by media reports and perpetuated by some politicians. Most of these stereotypes go unchallenged even while they contribute to the notion that Latino immigrants are a dangerous threat to the nation. According to Leo Chavez (2008), these stereotypes include that Latinos are uneducated peasants, drug dealers, on welfare, and prone to commit crime. Moreover, new policy mandates for tightening the border and singling out illegal immigrants or criminal aliens, who are primarily of Mexican origin, are encouraged by politicians and commentators for the sake of enhancing national security. These mandates include the deployment of the National Guard, the building of a fence at the border between Mexico and the United States, and the labeling of undocumented immigrants as criminal aliens. Immigration policy now reflects national concern about local crime even though there is little systematic research linking these topics.

The failure to conduct research in this area also means that our understanding of this group, relative to whites and blacks, will be underdeveloped. This change requires researchers to consider whether Latinos are exposed to police tactics in a manner similar to black or white residents. If the groups are treated similarly, does immigration or legality status shape the manner in which Latinos are treated by the criminal justice system? As noted earlier, undocumented Latinos are now being targeted by local and federal police agencies, singled out from others in disadvantaged communities, which sets the stage for potential conflict between police and residents. Much like the neighborhoods studied by pioneering researchers in 1931, these activities are concentrated in economically disadvantaged communities, reminding us that economic conditions shape crime, violence, and perhaps police reactions to residents in some poor neighborhoods. However, the outcomes of criminal justice tactics are underexamined for Latinos, and many questions about Latinos and reactions to the police remain unanswered.

For example, although much of the Latino growth is in traditional settlement areas in the southwestern United States, there is substantial movement to places that are new Latino destinations or places where few Latinos resided in previous decades. Havidan Rodríguez and colleagues (Rodríguez, Sáenz, & Menjívar, 2008) noted that the emergence of anti-immigrant laws or ordinances have proliferated in these new destination points, aimed at preventing “illegals” from securing housing, punishing business owners, and allowing local police to search for “illegals” or to ask about legality status, an issue typically in the federal domain. Take, for example, the village of Hazleton,

Pennsylvania, which, according to the 2000 census, has a population of approximately 23,000 residents, about 5% of whom were Hispanic/Latino (Martínez, 2002). In 2006, local officials passed the Illegal Immigration Relief Act, a measure that would have resulted in racial profiling, discrimination, and denial of benefits to legal immigrants. This ordinance imposed fines of up to \$1,000 to landlords who rented to “illegal” immigrants, denied business permits to corporations who employed undocumented immigrants, and made English the official language of the village. Latinos bore the brunt of the latest anti-immigrant hysteria in Hazleton and other places that implemented similar restrictions. Thus, the consequences of anti-immigrant/Latino initiatives are that *all* Latinos, legality of citizenship status aside, are singled out by politicians and the media and are presumed to be in the country illegally.

It is important to note that not only is the composition of the Latino population (e.g., Mexican, Cuban, Puerto Rican, Salvadoran, Dominican) unlike that of most other racial and ethnic groups but also that the Latino population differs from earlier immigrants. The Latino population is growing and is estimated to represent about one quarter of the U.S. population by 2030 (Chavez, 2008). Although they are still concentrated in the southwestern states, Latinos are also drawn to other regions of the country, and they work in diverse sectors of the economy. Last, they are connected to their home countries, and many send money back to their country of birth. Remittances or money sent from immigrants in the United States is an important source of revenue for many countries in Latin America and the Caribbean. A decline in this revenue is ominous and shapes interactions with others left behind as well as Latino immigrants’ absorption into U.S. society. It also potentially creates more poverty in the home country.

## Historical Background

This chapter is a reminder that early research on Latinos/immigrants has not adequately informed contemporary criminal justice studies. F. Arturo Rosales (1999) contributed to the nascent body of research on Latino crime and policing and made an important contribution toward our understanding of early-1900s immigration trends. This included how Mexican immigrants responded to the U.S. criminal justice system and to crime and violence within that system as well as immigrants’ reaction to non-Latino white hostility, which emerged during the era of massive Mexican immigration in the 1890s to 1930s. In other words, early border problems, such as the smuggling of liquor, drugs, and illegal immigrants, persist in contemporary society, as do concerns about an emerging “Mexican problem”—a stereotype that assumes an innate propensity to crime in newcomers who hail from south of the Rio Grande. This stereotype is still reflected in contemporary society by politicians and the media and now targets illegal

immigrants, a demographic group most likely to include persons of Mexican origin.

Regarding policing, some scholars contend that immigrant Mexicans experienced the negative presence of the police system as soon as they landed on the U.S. portion of the border. For example, drawing on historical data, including the 1931 Wickersham Commission *Report on Crime and the Foreign Born*, early researcher Paul Warnshuis (1931) noted that many Mexican immigrants were disproportionately arrested for disorderly conduct, a “color-less charge” used to “keep them in check,” and that “indiscriminate dragnets and brutal arrest tactics” were routine in Latino communities. These activities were undoubtedly linked to the widespread stereotype that Mexicans were inclined toward criminality. Warnshuis also quoted a Chicago police sergeant stating that “You know, Indian and Negro blood does not mix very well. That is the trouble with the Mexican; he has too much Negro blood” (p. 39), a stereotype that persists to this day.

In fact, the notion that Mexican Americans were “born criminals” has not only endured, but also, as Edward Escobar (1999) documented, eventually contributed to national concern about this group, culminating in harsh measures singling out Mexican youth and young adults. By 1943, many residents of the Los Angeles barrios believed that the LAPD regularly violated the rights of Mexican Americans and that police misconduct in the Latino community was routine. In one nationally publicized incident, between June 3 and June 10, 1943, white military servicemen, civilians, and policemen attacked Mexican American youth dressed in the distinctive zoot suits (suits with wide shoulders, thigh-length jackets, and tapered pants). Many were assaulted, shaved, and left naked in the Los Angeles streets. During the riot, LAPD officers allowed servicemen to beat and strip the zoot suiters, usually arresting the Mexican American youth for disturbing the peace. Police officers arrested only a handful of servicemen but jailed more than 600 Mexican Americans. With the police watching, servicemen entered bars, theaters, dance halls, restaurants, and even private homes in search of victims. By the end of the rioting, servicemen were targeting all Mexican Americans and even some African Americans. It is clear that, for some Latinos, hostility and animosity probably defined the relationship between the Latino community and the LAPD even long after the end of World War II.

The extent of this enmity, however, was largely ignored by criminology researchers as scholars in the United States directed their attention to race and crime for several decades, ignoring Latinos. This is unfortunate, because a research foundation existed that could be built upon to inform current research, including learning more from the well-documented police mistreatment of Mexican immigrants in the early half of the century. As early as 1919, the Texas Rangers, a state police force, were involved in “murder; intimidation of citizens; threats against the lives of others; torture and brutality; flogging, horsewhipping, pistol whipping, and mistreatment

of suspected persons; incompetency; and disregard for the law” (Gamio, 1971). The Texas Rangers were also routinely engaged as strike-breakers and took an active role in protecting employers’ interests. They interfered with the peaceful farmworkers’ strike of 1966–1967 and arrested persons without cause.

Julian Samora (1971) wrote that the Border Patrol regularly restricted or relaxed the movement of illegal Mexican aliens according to business cycles in the agriculture industry. The relaxation of immigrant policy, border-crossing enforcement, and the employment of “illegals” were linked to ebbs and flows in the U.S. border economy. When crops needed to be harvested, the Border Patrol participated in getting workers into the field. In contrast, when crop season ended and the workers were no longer needed, the number of apprehensions and deportations spiked. Thus, the periodic roundup of “illegals” was linked to agriculture industry policy and law enforcement practices.

Samora (1971) recognized that routine Border Patrol operations were shaped by concerted efforts to thwart “invasions of illegals” crossing the U.S.–Mexican border. Periodic moral panics created concern about the “growing number of Mexican aliens,” or a financial recession directed attention to the undocumented workers. There was also anxiety about perceived high levels of crime at the border and the potential of disease-ridden “aliens” crossing the border into the United States. During periods of heightened fear, Border Patrol officers saturated entry points; in 1952, they deported more than 500,000 undocumented Mexicans when the decision was made to close the border. As we now know, over time, the Border Patrol redirected its attention elsewhere, and the number of deportees dropped throughout the late 1950s and 1960s.

Thus, racial or ethnic conflict existed for some time in the southwestern United States. Present researchers should draw on work produced by early scholars. The hostile relationship between the Chicano/Latino community and the LAPD lingered for most of the 20th century, and the long-simmering tension from the LAPD zoot suit riot in 1942 can inform current scholars concerned with urban minority group crime, in particular those interested in the causes of urban riots and how police exacerbate racial–ethnic tensions, such as in the 1992 Los Angeles riots. The role that border police play in tightening up enforcement of immigration policy also is not new. The next section draws from a body of ecological research on race and crime and closes with suggestions for future studies.

### **Latino/Immigrant Neighborhood Disadvantage and Police Research**

Much of the recent research on race/ethnicity and crime has been conducted at the aggregate level, on the basis of official data reported to the police. This literature does not ponder individual variations in propensity to engage in criminal

offending but instead considers variations in violent crime victimization or offending across places such as metropolitan areas or cities. Ecological research on crime and violence also draws attention to the relationship between race/ethnicity and place, whether that is the city, metropolitan, or community level, and proposes that racial disparities are linked to the varying social contexts in which population groups exist. A consistent finding in this literature is that violent crime rates, both offending and victimization, are higher in places with greater proportions of blacks or African Americans, and this finding persists over time. Most of these studies use homicide or violent crime rates or counts of racial/ethnic specific violence as the dependent variable, because homicides are routinely detected and reported to the police, but even these studies typically focus on black or white crime differences.

These aggregate-level studies have been valuable because they demonstrate the need to consider racial disparities in crime and in some cases encourage scholars to push conceptions of race and crime to include Latino composition in crime studies. Indeed, researchers have recently evaluated whether the neighborhood conditions relevant to black and white violence also apply to Latinos. At the forefront of recent ecological analyses of Latino violence is a series of articles based in the city of Miami, Florida, a heavily impoverished multiethnic city with large immigrant Latino and foreign-born black populations and high-profile inner-city communities (Peterson & Krivo, 2005). Latino-specific homicides were analyzed either alone or in comparison with models for native-born blacks and whites, and sometimes immigrant Haitians, Jamaicans, or Latino groups, such as the Mariel Cubans. All of these are racial/ethnic/immigrant groups that reside in high-crime and disadvantaged communities in need of police services, and that regularly encounter police officers, but the extent of positive or negative police–citizen interactions is not clear. Moreover, these Miami studies also noted that Latinos usually follow a pattern similar to that among blacks and whites in terms of the all-encompassing effect of concentrated disadvantage or heightened economic problems even though some predictors of Latino homicide are, to some extent, distinct. Thus, the basic linkages among disadvantage and homicide hold for African Americans, Haitians, and Latinos in the city of Miami, even in areas that are dominated by immigrants. This suggests that a need exists to further examine the interactions between police and residents and to explore levels of police treatment because, by extension, the study of Latinos and police encounters at the community level could vary from studies of blacks or whites.

This body of work is important because there is a strong relationship among economic disadvantage, affluence, and violent crime, and this connection has received a great deal of attention given the racial–ethnic differences in the strength of the association between crime and socioeconomic context at the community level. To a large extent,

this notion is rooted in Robert Sampson's and William J. Wilson's (1995) claim that the "sources of violent crime appear to be remarkably invariant across race and rooted instead in the structural differences across communities, cities, and states in economic and family organization" (p. 41), which helps explain the racial-ethnic differences in violence. The premise of this claim is that community-level patterns of racial inequality give rise to the social isolation and ecological concentration of the truly disadvantaged, which in turn leads to structural barriers and cultural adaptations that undermine social organization and in turn shapes crime. Therefore, race is not a cause of violence but rather a marker deriving from a set of social contexts reflecting racial disparity in U.S. society. This has become known as the *racial invariance thesis* of the fundamental causes of violent crime. Still, the racial invariance thesis has rarely been applied to ethnicity, crime, and policing. Although other conceptual or theoretical overviews on Latino crime and delinquency exist, attention is directed to macrolevel approaches, because this is where the bulk of Latino violence research is located.

The study of neighborhood disadvantage and violence has generated similar findings for blacks and Latinos in the border cities of San Diego, California, and El Paso, Texas. Other researchers have compared and contrasted the characteristics of black, white, and Latino homicides in Chicago; Houston, Texas; and Los Angeles or have controlled for social and economic determinants of crime thought to shape racial-ethnic disparities across neighborhoods (Peterson & Krivo, 2005). None have found evidence that more immigration means more homicides in a given area. For the most part, these studies also have led to the conclusion that the "disadvantage link" to homicide is similar for African Americans and Latinos.

Therefore, the impact of disadvantage holds in the case of Latinos on the border and might be extended to ethnic variations in terms of community-level causes of violence. By extension, it also appears that residents of heavily Mexican-origin communities might have enhanced contact with Immigration and Customs Enforcement agents concentrated on or around the Mexican border who are increasingly engaged in aggressive crime control strategies designed to stop the movement of undocumented workers into the United States. Much like the case of young African American males, perceptions of unfair and disrespectful treatment by law enforcement authorities, hand in hand with increased targeting by police in search of immigration violations and undocumented workers to deport, might influence Latino males' perception of police. As immigration crackdowns increase, young Latino adults are singled out regardless of citizenship status, which shapes their views of police and increases their distrust and negative interactions with criminal justice officials. The aggressive targeting by police typically occurs in extremely poor Latino communities and potentially strains relationships with community members and law enforcement officials.

This research discussed in this section supports the notion that structural disadvantage matters for violence

across racial, ethnic, and immigrant groups, and it should also matter for police treatment. However, research on neighborhood contexts and police encounters remains in short supply for Latinos. In short, future research should pay closer attention to potential variations across and within groups of various immigration status, ethnic variations, and perceptions of the police at the neighborhood level.

## Recommendations for Future Research

A number of other important questions should be addressed in the future. For example, how does economic disadvantage operate to produce violence within and across Latino groups with varying levels of citizenship status but in similar communities? Also, is citizenship shaping ethnic differences in dissatisfaction with the police? Moreover, Latinos reside in areas with high levels of disadvantage, but many Latino communities have high levels of labor market attachment, even though typically it might mean employment in menial jobs. What happens when law enforcement officials target specific areas populated by working poor Latinos with aggressive policing tactics designed to subdue immigration policy violations but not necessarily crime? Will native-born Latinos be content with these tactics when pulled off the streets in these sweeps along with documented and undocumented immigrants?

It is not surprising that Latinos disapprove of recent stepped-up immigration enforcement. In a recent survey by the Pew Hispanic Center, Latinos reported wholeheartedly disapproving of a variety of enforcement measures (Menjivar & Bejarno, 2004). More than 80% said that immigration enforcement should be left mainly to the federal authorities instead of the local police; approximately 76% disapproved of workplace raids, 73% disapproved of the criminal prosecution of undocumented immigrants, and 70% disapproved of the criminal prosecution of employers who hire undocumented immigrants. Most Latinos agreed that there has been an increase in the past year in immigration enforcement actions targeted at undocumented immigrants, and more than one third of surveyed Latinos said there has been an increase in anti-immigrant sentiment. A majority of Latinos also reported worrying about deportation.

The potential rise of racial profiling among Latinos is an important topic to consider. In the Pew survey nearly 1 in 10 Latinos, both native and foreign born, reported that in the past year the police or other authorities had stopped them and asked about their immigration status. Thus, will Latino profiling increase hand in hand with police strategies disseminated in reaction to the growth of immigration across the United States? This tactic has the potential to create fear and distrust of the police in many Latino communities, where some families are blended, including immigrant parents and children born and raised in the United States. For example, the Border Patrol recently announced plans to check the documents of Texas residents in the Rio Grande Valley in event of a hurricane evacuation



before they are allowed to board evacuation buses. Some residents were concerned that this policy would encourage some people to not evacuate, further endangering immigrant communities and burdening agencies engaged in evacuation, rescue, and relief efforts.

This, of course, has a potential parallel in many immigrant communities. As immigrant blacks, such as Haitians in Miami, move into older African American areas, should we expect more or fewer negative encounters with police profiling in the cities of Miami, Miami Shores, North Miami, El Portal, Biscayne Park, and adjacent communities? Similarly, what about when whites were replaced by Haitians in these areas? These are neighborhoods or municipalities where the lack of attention to heavily immigrant black communities versus African American areas is another unfortunate oversight. Will border police, in search of immigrant blacks, profile African Americans, creating even more hostility in a community already resistant to police authority? Miami is an ethnically diverse community, with many Latino groups hailing heavily from the Caribbean basin. Perhaps cities such as Los Angeles and Houston, where the Mexican-origin population resides alongside Salvadorans and other Latino group members, provide yet another alternative scenario to the study of Latinos and police.

What is the impact of public or police corruption in the home country for Latino immigrants? It is possible that, as disadvantaged as conditions may be, that immigrants may use their home countries, which might have even worse economic and political conditions, as reference points when assessing their economic position relative to others, but the impact of these comparisons on police encounters requires more research. For example, research on human smuggling suggests that law enforcement officials actively aid in facilitating illegal immigrants' exit from their country of origin to the United States. Public officials openly request money and gifts to facilitate the immigration process to the extent that workers in the smuggling business consider public corruption a cost of doing business (Chavez, 2008). Even though they develop a general distaste for corruption and the extraction of bribes, which cuts into their profit margins, in the end public or police corruption is part of the price built into the smuggling business. These activities probably shape immigrants' perceptions, expectations, and tolerance of American law enforcement. It very well might be that an immigrant's prior experience in his or her home country has set such a low standard of expectation that it affects what he or she expects and will tolerate in the United States. Given the widespread popularity of immigration crackdowns, researchers should reconsider what works and what does not work when trying to improve police–citizen relations in Latino communities.

The growth of Latino populations across the United States has probably sparked an interest in increasing ethnic diversity among many police organizations; however, relatively few major departments are primarily Latino, and thus more research is needed on how the changing ethnic composition of these organizations influences the

relationship between race/ethnicity and crime. Communities of varying racial–ethnic makeup potentially have unstable relations with criminal justice organizations, especially in regard to police behavior. The extant literature has clearly provided a foundation on which to build an awareness of how Latino police officers interact with others beyond Miami, especially in the southwestern United States, where the history of racial–ethnic relations is very different from that in the rest of the country. Research on perceptions of police by family members, friends, coworkers, school mates, and neighbors of Latino residents who interact with law enforcement agencies routinely remains in short supply.

## Conclusion

Scholars clearly should broaden their focus beyond blacks and whites to include Latinos with varying levels of citizenship status whenever possible in future research on police treatment and the criminal justice system. The growth of Latinos across broad sectors of U.S. society requires a renewed focus on multiple racial/ethnic/immigrant groups in the comparison of experiences with the police across a variety of communities and regions. Related to the growing ethnic diversity across the nation is the renewed concern about the influx of immigrants and the perpetuation of stereotypes on criminal immigrant Latinos by political commentators, policymakers, and residents in areas with growing immigrant Latino populations. The incorporation of Latinos will help scholars of violent crime, serious delinquency, and policing produce a broader understanding of the race/ethnic and violent crime linkages and expand that focus to include the diverse ecological contexts in which blacks, whites, and Latinos reside.

In addition, early scholars had an intimate understanding of the role Latinos and immigrants played in crime and police research in their era. Regrettably, that degree of familiarity seems to have disappeared from much of the recent criminology and policing literature, making it difficult for readers to benefit from the insights arising not only from the violent crime and disadvantage literature but also from other areas in the social sciences, especially the insights yielded by recent immigration studies. Until we bring Latinos and immigrants back into the study of crime, while considering citizenship status, our understanding of race/ethnicity will be underdeveloped at best.

## References and Further Readings

- Chavez, L. R. (2008). *The Latino threat: Constructing immigrants, citizens, and the nation*. Stanford, CA: Stanford University Press.
- Escobar, E. (1999). *Race, police, and the making of a political identity: Mexican Americans and the Los Angeles Police Department, 1900–1945*. Berkeley: University of California Press.
- Gamio, M. (1969). *Mexican immigration to the United States*. New York: Arno Press and *The New York Times* (Original work published 1930)

- Gamio, M. (1971). *The life story of the Mexican immigrant*. New York: Dover. (Original work published 1931)
- Martínez, Jr., R. (2002). *Latino homicide: Immigration, violence and community*. New York: Routledge.
- Mazon, M. (1984). *The zoot-suit riots*. Austin: University of Texas Press.
- Menjívar, C., & Bejarano, C. L. (2004). Latino immigrants' perceptions of crime and police authorities in the United States: A case study. *Ethnic and Racial Studies*, 27, 120–148.
- Peterson, R. D., & Krivo, L. J. (2005). Macrostructural analyses of race, ethnicity, and violent crime: Recent lessons and new directions for research. *Annual Review of Sociology*, 31, 331–356.
- Rodríguez, H., Sáenz, R., & Menjívar, C. (2008). *Latinas/os in the United States: Changing the face of América*. New York: Springer.
- Rosales, F. A. (1999). *¡Pobre Raza! Violence, justice, and mobilization among Mexico Lindo immigrants, 1900–1936*. Austin: University of Texas Press.
- Samora, J. (1971). *Los mojudos: The wetback story*. South Bend, IN: University of Notre Dame Press.
- Samora, J., Bernal, J., & Peña, A. (1979). *Gunpowder justice*. South Bend, IN: University of Notre Dame Press.
- Sampson, R. J. (2008). Rethinking crime and immigration. *Contexts*, 7, 28–33.
- Sampson, R. J., & Bartusch, D. J. (1998). Legal cynicism and (subcultural?) tolerance of deviance: The neighborhood context of racial differences. *Law & Society Review*, 32, 777–804.
- Sampson, R. J., & Wilson, W. J. (1995). Toward a theory of race, crime, and urban inequality. In J. Hagan & R. D. Peterson (Eds.), *Crime and inequality* (pp. 37–56). Stanford, CA: Stanford University Press.
- Warnshuis, P. L. (1931). Crime and criminal justice among the Mexicans of Illinois. In National Commission on Law Observance and Enforcement, *Report on crime and the foreign born* (No. 10, pp. 265–329). Washington, DC: U.S. Government Printing Office.

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## WEATHER AND CRIME

DERRAL CHEATWOOD

*University of Texas at San Antonio*

Although questions about weather and crime, climate and crime, and season and crime are each different, they share a common assumption: that weather somehow influences criminal behavior. Many of the oldest beliefs about an association between weather and human behavior were based on otherworldly causes, ranging from weather gods to the positions of heavenly bodies. Astrology, which dates back 5,000 years, is a classic example of that approach. Other explanations, from Hippocrates some 2,400 years ago to Montesquieu in 1748, have assumed that the climate of specific areas influenced the populations living in those areas—for example, that hot southern climates produced hot-blooded people and cold northern climates produced cold-blooded people. Beginning in the 1800s, criminologists from Adolphe Quetelet to Cesare Lombroso argued that climate influenced the biology of the individual, which could lead the population of a given climate toward higher rates of crime. Most of those assumptions—in fact, pretty well all of them—have been discounted by recent scientific research. However, a number of modern theories of crime provide some well-reasoned arguments as to why weather and, by extension, climate and season, should quite logically be expected to influence criminal behavior.

This chapter defines what is generally meant by *weather*, *season*, and *climate*. It considers some of the theories that would lead one to expect a relationship between weather and crime and concludes that the routine activities theory of crime and theories that focus on stress in social

interactions offer the best explanations for the relationships seen. It then looks at the data that suggest that weather, climate, or season have an effect on crime. Finally, taking all this into consideration, it reaches some conclusions as to whether weather, climate, or season influence crime rates or crime patterns and if so, how.

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### Weather, Climate, and Season

There are actually three aspects of weather that have been studied in criminology: (1) weather itself, (2) season, and (3) climate. *Weather*, as defined in the *Glossary of Meteorology* (Glickman, 2000), is the state of the atmosphere of the earth, and the major components of that atmosphere that criminologists examine (and on which the local meteorologist reports) are temperature, humidity, precipitation, cloudiness, wind, and barometric pressure. The *Glossary* notes that *weather* commonly refers to short-term atmospheric conditions, usually thought of in terms of hours or days. Many of the modern studies of the impact of weather on crime use day-to-day changes in these weather elements as independent variables.

All natural events, including weather, occur in the dimensions of space and time. *Climate* is a pattern of weather characteristic of some given space, usually a large geographic area. Obviously, the weather will vary day to day and month to month both in southern Texas and in

northern Minnesota. However, just as obviously, the weather in southern Texas will characteristically be hotter and drier, and the weather in northern Minnesota will be colder and wetter. A pattern of weather characteristic of a period of time, usually months, that recurs with regularity from year to year constitutes a *season*. No matter what one day's weather may be, or what the climate may be, in almost all locations the weather changes during the year, being hotter during one period and cooler during another. The fact that the changing seasons affect human behavior patterns is confirmed by data on almost all human activity, including crime.

Because *climate* and *season* describe different aspects of weather, it is important to consider each of them separately when discussing the impact of weather on crime. Crime is a social behavior, and virtually every behavior in which humans engage is affected in minor or major ways by the weather that surrounds us, the change of seasons that change that weather, and the common weather patterns that define our climate. Both logic and a superficial review of crime data support the appearance of some relationship of weather to crime, and criminologists address questions about what the nature of that relationship is and how we can explain how weather either directly or indirectly brings about that relationship.

## Theoretical Models of the Relationship of Weather and Crime

### Early Explanations

Early philosophers believed that the weather had an effect on the biological and psychological makeup of individuals, and thus of cultures, with temperate climates making for temperate personalities and hotter climates making for more aggressive personalities. Characteristically, they argued that hotter days, hot seasons, and hot climates influenced individuals directly, making them less capable of controlling their inhibitions and more subject to impulsive and often aggressive behavior. Society, then, merely reflected those individual influences.

During the birth of modern social science in the 1800s, a Belgian statistician named Adolphe Quetelet formulated the *thermic law of delinquency*, which held that crimes against person are more common in hotter climates and seasons, whereas crimes against property are more common in cooler climates and seasons. During the rest of that century and into the 20th century, many of the first criminologists, from Cesare Lombroso and Enrico Ferri to Gustav Aschaffenburg, supported this thermic law. In the United States, some researchers blamed excessive heat for stimulating the emotions, increasing irritability, and bringing about lower levels of social inhibition, with a resultant inability to control one's impulses. All of these factors, they argued, led to the higher murder rates seen in the hotter

southern areas of the United States. This was carried further to a racist *climatic determinism* that argued that blacks, tracing their ancestry to the hot regions of Africa, carried a hereditary tendency to aggression and lower impulse control derived from that climate, which resulted in the higher murder rates among African Americans.

Others, however, rejected this biological determinism and began to observe that the correlation of weather and crime was mediated by culture and the changing nature of social interactions (Falk, 1952, provided an excellent review of this literature). In his comprehensive examination of suicide as a social phenomenon, one of the outstanding early sociologists, Émile Durkheim (1897/1951), countered these explanations and the thermic law of delinquency. Examining data on crime as well as suicide, he was one of the first scholars to bring a systematic scientific method to bear on the relationship of weather to crime. He pointed out that the patterns of personal aggression, both murder and suicide, that appear characteristic of certain climates at one time in history are not necessarily characteristic of those same climates at other times in history. He also demonstrated that within any climate different subcultures in the population will display different levels of aggression. It is, he argued, not the climate but the culturally framed social activity of the people who live in that climate that fosters or prevents aggression.

In examining seasonality, Durkheim (1897/1951) used data on Europe from much of the 1800s that did in fact indicate higher murder rates and suicide rates in the summer. However, after an analysis of those data, he concluded that it is not heat per se that brings about changes in the individual that lead him or her to commit murder or suicide. He argued that instead, the rates for those instances of premature or voluntary death occur during the summer because during that season social life is far more active, and social interactions are more intense. In noting this he was among the first to understand that the influence of weather, including seasonal or climatic effects, was indirect, bringing about changes in social interactions, which then changed the levels of crime and suicide.

### Modern Theories

During the growth of modern criminology in the 20th century, theorists increasingly came to follow Durkheim's lead and examined how weather, climate, or season affects our day-to-day social interactions. Throughout the century, a variety of explanations were tested using increasingly sophisticated methods, and by the beginning of the 21st century two models had evolved to explain weather's impact on crime: (1) interactional theories focusing on stress and (2) routine activities theory.

*Interactional theories* look at the relationship of the individual to the social milieu in which he or she lives. In short, how do people manage to get along with each other day to day? In this model, stress—the need to constantly

adapt to changing conditions and accommodate others in social interaction—is a constant in all human behavior. We react and respond to our environment using socially learned habits of adaptation provided by our culture. That environment consists not only of other people and our interactions with other people but also the physical world. These adaptations usually are quite functional and allow the individual to deal with normal levels of stress. In cases of extreme weather, however, these normal adaptations are stretched beyond their functional limits, and normal physical, psychological, and social reactions begin to break down.

The way we are taught to accommodate increased stress brought about by hot weather, and even the way we are allowed to accommodate, is culturally, socially, and economically conditioned. In very hot weather in public work settings in the United States, men may take their shirts off. Women, by law and by cultural convention, may not. In very hot weather, middle- and higher-class people can stay inside their air-conditioned homes. The poor, unable to afford air conditioners and the energy to run them, cannot. In other words, the way groups of people are able to adapt to increased stress is based on everything from economic status to gender. During times of stress, these differences can result in increases in criminal behavior in some populations more so than others.

This stress is not all social or psychological. Heat has a very real physical impact on our bodies. During periods of increased heat we perspire, and blood flow is increased near the skin to better dissipate heat. However, at some point our bodies are physically unable to keep up with the stress produced by increasing heat (and accented by increasing humidity). Research has established that there are qualitative points, called *discomfort points*, at which heat (or the relationship of heat and humidity) begins to noticeably affect most people, and those points show up as having a relationship to some crimes, notably, assault and murder.

Beyond the biology of the individual, however, crimes are more often the result of stresses that derive from human interaction, and both weather and season change our patterns of behavior and thus, indirectly, the nature and level of stress to which we are subjected. These common patterns of behavior are called *routine activities*, and they are the focus of the second major approach to understanding the impact of weather and season on crime.

*Routine activities theory*, developed by Cohen and Felson (1979), is probably the most widely used model to explain the relationship of weather, climate, and season to crime. This theory holds that crime is the result of the convergence in time and in space of motivated offenders, suitable targets, and the absence of capable guardians. Note that it is not a causal theory that seeks to explain why individuals become motivated to commit crime; instead, it simply states that when people who might decide to commit a crime (or who are already intent on committing a crime) wind up at the same place and at the same time as people

or places that are suitable targets, and there are no other people or structures or props present that can protect those suitable targets, crime will increase.

Weather, climate, and season can have an impact on all three of those components (i.e., motivated offenders, suitable targets, and lack of guardians). The time around Christmas, for example, often finds us economically stressed, with an immediate need for cash to buy presents (or to pay bills from credit cards used to buy those presents). Field studies of armed robbers have revealed that robbery is often the result of a perceived need for immediate cash and that the preferred targets are individuals who are likely to have cash or valuables and unlikely to have a defensive weapon. Those two factors predominate around Christmas. Furthermore, the mass of shoppers in malls and in parking lots can overwhelm security personnel and normal security measures, leaving the suitable targets without adequate guardianship. And sure enough, FBI data confirm that robbery is the only Crime Index crime that is regularly more common in the deep winter months (December and January; Falk, 1952).

Even a look at the same type of crime, but different sets of victims, reveals that the common activities in which people engage are significant influences on the crimes they commit. McCleary and Chew (2002) examined seasonal risks for homicide but focused on victims who were children under age 15. They confirmed that the summer season peak found for adult victims was also characteristic of school-aged children, but for children under age 5 they found a significant peak in homicide victimization during the winter months. Most offenders in these child murders were young mothers, and the event precipitating the homicide was likely to have involved demands for food, clothing, or attention. These demands were most likely made at home, were more stressful for young mothers with less experience, and were accented during winter months, all of which explain the higher murder rates for young children during that season.

In research that compared routine activities theory with a more traditional psychological theory suggesting a direct association of temperature and aggression, Hipp and colleagues (Hipp, Bauer, Curran, & Bollen, 2004) found that routine activities theory was more effective in explaining the differences found in both violent and property crime. As we will see, data on a variety of different crimes over a number of years and in a variety of places support that conclusion. It is also important to point out that we have to be very careful not to confuse levels of scale when comparing a sociological theory such as routine activities theory with a biological or psychological theory. Even when considering stress, we have to be careful to make sure our data and our theory are derived at the same level of scale. Durkheim (1897/1951) pointed out that one should explain social facts only with other social facts. If we have data on crime rates that are derived from large population groups, for example, we have to be sure our theories are not reducing

our explanations for a group's crime rate to the psychological makeup of the individuals of that group.

Most modern explanations of how weather affects crime, then, rely either on a model suggesting that weather increases the level of interactional stress and pushes our culturally provided adaptations to their breaking point or one that suggests that weather has a role in changing the routine activities and patterns of social interaction, which changes the likelihood of crime. These theories are based on crime and weather data, and they are continually being tested by researchers using ever more detailed and extensive data sets. This research has yielded findings that do seem to be consistent as criminologists examine the impact of weather and season on crime.

## The Data

First, there is no question that very extreme weather conditions affect crime patterns, just as they affect all other human activities. If a hurricane strikes a city with 100-mph sustained winds, burglary will go down during the hours that those winds are present. This is not because there are no motivated burglars in the city, or because there are no unprotected homes or businesses with valuables in them (in fact, there are probably more unprotected homes, because individuals with resources may have evacuated the area). The simple fact is that when it is impossible to walk on a street, the burglars cannot get to the homes. However, in a study of the impact of Hurricane Hugo, James LeBeau found that, once the hurricane had passed, there was a significant increase in calls to police for burglary as well as to report a "man with a gun," suggesting a possible increase in defensive gun use (LeBeau, 2002). When the motivated offender is able to move about, when suitable targets are available, and when the activities of guardians such as the police are directed elsewhere, crime increases.

In general, criminologists do not look at such extreme weather events. Instead, they conduct their research on the range of normal variations in weather factors, seasonality, or climate, and look for changes in crime patterns that relate to changes in those factors.

## Climate

Although variations in climate and its effect on people served as explanations of differing crime rates in much of the early literature on weather and crime, the impact of climate on crime has been largely discounted. The earliest observations that led criminologists to suggest climatic impacts on crime were geographic differences in crime rates. In the United States, this was in particular the consistently higher murder rates found in the South. It is a fact that murder rates in the South have been higher than in any other region of the United States since data on crime have been collected. Examinations of the correlation of the South with

homicide rates has become progressively sophisticated over the past hundred years, and a significant debate has developed in criminology as to whether the association of murder and "Southern-ness" is due to cultural differences (particularly among minority populations) or to structural differences along economic lines. What is significant, however, is that in the dozens of scientific articles published on this question since the 1960s, climate is no longer considered as a possible explanation.

Research conducted by DeFronzo (1984) near the end of the 20th century may have effectively laid the climate and crime argument to rest. After controlling for nonclimatic variables, climate had only weak and indirect associations with crime rates. DeFronzo found that economic conditions, urbanization, and population demographics remain the primary predictors of overall crime rate (again, with the debate continuing over exactly which of the three carries the primary explanatory power).

From this, the research shifted initially toward seasonal effects on crime. Then, as computers gave us the ability to do increasingly complex research on increasingly large databases, criminologists turned to the examination of more precise, short-term weather factors.

## Season

Quetelet's thermic law of delinquency argued that heat and violent behavior were related, such that violent crimes should be higher in the summer months and property crimes higher in the winter. A casual examination of Uniform Crime Reports data indicates that there is a considerable seasonal effect for both violent and property crime in the United States. However, when one looks at the Uniform Crime Reports for 1990 through 2003, it is obvious that the months in which the property crimes of burglary and larceny are highest are not in the cooler seasons but in July, August, September, and June (Hipp et al., 2004). Thus, a simple examination of the data challenges the thermic law. Research in other locations has also found seasonal patterns for particular crimes, although some of these patterns are not the same as those found in the United States. In England and Wales, robbery and burglary both increase in the winter, whereas personal crimes peak during the summer; in Ghana, the personal crime of assault is also highest between June and September. Landau and Fridman (1993) examined the seasonality of robbery and homicide in Israel and found that robbery followed a strong seasonal pattern of higher rates in the winter but that homicide, although somewhat more common during certain months, displayed no seasonal pattern (August was high, but July was low; March was high, but April was low). In the Southern Hemisphere, where the seasons are reversed, the patterns also are reversed. Studies of sexual abuse in Chile indicated that the months in which the number of cases were highest were November, October, and December (late spring and early summer in Chile), with

the lowest number of cases appearing in late autumn and winter during the months of May, June, and July (Tellez, Galleguillos, Aliaga, & Silva, 2006).

Indeed, in the United States, a temporal pattern in which certain months are significantly high and certain other months significantly low is apparent in almost all crimes. The problem is to determine whether the pattern variation is seasonal or monthly. This may sound like the same thing, but there is a difference, and it is a very important difference for theory, research, and policymakers. If one looks at American data over the past five decades, one can see that a number of crimes are highest in the warmer months of June, July, August, and September (Hipp et al., 2004). Larceny (theft), burglary, aggravated assault, and rape all have peaks in July and August, with the third highest month most commonly being either June or September. So, looking at American data we see a seasonal pattern for rape, assault, larceny and burglary, with all being higher during summer months. Because two of these are personal crimes and two are property crimes, they obviously do not support Quetelet's thermic law of delinquency.

Robbery and murder, on the other hand, show significant monthly patterns, but the months involved do not appear in any one season. July and August are also among the three highest months for murder in the United States, but the third most common month for high murder rates is December. This indicates a significant monthly pattern for homicide, yet it is clearly not a seasonal pattern. Also, robbery, which is considered a personal crime by the Uniform Crime Reports, is consistently at its highest during the months of December, January, October, and August (Cohn & Rotton, 2000).

What these data lead us to suspect, and research confirms, is that in any country the seasonal or monthly patterns characteristic of any crime are determined in large part by cultural patterns. In one of the most pronounced cultural effects, Zimring and associates (Zimring, Ceretti, & Broli, 1996) discovered that crime of all types drops by half in Milan, Italy, during the month of August, the month in which a large proportion of the Italian population goes on holiday. They noted that the opportunities for crime (suitable targets and the absence of capable guardians) do not decrease; in fact, there should be more unguarded homes and fewer guardians in place. The only conclusion that seems to fit their data is that "social processes unknown in American cities reduce criminal activity in Milan almost in half during the vacation month of August. . . . Crime takes a holiday in Milan during August apparently because criminals take a holiday" (Zimring et al., 1996, p. 277).

In sum, the relationship between the hotter months of summer and a peak in rape and assault seems to be almost universal. However, although there is no such universal *seasonal* pattern for property crimes, robbery, or murder, many locations do show a pronounced *monthly* pattern for those crimes. Oddly, it appears that the thermic law of higher personal crimes in the summer and higher property crimes in the winter may hold for other locations, including

parts of Europe (Rotton & Cohn, 2002, p. 487), but not for the United States.

When we examine the data on season and specific crimes in more detail, the results strengthen the idea that the seasons act on crime by bringing about changes in routine activities and increases in interactional stress. Recall that July and August are the most common months for murder but that the third month in which murder is most likely to occur is December. Obviously, July, August, and December have drastically different weather patterns. However, these are the months in which we tend to take vacations as well as the ones during which we interact more frequently with friends and family. As many of us are aware, those people who can cause us the most stress—who can really push all our buttons—are the same people to whom we are closest. These months also see an increase in alcohol consumption. Alcohol releases inhibitions and can increase aggression, and it is a common drug of abuse among young males, who constitute the group with the highest murder rates (as both offenders and as victims). Increased interactions among people with strong emotional ties, which produce increased stress, and the increased use of alcohol by high-risk groups during the summer and over the holidays should be expected to increase the incidence of homicides, and that is what we see. It is not the weather characteristic of the season but the nature of social interactions that are influenced and changed by that weather.

This proposition is further supported when one compares seasonal patterns of murder and assault. Criminologists frequently make the argument that aggravated assault and homicide are "sibling" crimes; that is, they are the same behavior—an attack by one person with the intent to do serious bodily harm to another—and the only real distinction is whether the victim lives or dies as a result of the attack. If this is correct, then we would expect to see the same pattern of July, August, and December being the most common months for aggravated assault, just as we did for murder. However, that is not the case. The months with the highest reported cases of aggravated assault are July and August, but then June and September tie for third. Not only is December not one of the highest, but also it is consistently the month in which the lowest number of aggravated assaults are reported. On the one hand, that could mean that murder and aggravated assault are not the same behaviors at all, but it is also possible that assaults occurring around Christmastime are less likely to be reported because, as our theories suggest, they are more likely to occur between friends or members of an extended family. And that is exactly what happens when criminologists look at the reports made to police. The reporting of assault goes down near the holidays, often because fights between friends or family are hidden, but fights that result in a death cannot be hidden, and the number of murders increases. As Anderson noted as early as 1989, "It is probably the case that within families, assaults are relatively

unlikely to be reported to the police. Obviously, within-family [or within-friend] homicides cannot be correspondingly underreported” (p. 84).

In sum, it is not the weather characteristic of the season that directly increases aggression in individuals; instead, it is the social behavior characteristic of the season for each culture that changes the probability that criminal behavior may result, and this seems to apply across cultures. Most of the findings on the subject of weather and crime are based on American data, but research conducted in other nations suggests that although seasonal and weather effects on crime appear to be universal, the form they take is shaped by unique cultural patterns.

### Weather

Although the results of research testing the impact of the full range of weather variables vary from study to study, there is fairly solid evidence for a relationship between crime and temperature, with lesser support for such a relationship between crime and humidity, precipitation, or changes in barometric pressure. A few isolated studies have found some impact of cloudiness, precipitation, or barometric pressure on crime, but most research using those variables does not. Only temperature seems to produce relatively consistent findings over the years (Rotton & Cohn, 2002, provided a good review of this research). Furthermore, temperature has been examined in a number of different ways. Basic raw temperature, as well as the discomfort produced by the addition of humidity in the *temperature humidity index* (originally called the *discomfort index*), have been tested. The temperature recorded at periods of time as short as 3 hours has been examined, as has the effect of consistently high temperatures over a number of days. Regardless of how it is tested, in one study or another, an increase in temperature has been found to correlate with increases in assault, homicide, rape, robbery, burglary, larceny, and domestic violence.

Studies that have examined the combination of weather effects and time effects on crime patterns have found that they are related. In line with routine activities theory, street crimes are consistently higher during weekends, when people engage in more leisure activities, have more time on their hands, are more likely to use alcohol, and are more likely to leave their homes for other entertainment venues. As a result, weekends are more likely to reduce guardianship for crimes such as larceny and burglary and are more likely to place demographic groups with higher propensities for aggressive crime (young males) in entertainment situations involving alcohol and in contact with suitable targets for aggression (anything from other young males to young females), with a concomitant increase in murder, aggravated assault, rape, and robbery. Temperature not only has a general impact on crime, but it also appears to compound or accentuate the impact that day of the week has on crime. Crime consistently increases on weekends,

but research shows that it increases more on hotter weekends than on cooler weekends. Taking this even further, LeBeau and Langworthy (1986) made the insightful observation that the increase in both crime and police calls for service during the summer months should thus not be considered unusual, “since vacations from work and school are primarily extended weekends” (p. 139).

So, routine activity models are strongly supported by both seasonal and weather data, but what about stress? Researchers looking at assaults in Dallas during the early 1980s divided neighborhoods into low status, medium status, and high status and found that the link between the discomfort produced by a combination of heat and humidity during the summer and an increase in aggravated assaults during that time was significantly more pronounced in low-status neighborhoods. This fits neatly with the argument that it is the ability to cope with increased stress and discomfort over time that provides a key to understanding the relationship between weather and assaultive crime. Increases in assault were associated with increases in the temperature humidity index across Dallas. All three classes of neighborhoods showed calendar variations, with some increase during summer months and a peak in assaults during the weekend, but the increase was significantly more pronounced in neighborhoods where economic disadvantage limited residents’ options to accommodate increased discomfort. In those low-status neighborhoods, during periods of increased heat, assault increased at a higher rate than in the more affluent neighborhoods because the poor “are less able to control the comfort of their home and work spaces and are perhaps more susceptible to the complex manifestations of heat stress” (Harries, Stadler, & Zdorkowski, 1984, p. 598).

In sum, most factors of weather—rain, snow, fog, weather fronts, barometric pressure, or wind—do not display consistent results when tested for their impact on crimes. Only temperature seems to be related, and the relationship is both robust and consistent across most studies of weather and crime or season and crime. Higher temperatures, or higher temperatures combined with higher humidity, produce such discomfort that our adaptations to stress are stretched to their limits. This discomfort also changes our patterns of routine activities in ways that place us at higher risk of both property and personal crimes. At the societal level, the impact of weather is further mediated by day of the week, the demographic structure and cultural matrix of the population, and the socioeconomic structure of the population. As with so many other things, our cultural, economic, and physical environments modify how we are affected, and how we respond to, everything we encounter.

### Conclusion

Complex research on weather factors and crime across long periods of time or in numerous locales requires the



handling of extremely large data sets, and this has been possible only with the development of sophisticated data-gathering meteorological instruments; the advent of the computer; and the development of analytical techniques to handle large, complex data sets. As a consequence, and despite significant early studies conducted with the limited data and analytical techniques available, the study of detailed weather patterns and resultant crime changes is only a little over three decades old. In that short history there are some contradictory results in the research, often based on results obtained only for very limited geographic areas or periods of time. There are also a number of questions that have not yet even been addressed. Despite those problems, however, there do appear to be some basic conclusions we have reached that can be taken as a starting point for future research:

1. Of all of the weather variables measured, only higher temperatures, often augmented by higher humidity, show a consistent and robust relationship to crime.
2. In the United States there are pronounced seasonal patterns for rape, assault, burglary, and larceny, with all of these crimes increasing during the summer months. Other nations also display seasonal patterns for specific crimes, but they do not always have the same summer peak seen in the United States.
3. Both murder and robbery show regular monthly patterns, but not along seasonal lines. From this, it is important to understand that the impact of weather, whether seasonally or day by day, on any population is mediated by the culture, the social and economic status, and the demographic structure of that population.
4. The most effective model explaining the observed relationship between weather or season and crime is routine activities theory. Activities common to hotter weather or hotter seasons tend to directly or indirectly influence the probability of a convergence of motivated offenders, suitable targets, and reduced guardianship. Interactionist models that consider changes in stress produced by differing behavior patterns occurring in different weather situations or seasons also show promise in explaining changes in personal crime.
5. Climate as an explanatory variable for crime differences or the alleged criminality of any population has been largely discounted.

It is inherent to the nature of science that conclusions that are accepted at one point in time will change as more research is conducted to test those conclusions. Criminology scholars need to continue studying the relationship of weather and homicide in order to sophisticate theory, to test previous results with more accurate data and better analytical techniques, and to produce policy recommendations that can help reduce crime.

There is a need to improve criminological theories that address the relationship of weather and crime. Criminology needs better integration of the existing theoretical models, and there is a need to continue research that specifically tests

theories of the weather–crime relationship. Some studies have done this, but future research needs to develop very specific testable propositions that would enable us to integrate (or to distinguish between) two or more theories and then perform the research necessary to test those propositions.

We now have ever more complex and detailed data. Where early research often had only the number of crimes reported in some area over some period of time and, at best, daily weather data for those areas and times, modern technology can now secure hour-by-hour weather and crime data for any number of places over long periods of time. However, only improvements in theory can lead to more carefully selected data and more precisely targeted analysis. The research conducted from the 1970s through the 1990s began to explore the possibilities. Now, in the 21st century, criminology has enough consistent findings, much more sophisticated analytical techniques, and equipment capable of applying these techniques to massive data sets.

With all of this, further research is needed across broader geographic areas and over longer periods of time. We are becoming aware that weather “works” in interplay with temporal data, for example. We know that weather conditions can change the impact of time of day or day of the week, and we suspect this applies to major holidays as well. If some assumptions of interactional stress are correct, we need to begin to examine these interactions in more detail, including examining whether these weather and time interactions are different in hotter versus cooler climatic areas.

It is also significant for the future study of weather effects on crime that we are controlling our weather environment far more than we used to. We air-condition our homes, our cars, our businesses, and our places of entertainment. The data may be hard to obtain, but criminologists need to begin to consider what impact that has, particularly as it spreads (or fails to spread) to subgroups in our society, specifically, the poor. If these changes allow most people to mitigate much of the impact of increased heat and concomitant stress, but are not available to the poor, what impact will that have on crime rates in those neighborhoods in which crime is already a significant problem?

In this regard, criminologists need to begin to consider ways to apply the knowledge obtained. We cannot change the weather—at least, not yet. However, if we understand the impact of weather conditions on different areas, different times, and different populations, then we should become better able to prevent, or at least reduce, increases in crime resulting from this impact. It is possible that some of the most basic understandings of how temperature affects people’s routine activities or increases their levels of social stress, with resulting increases in crime, might enable us to act to head off some of those increases. We cannot yet put climate-controlled weather domes over our major cities, but with well-developed theory leading us to examine detailed data, we might be able to find some ways to address the weather–crime interaction with the technology we now have.

## References and Further Readings

- Anderson, C. (1989). Temperature and aggression: Ubiquitous effects of heat on occurrence of human violence. *Psychological Bulletin*, *106*, 74–96.
- Block, C. (1984). *How to handle seasonality*. Chicago: Illinois Criminal Justice Information Authority.
- Chang, D. (1972). Environmental influences on criminal activity in Korea. *Criminology*, *10*, 338–352.
- Cheatwood, D. (1995). The effects of weather on homicide. *Journal of Quantitative Criminology*, *11*, 51–70.
- Cohen, L., & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, *44*, 588–608.
- Cohn, E. (1993). The prediction of police calls for service: The influence of weather and temporal variables on rape and domestic violence. *Journal of Environmental Psychology*, *13*, 71–83.
- Cohn, E., & Rotton, J. (2000). Weather, seasonal trends and property crimes in Minneapolis, 1987–1988: A moderator-variable time-series analysis of routine activities. *Journal of Environmental Psychology*, *20*, 257–272.
- Cohn, E., & Rotton, J. (2003). Even criminals take a holiday: Instrumental and expressive crimes on major and minor holidays. *Journal of Criminal Justice*, *31*, 351–360.
- DeFronzo, J. (1984). Climate and crime: Tests of an FBI assumption. *Environment and Behavior*, *16*, 185–210.
- Dexter, E. (1904). *Weather influences*. New York: Macmillan.
- Durkheim, E. (1951). *Suicide: A study in sociology* (J. Spaulding & G. Simpson, Trans.). New York: Free Press. (Original work published 1897)
- Falk, G. (1952). The influence of the seasons on the crime rate. *Journal of Criminal Law, Criminology and Police Science*, *43*, 199–213.
- Field, S. (1992). The effect of temperature on crime. *British Journal of Criminology*, *32*, 340–351.
- Glickman, T. (Ed.). (2000). *The glossary of meteorology* (2nd ed.). Boston: American Meteorological Society.
- Harries, K., & Stadler, S. (1986). Aggravated assault and the urban system: Dallas, 1980–1981. *Journal of Environmental Systems*, *15*, 243–253.
- Harries, K., Stadler, S., & Zdorkowski, R. (1984). Seasonality and assault: Explorations in inter-neighborhood variation, Dallas 1980. *Annals of the Association of American Geographers*, *74*, 590–604.
- Hipp, J., Bauer, D., Curran, P., & Bollen, K. (2004). Crimes of opportunity or crimes of emotion? Testing two explanations of seasonal change in crime. *Social Forces*, *82*, 1333–1372.
- Landau, S., & Fridman, D. (1993). The seasonality of violent crime: The case of robbery and homicide in Israel. *Journal of Research in Crime and Delinquency*, *30*, 163–191.
- LeBeau, J. (2002). The impact of a hurricane on routine activities and on calls for police service: Charlotte, North Carolina, and Hurricane Hugo. *Crime Prevention and Community Safety*, *4*, 53–64.
- LeBeau, J., & Langworthy, R. (1986). The linkages between routine activities, weather, and calls for police services. *Journal of Police Science and Administration*, *14*, 137–145.
- McCleary, R., & Chew, K. (2002). Winter is the infanticide season. *Homicide Studies*, *6*, 228–239.
- Michael, R., & Zumpe, D. (1983). Annual rhythms in human violence and sexual aggression in the United States and the role of temperature. *Social Biology*, *30*, 263–278.
- Pakiam, J., & Lim, J. (1984). Crime and weather in Singapore. *International Journal of Comparative and Applied Criminal Justice*, *8*, 209–220.
- Quetelet, A. (1968). *A treatise on man and the development of his facilities*. New York: Burt Franklin. (Original work published 1842)
- Rotton, J., & Cohn, E. (2001). Temperature, routine activities, and domestic violence: A reanalysis. *Violence and Victims*, *16*, 203–215.
- Rotton, J., & Cohn, E. (2002). Climate, weather, and crime. In R. Bechtel & A. Churchman (Eds.), *The handbook of environmental psychology* (pp. 481–498). New York: Wiley.
- Tellez, C., Galleguillos, T., Aliaga, A., & Silva, C. (2006). Seasonal variation of sexual abuse in Santiago de Chile. *Psychopathology*, *39*, 69–74.
- van Koppen, P., & Jansen, R. (1999). The time to rob: Variations in time and number of commercial robberies. *Journal of Research in Crime and Delinquency*, *36*, 7–29.
- Zimring, F., Ceretti, A., & Broli, L. (1996). Crime takes a holiday in Milan. *Crime & Delinquency*, *42*, 269–278.

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## EDUCATION AND CRIME

GORDON A. CREWS

*Marshall University*

The purpose of this chapter is to provide an overview of the topic of education and crime. Although at first glance this appears to be a simple task, there is an inherent complexity to examining such a broad subject. There are many different perspectives from which a discussion of education and crime could develop. Criminologists might assume that a discussion of education and crime would comprise an overview of the impact that an individual's education level may have on his or her criminal or antisocial behavior. Alternatively, parents might assume it is a discussion of the impact of school violence and crime on the safety and learning of their children, and legislatures might assume it to be a comparison of the monies spent on fighting crime in the United States versus those spent to improve American schools. A novice might be expecting all or none of these approaches. This chapter attempts to address all of these views, albeit briefly.

The chapter begins with an overview of the generally accepted views about the relationships between education and crime. Given the volume of research on this topic, researchers have generally agreed on several basic specifics that they believe reflect the true relationship between crime and education. Next, this chapter attempts to clarify several points that need to be addressed initially. First, several general terms are defined (e.g., *education*, *educational attainment*, *intelligence*, *street smarts*, and *crime*) and then discussed as they are used in the study of the connections between education and crime. Finally, a discussion of how these terms intermingle is offered.

In order to develop a comprehensive framework from which to examine the concept of education and crime, two overall perspectives are addressed: (1) education's impact on crime and (2) crime's impact on education. It is hoped that through a discussion of these two general perspectives readers can develop an appreciation for the complexity of such a broad research area.

The concept of education's impact on crime is examined first. In this examination, education is in essence discussed as a definite inverse correlate between its attainment and criminal behavior; that is, as one (education) increases, the other (crime) decreases. A discussion of education's preventative nature is also presented, with a focus on its repressive nature in regard to initial criminal behavior and eventual recidivism rates. This examination involves a brief discussion of the connection between intelligence (IQ) and crime.

Crime's impact on education is also discussed as the second overall perspective in examining education and crime. In this discussion, crime is identified as a potential barrier to educational opportunity and attainment. Strong evidence supports the belief that criminal behavior and crime often block many people from beginning the educational process. That many others are prevented from educational attainment due to arrests, periods of incarceration, and past convictions/criminal histories also has strong empirical support. Finally, violence and safety issues in schools are briefly discussed in regard to the way they influence these subjects.

## General Perspectives

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Although the topic of education and crime may seem straightforward, there are many different viewpoints from which it can be examined. Researchers have studied this topic from many different perspectives. As a result of this research, several connections between education and crime have been introduced into the literature and are widely accepted. The following are a few of the empirically supported beliefs about the connections between education and crime:

- A person's lack of education often increases the likelihood that he or she will become involved in crime and antisocial behavior. The opposite is considered true as well: The more education an individual has, the increased likelihood that he or she will live a crime-free life.
- The lack of educational attainment generally decreases one's future employment opportunities because of increasing hiring standards in society, thus leading to possible criminal behavior for those individuals who cannot obtain viable employment.
- The lack of education and educational attainment generally limits one's IQ, thus making him or her more vulnerable to others for exploitation and potential secondary criminal involvement.
- The more educated a community is, the less crime it experiences.
- The more educated a person is, the less he or she fears crime, and the less it significantly affects his or her life.
- It is generally believed that increases in one's criminal behavior decrease his or her ability (and motivation) to complete higher levels of education (i.e., dropping out of school, getting expelled).
- History has demonstrated that increases in crime rates will almost always drain valuable resources from a community's educational needs and require that those resources be directed toward crime control efforts.
- History has also shown that an increase in local neighborhood crime very often decreases the effectiveness of local schools' educational programs and even student attendance.
- African Americans and Hispanics, overall, have less educational attainment than other racial groups. They also have a higher dropout rate than other racial groups. African Americans and Hispanics who drop out of school have a much higher rate of incarceration than those who do not. Research has empirically supported the theory that African Americans and Hispanics have higher rates of criminal behavior, and many scholars argue that there is a definite correlation between race and crime.
- On a practical level, one need only look at the fact that on days when school is in session, the level of property crime committed by juveniles decreases drastically.

Given these findings, it is difficult for many people to believe that, given that the United States has one of the

highest incarceration rates in the industrialized world, its rate of spending on educational systems is among the lowest. Many consider this to be one of the major catalysts for the ongoing increases in delinquent and violent behavior in America.

## Definitions

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To understand the possible connections and correlations between education and crime, one must first have an understanding of the essential parts of this discussion. These essential parts are actually definitions of several basic terms that people often use without giving much thought to their proper connotation. These terms may seem universally understood, but, as with many seemingly basic concepts, they have many different interpretations. In the sections that follow, definitions are provided for several key terms: *education*, *educational attainment*, *intelligence*, *street smarts*, and *crime*.

### Education

The word *education* encompasses both the teaching and instruction and the learning of knowledge and information. This could involve the learning of proper social conduct and/or the absorption of technical competency. Simply put, education is one's ability to know something and his or her ability to then do something with this information. It very often focuses on the development of one's skills to work effectively in various trades or professions. It also involves the development of one's mental capacity, moral development, and global understanding.

Formal education consists of methodical instruction, teaching, and training by professional teachers, instructors, trainers, and professors, whereas informal education generally consists of instruction from parents, families, peers, or social interactions. The former consists of the application of pedagogy (i.e., strategies and/or styles of instruction) and the development of curricula (i.e., a set of instructional activities to offer instruction), whereas the latter consists of the social learning that a person gains from interactions with his or her intimate peer groups.

In evaluations of the topic of education and crime, education is most often viewed as something that one is given, has, or accepts, that influences his or her future behavior; that is, education is something that changes how a person views himself or herself and his or her environment. Education is generally viewed as a positive influence on one's behavior and life. It is widely accepted that the more education a person has, the more social that person's behavior will be, and the more opportunities he or she will have; he or she ultimately will have a better quality of life. A basic assumption in the field of criminology is that the higher a quality of life one experiences, the less likely he or she will be motivated to be involved in criminal or anti-social behavior.

## Educational Attainment

*Educational attainment* is generally viewed as a measure of the amount of education a person has completed at any given point in his or her life. This usually involves a listing of the highest level of education a person has successfully completed (e.g., high school diploma, college degree). The term also can refer to any other type of technical learning that one may have, such as a technical certification or professional license.

In discussions of education and crime, educational attainment often is seen as an accomplishment that is believed to have a positive immediate or long-term impact on a person's prosocial behavior and success in life. The general view is that higher levels of educational attainment allow people more options for higher levels of employment. In turn, higher levels of employment generally lead to more income. The logic in this line of thinking is that the more income one has, the less likely he or she will be to seek criminal behavior or be interested in antisocial behavior.

## Intelligence

*Intelligence* (also often referred to as *intellect*) is an all-encompassing term used to describe the capacity of one's mind and its associated abilities, including such human capabilities as the ability to reason, to plan, to solve problems, to think abstractly, to comprehend ideas, to use language, and to learn.

There are, of course, many ways to define intelligence. This is especially true when one is applying this trait to animal behavior, or even to plants. Some scholars argue that the concept of intelligence also includes such traits as creativity, personality, character, knowledge, and/or wisdom. Some have also argued that traditional measures of intelligence such as IQ tests, for example, are inadequate, because people can demonstrate intelligence in many ways. Some arguments claim that people can demonstrate their intelligence in eight different ways: (1) linguistic intelligence ("word smart"), (2) logical-mathematical intelligence ("number/reasoning smart"), (3) spatial intelligence ("picture smart"), (4) bodily-kinesthetic intelligence ("body smart"), (5) musical intelligence ("music smart"), (6) interpersonal intelligence ("people smart"), (7) intrapersonal intelligence ("self smart"), and (8) naturalist intelligence ("nature smart").

In examinations of education and crime, intelligence often takes on several interesting perspectives. Some people argue that extremely high and extremely low levels of intelligence often lead to criminal and antisocial behavior. Individuals with very high levels of intelligence can use their intellect to mastermind large criminal efforts, and those with very low levels of intelligence are victimized and often the pawns of these more highly educated individuals. Higher levels of intellect are often found in people who are involved in organized and white-collar crime (e.g., embezzlement), whereas lower levels of intellect are often found in disorganized and blue-collar crime (e.g., street crime).

## Street Smarts

Although *street smarts* is not a very technical or academic term (some people consider it to be a slang term), many use it to describe the unique abilities possessed by many individuals. It often is used to describe a person who does not have much formal education (i.e., educational attainment), or a great deal of mental capacity or ability (i.e., intelligence), but who has a great or cunning ability to survive in almost any environment (especially in dangerous ones). The skills and abilities often demonstrated by people who have street smarts are things such as a unique ability to read others' body language and behavior. Such individuals also have the ability to understand the complexities of human behavior, drives, and motivations. Very often, these abilities are developed by people who need to survive in impoverished and dangerous neighborhoods that provide very little assistance or support to their inhabitants. Some people also call these skills *common sense*, that is, the ability to figure out what works and what does not work in any given situation without any formal instruction or study.

In examinations of education and crime, street smarts often are viewed as behaviors or abilities that lead a person toward criminal or antisocial behavior. Much of this view originates from the belief that most crime is street-level, or blue-collar crime; thus, it is activity most often engaged in by people living on the street who are either unemployed or employed in blue-collar positions. Many people would argue that common sense is something possessed by most law-abiding citizens but that street smarts are possessed only by the so-called criminal element.

## Crime

*Crime* is most often defined as any breach of an established rule, regulation, or law committed by someone for whom a punishment may ultimately be prescribed by some governing authority or law enforcement body. Crime is also often defined as any deviant behavior that violates prevailing norms, specifically, cultural standards prescribing how humans ought to behave normally.

Academics often approach this topic through efforts to identify the complex realities surrounding the concept of crime. They seek to understand how changing social, political, psychological, and economic conditions may affect the current definitions of crime. Criminologists understand that this will affect the form of the legal, law enforcement, and penal responses made by any given state.

There are many different ways to classify crimes. A very basic method is to separate them into two types: (1) *mala prohibita* and (2) *mala in se*. *Mala prohibita* ("evil prohibited") crimes are those that are illegal because legislatures label and identify them as such. These are crimes such as seat belt laws, helmet laws, or gambling laws. The other type of crime is labeled *mala in se* ("evil in itself"). These acts, such as murder and sexual assault, are almost universally deemed harmful and negative.

In examinations of education and crime, crime often is viewed as acts committed by people who lack education; lack any educational attainment; and, most often, lack any higher level of intelligence. However, crime is a much more complex human experience and behavior than this view represents.

## Education's Impact on Crime

The topic of education and crime can be approached from many different perspectives, so a framework for a basic understanding must be developed. The first area of discussion is education's impact on crime and criminal behavior. Although this issue is debatable, there is an overwhelming consensus among public officials, academics, teachers, and parents that postsecondary education is one of the most successful and cost-effective methods of preventing crime. Much of this consensus has been derived from the volumes of empirical research that has examined educational attainment as it relates to crime trends and public safety. Comparisons of state-level education data and crime and incarceration rates have consistently supported the fact that states that have focused the most on education (in general, financial support) tend to have lower rates of violent crime and incarceration. Although education can never be viewed as a "cure all" or magic bullet that will guarantee reductions in criminal activity or crime rates, research suggests that increased investments in quality education can have a positive public safety benefit.

### Education as Crime Prevention

One of the most dominant ideas under the umbrella concept of education's impact on crime is the belief that a reduction in crime can most often be achieved by increased crime prevention and that the most effective form of crime prevention is achieved through education. Most people would argue that education can be an important element in preventing individuals from engaging in criminal behavior. Given the previous discussions in this chapter, increased levels of education generally lead to many other characteristics that are viewed as positive correlates of lessening one's criminal or antisocial behavior.

The literature generally offers two explanations for the preventive force of education on crime and antisocial behavior. The first is that education may change individuals' preferences (and, in turn, their breadth of choices). The second explanation is that education contributes to a lower time preference (i.e., learning the consequences of one's actions often make that individual postpone the direct satisfaction of needs). Some scholars argue that education leads to a lower time preference for consumption in the present (teaching one the potential negative aspects of immediate gratification) and a higher time preference for

consumption in the future (teaching one the benefits of working in the present to prepare for the future).

Many researchers argue that formal education (i.e., educational attainment) has a very strong impact on teaching students (through the study of history, sociology, and other subjects) on which they should focus more of their attention in the future. Formal schooling and instruction can communicate images of the situations and difficulties of adult life, which are inevitable future issues for all adolescents. Thus, educated people should be more productive at reducing the remoteness of future pleasures.

Many researchers also argue that the more education an individual has, the more heavily he or she will weigh the future consequences (i.e., punishment) of his or her current criminal or antisocial actions. If more education leads individuals to understand the benefit of delayed gratification, then people with a higher education should be deterred from committing criminal acts. It is believed that higher levels of education will make the immediate gratification of an individual's preferences and desires through criminal activities less important.

Most empirical studies have addressed the relationship between education and crime. Some have found that adolescents who are involved in paid employment or attend K–12 education are less likely to engage in criminal behavior. This suggests that a reduction in criminal behavior contributes largely to the social rate of return for the monies spent on education in the United States. There is much debate on the correlation between the money spent on education and the quality of education and its resultant overall impact on criminal behavior.

Not all studies find that more highly educated people are less likely to engage in criminal behavior, however. Some researchers argue that a country's average education level does not necessarily have a statistically significant effect on the number of violent crimes (e.g., homicides and robberies). As discussed earlier, many have also argued that increased levels of education actually facilitate the criminal behavior in some individuals because of their increased abilities and knowledge (e.g., computer fraud, pyramid schemes).

The following is a list of empirically supported findings about the connections between crime prevention and education:

- Most studies have found that graduation rates are generally associated with positive public safety outcomes and lower crime rates for communities.
- States with higher levels of educational attainment also have crime rates lower than the national average.
- States with higher college enrollment rates experience lower violent crime rates than states with lower college enrollment rates.
- States that make more significant monetary investments in higher education experience more positive public safety outcomes and lower crime rates.

- The risk of incarceration, higher violent crime rates, and low educational attainment are concentrated among communities of color, whose members are more likely to suffer from barriers to educational opportunities.
- Disparities in educational opportunities contribute to a situation in which communities of color experience less educational attainment than whites, are more likely to be incarcerated, and are more likely to face higher violent crime rates.

For most people, the connection between education and crime prevention is easy to see. Criminologists have spent centuries trying to determine the causes of criminal and antisocial behavior. A central component that emerges over and over is the idea of individual motivation and desire. Human motivation and desire are very complex natural occurrences, and they are difficult to understand, although most people would argue that it is easy to understand the connection between these traits and criminal behavior.

### The Connection Between Intelligence (IQ) and Crime

Many trends have been supported by contemporary research that has examined possible connections between education and criminal behavior. That levels of education (higher and lower) are significant in the manifestation of criminal behavior has received empirical support, as has the notion that individuals with learning disabilities (and thus with lower education, intelligence, and coping skills) are more prone to violent behavior.

The major reason for these connections is the interrelated causal pattern of events that occur in learning, with education at the center. School achievement is generally predictive of *prosocial behavior*, designated as upholding the moral values of a society. Most people would argue that school achievement predicts prosocial behavior because in most societies academic achievement is interrelated with several other variables, such as financial success, high self-esteem, and an internal locus of control. This particular model may account for the reasoning behind the general idea that individuals with a high IQ generally have fewer tendencies for criminal behavior than individuals with a low IQ.

Investigations of the connection between criminal behavior and IQ often are based on the general hypothesis that having a higher IQ results in easier achievement in school. As stated earlier, doing well academically is associated with several societal factors as well. Individuals with a lower IQ may not succeed as much academically, which would result in lower self-esteem and not as much financial success, resulting in an increased disposition toward criminal behavior. This would seem to highlight the importance of stressing education and addressing issues of learning disabilities at an early age to prevent, or at least

mitigate, these negative attributes, thus preventing future criminal behavior and the resulting increased crime rates.

The connection between one's intelligence level and his or her criminal behavior is a very complicated and controversial area. Empirical research most often finds that IQ and crime are actually negatively correlated; that is, as one increases, the other decreases. Explanations for this generally fall into three approaches: (1) IQ and crime are spuriously, not causally, correlated; (2) low IQ increases criminal behavior; and (3) criminal behavior actually decreases IQ.

There are also popular arguments against IQ as a cause of crime. Some scholars argue that standardized IQ tests measure only middle-class knowledge and values instead of innate human intelligence. As a result, the fact that most minority groups and impoverished populations score lower on IQ tests simply reflects their diverse cultural backgrounds. These same groups also commit proportionately more crime because they suffer structural disadvantages, such as poverty and discrimination. Consequently, the same people who score low on IQ tests also tend to commit more crime, and so IQ and crime are empirically correlated. Thus, this correlation is not causal but reflects only culturally biased testing of intelligence (see Gardner, 1993).

A variation of this argument holds that the structural disadvantages that increase crime rates also reduce educational opportunities, thus lessening individuals' ability and motivation to score well on IQ tests. Many researchers argue that the IQ-crime correlation occurs only because both are rooted in structural disadvantage, which, in statistical terms, represents a spurious correlation at best. Although these discrimination-type hypotheses have wide appeal, they have received fairly little support in empirical studies, because IQ and crime are significantly correlated within race and class groups as well as when one statistically controls for race, class, test-taking ability, and test-taking motivation.

Another argument against IQ as a cause of crime holds that schoolteachers and administrators treat students differently according to their perceptions of the students' intelligence, thus giving negative labels and fewer educational opportunities to those whom they see as less intelligent. These labels and constrained opportunities in turn produce feelings of alienation and resentment that lead students toward delinquent peers and criminal behavior. As such, society's reaction to intelligence, and not any property of intelligence itself, increases criminal behavior. Unfortunately, few studies have adequately tested this labeling-type hypothesis (i.e., that deviance is derived from the labeling and mistreatment of certain individuals).

### Education and Recidivism

Given the various aspects of this discussion, many people argue that the U.S. government should resume its long-standing policy of releasing a portion of Pell Grants

(student educational grants) and other types of financial aid to qualified incarcerated individuals. They argue that the benefits of such a practice (reductions in recidivism rates) will always far outweigh the public protests against such efforts (arguing that this reduces the funds available to nonincarcerated individuals).

The focus of the pro-grant arguments is that resuming this policy would drastically decrease rates of recidivism and save individual states millions of dollars each year. Again, there seems to be overwhelming consensus among many people that postsecondary education is the most successful and cost-effective method of preventing crime. However, this often becomes controversial when one starts applying these ideas to people who have already committed criminal acts. More than 1.5 million individuals are housed in adult correctional facilities in the United States. The U.S. Department of Justice generally portrays offenders as impoverished and uneducated prior to incarceration. Inside American prisons, many adult inmates are illiterate, and many more are functionally illiterate.

Most researchers would argue that social, psychological, and demographic factors correlate strongly with recidivism. Most persons are released from prison into communities unskilled, undereducated, and highly likely to become reinvolved in crime. Rates of recidivism in the United States are extraordinarily high. Although prison-based education has been found to be the single most effective tool for lowering recidivism, today these programs are almost nonexistent. Many would also argue that prison education is far more effective at reducing recidivism than are boot camps, shock incarceration, or vocational training.

In response to the American public's growing fear of crime and the call for more punitive measures to combat such fear, many legislators and policymakers have promoted building more prisons, enacting harsher sentencing legislation, and eliminating various programs inside prisons and jails. With rearrest rates increasing almost daily, it is clear that incarceration alone is not working in the United States. In fact, the "get tough" philosophy (originating in the mid-1980s), which pushes for more incarceration, punishment, and limitations of the activities available to prisoners, has often resulted in the elimination of strategies and programs that seek to prevent or reduce crime. As has been discussed repeatedly in this chapter, research has consistently shown that quality education is one of the most effective forms of crime prevention and that educational skills can help deter young people from committing criminal acts as well as greatly decrease the likelihood that people will return to crime after release from prison.

Despite this evidence of their extraordinary effectiveness, educational programs in correctional facilities have in many cases been completely eliminated. As of 2008, more than 1.6 million individuals were housed in adult correctional facilities in the United States, and at least 99,682

juveniles are in custody. The majority of these individuals will be released into communities unskilled, undereducated, and highly likely to become reinvolved in criminal activity. With so many ex-offenders returning to prison, it would seem clear that the punitive, incarceration-based approach to crime prevention has not worked as a basis for criminal justice policy in America. Therefore, it should not be surprising that so many people argue that the country needs to promote policies and procedures that are successful. Education, particularly at the college level, can afford individuals with the opportunities to achieve and maintain productive and crime-free lives and help to create safer communities for all.

## Crime's Impact on Education

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A second overall perspective on the concept of education and crime is to examine the impact of crime on education. As with education's impact on crime, crime's impact on education has several directions from which it can be approached. The following sections discuss crime as a barrier to educational opportunity and attainment as well as briefly consider school safety issues.

### Crime as a Barrier to Educational Opportunity

One of the major areas in which crime's impact on education can be found is in how crime very often serves as a barrier to educational opportunity for many people. This barrier status can appear from two directions: (1) the negative mobility patterns for some groups in terms of traditional and nontraditional criteria for upward movement and educational achievement and (2) individuals' lack of opportunity for educational attainment due to their own criminal behavior (e.g., incarceration, dropping out of school, and expulsions).

For many people, going to college or achieving higher levels of education is an unrealistic goal because of financial constraints or living conditions; instead, daily survival is of utmost concern. Many of these individuals have had to drop out of school at an early age to help support their families and/or take care of younger siblings; for others, their own criminal behavior became a barrier to their future educational attainment. Incarcerated individuals obviously have very few opportunities (if any) above remedial instruction that generally leads to a GED. Others, because of their behavior, have been forced out of their local schools by suspensions and/or expulsions. As state budgets become more and more restrictive, educational programs in general have been eliminated or greatly decreased.

### Crime's Connection to High School Graduation

As stated previously, many individuals are forced to drop out of traditional K-12 educational programs



because of their own criminal or delinquent behavior. These individuals usually start off with in-school suspensions, which evolve into out-of-school suspensions and, ultimately, to expulsions. In most states where the compulsory education age is 16, these individuals often find themselves forced to attend alternative educational programs. Research has supported the belief that the majority of these youth do not seek any postsecondary educational opportunities; many do not finish high school or GED programs.

Most, if not all, of the typical criminal or delinquent school behaviors, such as skipping school, drug use, violent behavior, and engaging in property crime, correlate strongly with a lack of high school graduation. Many educational systems across the United States have adopted a zero-tolerance policy stance when it comes to any type of negative student behavior. The primary result of these policies is expulsion from school of the delinquent child, and the primary result of most expulsions is that the individual never returns to school. Thus, lacking the proper educational attainment (and, possibly, intellect), he or she is not able to be competitive in most job markets. As stated earlier, a lack of employment is a major factor in an individual's decision to turn to criminal behavior to meet his or her financial needs.

### School Safety Issues

A final area of discussion is the very practical impact that crime can have on education. The scope of this chapter does not allow a full examination of the issues related to school violence and its results, but it would be improper not to mention this issue at least briefly. Readers would be well advised to seek further information about the various impacts of school violence on students and teachers. There are volumes of research dealing with the most common forms of school violence: sexual harassment and bullying. These two issues alone, many people would argue, are responsible for a great deal of high school dropouts, assaults, and even school shootings.

School safety and the proper protection of students are very strongly connected to crime. The more crime a school has, the less safe the students are going to feel, and the less secure they feel, the less they will learn. When students have to worry about their safety on a daily basis at a school, the academic experiences very often get left behind. Most people would agree that learning becomes secondary very quickly when a child has to worry more about death than failure in the classroom.

Many of the connections that crime has with K–12 education relate to incidents that occur between students. There is a significant problem with bullying and sexual harassment on the campuses of many American schools. These acts, although not obviously violent, many times go unnoticed and can have an extremely negative impact on the victims. As previously stated, such treatment has been

connected to high dropout rates, failing grades, and even juvenile suicides.

### Conclusion

It is extremely difficult to argue against the philosophy that substantial savings on the social costs of crime could be obtained by investing in education. Empirical research repeatedly has supported the theory that the likelihood of a person committing a criminal act decreases with years of education, although research also has found that the probability of committing some types of acts (e.g., tax fraud and embezzlement) actually increases with years of education.

It is also interesting to find that more highly educated people very often have more permissive attitudes and social norms toward criminal behavior. One possible reason for this is that they are confronted less frequently with criminality and are less likely to be victims of a violent crime. It is a known fact that criminality tends to be higher in areas where less-educated people live. A second reason for more permissive attitudes and social norms toward criminality might be that more highly educated people have a more liberal worldview in general. It also is a known fact that people with higher education generally earn more than less educated people and thus have a better, and safer, quality of life.

The potential benefits of, and access to, certain types of criminal behavior simply increase as one's earnings increase. Activities such as money laundering and insider trading often do not concern people who have no or very little funds. A second explanation is that more highly educated people are simply more knowledgeable and more informed about the possibilities of committing certain types of white-collar crimes. Thus, criminologists often point out that the key to white-collar or upper class criminal behavior is access (i.e., to funds, to inside information).

This is also true with blue-collar types of criminal behavior (e.g., shoplifting, vandalism, and violent street crimes). Research has supported the realization that most often these types of acts are committed by people with lower levels of education. One explanation is that people with less education have a "higher time discount"—that they see the future and calculate it differently than do people with more education. Moreover, they very often take into account the future consequences of their actions (punishment and sentencing) less than more highly educated people.

A final few notes on this subject should be pointed out from the discussion earlier about views on time consumption. It is argued that education leads to a lower time preference for consumption in the present and a higher time preference for consumption in the future and that, in turn, education very often teaches people to control their emotions (restraint and self-control). Most scholars hope that higher education attainment will lead to more intelligence,

which will lead to more understanding of the consequences of one's actions, whether positive or negative.

## References and Further Readings

- Arrow, K. (1997). The benefits of education and the formation of preferences. In J. Behrman & N. Stacey (Eds.), *The social benefits of education* (pp. 11–16). Ann Arbor: University of Michigan Press.
- Batiuk, A., & Moke, A. (1997, March). Crime and rehabilitation: correctional education as an agent of change—a research note. *Justice Quarterly*, 14(1).
- Becker, G., & Mulligan, C. (1994). *On the endogenous determination of time preference*. Discussion Paper 94–2, Economics Research Center/National Opinion Research Center, University of Chicago.
- Blackwell, J. E. (2005). *The black community: Diversity and unity*. New York: Harper.
- Crews, G. A. (1996a, Fall). *School violence in America: A plague on the nation*. *Police News*, 5–6.
- Crews, G. A. (1996b). A study of school disturbance in the United States: A twentieth-century perspective, part one. *Journal of Security Administration*, 19, 34–44.
- Crews, G. A. (1997). A study of school disturbance in the United States: A twentieth-century perspective, part two. *Journal of Security Administration*, 19, 63–74.
- Crews, G. A., & Counts, M. R. (1997). *The evolution of school disturbance in America: Colonial times to present day*. Westport, CT: Praeger.
- Crews, G. A., & Montgomery, R. H., Jr. (2001). *Chasing shadows: Confronting juvenile violence in America*. Upper Saddle River, NJ: Prentice Hall.
- Crews, G. A., Montgomery, R. H., Jr., & Garris, W. R. (1996). *Faces of violence in America*. Needham Heights, MA: Simon & Schuster.
- Crews, G. A., & Tipton, J. A. (2000). A comparison of school vs. prison security measures: Too much of a good thing? *KCI On-Line Journal*. Topeka, KS: Koch Crime Institute.
- Ehrlich, I. (1975). On the relation between education and crime. In T. Juster (Ed.), *Education, income and human behavior* (pp. 313–338). New York: McGraw-Hill.
- Fajnzylber, P., Lederman, D., & Loayza, P. (2002). What causes violent crime? *European Economic Review*, 46, 1323–1357.
- Gardner, H. (1983). *Frames of mind: The theory of multiple intelligences*. New York: Basic Books.
- Gardner, H. (1993). *Multiple intelligences: The theory in practice*. New York: Basic Books.
- Gardner, H. (2000). *Intelligence reframed: Multiple intelligences for the 21st century*. New York: Basic Books.
- Jacob, B., & Lefgren, L. (2003). Are idle hands the devil's workshop? Incapacitation, concentration, and juvenile crime. *American Economic Review*, 93, 1560–1577.
- Lochner, L., & Moretti, E. (2001, November). *The effect of education on crime: Evidence from prison inmates, arrests, and self-reports*. Working Paper No. W8605, National Bureau of Economic Research, Cambridge, MA.
- Tanner, J., Davies, S., & O'Grady, B. (1999). *Whatever happened to yesterday's rebels? Longitudinal effects of youth delinquency on education and employment*. Working Paper No. 5, New Approaches to Lifelong Learning, Toronto, Ontario, Canada.
- Toth, R. C., Crews, G. A., & Burton, C. E. (Eds.). (2008). *In the margins: Special populations and American justice*. Upper Saddle River, NJ: Prentice Hall.
- Witte, A., & Tauchen, H. (1994). Work and crime: An exploration using panel data. *Public Finance*, 49, 155–167.

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## FAMILIES AND CRIME

LESLIE GORDON SIMONS

*University of Georgia*

This chapter brings together research and theory from criminology, psychology, family science, and sociology regarding the role of family processes in the etiology of delinquent and criminal behavior. Theory and research in the area of crime and delinquency have increasingly emphasized the importance of family processes in explaining the development of deviant behavior. Hirschi's (1969) social control theory, Sampson and Laub's (1990) life course perspective, Akers's (1973) social learning model, and Gottfredson and Hirschi's (1990) general theory of crime, for example, all identify parental behavior as a cause of delinquent behavior. Furthermore, criminologists have begun to focus on family-related issues such as marital violence, child abuse, and the manner in which romantic partners influence each other's involvement in antisocial behavior.

For the majority of Americans, the cultural ideal of the family emphasizes affection, consensus, harmony, and caregiving. There is, however, another side to families. Although families often function as an important source of nurturance and support, it is also the case that many categories of criminal and antisocial behavior are rooted in family processes or are directed toward family members. Most people have some awareness of this fact. Indeed, if asked why some individuals commit crimes, the average person is likely to provide an explanation that focuses on how the deviant individual was parented while growing up. Furthermore, in the last two decades, there

has been an increase in the public's awareness of domestic violence. Most individuals appreciate the fact that spouse and child abuse are a part of everyday life for many families; however, other connections between families and crime are less well understood. Few people are aware, for example, of the various ways in which a person's criminal behavior or involvement with the criminal justice system tends to disrupt the lives of other family members, or of the role that marital partners often play in fostering or deterring their spouse's involvement in crime.

Social scientists have defined the terms *deviant behavior* and *family* in a variety of ways. Although the family is a basic social institution in all societies, its form tends to vary considerably from one culture to another. "The family" is an abstract phrase used to denote an array of forms and practices that serve a common set of social and psychological needs for a group of two or more people who share kinship or affective ties. Given the wide variety of forms, perhaps the simplest and most straightforward approach to studying families is to focus on the two core relationships present in most families: (1) the parent-child relationship and (2) the committed relationship between two adults. The parent-child unit and the adult couple unit are fundamental components of a family, and a particular family may have one or both of these relational units.

*Social deviance* is any thought, feeling, or behavior that is viewed as objectionable by a group of people because it violates the social norms that the group members share

regarding how a person should behave. The present discussion focuses on acts such as childhood aggression, adolescent delinquency, adult crime, and child and spouse abuse as they relate to family processes. Researchers often refer to persons who engage in such behavior as *antisocial*. Such actions stand in contradistinction to *prosocial* behavior, which takes into account the needs and concerns of others and thereby contributes to the welfare of the group. Antisocial behavior, on the other hand, is selfish, hostile, and disruptive, and it threatens the integrity of the group.

Expressions of antisocial behavior tend to vary by age. Antisocial behavior during the elementary school years tends to consist of actions such as bullying others, lying, refusing to comply with adult requests, showing extreme anger and resentment, deliberately annoying others, and being spiteful and vindictive. Delinquency during adolescence consists of antisocial actions that are illegal, such as initiating physical fights, shoplifting, stealing, setting fires, destroying property, or using illegal drugs. Finally, there is the antisocial behavior displayed during adulthood. This can involve a wide variety of criminal behaviors, such as robbery, burglary, physical assault, fraud, sexual coercion, and domestic violence. Individuals who engage in such acts also often display various deviant behaviors that are antisocial but not illegal. This includes actions such as lying, cheating, sexual promiscuity, substance abuse, and general irresponsibility.

This chapter is concerned with the relationship among the family and child, adolescent, and adult antisocial behavior. The family is a core social institution that exists in all societies. In addition to providing food and shelter to its members, the family is the context within which children learn fundamental social skills and satisfy their affective needs. Family relationships offer children a context for learning moral values, self-control, and to love and trust others. Families also meet the emotional and companionship needs of adults. Although individuals in modern society are influenced by many sources other than the family, family factors account for more variance in the rates of antisocial behavior than any other single variable. Therefore, it is essential to focus on the family when trying to gain a complete understanding of antisocial behavior.

### Linking Parenting to Delinquency

One of the most widely accepted findings in criminology and developmental psychology is that childhood conduct problems are a strong predictor of subsequent involvement in antisocial behavior. Results from a variety of longitudinal studies show that children who are aggressive and noncompliant during elementary school are at risk for adolescent delinquency and adult crime (Caspi & Moffitt, 1995; Conger & Simons, 1997; Patterson, Reid, & Dishion, 1992; Sampson & Laub, 1993). These findings indicate that antisocial tendencies tend to become manifest during childhood. The roots of an adult antisocial lifestyle

appear to be planted during the person's formative years. Parents are generally seen as the primary agents of socialization in the early years of a child's life. Although inborn traits involving temperament and personality are considered to be important, most social scientists assume that a child's psychological and behavioral development is heavily influenced by the family environment provided by the parents.

Sociologists, psychologists, and criminologists have completed scores of studies that examined the relationship between parental behavior and delinquency. Various parenting behaviors, including parental warmth, monitoring, and consistent discipline, were all found to be inversely related to the chances that a child would become delinquent (L. G. Simons & Conger, 2007). A guiding framework for much of this work was the parenting typology developed by Maccoby and Martin (1983).

Maccoby and Martin's (1983) typology is based in large part on the work of Diana Baumrind (1971) and is organized around two dimensions of parenting: (1) responsiveness and (2) demandingness. *Responsiveness* involves the extent to which parents are approachable, warm, supportive, and attuned to the needs of the child. *Demandingness* refers to the extent to which the parents exercise control over the child through supervision, disciplinary efforts, and a willingness to consistently impose consequences for violations of expected behaviors. These two dimensions of parenting can be used to generate a typology of four parenting styles. *Permissive* parents are high on responsiveness but low on demandingness, whereas *authoritarian* parents are low on responsiveness but high on demandingness. *Neglectful/rejecting* parents are low on both responsiveness and demandingness. Finally, *authoritative* parents are high on both responsiveness and demandingness. Baumrind asserted that the best approach to parenting is the style displayed by authoritative parents. In other words, children need support and nurturance combined with structure and control. Consistent with this contention, three decades of research has shown that authoritative parenting is positively related to school achievement, psychological well-being, and social adjustment and negatively related to conduct problems and delinquency. Further evidence regarding the importance of parenting was provided by longitudinal studies showing that aggression and conduct problems during childhood predicted adolescent delinquency and adult crime. This suggests that exposure to inept parenting during childhood may set the stage for a deviant life course trajectory.

One of the early criminological theories that included the parent-child relationship as part of an explanation for deviant behavior was Travis Hirschi's (1969) *social control theory*. Although many researchers felt this theory began to address the importance of parental behavior in explaining child conduct problems, studies indicated that something more than the parent-child bond, as suggested by social control theory, explained this link. Later, *self-control theory* was proposed. In *A General Theory of Crime*, Gottfredson

and Hirschi (1990) argued that it is persons low in self-control who are attracted to crime. They described individuals low in self-control as impulsive, uncompromising, self-centered, insensitive, prone to risk taking, and unconcerned about long-term consequences. Such persons are attracted to crime, which provides immediate gratification, whereas they avoid activities that involve a lot of time, energy, and delayed gratification. According to Gottfredson and Hirschi, adolescent delinquents and adult criminals are lazy, lacking in self-discipline, and looking for the easy way to get what they want.

Gottfredson and Hirschi (1990) argued that we all enter the world low in self-control. Infants and toddlers, for example, are impulsive and self-centered, and they want immediate gratification. With time, however, most individuals learn to delay gratification. Instead of giving in to their desire for immediate reward, they exercise self-control and act in a manner that takes into account the consequences of their actions for themselves and others. This being the case, where does this self-control come from? Gottfredson and Hirschi asserted that the answer involves parenting. In addition to being caring and supportive, the child's primary caregiver must set behavior standards, monitor the child's behavior, and be willing to discipline the child when the standards are not met. When caretakers do this in a consistent fashion, the child learns self-control. On the other hand, children fail to develop self-control if they are raised by caretakers who are lax in nurturance, monitoring, and discipline.

Overall, evidence from various studies suggests that self-control explains only a portion of the relationship between parenting and antisocial behavior. The available evidence suggests that the story of crime is more complicated than that suggested by Gottfredson and Hirschi (1990). Whereas social control theory emphasizes the impact of parental behavior on children, social learning theory focuses on the reciprocal or mutual influences that exist between parents and children, and it stresses the importance of peer effects as well as the manner in which parents influence their children's friendship choices. Perhaps the best example of research based on this perspective has been conducted by Gerald Patterson (e.g., Patterson, 1982). Over the past several years, Patterson and his colleagues have pursued longitudinal studies concerned with the manner in which family and peer processes combine to produce child and adolescent conduct problems. The findings from this program of research provide support for their *coercion model* of antisocial behavior, which posits that delinquency and crime develop in the following fashion.

The process begins with an irritable, explosive parent. Regardless of the reasons for such a disposition, such individuals tend to engage in negative scanning of their child's behavior so that even neutral actions evoke criticism and denigration. These verbal assaults often produce an angry, defiant response from the child, who feels unfairly attacked and mistreated. The result is an escalating spiral of aversive

exchanges that operate to reinforce the child's antisocial behavior and the parent's inept parenting. It is important to note that in families with antisocial children, at least half of the time these escalating aversive exchanges terminate with the parent capitulating. The parent engages in verbal remonstrations and threats but little or no actual follow-through. The child responds defiantly, and the parent eventually backs down. Using the principles of social learning theory, the parent gives in to the child, thereby positively reinforcing the child's oppositional and defiant behavior. The child learns that if he is nasty enough, he will get his way. Also, negative reinforcement is operating as the child's aggressive behavior neutralizes or deflects the unpleasant intrusions of the parent. The child behaves aggressively, and the parent discontinues his or her criticism and threats.

Concomitantly, the parent is negatively reinforced for giving in to the child. Usually, once the parent backs down the child's behavior improves, and his aggressive posturing gives way to a more pleasant demeanor. In addition, the parent experiences punishment when he or she tries to discipline the child. Any attempt to correct the child elicits a very unpleasant response from the child. Therefore, the interaction taking place within such families trains parents to be inconsistent and to back down while training children to use aggressive actions to coerce others into giving them their way. Instead of learning prosocial, problem-solving behaviors that involve sharing and compromising, these children learn to use anger and defiance as a way of solving problems and getting what they want from others.

This interpersonal style tends to be generalized to interactions with peers. The coercive child insists on having his or her way; refuses to compromise; and uses angry, aggressive behavior to bully others into complying with his or her wishes. Much of the time, this behavior is rewarded, because conventional children often give into this display of belligerence and hostility. Thus, interaction with peers tends to reinforce the aversive interpersonal style that the child learned at home. Although the behavior of the antisocial child often leads to immediate or short-term rewards, the long-term effect is usually quite different. Conventional youth do not want to play with someone who uses aggression and defiance to get his or her way. Thus, the long-term consequence of the antisocial child's aversive behavior is rejection by conventional peers. What such children fail to recognize, however, is the manner in which their own coercive style of interaction contributes to their interpersonal and academic difficulties.

By default, these socially rejected youth establish friendships with each other, forming a deviant peer group. It is important to note here that affiliation with deviant peers is the primary avenue whereby a child's coercive interpersonal style escalates to delinquent and criminal behavior. The deviant peer group provides a context for experimenting with various deviant behaviors. It serves as a training ground for shoplifting, drug use, fighting, and the like. Association with other deviant youngsters provides antisocial youth with attitudes, motivations, and

rationalizations that support involvement in a wide variety of illegal activities.

The coercion model does not address the way parents influence a child's selection of a peer group. There is rather strong evidence that parental behavior influences a child's friendship choices. Past research indicates that parents often use a variety of strategies to structure their children's peer affiliations: They encourage their children to join one group over another; they select the schools that their children attend; and they promote participation in various conventional activities, such as organized sports and other extracurricular activities at school. Such efforts reduce the probability that a child will affiliate with deviant peers.

### The Corporal Punishment Controversy

As described earlier, several contemporary theories of deviant behavior agree that effective parenting behaviors decrease the probability of delinquent behavior. In recent years, some researchers have argued that there is convincing evidence for another generalization regarding the effect of parental behavior on child conduct problems. They contend that research has confirmed that children subjected to corporal punishment are at risk for delinquent and criminal behavior. Physical discipline has this effect, they argue, because parents who engage in this behavior inadvertently teach their children that aggression and coercion are legitimate approaches to solving problems, and corporal punishment fosters anger and generates opposition and defiance. Thus, instead of deterring misbehavior, it operates to amplify a child's antisocial tendencies. These researchers consider exposure to corporal punishment during childhood to be a major cause of adolescent delinquency and adult crime and aggression. On the basis of arguments such as these, the American Academy of Pediatrics and the American Psychological Association have taken firm stances against the use of any corporal punishment. Some people believe that scientific support for this position is so strong that Congress should follow the example of several European countries and pass legislation prohibiting adults from using corporal methods to discipline children. Currently, parents are forbidden to use corporal punishment as a form of discipline in Austria, Cyprus, Denmark, Finland, Germany, Italy, Latvia, Norway, and Sweden.

The majority of American parents sometimes use corporal punishment to discipline their children. One investigation found, for example, that over 90% of American parents have spanked their children by the time they are 3 or 4 years of age (Straus & Gelles, 1986). The effects of corporal punishment are an empirical question. Moral objections are a separate issue. This chapter focuses on research findings and lets readers draw their own conclusions regarding the ethics of physical forms of punishment.

It is important to distinguish spanking from harsh physical punishment. In 1996, a conference of developmental psychologists defined *spanking* as an approach to physical

discipline that is noninjurious and is administered with an opened hand to the extremities or buttocks. At most, such punishment inflicts only a minor, temporary level of physical pain. More severe forms of corporal punishment involving slapping, kicking, shoving, and hitting with an object would be considered abusive.

Research indicates that modeling often results in discriminative learning whereby we learn to recognize (or discriminate) between the circumstances under which an action is or is not appropriate. Consider the example of a parent who uses low-impact spanking (i.e., a swat to the buttocks using an open hand) as a last-resort punishment when her preschooler misbehaves, but never uses corporal punishment with her older children and frequently talks about the importance of people not being violent or aggressive with one another. Also, when she administers a swat to her preschooler, she explains the importance of the rule that her child violated and indicates that little children get spanked when they defy their parents' guidance. In this case, the child might be expected to learn that it is legitimate for parents to sometimes spank a misbehaving preschooler whereas in general people should not hit each other.

Children often respond with anger, aggression, and defiance when they perceive that they have been treated unjustly. Past research shows that corporal punishment is most apt to be perceived as legitimate if it is mild, is used with young children, is administered by a warm and caring parent, and occurs within a cultural context that legitimates corporal punishment. Under such circumstances, physical discipline is apt to operate as a deterrent to child conduct problems. Conversely, physical discipline is likely to elicit perceptions of injustice and mistreatment when it is severe, is directed toward older children, is dispensed by a rejecting parent, or occurs within a cultural context that disapproves of corporal punishment. Under these circumstances, physical discipline is apt to generate belligerence, defiance, and other conduct problems.

Unfortunately, much of the research on corporal punishment usually does not distinguish between the consequences of mild forms of physical punishment and more extreme forms that might be considered abusive. The few studies that have taken severity into account, however, have found that individuals exposed to moderate levels of physical punishment are no more likely to engage in antisocial behavior than those whose parents did not use corporal punishment, whereas persons who experienced severe physical punishment show significantly higher levels of antisocial behavior than those who received either no punishment or moderate corporal punishment. Several studies have reported that physically abused children are at risk for a variety of antisocial behaviors, including delinquency and substance abuse. In general, the association between harsh parenting and antisocial behavior is stronger for children who have experienced more extensive abuse.

The effects of physical discipline are likely to differ by age of child. Although moderate spanking may be a deterrent for preschoolers, corporal punishment might be

expected to escalate the deviant behavior of older children and teens. Past research provides support for this observation. Clinical studies with preschoolers or kindergarteners have found that spanking increases compliance, as well as the effectiveness of time-outs and reasoning, whereas those that focus on parental behavior during late childhood or early adolescence tend to find a positive relationship between spanking and antisocial behavior.

A child's reaction to physical punishment may depend, at least in part, on the quality of the relationship that she has with the caregiver. Warm and supportive parents may be able to use corporal punishment to obtain child compliance. On the other hand, corporal punishment may foster defiance and aggression when it is administered by cold, harsh, or uninvolved parents. Although few studies have addressed this issue, the evidence suggests that corporal punishment tends to escalate child behavior problems when it takes place within the context of a troubled parent-child relationship. These negative effects are much less likely to occur when physical discipline occurs within a warm and nurturing family environment.

There are also differences in the effects of corporal punishment by ethnicity. Several studies have reported that physical discipline is more widely used and accepted by African American parents than by European American parents. Furthermore, research shows that European American children often view physical discipline as an expression of parental hostility and disregard, whereas African American children tend to accept such discipline as a valid expression of parental concern. Several studies indicate that African American children show less aggression and defiance, and more compliance, in response to physical punishment than European American children. It appears that corporal punishment tends not to have negative consequences when the family is part of a culture that legitimates such parenting practices.

In summary, physical discipline is apt to foster compliance and be perceived as legitimate when (a) it is mild (e.g., a spank to the buttocks with an open hand); (b) is administered by a caring, supportive parent; and (c) the child is between 2 and 6 years of age. In contrast, physical discipline is likely to foster defiance and aggression when (a) it is severe; (b) is administered by a harsh, rejecting parent; and (c) the child is a preadolescent or teen. However, the decision to use physical punishments to discipline children involves more than the question of efficacy; it is also an ethical matter. Whereas social scientists can address the question of effectiveness, it is beyond the scope of science to draw moral conclusions. Ultimately, each individual must determine the circumstances, if any, under which it might be appropriate to use physical discipline.

## Family Structure and Delinquency

There has been a substantial increase in many types of adolescent problems since the mid-1960s. The rates of adolescent

crime, substance abuse, suicide, school dropout, and teen pregnancy, for example, all have shown dramatic growth during this period. Some scholars have noted that the rise in child and adolescent problems parallels the increase in divorce, cohabitation, and births to never-married mothers that has occurred in recent decades. Indeed, several studies have reported strong associations between the proportion of female-headed households and adolescent and adult antisocial behavior. In most of these studies the effect of family structure is as strong as or stronger than variables such as poverty or race. Research conducted by Rob Sampson (1986), for example, found that rates of violent victimization are two to three times higher among residents of neighborhoods with high levels of family disruption.

Although family structure is a risk factor for child behavior problems, it is also true that there is great variability in outcomes among children from single-parent families and stepfamilies. The evidence indicates that the majority of these children do not manifest behavior problems. In fact, the rates for such behavior problems increase from 5% among children from intact, nuclear families to 10% to 15% of children from single-parent or divorced families (Hetherington & Stanley-Hagan, 1999, R. L. Simons & Associates, 1996). The vast majority of children from a single-parent family or stepfamily do not develop conduct problems; hence, such an expectation would turn out to be erroneous more often than not. Accurate prediction of which individuals are most vulnerable to a particular risk factor usually requires knowledge of the mechanisms by which the condition produces its deleterious effects. Thus, if we are to identify children from single-parent and stepparent families most at risk for adjustment problems, we need information regarding the manner in which family structure increases a child's odds for developmental difficulties. Research indicates that in large measure, family stress and disrupted parenting explain which children are likely to manifest conduct problems (Amato, 2000).

Given that diverse family forms are an inevitable feature of American society, there is some controversy associated with conducting research on the consequences of variations in family structure. The findings of such research are often used by political groups that are opposed to diversity and gender equality. Also, most parents who divorce undoubtedly do so as a last resort, and the welfare of their children is of great concern to them. Some people have suggested that to do research on these families that highlights their problems may seem cruel in light of the other difficulties they face. Although these issues are important, social science is concerned with describing and explaining empirical reality. Hence, it is essential that we as scientists do our best to avoid denying or distorting facts because of personal values or ideology. Such a commitment is not only in the best interest of science but also is the approach most likely to benefit society. Research has clearly established a link between family structure and an elevated risk for developmental problems. This effect is quite modest, however, and appears to be

largely explained by the fact that the stresses associated with single parents, divorced parents, and stepfamilies tend to compromise the quality of parenting that children receive.

### The Effect of Poverty and Neighborhood Conditions

Although the family may be the primary agent of socialization for children, it does not exist in a vacuum. Families are embedded in a broader social environment that can operate to either enhance or undermine parental effectiveness. A family's ability to effectively perform its socialization function is strongly affected by the social context in which it is embedded. This context consists of social institutions such as the economy, the polity, the church, and the neighborhood or community. The values, policies, and integrity of these social systems necessarily influence the functioning and efficacy of families.

Unfortunately, there is strong evidence that children who grow up in poor families are at increased risk for a variety of negative developmental outcomes, including conduct problems and delinquency. Past research indicates that poverty tends to have a disruptive effect on quality of parenting, and this is one of the major reasons that poverty increases a child's chances of deviant behavior. Several studies have reported that economically stressed parents provide less support and monitoring and higher levels of inconsistent and harsh discipline than parents who are more affluent (Brody et al., 2001; Conger et al., 1992; R. L. Simons & Associates, 1996). There appear to be several reasons why financial hardship has a deleterious effect on parental behavior.

At least in part, the less effective parenting demonstrated by poor parents is a consequence of their being preoccupied and consumed with the challenges and stresses of everyday life. Given these concerns, they are often minimally involved in the parenting role until serious or flagrant child misbehavior jars them into action. Such transgressions are likely to demand a harsh response, so that the pattern of parenting displayed is inconsistent and explosive.

The psychological distress associated with economic hardship also increases the chances of ineffective parenting. Economic strain is apt to foster an irritable, aggressive psychological state that operates to decrease warmth and increase hostility toward others, including one's children. Finally, depressed parents are more likely than nondistressed parents to be dissatisfied with social relationships, including the relationships with their children. Several studies have reported, for example, that depressed mothers tend to perceive their children as difficult, and parents are more likely to engage in harsh or punitive parenting when they perceive their children as difficult.

Thus, past research suggests several ways in which the preoccupation and psychological distress that accompany financial hardship tend to decrease warmth and monitoring while increasing inconsistency and hostility. As mentioned

in previous sections, this approach to parenting places a child at risk for conduct problems and delinquent behavior.

### Linking Childhood Delinquency and Adult Crime

Research indicates that antisocial behavior in children is one of the best predictors of antisocial behavior in adults. Children who are aggressive and noncompliant during elementary school are at risk for adolescent delinquency and adult crime. This finding indicates that the roots of an adult antisocial lifestyle appear to be planted during the person's formative years. It is extremely rare that a person who was a model child and adolescent suddenly begins to engage in criminal behavior as an adult. Of course, the relationship between childhood conduct problems and adult antisocial behavior is far from perfect: Many delinquent children grow up to be conventional adults. So, what accounts for the link between past and future offending?

The criminological literature contains two very different views of antisocial behavior across the life span. Gottfredson and Hirschi's (1990) self-control theory argues that differences in self-control are established by age 10 and remain reasonably stable throughout the life. Caregiver parenting practices and, to a lesser extent, child temperament are seen as the primary determinants of a child's self-control. The theory views variations in levels of self-control as the primary explanation for individual differences in antisocial behavior throughout life.

Sampson and Laub's (1990) life course approach, on the other hand, posits that the stability of antisocial behavior across the life course is a consequence of deviant behavior at early stages of development that undermines relationships and activities that are important sources of control during later stages. In addition to describing the causal process that accounts for the continuity of antisocial behavior, life course theory identifies events and circumstances that serve as the turning points, enabling individuals with a history of antisocial behavior to adopt more conventional lifestyles. In other words, life course criminologists are concerned with explaining both stability and change in antisocial behavior.

According to Sampson and Laub (1990), childhood conduct problems increase the chances of delinquency during adolescence because they reduce ties to parents, conventional peers, and school. More specifically, in response to childhood opposition and defiance, parents often reduce their efforts to monitor and discipline. A noncompliant attitude also increases the chances that a child will experience academic failure. Finally, conventional peers tend to reject difficult children, increasing the probability that they will drift into a deviant peer group. Unencumbered by parental controls, disinterested in school, and under the influence of a deviant peer group, these antisocial youngsters graduate from oppositional/defiant behavior to more serious delinquent acts. Childhood antisocial behavior



leads to delinquency because of its disruptive effect on parents, school commitment, and peer affiliations.

Life course theory also notes, however, that numerous children who exhibit this sort of problem behavior do not follow this pattern. In fact, longitudinal research shows that the majority of antisocial children go on to lead conventional lives. For example, past research shows that somewhere between 15% and 20% of 10-year-old boys are oppositional and defiant. They are aggressive, impulsive, self-centered, and noncompliant; tend to be rejected by their conventional peers; and represent a challenge to their parents and teachers. By age 18, a small proportion of the cohort, roughly 10%, is severely delinquent. They engage in fights, truancy, robbery, drug sales, and the like. Finally, a somewhat smaller proportion of the cohort, perhaps 5%, is involved in serious crime at age 26. Their criminal activities include a wide variety of illegal acts, such as robbery, burglary, drug trafficking, gambling, and prostitution. Nearly all adult criminals were seriously delinquent during adolescence, and virtually all of the seriously delinquent adolescents were oppositional/defiant at age 10. This does not mean that all antisocial children grow up to be criminals. Only about half of all children with conduct disorder go on to engage in serious delinquency during adolescence, and only about half of all seriously delinquent adolescents engage in criminal behavior as adults. Thus, although childhood deviance increases the chances of adult antisocial behavior, many individuals age out of their antisocial tendencies and adopt a more conventional way of life.

The finding that many antisocial individuals embrace a conventional lifestyle with the passage of time is contrary to self-control theory's contention that by age 10, the window of opportunity for socialization is slammed shut, with those who have not acquired self-control being doomed to a life of delinquency and crime (Burt, Simons, & Simons, 2006). The evidence suggests instead that antisocial behavior shows both continuity and change: Some individuals manifest antisocial behavior throughout their lives, whereas others change and adopt a more conventional lifestyle. There is evidence that children who were highly oppositional but who subsequently experience improved parenting, increased school commitment, or reduced involvement with deviant peers show no more conduct problems during adolescence than boys who displayed little oppositional behavior during childhood. Furthermore, studies have found that job satisfaction and a committed, happy romantic relationship and other family ties mediated a significant proportion of the relationship between adolescent delinquency and adult crime (Simons & Conger, 2007). Thus, troubled adolescents who are able to achieve these successes are more likely to adopt a conventional lifestyle in adulthood, whereas those who fail to do so are more likely to continue on their troubled path toward adult criminal behavior.

Thus, recent longitudinal research tends to support the life course perspective over self-control theory. These studies explain why some individuals manifest antisocial behavior throughout their lives, whereas others desist and adopt a more conventional lifestyle. Studies generally have found

that low commitment to conventional social activities and relationships explains much of the relationship between childhood measures of self-control and future deviant behavior. These investigations also show that antisocial individuals who buck the odds and develop strong commitments to such activities and relationships tend to discontinue their deviant lifestyles. These findings are consistent with the life course perspective but contradict self-control theory.

## Marital Violence

The first national survey of family violence was conducted by Murray Straus and his colleagues (Straus, 1974). Sixteen percent of married couples reported a violent incident in the preceding year, and 30% reported at least one incident at some point during the course of the marriage. Slightly more than 6% indicated that there had been an incident of severe violence. To the surprise of almost everyone, the data indicated that wives hit their husbands slightly more often than husbands hit their wives. This pattern has since been corroborated by many studies.

Although this is interesting, it should not be taken as an indication that husband abuse is a serious social problem comparable to wife abuse. This female-to-male pattern is typically confined to fairly minor acts of violence, such as slapping or shoving, and it is unlikely to involve injury. Police records, emergency room data, and criminal victimization surveys indicate that women are far more likely to sustain serious injury at the hands of men. Eighty percent of the partner assaults reported to the National Crime Victimization Survey involved men attacking women (Felson, 2002). Men and women vary tremendously in terms of size and strength, ability to deliver forceful blows, and capacity to defend or escape. Studies that have examined injury rather than just number of incidents conclude that men are much more violent toward their partners than women are.

Researchers have made distinctions between two types of intimate partner violence (Johnson & Ferraro, 2000). The first type, called *common couple violence*, occurs infrequently, does not escalate over time, and rarely results in physical injury or psychological trauma. This is not the type of violence that most human service workers, policymakers, or everyday citizens have in mind when they refer to *spouse abuse* or *battering*. Instead, it is the phenomenon called *intimate terrorism* that concerns society. This type of violence is frequent, persistent, and severe, and it results in physical injury and emotional trauma. It is in response to this social problem that people have established shelters, strengthened restraining orders, instituted mandatory arrest policies, and implemented treatment programs. This assaultive behavior is relatively rare and is usually committed by a man against a woman.

Past research indicates that two types of men tend to engage in intimate terrorism. The first group consists of men who engage in a wide variety of antisocial behaviors besides spouse abuse. For these individuals, severe partner

abuse is an expression of a more general antisocial orientation. Their antisocial behavior appears to be, in large measure, a consequence of having grown up in a disorganized, violent family. In contrast, the second category of batterers displays the characteristics of borderline personality disorder and engages in little antisocial behavior outside of the couple relationship. Their intimate violence appears to be an expression of fear and anger regarding rejection instead of a component of a more general antisocial orientation. Some evidence suggests that these abusers often have grown up in a family characterized by emotional and physical abuse. Apparently, the parents of these individuals set rules and engage in the consistent discipline necessary to otherwise produce a basically conventional lifestyle. The rejection and abuse, however, result in a violent, turbulent approach to intimate relationships.

There is still much to be learned about the types of men who engage in severe partner abuse and the childhood factors that give rise to such behavior. Given the low base rate of intimate terrorism, it is difficult to generate samples of participants. As a result, most studies have focused on common couple violence. Thus, we know much more about minor acts of partner violence than we do about more extreme forms of assault.

### Child Maltreatment

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Past research has established that there is a tendency for adults to repeat the abuse they experienced as a child (Heyman & Slep, 2002). This phenomenon is often labeled “the cycle of violence.” Although most victims of childhood abuse do not go on to abuse their offspring, they are 10 to 15 times more likely to be abusive parents than persons who were not exposed to abusive parenting. The most popular explanation for this finding involves the idea of *modeling*, from social learning theory. It is assumed that children observe the behavior of their parents and consider it to be normal or typical parental behavior. Later, when they achieve adulthood, they are likely to use these parenting scripts in a reflexive, rather unthinking fashion when parenting their own children.

Recently, some scholars have argued, largely on the basis of work by criminologists, for an alternative explanation for the cycle of violence phenomenon. These researchers argue that abusive parenting fosters a general antisocial orientation instead of simply teaching a dysfunctional approach to parenting. Abusive parenting is seen as increasing the chances that a person will grow up to engage in a wide variety of criminal and deviant behaviors, including harsh and abusive parenting practices. Furthermore, there is evidence that males who were the victims of harsh parenting practices have an increased risk of perpetrating intimate partner violence and sexual coercion (L. G. Simons, Burt, & Simons, 2008).

These two points of view suggest very different images of the abusive parent. The modeling perspective portrays perpetrators as ordinary citizens, conventional in all respects

except for their abusive behavior. Scholars who support the antisocial orientation point of view, on the other hand, argue that most abusive parents are far from being ordinary; instead, parents who engage in extreme abusive practices are likely to have a history of involvement in a wide variety of criminal and deviant behaviors as well. We will have to wait for future research to establish which viewpoint is more correct.

### Conclusion

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Although this chapter has focused on a wide range of topics, it has provided clear and consistent support for a simple but important thesis: Exposure to inept parenting practices increases an individual’s risk for childhood conduct problems; adolescent delinquency; and adult antisocial behavior, including marital violence and child abuse. However, factors such as educational success, a conventional friendship network, a happy marriage, and a satisfying job can operate to moderate this risk. Unfortunately, individuals exposed to inept parenting often possess antisocial characteristics that reduce their probability of acquiring or gaining access to these moderators.

The theories and studies discussed in this chapter all suggest that inept parenting increases the chances of child conduct problems, adolescent delinquency, and adult crime; however, it is important to not overstate the case. On the one hand, it is true that the roots of an adult antisocial lifestyle appear to be planted during a person’s formative years, and parenting has much to do with the formation of these roots. The evidence reviewed in this chapter indicates that it is extremely rare that a person who was a model child and adolescent suddenly begins to engage in criminal behavior as an adult. On the other hand, the relationship between childhood conduct problems and adult antisocial behavior is far from perfect—indeed, the majority of delinquent children grow up to be conventional adults!

It is also important to remember that other factors besides parenting have been shown to influence involvement in delinquent and criminal behavior. Factors such as lack of occupational opportunity, living in a disadvantaged neighborhood, stressful events, and racial discrimination are associated with crime and delinquency. If society is to address the problems of crime and delinquency, it must pursue policies that address the full range of factors that influence participation in such behavior. It is important that social scientists and policymakers not overlook the family. Indeed, the effects of many of the social factors just mentioned may be mediated by family processes. Family religiosity, for example, appears to reduce delinquency, at least in part, because religious parents tend to engage in high levels of monitoring and consistent discipline. Also, there is evidence that part of the association between community disadvantage and delinquency is explained by the disruptive effect that such community conditions have on parental behavior. In the past, criminologists and sociologists have

often ignored findings regarding a link between parenting and delinquency, treating such findings as narrow and socially conservative. Research results are not socially conservative, however, if they lead to social change.

It is important that social scientists and policymakers think systematically about steps that might be taken to enhance the quality of care provided to children, especially during the formative years. Unlike criminological theories concerned with economic and community factors, theories of deviant behavior that focus on family processes are often seen as having few policy implications. This is simply not the case. It is probably no more difficult to formulate policies that enhance quality of parenting and child care than it is to design policies that increase access to jobs or reduce poverty and discrimination. Instead of simply blaming parents for not doing a better job of raising their children, society needs to pursue social policies that strengthen families and enhance the quality of child care.

## References and Further Readings

- Akers, R. L. (1973). *Deviant behavior: A social learning approach*. Belmont, CA: Wadsworth.
- Amato, P. R. (2000). Consequences of divorce for adults and children. *Journal of Marriage and Family*, 62, 1269–1287.
- Baumrind, D. (1971). Types of adolescent life-styles. *Developmental Psychology Monographs*, 4(1, Pt. 2).
- Brody, G. H., Ge, X., Conger, R. D., Gibbons, F. X., Murry, V. M., Gerrard, M., & Simons, R. L. (2001). The influence of neighborhood disadvantage, collective socialization, and parenting on African American children's affiliation with deviant peers. *Child Development*, 72, 1231–1246.
- Burt, C. H., Simons, R. L., & Simons, L. G. (2006). A longitudinal test of the effects of parenting and the stability of self control: Negative evidence for the general theory of crime. *Criminology*, 44, 353–396.
- Caspi, A., & Moffitt, T. E. (1995). The continuity of maladaptive behavior: From description to explanation in the study of antisocial behavior. In D. Cicchetti & D. J. Cohen (Eds.), *Developmental psychopathology: Vol. 2. Risk, disorder, and adaptation* (pp. 472–511). New York: Wiley.
- Conger, R. D., Conger, K. J., Elder, G. H., Lorenz, F. O., Simons, R. L., & Whitbeck, L. B. (1992). A family process model of economic hardship and influences on adjustment of early adolescent boys. *Child Development*, 63, 526–541.
- Conger, R. D., & Simons, S. L. (1997). Life-course contingencies in the development of adolescent antisocial behavior: A matching law approach. In T. P. Thornberry (Ed.), *Development theories of crime and delinquency: Advances in criminological theory* (Vol. 7, pp. 55–99). New Brunswick, NJ: Transaction.
- Felson, R. B. (2002). *Violence and gender re-examined*. Washington, DC: American Psychological Association.
- Gottfredson, M. H., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Hetherington, M., & Stanley-Hagan, M. M. (1999). Stepfamilies. In M. E. Lamb (Ed.), *Parenting and child development in "nontraditional" families* (pp. 137–159). Mahwah, NJ: Lawrence Erlbaum.
- Heyman, R. E., & Slep, A. M. (2002). Do child abuse and interparental violence lead to adult family violence? *Journal of Marriage and Family*, 64, 864–870.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Jacobson, N., & Gottman, J. (1998). *When men batter women: Insights into ending abusive relationships*. New York: Simon & Schuster.
- Johnson, M. P., & Ferraro, K. J. (2000). Research on domestic violence in the 1990s: Making distinctions. *Journal of Marriage and Family*, 62, 948–963.
- Maccoby, E. E., & Martin, J. A. (1983). Socialization in the context of the family: Parent-child interaction. In P. H. Mussen (Ed.), *Handbook of child psychology* (Vol. 4, pp. 1–101). New York: Wiley.
- Patterson, G. R. (1982). *A social learning approach: Coercive family process*. Eugene, OR: Castalia.
- Patterson, G. R., Reid, J. B., & Dishion, T. J. (1992). *Antisocial boys*. Eugene, OR: Castalia.
- Sampson, R. J. (1986). Neighborhood family structure and the risk of criminal victimization. In J. M. Byrne & R. J. Sampson (Eds.), *The social ecology of crime* (pp. 25–46). New York: Springer-Verlag.
- Sampson, R. J., & Laub, J. H. (1990). Crime and deviance over the life course: The salience of adult social bonds. *American Sociological Review*, 55, 609–627.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Simons, L. G., Burt, C. H., & Simons, R. L. (2008). A test of explanations for the effect of harsh parenting on the perpetration of dating violence and sexual coercion among college males. *Violence and Victims*, 23, 66–82.
- Simons, L. G., & Conger, R. D. (2007). Linking gender differences in parenting to a typology of family parenting styles and adolescent developmental outcomes. *Journal of Family Issues*, 28, 212–241.
- Simons, R. L., & Associates. (1996). *Understanding differences between divorced and intact families*. Thousand Oaks, CA: Sage.
- Simons, R. L., Simons, L. G., Burt, C. H., Drummond, H., Stewart, E. A., Brody, G. H., et al. (2006). Supportive parenting moderates the effect of discrimination upon anger, hostile view of relationships, and violence among African American youth. *Journal of Health and Social Behavior*, 47, 373–389.
- Simons, R. L., Simons, L. G., & Wallace, L. E. (2004). *Families, delinquency, and crime: Linking society's most basic institution to antisocial behavior*. New York: Oxford University Press.
- Straus, M. A. (1974). Cultural and social organizational influence on violence between family members. In R. Prince & D. Barrier (Eds.), *Configurations: Biological and cultural factors in sexuality and family life* (pp. 53–69). Lexington, MA: Lexington Books/D.C. Health.
- Straus, M. A., & Gelles, R. J. (1986). Social change and change in family violence from 1975 to 1985 as revealed by two national surveys. *Journal of Marriage and Family*, 48, 465–479.
- Straus, M. A., Gelles, R. J., & Steinmetz, S. K. (2006). *Violence in American families: Behind closed doors*. New Brunswick, NJ: Transaction.

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## GENDER AND CRIME

JANET T. DAVIDSON

*Chaminade University of Honolulu*

MEDA CHESNEY-LIND

*University of Hawaii*

The study of the nature and extent of crime has largely been the study of the nature and extent of male crime. The results of largely male-based studies have been used to craft programs, interventions, and punishments that would be applied to all offenders. These male-based interventions have historically been merely used to respond to girls' and women's crime on the basis of the assumption that a one-size-fits-all model of crime, punishment, theory, and intervention works for both genders. Researchers in the 20th and 21st centuries, though, have challenged the notion that female offenders are the same as male offenders, that the two commit crimes for the same reasons and should be treated in exactly the same manner by the criminal justice system.

The subject of gender and crime is complex, multifaceted, and certainly worthy of serious scholarly attention. For the sake of cohesiveness and general education, this chapter focuses on women and crime; specifically, it outlines the historical lack of specific focus on female criminality and the complications this paucity of attention has thus created for female offenders. Attention is paid to important theoretical perspectives informing the field of gender and crime; female pathways to crime; recent trends in female criminality; and, finally, women's experience of the criminal justice system, including important trends in the imprisonment of girls and women.

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### Male-Based Criminology and Explanations of Female Criminality

As this chapter is being written, we can say that a lot is known about the nature and extent of criminal offending. The earliest thinking about crime came from religious leaders and philosophers; often, these perspectives speculated on both the origins and morality of criminal acts as well as the proper sort of responses to these offenses. The first true empirical studies of criminal offending were conducted by Cesare Lombroso, who believed that there was an important link between biological factors and crime causation. In other words, it was believed that certain offenders were born criminal and could be identified by certain biological defects, such as high cheekbones, baldness, and shifty eyes. Scholarship on the nature and extent of crime has moved far beyond these appearance-based biological factors. Contemporary thinking about crime causation is much more complex and often involves a mix of sociological or psychological factors.

Regardless of the scope of the theoretical perspective taken or the variables included, criminology has historically been a field dominated by male scholars seeking to explain the criminality of other men. Girls and women who committed crimes were for too long the forgotten offenders. Indeed, the term *the invisible offender* is often used by feminist scholars to describe the lack of scholarship on and

knowledge of female offenders. Women were either eliminated from samples or data on them were excluded from analyses seeking to explain crime or understand the effectiveness of the criminal justice system. The result of this andocentric focus is that theories of crime and justice were really theories of male crime and justice. The specific focus on female offenders began in the 1970s largely because of the work of feminist scholars. Indeed, the number of scholars labeled *feminist criminologists* has continuously increased during this time span and has resulted in a widening of the research agenda for scholars exploring the topic of gender and crime. Prior to this era, research on girls or women and crime tended to be haunted by stereotypes about “evil” and “bad” women, and the work focused almost exclusively on prostitution. Feminist scholars, by contrast, began to explore whether girls and women committed crime for different reasons than boys and men; they also focused on a wider range of offenses. Thus, part of feminist scholarship in this area was and is to question criminological knowledge that was male based and male informed as well as to build a new criminology with female offenders squarely as the center of inquiry. Feminist scholars also began an exploration of girls’ and women’s experiences in the criminal justice system, most specifically, the experience of women in prison.

From the beginning, feminist criminologists addressed the paucity of research and theory regarding female offending. They also called attention to the fact that men, too, have a gender, and thus they propelled a new line of research—masculinities research, which explores the role played by masculine expectations in certain forms of male crime. Although the term *feminism* often evokes negative connotations in the lay population, feminist scholarship in criminology foregrounds gender; that is, feminist criminologists do not assume that the factors that are significant in explaining male criminal behavior will necessarily also predict female crime. Feminist scholarship also assumes that gender is constructed and is shaped by history, culture, and the sociopolitical climate. One’s gender often enhances or limits opportunities and social participation in very important ways, and these systems of male privilege and the ways in which they interface with the policing of women are also important to feminist criminologists.

Some of the more salient aspects of gender, relative to crime and the criminal justice system, highlighted by feminist research include the notion that girls and women in the criminal justice system are more likely than boys to have histories of sexual and physical victimization; that women in the criminal justice system are frequently sole caregivers of dependent children; and, finally, that the abuse that characterized their childhoods continues on into adulthood. Along with these differences, criminalized girls and women share with their male counterparts certain attributes: Girls and women who commit crimes are likely to come from economically marginalized communities,

many have very spotty employment histories, and many of the girls and women in prison are members of racial minority groups. Important as these insights are, there is no single feminist approach; instead, feminist criminology, as a part of feminist theory, has been informed by a variety of feminist perspectives.

Some scholars have approached the study of girls, women, and crime from the liberal feminist perspective. This perspective views the disadvantage, as well as other social problems, faced by women as a direct result of a society that views women as unequal to men and believes that, if discrimination against women is the problem, then laws mandating equal treatment on the basis of sex are the solution. Scholars adopting this tradition often point to the myriad examples of women and men being treated in unequal ways by the criminal justice system, such as the failure to allow women on juries until the middle of the 20th century and the difficulties that women experienced getting admitted to law schools during most of the 20th century. Advocates of the liberal view use education, integration, and litigation to address gender inequality.

*Radical feminists* see an existing social system, especially one rooted in patriarchy (institutional arrangements that enforce male privilege), as crucial to understanding women’s status (and women’s crime). Radical feminists thus move beyond simply using the social structure as an explanatory framework and directly challenge the existing system as one way to equalize men’s and women’s power and status within society and thus elevate the overall status of all women. Scholars adopting this perspective have been responsible for informing the nature and extent of female victimization (in particular, wife battery and sexual assault) at the hands of males, often in intimate and power-imbalanced relationships.

Marxist scholars view capitalistic systems as particularly problematic for societies in general. The unequal class relations, whereby individuals in the upper classes have the power to control those in the lower classes (e.g., through wages and access to lawmaking and other power establishments), prove problematic in myriad ways for people without power. Clearly, this perspective focuses on the crimes of the powerful, which are often not prosecuted, while the crimes of the powerless are hyped and heavily policed. In line with this view, Marxist feminists observe capitalism as the most important social structure, one that places women at a societal disadvantage over men because they are even more economically marginalized than their male counterparts.

*Socialist feminists* point out that two of the most important social structural conditions, capitalism and patriarchy, place women at disadvantage. Thus, these scholars tend to take a more holistic view of how women are situated in society in terms of power and status. At an aggregate level, women in general occupy lower power and status relative to men; thus, socialist feminists see the disadvantages

faced by women as a direct result of this placement. From this perspective, society would need to be completely restructured away from both capitalism and patriarchy to alleviate both gender and class inequities.

*Third-wave feminists* focus on how gender, race, and class intersect to put some women at greater disadvantage than others. For many feminist scholars this perspective marked an important improvement over others, because the prior implication had been that all women were situated equally within society. Third-wave feminists, however, have made the important point that salient distinctions should be noted in class and ethnic differences. In other words, although women, relative to men, are placed at a disadvantage, not all women are equally placed and valued within society. Gender certainly has a significant impact on a person's placement within the social, class, and power systems of a society, but so do race, ethnicity, and class.

It is important to note that the study of masculinities also emerged as feminists focused on the role that gender plays in crime causation. Through the study of gender, crime, and victimization, feminist scholars refocused attention on male offenders and the role played by male gender expectations in crime. Again, much of criminological thought has taken for granted that criminal behavior is simply male criminal behavior. Few ever questioned how specifically male or female socialization lead to participation in crime and violence. Again, it is important to note that although there is no one feminist theory, all of these feminist-based theories have gender, typically the female gender, as the overriding concern central to their scholarly inquiry. Within criminology and criminal justice, these feminist theories specifically consider the disadvantages that girls and women face in society and how these relate to victimization and to criminal careers. Finally, these theoretical perspectives often offer suggestions to improve the plight of girls and women in society so as to reduce their need to engage in criminal conduct.

Drawing from these and other important feminist perspectives, gender-specific explanations of female criminality include both theoretical frameworks within which to understand offending behavior as well as ideas for change that stem from these perspectives. Feminist criminologists have remained concerned with questions of whether, in fact, male-based theories of crime apply to explanations of female criminality; why gender matters so much in official measures of crime; why women are victimized at much higher rates than men; how and whether women are treated differently within the criminal justice system; and why women appear over- and underrepresented relative to men in certain crimes. This is certainly not an exclusive list, but it creates a streamlined method of summarizing the primary concerns of the majority of feminist criminological work to date.

The feminist focus on women arguably began with a focus on women's victimization in a largely patriarchal system. The focus on female victimization inevitably led to the discovery of an important link between girls' and women's victimization

and their later histories of offending. Furthermore, this focused inquiry on female offending highlighted the lack of much-needed scholarly attention to women's crime. Specifically, feminists have been concerned with how a gender-based social structure (i.e., one dominated by patriarchy) has influenced women's social participation in ways that disadvantage them. In this realm, gender is accepted as something socially constructed and different than biological sex. Gender—masculinity or femininity—is imbued with deeply embedded social meanings and expectations.

Indeed, it is important to note that feminist scholarship, regardless of its form, has helped transcend the dichotomy between crime as male and victimization as female. Indeed, feminist scholarship has refocused attention on men and crime and what “doing gender” means for both. Unfortunately, the lack of research and other scholarly attention to women's crime has yielded consequences. First, scholars, instead of attempting to understand why women commit crime, have labeled women “bad” if they committed crime. Women have historically and unquestionably been treated in overly controlling ways, especially in patriarchal systems that value “good” women, that is, those who are largely subservient to men and to male-created institutions. Second, policies, practices, and programs designed for male offenders have been applied to female offenders in largely unacknowledged ways. The number of women as arrestees and as members of correctional populations has gone largely unnoticed or studied, even when their numbers have grown at rates faster than men. Contemporary scholarship has moved beyond the invisibility of female offenders, though. The rest of this chapter outlines what we know about women's pathways into crime; their patterns of victimization; the nature and extent of female offending; and their participation in the criminal justice system, including their experiences in jail and prison.

## Pathways and Women's Crime

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For many people, the pathway to crime is complicated, and for women this picture is no different. Women do tend to have patterns in common with men, but there is now a wealth of documented gender-specific factors related to women's participation in crime and in the criminal justice system. Feminist scholarship has, again, helped detail how women's roles in society have traditionally been ignored within the criminal justice system and has helped provide explanations of female offending. Current research documents how the complexity and the context of the female life is often the root of her involvement in offending and in the criminal justice system. In short, women have significantly greater histories of trauma, addiction, relationship difficulties, abuse, and economic marginalization than their male counterparts. A type of life course perspective, called the *pathways perspective*, currently exhibits the best method of understanding women's involvement in offending and in the criminal justice system.

Girls and women suffer rates of victimization and abuse (sexual, physical, and emotional) at much higher levels than their male counterparts. The most recent survey of national correctional populations (including inmates and probationers), for example, demonstrated that well over half of the female jail inmates had ever been physically or sexually abused, compared with fewer than 1 in 5 of the male inmates. Furthermore, females' abuse occurs at disproportionate rates both before and after they enter legal adulthood; in other words, females are more likely to suffer serious abuse as both girls and as women. Existing research supports a link between child and adult victimization and female criminality, and women in the criminal justice system have higher levels of abuse than the general female population. Trauma theorists assert that these past abusive events are often cumulative and result in trauma that is rarely treated in any professional manner. Thus, women adapt to the trauma in ways that are deemed criminal, especially through the use of drugs and other substances and crimes designed to support these addictions.

Women are more likely than men, at an aggregate level, to be incarcerated or otherwise under correctional supervision for drug and property offenses. Another national survey of incarcerated individuals demonstrated that, in 2006, for women, 28.7% were sentenced for a drug offense and 30.9% were sentenced for a property offense, compared with corresponding rates of 18.9% and 20.1% for men. Female offender involvement with drugs and other substances is multifaceted, and property crimes are often drug related. Existing research demonstrates that factors such as trauma, abuse, women's subservient roles in society, health problems, poor self-image and self-efficacy, and relationship difficulties are often directly related to substance use and related to female offending. Addiction theorists posit that we could indeed reduce levels of female offending if we addressed the gender-specific factors that lead to addiction and drug-related crimes.

Other scholars have focused on differences in female-specific relationships and the interaction with individual and social development. Because of differential socialization processes, girls mature into adulthood differently than do boys, and they do so in ways that place them in relatively vulnerable and disadvantageous positions. The prevalent histories of abuse for girls leave them vulnerable to lower levels of self-worth and empowerment and a diminished ability to have meaningful relationships. The role a patriarchal system has in socializing female expectations and responsibilities is beneficial to understanding the gender-specific strains that leave girls and women susceptible to crime and substance use. Furthermore, women are more likely to be raising dependent children alone than are men, and this, coupled with their own difficulties with relationships, can often create a cycle of dysfunction.

The pathways perspective is a particularly robust theoretical explanation for female involvement in crime. This theoretical perspective takes a more holistic stance toward women's involvement in crime by incorporating all of the

gender-related risk factors thought to contribute to female criminality. When the context of female social participation is placed squarely in the context of a patriarchal society, one that limits female participation in meaningful ways and labels females "bad" when they do not follow gender-related rules, the transparency of their life problems and the intersection with crime is noticeable.

A pathways, or *life trajectories*, perspective informs us that girls and women in the criminal justice system suffer higher rates of victimization than boys and men in their families of origin and within their intimate relationships. They are more likely than men to self-medicate with both legal and illegal substances, to have fragmented family histories, to suffer from physical and/or mental health problems, to be unmarried mothers with minor children, and to have limited vocational skills and sporadic work histories. These factors, singularly or, more often, simultaneously, come together in ways that positively affect women's offending and involvement with the criminal justice system.

These factors increase the likelihood of offending and other criminal justice involvement for women, especially for women of color and those with lower socioeconomic status. The socialization of girls and women shapes the available opportunities (perceived or otherwise) for women who find themselves on the fringes of society. These limited choices often lead females, first as girls and later as women, into homelessness, substance use, survival crimes (often as prostitutes or in the sex industry), unhealthy and often abusive relationships, and more serious criminal offenses.

Gender operates in very powerful yet often-unnoticed ways. Girls' and women's lives are limited and shaped by circumstances that devalue them relative to their male counterparts. Although we are more aware of some of these outcomes, such as lower pay for similar work, the manner in which girls and women enter the criminal justice system has remained unfortunately invisible for too long. Note that we are not claiming that feminist scholars do not wish to imply that the prevalent histories of abuse and vulnerable positions within patriarchal societies leaves women without any sense of agency; instead, the point is that females who find themselves represented as offenders and other criminal justice participants are more likely than others in the general population to exhibit the factors mentioned in this section.

## The Nature and Extent of Women's Crime

One of the best predictors of crime, especially violent crime, is gender. Males are responsible for a disproportionate amount of reported crime. For example, in 2006, males made up 82.8% of the individuals arrested for violent crimes (murder, aggravated rape, robbery, and aggravated assault) and 68.8% of the individuals arrested for property crimes (burglary, motor vehicle theft, and larceny theft). Women, however, made up 64.2% of the prostitution and

commercialized vice arrests, and girls represented over half of all runaway arrests (refer back to the “Pathways and Women’s Crime” section for explanations of the higher representation of females in these areas).

Although females represent roughly one quarter of all official arrests, their participation in the criminal justice system has grown at a rate faster than men’s. There is no dispute that the overall percentage of arrests accounted for by women has increased. More disputable, though, is what these numbers really mean. It might be that women are indeed committing more crime now than they were even 30 years ago. The recent literature suggests that it is more likely, though, that the level of criminality has not significantly risen but that attention to female behavior has increased, particularly in the area of assault.

Violent crime has historically and consistently remained a largely male phenomenon. This is true despite contemporary media efforts to depict ever-increasing levels of female violence and “bad” girls. Indeed, the percentage of females arrested for homicides has significantly decreased over the past 40 years. Female arrests have increased significantly for property crimes, especially larceny and fraud, as well as for drug offenses. Both of these changes in female criminality are likely a result not only of some increased offending but also of increased attention to these behaviors by law enforcement, at local and federal levels.

As discussed earlier, the women who most often become involved in crime and end up in the criminal justice system tend to be economically marginalized and have a lack of educational and/or vocational opportunities. Women’s economic status, coupled with their more extensive histories of abuse, make it understandable that the crimes they tend to commit more often, or in which they are otherwise over-represented, are ones that could be considered “survival crimes.” For example, property crimes such as larceny or theft; fraud forgery; and sex crimes, such as prostitution, are viable methods of survival for women on the economic margins. If there is an average female offender, she is young, a single mother, and a woman of color; is undereducated and not well skilled; and has a history of abuse. These factors shape the nature and extent of crime for women as compared with men.

In any discussion of women’s criminality it is crucial to understand women’s involvement in drug use. As mentioned earlier, women are more likely to turn to substances, both legal and illegal, as a means of self-medication for untreated emotional trauma, often related to histories of abuse. This has become even more problematic for women as the United States has been imposing tougher sanctions for illegal drug use. As the following sections highlight, women’s faster rate of prison growth is largely attributable to mandatory drug sentencing laws.

It is increasingly difficult and indefensible to render girls and women invisible given their increased participation in the criminal justice system over the past few decades. Their increased presence in official arrest and

conviction records also has implications for the manner in which they should be processed through the criminal justice system and otherwise treated and supervised within the community. The next two sections deal with these important issues.

## Women and Equity in the System

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The issue of gender equity in the criminal justice system is one that has remained contentious. As stated earlier, the criminal justice system has largely been defined and built around what we know about male offending and has merely been applied to women. Many consider this to be equitable treatment. However, given what is known about female pathways to offending, the “add gender and stir” approach to criminal justice policy is not equitable. Laws, policies, punishment, and programs have mainly been developed with males in mind and are assumed to be good enough for females.

The current manner in which women enter and are treated in the system often leaves them disadvantaged relative to their male counterparts. Equitable treatment for a female offender would likely involve considering her gender-specific needs and crafting a system that would specifically target these areas. These gender-specific factors rarely enter into discussions of criminal or penal policy; thus, the possible negative impact on female offenders is not discussed or analyzed ahead of time.

Women are affected at many different stages in the system. For example, at the time of arrest, women are less likely to be able to post bail, because they typically do not have the same economic resources as male offenders. Women are more likely to be addicted to drugs or using drugs to self-medicate and are thus at greater risk of exposure to mandatory minimum prison sentences. In terms of classification schedules, female offenders tend to be overclassified in security risk levels relative to their male counterparts.

Because women, compared with men, are more likely to have been the primary caregivers of their dependent children, they are also more likely to be affected by the 1997 Adoption and Safe Families Act, which allows for the termination of parental rights if the parent has been consecutively without his or her child for 15 months. Because the average sentence for females is currently greater than 15 months, they are at greater risk than males (who are much less likely to have remained the caregiver of the dependent child) to permanently lose custody of their children.

Supervision strategies in prison and for probation and parole have been crafted with the male offender in mind. Equitable treatment for women would include supervision strategies designed for female offenders and would be cognizant of the histories of abuse that the majority of women in the system demonstrate. Furthermore, the competing demands of many female offenders in the community (child care, lower vocational skills and pay, familial



responsibilities) often translate into a need for greater support if the goal is to improve success while under community supervision.

Many scholars argue that the current criminal justice laws, from which other criminal justice processes certainly flow, involve gender discrimination, even though they appear gender neutral on their face. However, laws may be differentially applied to males and females, or they may punish male victimizers more than female victimizers (e.g., aggravated assaults vs. assaults related to domestic violence). Some laws, such as mandatory arrest in domestic violence cases, have actually created more difficulty for female victims than was intended.

Some scholars have argued that women are in fact treated in a chivalrous fashion and are given lighter punishment than men or that women are treated more harshly than men because they appear to be nonnormative, or they are “evil.” Neither the chivalry nor the evil-woman hypothesis is fully supported by the research. Although there is some evidence for both of these, the weight of the evidence indicates that criminal justice decision makers, from law enforcement through corrections, tend to consider different factors when considering how to treat males versus females.

Regardless, when it comes to differential treatment, the problem is one of translation, or lack thereof. Rarely is the growing and emerging research on female offenders used in meaningful discussions of criminal justice treatment. The existing research clearly demonstrates meaningful qualitative differences in the nature and extent of female offending. Females are represented in certain offender groups more than men and, in the main, commit crimes for different reasons than men (e.g., the pathways perspective). Thus, the contemporary challenge to the system is to find a way to use existing research and knowledge to inform equitable treatment. The corresponding challenge is to also educate policymakers of the difference between *equitable* and *exactly the same*—the two are not synonymous. Many see “equal under the law” as meaning “to be treated exactly the same”; however, applying policies made for men in exactly the same way to women does not constitute equitable treatment.

## Female Inmates

Females represent the fastest-growing incarcerated population, with a rate faster than that of their male counterparts. This needs special attention because, even with a greater rate of growth, this is an area in which female offenders have perhaps remained the most invisible. Despite the greater rate of growth, there are still fewer female inmates than men; they are often incarcerated for less serious offenses; and they are rarely associated with violence in prison, rioting, or other assaultive behavior. There are, however, important gender-specific issues that female offenders face while in prison.

In early jails and prisons, female, male, and youthful offenders were placed in the same institutions without regard to safety, exploitation, or other issues of vulnerability. As the theory of penology changed, so did the manner in which individuals were incarcerated. By the early 20th century, most jails and prisons segregated males and females, either in separate institutions or separate within the same institution. These earlier separate, and seemingly equal, institutions were in fact equal only at face value. The earliest facilities for women were designed to rehabilitate the offenders such that they would conform to gender-related societal standards. In other words, women were taught how to be better cooks and better cleaners, and to perform other traditionally female-oriented roles so that they could be “better” daughters or wives. Because the purpose of their incarceration was rehabilitation, their sentences were typically indeterminate, meaning that they did not serve a fixed amount of time (although there was typically a maximum sentence to be served). These female inmates would be released when they were deemed rehabilitated. During this same time frame, though, men were sent to prison primarily for punishment and were released on the basis of a fixed sentence. The result of these different systems was that women often served more time than men for similar offenses.

In the 21st century, punishment remains the primary goal of incarceration for both males and females. Therefore, it would seem that the nature of the incarceration would be the same for both, yet this is not the case. As mentioned earlier, perhaps the most troubling difference is that the rate of incarceration for females has continuously outpaced that for men for the past decade. It is important to note that the “get tough” and harsh crime control policies of the late 20th century have seemingly had the greatest impact on female offenders. The biggest policy area that affects female offenders, though, has been that associated with the war on drugs.

The earlier discussion of female offender pathways highlighted the reasons why many women become involved with illegal drugs or develop substance abuse problems. The underlying addictions and associated criminal behavior, for many women, are symptomatic of their troubled lives and untreated trauma and other mental health issues; as a result, comorbidity (i.e., having more than one problem) is a significant problem in women’s prisons. The war on drugs, with a heavy reliance on incarceration as a solution, has been the most prevalent form of “treatment” many female offenders have received.

Unfortunately, prison has not proven an effective place in which to treat the very complex issue of drug addiction, especially for a population of women who are likely un- or underemployed, undereducated, economically marginalized, and who have untreated physical or mental health problems and are responsible for the care of young children. Many scholars, feminist or otherwise, believe that the problems of addicted individuals could be better served in the community with social-service-based help.

It should also be noted that over two thirds of women are responsible for caring for their dependent children prior to incarceration, compared with less than half of men. Furthermore, if a mother goes to prison, her children are more likely to be cared for by a relative, friend, or someone other than the child's father; however, when a father is incarcerated, his children are likely to be cared for by the mother. Thus, incarceration policies that disproportionately affect female offenders have often been thought to have collateral consequences for the children left behind. Because there are fewer female inmates, nationally, than male inmates, there are also fewer female facilities. Facilities for females, and for many men, are often located at distances too far away from families to allow for visits. These women tend to come from economically marginalized families who cannot afford visits far from home, so many children will not see their mother while she is incarcerated. This is an unfortunate situation, because research has demonstrated that increased family visits and support reduce the likelihood of recidivism and overall success in the community.

The nature of female incarceration has received much less attention than male incarceration. The number of female inmates, relative to males, is often referenced as the reason for the lack of research attention; however, the current literature suggests some important distinctions in what it means to do time in a female institution compared with a male facility. Sexual assault of inmates by inmates is much more prevalent in male facilities. The culture in a female facility, though, is more likely to involve consensual sex and to sometimes be part of pseudofamilies developed in prison. When sexual abuse does occur in a prison facility, it is likely to occur at the hands of staff. These abuses often go unreported or are not investigated. There is not an adequate infrastructure in place to deal with these types of institutional-based abuse. Only recently have states begun to criminalize sexual abuse of female inmates by staff, recognizing that females are in vulnerable positions relative to the status and power of prison staff and are never in a position to have consensual sexual relationships with staff.

Women in prison, similar to women in society at large, are overly controlled. Relative to male inmates, females tend to receive more write-ups and misconduct violations. However, the nature of write-ups and misconduct reports are for minor violations of institutional rules (e.g., not following orders, being insubordinate) instead of violence within the institution. Although the nature of the prison environment for women is much less violent than it is for men, female inmates are nonetheless considered a more difficult population to work with. Correctional staff often cite female offenders' reluctance to follow orders without question as one of the main reasons for this difficulty, as well as women's greater emotional needs.

Women do have greater untreated mental health, and often physical health, needs compared with male offenders. This is often due to women's greater histories of emotional,

physical, and sexual abuse and related untreated trauma. Female inmates are significantly more likely than male inmates to have suffered abuse as both children and as adults. The physical and mental health care of incarcerated females are often inadequate for their needs.

The smaller number of female inmates has also contributed to a shortage of research, attention, and money applied toward women's in-prison programming. Mental and physical health in prison was mentioned earlier, and women's vocational and educational programming, relative to male inmates', also has remained inadequate. There are not enough existing programs to teach women vocational skills that will help them earn a living wage on their release from prison. These types of programs are much more likely to be found in male facilities.

An important consequence of fewer female inmates is that there are fewer female facilities. Not only are these facilities located long distances from the female offenders' homes, but also there are rarely separate facilities for females based on risk level. Although most female offenders represent a low risk to institutional security, the ability to segregate female offenders by low, medium, and high risk is often missing. All female offenders serve time in the same facility, regardless of classification level.

## Women as Victims

The connection between a girl's or woman's victimization and her offending is a complex yet important one for scholars of gender and crime to understand. Many women are neither simply victims nor simply offenders; they are often both. In fact, many women were victims long before they ever became offenders. Gender-focused research has highlighted female offenders' roles as victims. It is not uncommon for women to have been victims of physical, sexual, and/or emotional abuse, often at the hands of family members or loved ones.

Girls often exhibit the first signs of attempting to survive abuse at home by engaging in "survival crimes," namely, running away and engaging in sex work. These two behaviors, the first of which is considered a status offense for juveniles, offer viable means of escape from abusive homes. Often, girls do not see any other options available to them. Life on the street for young girls can be dangerous and may in fact lead to other means of survival, especially those related to drugs and drug use.

Although males are most certainly abused in the same ways as females, they are not abused at the same levels, and their abuse tends to end as they enter their teens (because they can fight back). Furthermore, much of the victimization of females is a result of male violence. In adulthood, this victimization may also expand into the economic realm, creating situations that trap women in abusive relationships. The situation is compounded for women who have children, because they often are not in a position to adequately provide

economic support for the children on their own. Unfortunately, this lack of economic power as an individual or within a household equates to less power and a lower likelihood of feeling safety in leaving an abusive relationship.

Regardless of the specific situation, women are often held in positions that are deemed secondary to men and that contain less power. This leaves girls and women vulnerable to violence in various forms. Men commit violence against women that serves to humiliate, dominate, and oppress as part of a patriarchal system that values men over women in most situations. When women do commit violence against men, it is often done in self-defense after a long period in a violent situation.

Feminist scholars have noted that it is more than a coincidence that much of the violence perpetrated against women has been done at the hands of males, often males known to the victim. This is true in all types of victimization. The majority of female rape and sexual assault victims know their assailants. Women who are already involved in physically abusive relationships are also more likely to become victims of sexual assault. Similar patterns are observed when we look at victims of physical abuse as well—most women know their assailants. Furthermore, it is statistically rare for mass-killing victims to be male; indeed, most serial killers are males, and most of their victims are females.

Why are women more likely than men to be victims of intimate violence? The best answer seems to be that male expression of violence is a way to exhibit control and power over women, either subconsciously or otherwise. It was, for a time, the nature of rape laws that only females were specified as victims and, even earlier, rape laws were in place mainly because women were considered property of men. Punishment was not for the benefit of the woman herself but to provide justice to the person who “owned” her. Society has continuously given off similar, albeit more subtle, messages. More contemporary messages center on women as in need of control by and protection from men. This is but one way women are placed in disadvantaged positions that make them more vulnerable to abuse at the hands of men.

It matters that women are often abused by men they know. First, women who are exposed to abuse from those who are supposed to care for them have greater difficulty forming healthy relationships. Second, when the victim of physical abuse or a sexual assault knows the assailant or is socially close to the assailant, the likelihood of prosecution decreases. In other words, the closer the social relationship, the less likely it is that the assailant will face any punishment. This perpetuates a societal structure and sends a message to men that women are “safe” targets for victimization.

Violence against women—sexual, physical, or otherwise—is not simply an individual problem. This is one of the most important messages of feminist scholarship. The patriarchal structure that allows so much victimization,

often without any recourse for women, is a social as well as an individual problem. Until there is a significant change in the way that women are valued within society, it is likely that they will continue to experience higher rates of victimization, which increases the odds of their substance abuse, offending, and official criminal justice participation.

## Conclusion

Scholars in the area of criminology should continue to think of gender not as just another variable but a matter worthy of specific focus and theorizing, especially with regard to female offending. More needs to be discovered not only about how women’s unique pathways affect offending but also how this knowledge can be used to better the lives of the increasing numbers of girls and women who find themselves in the criminal justice system. In particular, much more work needs to be accomplished to help us understand how women’s pathways to offending might best be addressed so that their levels of offending, recidivism or reoffending, and rates of incarceration can be reduced.

Research into effective treatment and supervision for female offenders should be expanded. Best practices are currently the standard in policy-based applications in this field yet, in the 21st century, the majority of standards- or evidence-based policy is still based on research conducted largely with only males or male offenders. The relevance of gender in the criminal justice system cannot be overstated; it warrants greater attention to and movement away from the historical invisibility often afforded the female offender and toward more gender-informed policies and practices.

## References and Further Readings

- Adler, F. (1975). *Sisters in crime: The rise of the new female criminal*. New York: McGraw-Hill.
- Alarid, L. F., & Cromwell, P. (Eds.). (2006). *In her own words: Women offenders' views on crime and victimization*. Los Angeles: Roxbury.
- American Bar Association & National Bar Association. (2001). *Justice by gender: The lack of appropriate prevention, diversion and treatment alternatives for girls in the justice system*. Chicago and Washington, DC: Authors.
- Artz, S. (1998). *Sex, power, and the violent school girl*. Toronto, Ontario, Canada: Trifolium Books.
- Belknap, J. (2001). *The invisible woman: Gender, crime, and justice*. Belmont, CA: Wadsworth.
- Bloom, B., Owen, B., & Covington, S. (2003). *Gender-responsive strategies: Research, practice, and guiding principles for women offenders*. Washington, DC: National Institute of Corrections, U.S. Department of Justice.
- Brown, L. M. (2003). *Girlfighting*. New York: New York University Press.

- Cameron, M. (1964). *The booster and the snitch*. New York: Free Press.
- Chesney-Lind, M., & Hagedorn, J. M. M. (Eds.). (1999). *Female gangs in America: Essays on gender and gangs*. Chicago: Lake View Press.
- Chesney-Lind, M., & Pasko, L. (2004a). *The female offender: Girls, women, and crime*. Thousand Oaks, CA: Sage.
- Chesney-Lind, M., Pasko, L. (Eds.). (2004b). *Girls, women, and crime: Selected readings*. Thousand Oaks, CA: Sage.
- Chesney-Lind, M., & Shelden, R. G. (1997). *Girls, delinquency, and juvenile justice*. Pacific Grove, CA: Brooks/Cole.
- Culliver, C. (Ed.). (1993). *Female criminality: The state of the art*. New York: Garland.
- Harlow, C. W. (1999). *Prior abuse reported by inmates and probationers* (Report No. NCJ 172879). Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.
- Kruttschnitt, C., & Gartner, R. (2003). Women's imprisonment. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 31, pp. 1–82). Chicago: University of Chicago Press.
- Mann, C. R. (1984). *Female crime and delinquency*. Tuscaloosa: University of Alabama Press.
- Mauer, M., & Chesney-Lind, M. (2003). *Invisible punishment: The collateral consequences of mass imprisonment*. New York: New Press.
- Miller, J. (2001). *One of the guys: Girls, gangs, and gender*. New York: Oxford University Press.
- Moore, J. (1991). *Going down to the barrio: Homeboys and homegirls in change*. Philadelphia: Temple University Press.
- Morris, A. (1987). *Women, crime, and criminal justice*. New York: Blackwell.
- Orenstein, P. (1994). *Schoolgirls: Young women, self-esteem and the confidence gap*. New York: Anchor.
- Owen, B. (1998). *In the mix: Struggle and survival in a women's prison*. Albany: State University of New York Press.
- Owen, B., & Bloom, B. (Eds.). (1998). *Modeling gender-specific services in juvenile justice: Policy and program recommendations*. Sacramento, CA: Office of Criminal Justice Planning.
- Pollock-Byrne, J., & Merlo, A. (Eds.). (2006). *Women, law, and social control*. Boston: Allyn & Bacon.
- Rafter, N. H. (1990). *Partial justice: Women, prisons and social control*. New Brunswick, NJ: Transaction.
- Renzetti, C. M., & Goodstein, L. (Eds.). (2000). *Women, crime, and criminal justice: Original feminist readings*. New York: Oxford University Press.
- Renzetti, C. M., Goodstein, L., & Miller, S. L. (Eds.). (2007). *Rethinking gender, crime, and justice*. New York: Oxford University Press.
- Richie, B. E. (1996). *Compelled to crime: The gender entrapment of battered black women*. New York: Routledge.
- Sabol, W. J., Couture, H., & Harrison, P. M. (2007). *Prisoners in 2006* (Report No. NCJ 219426). Washington, DC: Bureau of Justice Statistics.
- Sprague, J. (2005). *Feminist methodologies for critical researchers: Bridging differences*. Lanham, MD: Alta Mira Press.
- Van Voorhis, P., & Presser, L. (2001). *Classification of women offenders: A national assessment of current practices*. Washington, DC: National Institute of Corrections.
- Widom, C. S. (1995). *Victims of childhood sexual abuse—later criminal consequences*. Washington, DC: National Institute of Justice, U.S. Department of Justice.

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## GUNS AND CRIME

GARY KLECK

*Florida State University*

On June 26, 2008, the Supreme Court handed down one of the most intensely awaited decisions in its recent history, holding that the Second Amendment recognizes an individual right to keep and bear arms, and not merely the right of states to maintain armed militias (see Cottrol, 1994, for a good overview of the constitutional issues linked with the gun control debate). The decision, minority opinion, and supporting briefs all cited dozens of scholarly studies bearing on the links between guns and violence. This chapter summarizes that literature.

### The Use of Guns in Crime

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Firearms are heavily involved in crime in America, especially homicide. In 2006, approximately 11,600 homicides were committed by criminals armed with guns, claiming 68% of all homicides (U.S. Federal Bureau of Investigation, 2008a), and an additional 100,000 to 150,000 individuals are medically treated for nonfatal gunshot wounds each year (Kleck, 1997, p. 5; see also Annett, Mercy, Gibson, & Ryan, 1995). Data from the National Criminal Victimization Survey (NCVS) indicate that as many as 500,000 violent crimes were committed in the United States in 2006 by offenders armed with guns (though not all of these involved the perpetrators actually using the guns, as distinct from merely possessing them

during the incident). About 26% of robberies and 7% of assaults were committed by gun-armed offenders (U.S. Bureau of Justice Statistics, 2008).

Compared with other industrialized nations, the United States has higher rates of violent crime, both fatal and non-fatal, and a higher rate of gun ownership (Kleck, 1997, p. 64). These facts have led many people to conclude that America's high rate of gun ownership must be at least partially responsible for the nation's high rates of violence, or at least its high homicide rate. This belief in a causal effect of gun levels on violent crime rates has in turn led many people to conclude that limiting the availability of guns would substantially reduce violent crime, especially the homicide rate.

It is not so widely known, however, that large numbers of crime *victims* in America also use guns in the course of crimes, in self-defense. The best available evidence, based on 16 national surveys of probability samples of the adult U.S. population, indicates that guns are used by victims in self-protection more often than crimes are committed by offenders using guns. For example, victims used guns defensively approximately 2.0 to 2.5 million times in 1993, compared with approximately 850,000 crimes in which offenders possessed guns (Kleck & Gertz, 1995). Although some scholars have speculated that surveys overestimate the frequency of defensive gun use, there is no empirical evidence to support this conclusion (Kleck & Kates, 2001, pp. 241–264).

## Scale and Patterns of Gun Ownership in America

By international standards, the share of U.S. households with guns is very high. In national surveys, 40% to 50% of U.S. households report having one or more guns; the nearest known foreign competitor is Switzerland, where about one third of households have guns, mainly because of military service requirements (Killias, 1990). There were probably more than 276 million guns in private hands in the United States at the end of 2003, about 36% of them handguns. The size of the U.S. gun stock, especially the handgun stock, increased enormously from the 1960s through the 1990s, although the share of U.S. households with guns showed little change over that period (Kleck, 1997).

One obvious policy implication of this huge existing stock is that a large supply of guns would remain available, to criminals and noncriminals alike, even if all further manufacture and importation of guns were immediately halted (Kleck, 1997, Chap. 3). In contrast, only a few hundred-thousand guns are used to commit violent crimes each year. Thus, the supply of guns is hundreds of times larger than the numbers needed for criminal purposes. Consequently, even very large decreases in the supply would not produce gun scarcity but instead would merely reduce the size of the surplus. On the other hand, this does not imply that gun possession cannot be reduced among criminals or other high-risk subsets of the population, because it is possible that members of these groups can be deterred by legal penalties from acquiring or possessing guns, no matter how many are circulating.

The broad patterns of gun ownership in America do not support, in any straightforward way, the general idea that higher gun ownership rates will lead to higher violence rates, because gun ownership is generally highest in those groups where violent behavior is lowest. Although both gun ownership and violence are more frequent among males and Southerners, gun ownership is also higher among whites than among African Americans, higher among middle-aged people than among young adults, higher among married than unmarried people, higher among richer people than poor, and higher in rural areas and small towns than urban areas—the opposite of the way that violent crime is distributed (Kleck, 1997, Chap. 3).

## Crime-Related Motives for Owning Guns and the Effect of Gun Levels on Crime Rates

The vast majority of Americans who own handguns own them primarily for protection against crime (63% in one national survey), and about half of all gun owners, including those who own rifles or shotguns, own them primarily for protection (Cook & Ludwig, 1997, p. 38). Still other

owners cite protection as one of their reasons for having guns, secondary to hunting and other motives unconnected with crime. On the basis of the stated motives of gun owners, then, ownership of firearms is a response to crime, not just a cause of it.

This in turn suggests that higher crime rates could contribute to higher rates of gun ownership, as well as the reverse. Many research studies have provided empirical evidence that higher crime rates may indeed cause higher gun ownership rates (summarized by Kovandzic, Schaffer, & Kleck, 2005). The principal significance of this possibility is that it complicates the interpretation of research that finds more crime and violence in the same places and times as more gun ownership. It raises the question “Do more guns lead to more crime, or does more crime lead to more people acquiring guns for self-protection, or both?” When there is a possibility of this sort of two-way causation, separating one effect from the other becomes very difficult, requiring the use of highly complex statistical procedures. This chapter is not the place to address such technical matters; it suffices to say that experts continue to disagree about whether anyone has solved those statistical problems.

## How Do Guns Affect Crime?

Understanding the connection between guns and crime requires appreciating three fundamental facts:

1. Whereas gun ownership affects crime in various ways, crime also affects gun ownership.
2. The possession and use of guns have both violence-reducing and violence-increasing effects.
3. The kinds of effects that possession and use of guns have on crime depend on who possesses and uses them. The effects of victims using guns for self-protection are predominantly violence reducing, whereas the effects of criminals using guns for aggressive purposes are a mixture of violence-increasing and, more surprisingly, violence-reducing effects.

Because gun effects are quite different depending on what sort of person possesses the gun, the effects of offender possession/use and victim possession/use are discussed separately. Readers should, however, keep in mind that many crime victims are themselves criminals. Indeed, crime victimization is far more common among criminals than among noncriminals, and serious violent victimization is largely concentrated among criminals. For example, research has found that over 60% of homicide victims have an arrest record. Thus, serious violence is largely a criminal-on-criminal phenomenon. It therefore would be a mistake to view the offender–victim distinction as equivalent to the distinction between wicked offenders and morally pure victims. On the other hand, it would be equally erroneous to believe that in individual incidences of violence there is no real distinction between offenders and victims or that it is impossible to tell which party is the

aggressor and which is the victim. The somewhat morally unsatisfactory reality is that many of the people who are, in a given violent crime, clearly the victims of violence initiated by another person have themselves committed serious crimes in the past.

One critical implication of these facts is that even criminals use guns for genuinely defensive purposes, in incidents in which they are victims as well as for offensive or aggressive purposes in incidents in which they are offenders. Although this is almost never a part of the political debate over guns, even criminal gun possession can have violence-reducing effects as well as violence-increasing effects. Defensive uses of guns by criminals are not likely to be reported to either police or to survey interviewers, but there are nevertheless strong reasons to believe that they occur frequently and that they have the same effects as defensive uses by noncriminals.

### Crime-Increasing Effects of Offender Possession and Use of Guns

Incidents of violent crime can be seen as proceeding through as many as four possible stages: (1) threat, (2) attack, (3) injury, and (4) death. The more serious a violent crime, the more of these stages the incident proceeds through. To even qualify as a violent crime, an incident must involve an aggressor, at minimum, threatening another person by word or gesture. Threat may or may not be followed by attack (i.e., an attempt to physically injure the victim). This attempt may or may not be successful (i.e., result in the victim being injured). If an injury is inflicted, it may or may not result in death. Whether the aggressor possesses a gun can affect the occurrence of each of these possible events (Kleck & McElrath, 1991).

#### Threat

Making a threat of violence against another person typically involves contact with another person—that is, an aggressor and victim come together in the same place at the same time. The aggressor's willingness to confront the victim may be influenced by weapon possession, because having a weapon can give the aggressor the confidence that he or she can dominate and control the encounter and avoid being hurt himself or herself. Thus, higher rates of gun possession among prospective aggressors could increase the rate of violent encounters. There is, however, no empirical evidence directly bearing on this question.

#### Attack

Similarly, the aggressor's possession of a gun could embolden him or her to go beyond a mere threat and attempt to inflict injury on the victim. A gun might also make it more feasible to successfully act on this willingness to attack, because some attacks are unlikely, or impossible,

to be carried out without a gun. Many have referred to the gun as an “equalizer,” usually referring to the fact that a powerful weapon can make a victim the equal of a bigger, stronger offender. The same, however, is true for aggressive actions—an aggressor may be more willing to initiate attacks against more powerful victims because the aggressor possesses a gun. Research (Kleck & McElrath, 1991) has shown that gun use by offenders is more common in violent crimes in which less powerful aggressors attacked more powerful victims; that is, offender gun use is more common when the offenders were outnumbered by the victims; more common when women attacked men than when women attacked other women; and more common when offenders outside of the physically prime years—younger than 14 or older than 40—attacked victims in their prime years. In other words, guns seem to facilitate attacks by less powerful offenders against more powerful victims. Attacks that would otherwise have been unlikely were more feasible because the prospective aggressor possessed a gun.

Likewise, effective attacks at a distance are virtually impossible without a gun. Although little serious violence is inflicted at great distances, those that are, such as sniper attacks, virtually require gun possession to commit them. Furthermore, some scholars have speculated that some would-be aggressors would not be willing to attack others if doing so required that they do something as distasteful as coming into direct physical contact with their gun. The very fact that guns facilitate attack at a distance, even if it is a matter of a few feet, may encourage attacks by aggressors who psychologically need a more “antiseptic” mode of attack.

In addition to facilitating attacks—that is, making them possible or easier to commit—possession of guns by prospective aggressors has also been claimed to trigger attacks. Discussed in the psychological literature under the rather vague term *weapons effect*, this hypothesis asserts that “the trigger pulls the finger”; that is, that possession of a gun can trigger or release an impulse to aggress. The theory behind this is that if a person is already angered, and in that sense ready to aggress, even the sight of a gun, or its possession, can trigger the aggressive impulse, because of the learned association between guns and aggression. The research on this hypothesis is almost equally divided between studies supporting it and those failing to do so. The more realistic experimental studies, however, generally do not support it.

This lack of experimental support could be due to yet another effect of weapon possession, which may have the opposite effect on attack. For some people, exposure to weapons appears to inhibit aggression. If an attacker wants to injure, but not kill, a victim then possession of a deadly weapon gives him or her more ability to kill than he or she might be willing to use. Because most aggressors have less-than-lethal intentions, most of them may perceive guns this way, causing many to refrain from attacking at all rather than risk killing their victim.

Offender possession of guns also can discourage attacks by making them less necessary to the accomplishment of the aggressor's goals. For example, a robber's primary goal is obtaining a victim's property, which is accomplished by intimidating the victim. Although intimidation might be achieved through an attack, it is usually achieved through threats alone—most robberies do not involve injury to the victim. One of the most strongly and consistently confirmed findings in the literature on guns and violence is that robbers with weapons are *less* likely to attack and injure their victims than robbers without weapons (Kleck & McElrath, 1991). By 1997 alone at least 18 studies had been conducted that, without exception, confirmed this fact. This phenomenon can be labeled a *redundancy effect*, because gun possession makes it unnecessary for the aggressor to actually attack the victim. Merely threatening to attack is sufficient to induce the victim to comply, because the weapon is perceived as such a lethal one. In contrast, many robbers without weapons must attack their victims at the outset of a robbery, as a way of immediately gaining control.

The redundancy effect is not limited to robbers. People committing assaults, without any intent to steal, are also less likely to actually attack their victims, instead of confining their aggression to a threat, if the assaulter possesses a gun. An assaulter's goal may be to terrify or humiliate his victim, but if the aggressor has a gun these goals can also be achieved without actually attacking the victim. The moral irony of these facts, of course, is that guns in the hands of "bad" people have some "good" effects. This moral complexity may explain why these effects are rarely addressed in the public debate over guns. It is easier to think in black-and-white terms, and the idea that empowering bad people could have any good effects is unthinkable to some people.

Nevertheless, the evidence indicates that, when one takes into account all of these various gun effects on attack, the net effect of offender gun possession is that it reduces the likelihood of attack.

## Injury

If an attack does occur, it may or may not result in injury (e.g., by a bullet reaching its target, a knife penetrating skin, or a fist or club bruising flesh or smashing bone). The attributes of weapons that can facilitate attack may also reduce the attack completion rate by encouraging attacks at a longer range, against more formidable opponents, or under more difficult conditions. It is possible to shoot a victim from a great distance, but the rate at which this is achieved is lower than the share of thrown punches that strike the victim. Regarding the more common close-range gun attacks, people unfamiliar with firearms marksmanship might assume that shooters are virtually certain to hit their target. In fact, NCVS data covering the United States from 1987 to 1992 indicate that only 18% of incidents in which an attacker shot at a victim

resulted in the victim suffering a gunshot wound, whereas about 45% of knife attacks result in a knife wound (Kleck, 1997, Chap. 5). The rate of success in an aggressor inflicting injury on a victim is far lower in attacks with guns than in attacks with knives and other attacks.

Even individuals trained and presumably emotionally prepared to shoot under stressful conditions, such as police officers, usually cannot hit their targets. Police shooting policies usually forbid firing warning shots, and thus when the officers fire their guns they intend to shoot suspects. Nevertheless, police officers were able to inflict one or more gunshot wounds on an adversary in only 37% of the incidents in which they intentionally fired at someone (Kleck, 1997). This success rate is probably even lower among civilians, who have not had the training and experience of police officers, and the NCVS data support this expectation. Thus, there is strong reason to believe that the net effect of offender gun use in violent crimes is that it decreases the fraction of attacks resulting in injury.

## Death

About 1 of 7 assaultive gunshot woundings known to the police results in death (Kleck, 1997). Because many less serious nonfatal gunshot woundings never come to the attention of authorities, the true death rate is almost certainly lower than this. Nevertheless, gunshot wounds are more likely to result in death than are those inflicted by a knife, the weapon that is generally assumed to be the next most lethal among those that could be used in the same circumstances as guns. Most police-based and medical studies indicate that gunshot woundings are about three to four times more likely than knife woundings to result in the victim's death (Kleck, 1997).

One of the central mysteries of the guns–violence field is the degree to which the higher fatality rate of gunshot attacks is due to the greater inherent lethality of firearms or to the greater degree to which people who use guns with which to attack are more willing to kill their victims. In other words, is the difference in fatality rates due to differences in weapon lethality or differences in attacker lethality? Attackers do not randomly choose their weapons or merely use whatever is available. It is a rare gun homicide that occurs when a knife or blunt instrument is not also available, and all gun killers obviously also have hands and feet with which they could have attacked the victim. Thus, guns are *chosen* by aggressors over other available weapons. Furthermore, scholars generally agree that aggressors choose weapons suited to their goals and that the aggressors who choose guns probably have more lethal intentions than those who choose knives. Consequently, some of the higher fatality rates of gun attacks are due to attacker differences instead of weapon lethality differences. Unfortunately, unless one can somehow measure and control for attacker lethality in assaults, it is logically impossible to use data on assault fatality rates to separate



the effects of a weapon's technical properties from the closely associated effects of the attacker's willingness to seriously hurt the victim.

The comparison of gun lethality versus knife lethality, however, is something of a red herring, or at the very least a distraction from more policy-relevant issues. The vast majority of existing gun laws and proposed control measures apply exclusively to, or with greater strictness toward, handguns, whereas long guns, such as shotguns and rifles, are left relatively unregulated. Thus, many offenders are free to substitute long guns when handgun-only controls deny them the preferred handgun. Most homicides are committed under circumstances in which it was not essential that a handgun be used (concealability or easy portability of the weapon was not essential), so the substitution issue that is most frequently relevant to debates over handgun controls is the substitution of long guns for handguns, not the substitution of knives for guns.

There is little doubt that long guns are more lethal than handguns. Shotguns fire more projectiles, and create more wounds, than handguns, whereas rifles fire bullets at a higher velocity, producing wounds with greater penetration into the victim's body. Long guns are also more accurate than handguns; a shooter using a long gun is more likely to wound the victim. To the extent that handgun controls attain their proximate goal of denying handguns to at least some prospective attackers, but do not significantly restrict access to long guns, they are more likely to lead to substitution of more lethal weapons than less lethal ones. The policy implication is that if a subset of the population is to be legally denied guns, the restriction should cover all gun types, not just handguns.

## Offender Gun Use in Robbery

Weapon effects in the context of robberies merits its own separate discussion. Gun effects may differ from those in assaults, because the robber's primary goal is to obtain the victim's property, and threats or use of force are largely tools for achieving that goal. About 25% of robberies involve offenders armed with guns, and about 5% of all homicides that occurred in 2006 were committed with guns and linked with robbery (computed on the basis of statistics from the U.S. Federal Bureau of Investigation, 2008a). The effects of offender possession and use of guns on the frequency and outcomes of robberies are quite complex, but research supports the following conclusions:

1. Total gun ownership levels (criminal and non-criminal combined) have no net effect on total robbery rates. On the other hand, we do not know the impact of gun ownership among criminals, or rates of gun carrying—and thus the immediate availability of guns for robbery—on robbery rates.

2. Higher gun ownership levels probably increase the rate of gun robberies, and decrease the rate of nongun

robberies, thereby increasing the fraction of robberies involving guns.

3. Injuries are less common in gun robberies than in nongun robberies; therefore, decreases in gun use among robbers would probably increase the fraction of robberies that result in injury.

4. When injuries are inflicted on robbery victims, those inflicted by gun-armed robbers are no more likely to result in hospital treatment of some kind than those inflicted by other robbers. Injuries inflicted by gun-armed robbers are more likely to result in hospitalization overnight than those inflicted by unarmed robbers, but they are about the same in this respect as injuries in knife robberies and somewhat less likely to result in overnight hospitalization than injuries inflicted by robbers armed with weapons other than guns or knives. Thus, there is currently no empirical basis for believing that if knives were substituted for guns, the fraction of injuries requiring hospital treatment or overnight hospitalization would decrease.

5. Robbers armed with guns are more likely to obtain the victim's valuables. This is partly due to the fact that victims are less likely to resist gun-armed robbers. Thus, if fewer robbers were armed with guns, more victims would probably manage to retain their property.

6. Guns enable robbers to tackle more lucrative and risky targets, such as businesses, instead of more vulnerable ones, such as women, children, and the elderly. Reducing gun availability could cause robbers to switch from the former to the latter targets, shifting the burden of robbery to those most vulnerable to injury and least able to bear the financial losses.

7. Gun robberies are more likely than nongun robberies to result in the death of the vulnerable victims. It is unknown, however, whether this is due to the lethality of guns or the greater willingness to kill of robbers who use guns. Gun reductions therefore may or may not produce any reduction in robbery murders, depending on the impact of gun scarcity on (a) the number of robberies; (b) how much of an increase in the number of injuries this causes; and (c) how much the fatality rate declines among this increased number of injuries, assuming it declines at all. The issue is further complicated by the fact that most gun control legislation restricts primarily or only handguns, but most incarcerated felons say they would substitute long guns, such as sawed-off shotguns, if they could not carry handguns. This suggests that laws that reduce only the availability of handguns would increase the fraction of robbery attacks resulting in death by inducing the substitution of more lethal long guns.

In sum, gun control policies that reduce gun possession among robbers would have the desirable effect of decreasing the rate at which robbers obtain their victims' property, and they might or might not reduce the number of robbery

victims killed. On the other hand, gun scarcity would also probably increase the number of robbery injuries and shift the burden of victimization to victims less able to bear the burden, without reducing the number of robberies and without necessarily reducing robbery killings. Therefore, it is unclear whether the overall set of social consequences of gun scarcity would be favorable with regard to robbery.

### Crime-Disrupting Defensive Effects of Victim Use of Guns

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Defensive gun use by crime victims is both common and effective in preventing injury to the victim and property loss. People who use guns during crime incidents are less likely to be injured or lose property than people who either adopt other resistance strategies or do not resist at all. These effects are usually produced without shooting the gun and are almost always produced without wounding or killing the criminal: Only 24% of gun defenders even fire the gun (including warning shots), only 16% try to shoot the perpetrator, and at most 8% wound the offender (evidence summarized in Kleck, 1997, Chap. 5).

Victims' defensive use of guns almost never angers or otherwise provokes offenders into attacking and injuring the resisting victims. It is extremely rare that victim gun use is followed by injury to the victim, and some of these few injuries would have been inflicted anyway, regardless of victim resistance. In any case, it is clear that, regardless of whether victim gun use occasionally provokes offender aggression, the net effect of victim gun use is to reduce the likelihood that the offender will hurt the victim.

The largest, most nationally representative samples of crime incidents on which we have information about victim resistance strategies and their consequences are drawn from the NCVS, conducted by the U.S. Census Bureau. The most extensive analysis of these data was conducted by Tark and Kleck (2004). They found that, among 45 sample cases of victims who used a gun to attack the offender, none were injured after using the gun, and of 202 sample cases of victims who used a gun to threaten the offender, just 7.7% were injured after using the gun. They also found that victims who resisted with a gun typically did so under more dangerous and difficult circumstances than victims who used other strategies (e.g., when the victim faced offenders who were armed, when the victim was outnumbered by the criminals, or when the victim was already injured). If one takes into account these greater dangers, victim gun use appears to be even more effective in preventing injury than the already very low injury rates suggested.

The impression from earlier studies that victim resistance increases the odds of being injured appears to be the product of a simple research error: the failure to take account of which came first, victim resistance or injury. Crimes in which a resisting victim was injured turn out to consist almost entirely of incidents in which the victim resisted *after* the offender attacked and injured him

or her (i.e., the injury provoked victim resistance; resistance did not provoke the offender to inflict injury) (Kleck, 1997).

Early pro-control propaganda often claimed that when victims attempt to use guns defensively, offenders often take the guns away from them and use them against the victim. This is false. The only significant factual foundation for this claim appears to be the fact that police officers are occasionally killed with their own guns. This phenomenon is, however, extremely rare (it happened just once in the United States in all of 2006) and not as relevant to the issue of defensive use of guns as it seems. From 1997 through 2006, an annual average of 4.8 police officers in the United States were killed with their own guns, out of a total of 665,555 full-time sworn officers in the nation. Furthermore, these extremely rare incidents typically do not involve the officer attempting to use the gun defensively; instead, they usually involve the suspect snatching the gun from the officer's holster or stealing it from his or her vehicle. Thus, the officer's gun was available to be obtained by the criminal suspect because the officer was not using the gun for self-protection (Kleck, 1997, pp. 168–169; U.S. Federal Bureau of Investigation, 2008b).

### Deterrent Effects of Gun Ownership Among Potential Victims

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Evidence also indicates that some criminals may be deterred from making criminal attempts in the first place by the possibility of victims using guns against them. Criminals interviewed in prison indicate that they have refrained from committing crimes because they believed a potential victim might have a gun (Kleck, 1997). Likewise, anecdotal evidence indicates that crime rates have dropped substantially after highly publicized instances of prospective victims arming themselves or being trained in gun use, or victims using guns against criminals. Evidence also supports the hypothesis that U.S. burglars are careful to avoid residences where the victims are home because they fear being shot. Whereas 43% of British residential burglaries are committed while victims are home, only 9% of residential burglaries in the United States are committed under such circumstances (research summarized in Kleck, 1997, Chap. 5). None of this evidence is strong or decisive; instead, one can say only that it is consistent with the hypothesis that criminals are deterred from attempting some crimes by the possibility of confronting a victim with a gun.

### The Net Effect of Gun Ownership Levels on Crime Rates

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The research on gun use by victims has yielded very consistent results: It reduces the likelihood of injury or property loss. Thus, gun possession among largely noncriminal

prospective victims has beneficial effects. On the other hand, gun possession among criminals has a mixture of both harmful and inadvertently beneficial effects. Consequently, the net effect of overall gun ownership levels on violence rates is not self-evident on the basis of the research discussed earlier.

Dozens of studies of the effect of gun ownership levels on crime rates in macrolevel units such as cities and states have been conducted, but most of the research is seriously flawed. In particular, most studies have failed to properly model the possibility of a two-way relationship between violence rates and gun ownership rates, making it impossible to interpret the meaning of a positive association between the two (Kleck, 1997). Although more guns may lead to more crime, higher crime rates may motivate more people to acquire guns for self-protection. Likewise, most of these studies did not use measures of gun levels that are known to be valid—the researchers were actually measuring something other than gun ownership levels, making it impossible for them to assess the effect of gun levels.

Most of this research has found no effect of gun levels on rates of robbery or aggravated assault. The evidence on homicide rates, on the other hand, is much more mixed, although studies that have used validated measures of gun ownership and that addressed the possible two-way causal relationship mostly have found no net effect of gun levels on homicide rates (Kleck, 1997, Chap. 7). The most sophisticated recent research indicates that the net effect of overall gun ownership (both criminal and noncriminal gun ownership combined) on homicide is actually negative; that is, overall gun levels *reduce* the homicide rate, probably because the homicide-reducing effects of noncriminal gun ownership outweigh the homicide-increasing effects of criminal gun ownership (Kovandzic et al., 2005). Because this research relied on highly complex statistical procedures, however, one can be confident that these findings will be challenged.

## How Do Criminals Acquire Guns?

Some scholars have asserted that professional gun traffickers (i.e., criminals who illegally sell substantial numbers of guns for profit) are significant sources of guns for criminals. The best available evidence, however, fails to support this claim. To be sure, burglars and other thieves sell guns that they come across in their criminal activities, but they average fewer than 4 guns a year, and some of these are sold to noncriminal buyers. Illicit gun selling is almost all done at a very low volume. Typical trafficking operations uncovered by law enforcement authorities handle fewer than 7 guns each, and the federal Bureau of Alcohol, Tobacco and Firearms uncovers fewer than 15 high-volume (> 250 guns) operations in the United States each year. High-volume trafficking probably supplies less than 1% of the guns in criminal hands.

Trafficking activity apparently has no measurable effect on levels of gun possession among criminals, or on violent crime rates. One likely explanation would be that nearly all traffickers' potential criminal customers have other sources of guns (especially the pool of locally stolen guns) and are not dependent on traffickers. Consequently, even the best-designed strategies aimed at reducing gun trafficking are unlikely to have any measurable effect on gun possession among criminals or on violent crime rates (Kleck & Wang, in press).

Instead, theft appears to be crucial as the mechanism that brings guns into criminal hands. NCVS data indicate that at least 400,000 to 600,000 guns are stolen each year, a number many times higher than any evidence-based estimate of the volume of trafficked guns (Kleck & Wang, in press). As a result, at any one time there are millions of stolen guns circulating among criminals. The volume of gun theft is so large that, even if one could completely eliminate all voluntary transfers of guns to criminals, including either lawful or unlawful transfers, and involving either licensed dealers or private citizens, and even if police could confiscate all firearms from all criminals each year, a single year's worth of gun theft alone would be more than sufficient to rearm all gun criminals and supply the entire set of guns needed to commit the current number of gun crimes (Kleck, 1997, pp. 90–94). Interviews with incarcerated felons indicate that most guns acquired by criminals were probably stolen at some time in the past (Wright & Rossi, 1986).

Most gun theft is a by-product of residential burglary and other thefts from private owners. Less than 2% of stolen guns are stolen from gun dealers. Criminals do not typically go out looking for guns to steal but instead steal those they happen to come across in the course of crimes, most commonly in thefts from homes or vehicles. They usually sell the guns they steal, but most gun thieves have also retained at least one gun in their careers for their own use. They typically do not keep the gun not because they did not already have one but because the stolen weapon was “a nice piece.” Thus, criminals most commonly use theft as a way of upgrading the quality of their weaponry instead of as a way of becoming armed (Wright & Rossi, 1986).

Wright and Rossi (1986, p. 185) found that 16% of the felons' handguns had been purchased from retail, presumably licensed, sources, probably because the criminals did not have any disqualifying criminal convictions at the time of purchase or because no background checks were required at that time. Surveys of incarcerated criminals also indicate that offenders believe they could get guns from multiple types of sources, so eliminating a single channel of guns usually would not prevent acquisition of a gun.

## Conclusion

The widespread availability of guns in America affects crimes in far more complicated and surprising ways than is

generally known. Guns in the hands of crime victims have primarily violence-reducing effects, whereas guns in the hands of criminals have both violence-increasing effects and, more surprisingly, some violence-reducing effects as well. The implications for crime control policy are that gun control efforts should focus narrowly on depriving criminals from guns, because disarming victims and prospective victims would have predominantly crime-increasing effects. It would therefore be unwise to try to reduce gun availability among criminals by reducing it in the general population in the hope that this would reduce the flow of guns from noncriminals to criminals via theft. However, even the narrowly focused disarming of criminals will not necessarily have exclusively violence-reducing effects; criminal-centered gun control efforts will succeed only if the crime-increasing effects of guns in the hands of criminals are stronger than the crime-decreasing effects.

The control efforts most likely to minimize criminal gun use are those that operate most directly on the last links in the chain of possession of guns, just prior to a criminal using the gun to commit a violent crime. Thus, efforts to intercept guns while carried through public spaces on the way to a crime scene are more likely to be effective than efforts to restrict manufacture, importation, or retail sales of guns, because the causal chain resulting in criminal gun use is so much shorter and direct from gun carrying in public to use in a crime. Thus, one of the more promising approaches to reducing gun crime is improving the ability of police officers to detect concealed gun carrying and increasing their inclination to make arrests for unlawful carrying of firearms.

## References and Further Readings

- Annest, J. L., Mercy, J. A., Gibson, D. R., & Ryan, G. W. (1995). National estimates of nonfatal firearm-related injuries. *Journal of the American Medical Association*, 273, 1749–1754.
- Cook, P. J., & Ludwig, J. (1997). *Guns in America*. Washington, DC: Police Foundation.
- Cottrol, R. (Ed.). (1994). *Gun control and the Constitution*. New York: Garland.
- Kennett, L., & Anderson, J. L. (1975). *The gun in America: The origins of a national dilemma*. Westport, CT: Greenwood Press.
- Killias, M. (1990). Gun ownership and violent crime: The Swiss experience in international perspective. *Security Journal*, 1/3, 169–174.
- Killias, M., van Kesteren, J., & Rindlisbacher, M. (2001). Guns, violent crime, and suicide in 21 countries. *Canadian Journal of Criminology*, 43, 429–448.
- Kleck, G. (1991). *Point blank: Guns and violence in America*. New York: Aldine de Gruyter.
- Kleck, G. (1997). *Targeting guns: Firearms and their control*. New York: Aldine de Gruyter.
- Kleck, G., & Gertz, M. (1995). Armed resistance to crime: The prevalence and nature of self-defense with a gun. *Journal of Criminal Law and Criminology*, 86, 150–187.
- Kleck, G., & Kates, D. B. (2001). *Armed: New perspectives on gun control*. Amherst, NY: Prometheus.
- Kleck, G., & McElrath, K. (1991). The effects of weaponry on human violence. *Social Forces*, 69, 669–692.
- Kleck, G., & Patterson, E. B. (1993). The impact of gun control and gun ownership levels on violence rates. *Journal of Quantitative Criminology*, 9, 249–288.
- Kleck, G., & Wang, S. K. (in press). The myth of big-time gun trafficking and the overinterpretation of gun tracing data. *UCLA Law Review*.
- Kopel, D. (1992). *The samurai, the Mountie, and the cowboy*. Amherst, NY: Prometheus.
- Kovandzic, T. V., Marvell, T. B., & Vieraitis, L. M. (2005). The impact of “shall issue” laws on violent crime rates. *Homicide Studies*, 9, 292–323.
- Kovandzic, T., Schaffer, M. E., & Kleck, G. (2005). *Gun prevalence, homicide rates and causality: A GMM approach to endogeneity bias*. Discussion Paper No. 5357, Centre for Economic Policy Research. Retrieved from <http://ideas.repec.org/p/cpr/ceprdp/5357.html>
- Lott, J., & Mustard, D. B. M. (1997). Crime, deterrence and right-to-carry concealed handguns. *Journal of Legal Studies*, 26, 1–68.
- Tark, J., & Kleck, G. (2004). Resisting crime: The effects of victim action on the outcomes of crimes. *Criminology*, 42, 861–909.
- U.S. Bureau of Justice Statistics. (2008). *Criminal victimization, 2006*. Retrieved June 30, 2008, from <http://www.ojp.usdoj.gov/bjs/pub/pdf/cv06.pdf>
- U.S. Federal Bureau of Investigation. (2008a). *Crime in the United States, 2006: Uniform crime reports*. Retrieved June 30, 2008, from [http://www.fbi.gov/ucr/cius2006/offenses/expanded\\_information/data/shrtable\\_06.html](http://www.fbi.gov/ucr/cius2006/offenses/expanded_information/data/shrtable_06.html)
- U.S. Federal Bureau of Investigation. (2008b). *Law enforcement officers killed and assaulted, 2006*. Retrieved June 30, 2008, from <http://www.fbi.gov/ucr/killed/2006/table14.html>
- Vizzard, W. J. (2000). *Shots in the dark: The policy, politics, and symbolism of gun control*. Lanham, MD: Rowman & Littlefield.
- Wright, J. D., & Rossi, P. H. (1986). *Armed and considered dangerous: A survey of felons and their firearms*. New York: Aldine de Gruyter.

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## INTELLIGENCE AND CRIME

JOHN PAUL WRIGHT AND DANIELLE BOISVERT

*University of Cincinnati*

Intelligence is the most studied human characteristic in the world. Since World War I, millions of individuals across virtually every continent have taken intelligence tests. The information garnered from these tests has been subject to intense debate over the validity of the results and the interpretation of the patterns found. IQ (intelligence quotient, a score on any of several standardized tests), it seems, is an important predictor of life outcomes, such as the level of education one achieves and the amount of money a person will earn over his or her lifetime. IQ, however, is also linked to a number of social problems. IQ predicts the use of welfare and other social safety nets. It predicts the number of births one will have out of wedlock and, more important, it predicts criminal involvement. For these reasons, and more, it is fair to say that no other variable has generated as much debate or as much criticism as has IQ.

### What Is Intelligence?

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Definitions of human intelligence generally point to at least three characteristics. First, intelligence is best understood as a compilation of brain-based cognitive abilities. According to 52 eminent intelligence researchers, *intelligence* reflects “a very general mental capability that, among other things, involves the ability to reason, plan, solve problems, think abstractly, comprehend complex

ideas, learn quickly and learn from experience” (Ellis & Walsh, 2003, p. 343).

Intelligence comprises a multidimensional set of cognitive abilities that allow an individual to cognitively assess complex situations, use reason and logic to solve problems, and formulate adaptive behavioral responses to environmental situations and alter those responses when necessary. The collection of abilities that fall under the umbrella of “intelligence” provide an individual the ability to learn, to learn from mistakes, and to recall situations in which mistakes were made so that they will not be made again. In short, intelligence reflects a range of cognitive abilities, not just a single ability.

Second, IQ reflects the intercorrelations between these brain-based abilities. Virtually all studies find that the unique abilities that compose intelligence have a strong tendency to correlate with each other (Ellis & Walsh, 2003). Individuals who score high on measures of specific mental abilities, such as spatial visualization, are also more likely to score high on measures of other mental abilities. For example, people who are capable of using reason to solve problems are also more likely to be able to plan for the future, to seek out and to acquire information to make better informed decisions, and to be able to use that information to their advantage.

Third and finally, general intellectual abilities are hierarchical. Because unique intellectual abilities correlate strongly with a diverse array of other intellectual abilities,

their patterns of correlations can be subsumed under a broad, overall quantitative assessment of general intelligence. This quantitative assessment is referred to as *g*.

To understand the hierarchical nature of *g*, think of a professional athlete. The qualities that compose professional athletes are multidimensional. Many athletes are physically strong, can endure tremendous amounts of physical stress, and are highly competitive. These components are usually visible in the best athletes—that is, these athletic abilities correlate. Now, if we wished to assess an athlete's overall level of athleticism, we could score the athlete on each of the dimensions that compose our measure of athleticism and create an overall score. Psychologists do much the same to measure *g*.

### How Is Intelligence Measured?

A range of intelligence tests have been created and intensively analyzed. Some of the better-known intelligence tests are the Stanford–Binet (e.g., Roid, 2005), the Wechsler Intelligence Scale for Children (e.g., Wechsler, 2003), the Wechsler Adult Intelligence Scale—Third Edition (Wechsler, 1997), the Wechsler Preschool and Primary Scale of Intelligence—Third Edition (Wechsler, 2002), and the Kaufman Assessment Battery for Children (Kaufman & Kaufman, 2002).

These tests have been found to meet the criteria for scientific acceptance. They have high test–retest reliability, and they predict important life outcomes (i.e., they have construct validity). They also appear to be valid indicators of an individual's overall level of intellect. No critical assessment of contemporary IQ tests has yet revealed substantial bias, and no critical assessment of these tests have proven them to be invalid measures of cognitive abilities.

To aid in comparing scores on IQ tests, scientists *statistically norm* the tests. Doing this allows individual scores to be compared with others' scores and ranked accordingly. Because of the norming of the tests, the distribution of *g* follows the mathematical properties of a normal curve. Under a normal curve, which resembles the shape of a bell, scientists can easily compute the proportion of individuals with a specific IQ. For example, intelligence tests have a mean (average) of 100 and a standard deviation of 15 points. Between  $\pm 1$  standard deviations (85–115 IQ points) falls slightly over 68% of the population;  $\pm 2$  standard deviations (70–130 IQ points) encompasses 95% of the population.

### Genetic and Environmental Influences on Intelligence

The origins of IQ have been in dispute since its inception. Prior to the 1960s, researchers were influenced strongly by *hereditarianism*, or the belief that human traits can be

transmitted from parents to offspring through their genes. This perspective fell into disfavor in the 1960s and remained a politically incorrect research topic through the 1990s. Advancements in the genetic sciences at the turn of the 21st century, however, ushered in a new understanding of the origins of IQ.

No other discipline has done as much to inform us about the origins of IQ as has behavioral genetics. Behavioral genetics researchers use a variety of complex methods, including the use of large-scale twin studies, to dissect human behavior and traits into three main components: (1) the proportion of the variance in IQ associated with genes, (2) the proportion of variance in IQ attributable to environments that are similar for all family members (i.e., shared environments), and (3) the proportion of variance in IQ accounted for by environmental influences unique to individual family members (i.e., nonshared environments).

In the study of intelligence, examinations of identical (monozygotic [MZ]) and fraternal (dizygotic) twins are preferred, because they allow researchers to estimate the degree of heritability in complex traits. *Heritability* refers to the amount of variance in a trait or behavior—in this case, IQ—that is accounted for by genetic influences. Researchers use twin data because identical twins share approximately 100% of their DNA, whereas fraternal twins share only about 50% of their genetic makeup.

If IQ is 100% heritable, then MZ twins would be *concordant* on measures of IQ—that is, they would score roughly the same. IQ scores would, however, be less concordant between fraternal twins and should be uncorrelated between individuals chosen at random. Conversely, if environmental variables are responsible for IQ differences between individuals, then estimates of heritability should be reduced substantially, and they should not follow the patterns expected by genetic theory (i.e., with MZ twins correlating higher than dizygotic twins).

Numerous behavioral genetic studies have shown that, on average, genetic influences are pervasive across a range of human traits and behaviors. Virtually any human characteristic is genetically influenced. The remaining variation in human traits, however, is usually found to be associated with nonshared environmental influences, such as unique peer group associations or differential exposure to environmental toxins. Shared environmental influences, such as socioeconomic status or parental education, frequently account for little to no variance in human characteristics.

Findings from behavioral genetic research into human intelligence indicate that intelligence is heavily influenced by genetic factors. Estimates of the heritability of intelligence generally range between 60% and 80%, with some studies finding that intelligence is almost 100% heritable. Estimates derived from twins separated at birth and reared apart also have detected very high levels of genetic influence, usually above 70%. Conversely, shared environmental influences usually show little to no influence.

The relative contributions of environmental and genetic factors to intelligence, however, vary by age. In infancy and early childhood, estimates of heritability rarely exceed 40%, and test–retest reliabilities range from low to moderate. Estimates of common environmental effects range from 20% to 30%, on average. Unique environmental influences account for the rest of the variance in IQ early in life. This pattern reverses, however, by age 12, when genetic influences become dominant, environmental influences decline substantially, and test–retest reliabilities remain remarkably strong and consistent over time.

Estimates of heritability do not provide any information regarding which genes are associated with IQ. Recent research, however, has helped to fill in this void. Neuroscientific findings, usually based on complex brain imaging scans, have shown that IQ is moderately associated with brain size, is strongly associated with the overall number of cortical neurons, is strongly associated with the volume of grey matter in the frontal cortex of the brain, and is associated with neuronal conduction velocity (i.e., the efficiency of the neurons in transporting messages; see Ellis & Walsh, 2003). These biological functions are primarily under genetic control. Because of this, many scholars now argue that the reason IQ is highly heritable is because genes are inherited that control these basic neurological functions.

On the other hand, environmental influences on IQ are notoriously difficult to detect, because the genes associated with cognition are also associated with social behaviors. Parents who read regularly, for example, are likely to have more books in their home and to have children with above-average IQs (Ellis & Walsh, 2003). This correlation has led many social scientists to erroneously conclude that the number of books in a home positively influences a child's IQ. This conclusion is erroneous, because the correlations among parental reading, the number of books in the home, and the IQ of the child involve both genetic and environmental influences. High-IQ parents are more likely to read and hence to have more books in their home than are low-IQ parents. Once shared genetic influences are taken into account, scientists find frequently that socialization influences, such as parenting, appear unrelated to individual IQ. Indeed, planned interventions designed to permanently increase IQ, such as Head Start, have typically failed to produce lasting results (Ellis & Walsh, 2003).

Although it is fair to say that IQ likely cannot be increased, it is equally fair to say that IQ can be reduced. Evidence shows that the behavior of pregnant women can negatively influence the development of the fetus. Insults to the developing central nervous system from maternal drug and alcohol use, smoking, and high levels of stress hormones are associated with compromised neurological development and reduced IQ. Birth complications, such as oxygen deprivation and toxemia, have been found to reduce IQ. Moreover, environmental insults after birth can also occur when young children ingest lead and other

heavy metals, when they sustain brain damage due to accidents or abuse, or when they are severely neglected.

## IQ Differences Between Criminal and Noncriminal Groups

The majority of studies have found IQ differences between offenders and nonoffenders (e.g., Ellis & Walsh, 2003). On average, the IQ for chronic juvenile offenders is 92, about half a standard deviation below the population mean. For chronic adult offenders, however, the average IQ is 85, 1 standard deviation below the population mean. A study of Texas inmates who entered the prison system in 2002 indicated that approximately 23% of the inmates scored below 80, almost 69% scored between 80 and 109, and only 9.6% scored above 110 (Ellis & Walsh, 2003).

To give readers an understanding of the relative proportions of individuals with IQs in those ranges, we offer the following statistics, from Ellis and Walsh (2003): Only 9.18% of individuals in the general population score at or below 80, 63.39% have an IQ between 80 and 109, and 25% have an IQ at or above 110. These data clearly show that low-IQ offenders (below 80) are substantially overrepresented in the Texas prison population (23%–9.18%), that those with scores between 80 and 109 are modestly overrepresented compared with the nonincarcerated population (69%–63%), and that individuals with IQ scores at or above 110 are underrepresented in the Texas prison population (9.6%–25%). Data from every other state reveal the same pattern.

IQ scores derived from prison inmates depict a clear relationship between IQ and offending; however, it is important to note that some scholars question the validity of this association. They question whether criminal justice processes function so that intellectually dull offenders are more likely to be incarcerated. If so, the association between IQ and imprisonment would be substantially inflated. Data from nonincarcerated offenders, usually matched on criminal record, cast doubt on this criticism. Studies have found that low-IQ offenders are more likely to be involved in crime over their life course, that they are more likely to be involved in chronic property crime, and that they are more likely to commit acts of violence (Ellis & Walsh, 2003). Their overinvolvement in crime, especially crimes involving violence, account for the reasons why they are incarcerated, not their low IQ.

Even so, it is important to point out that when data are collected through self-report questionnaires, whereby respondents are asked questions about their involvement in a range of criminal and delinquent acts, the magnitude of the association between IQ and criminal/delinquent involvement diminishes (Ellis & Walsh, 2003). Whereas some scholars point to this empirical regularity as evidence of the limited explanatory power of IQ, others correctly observe that the types of behaviors being measured

influence the IQ → delinquency association. For example, it is relatively common for adolescents to cheat on tests or to stay out later than their parent-imposed curfews. The majority of adolescents self-report involvement in these types of relatively innocuous behaviors. Because these behaviors are very common (some would argue normal), adolescents from all IQ ranges are equally likely to cheat or to violate their curfews.

This should not be taken as evidence that IQ is unimportant in delinquency or criminal behavior. When researchers examine self-report data that are based on measures of relatively serious crime, such as armed robbery, burglary, or assault, they note substantial IQ differences. Individuals with relatively lower IQs are more likely to report engaging in these serious criminal acts. The association between IQ and misbehavior therefore depends on the seriousness of the behavior being analyzed, with the association becoming stronger as the behavior becomes more serious.

The strength of the IQ → crime association also depends on how frequently the individual engages in criminal and delinquent behavior. Low-IQ individuals are more likely to engage in serious misbehavior more frequently than their higher IQ counterparts, and they are more likely to engage in serious misbehavior over a longer span of their life course. Most life-course-persistent offenders also score relatively low on tests of IQ.

Another important aspect of the IQ → crime association has to do with the difference between *performance IQ* and *verbal IQ*. Verbal IQ reflects an individual's ability to read and comprehend written material and to use words correctly. Performance IQ is assessed through measures of spatial visualization, pattern recognition, and object assembly. Research has consistently shown that offenders are more likely to score lower on measures of verbal IQ than on measures of performance IQ. Explanations for this pattern are in short supply, but the association likely has to do with deficits in the language centers of the brain, specifically, Wernicke's and Broca's areas, that are indirectly assessed by the IQ test.

Language skills and abilities are crucial for healthy human development and appear universal to humans. For this reason, many linguists view language ability as innate, with the neuronal structures necessary for the development, use, and comprehension of language embedded in our DNA. Indeed, so strong is the "language instinct" that, barring any biological or genetic insult, all humans will develop the use of a language.

The use of language allows individuals to discuss problems and negotiate conflict. It allows for the use of instructions in learning, and it allows for feedback, teaching, and training. Reading comprehension, moreover, gives one the ability to learn from outside sources and to understand complexity in day-to-day encounters.

Language abilities emerge early in the life course, with verbal deficits identifiable by age 3. Unfortunately,

language abilities become resistant to change by about age 9 or 10, when the language centers of the brain appear to formalize. These abilities are highly heritable, so whereas approximately 80% to 85% of the words an individual has in his or her vocabulary overlap with his or her parents' vocabulary, the architecture that allows for these abilities appears to be genetic.

Verbal IQ also correlates moderately with the ability to think abstractly. Individuals capable of abstract thinking tend to be able to see the nuances in situations and relationships. They better understand not only the simple but also the complex. They see the interconnections between their attitudes and behaviors and the consequences that flow from their beliefs and behaviors. More important, they can understand how their behaviors and attitudes affect and influence others. Criminals, research tells us, tend to be concrete in their thinking—that is, they view the world in simplistic ways, often much like that of a young child (Ellis & Walsh, 2003). They are strongly influenced by the here and now, they do not tend to make effective generalizations from one situation to the next, and they tend to be very literal in their understanding of life events.

### Criticism of the IQ → Crime Relationship

Although much of the research shows that there is a modest to strong relationship between intelligence and antisocial behavior, some researchers dispute the validity of this relationship. Critics argue that the empirical association between intelligence and criminal behavior may be accounted for by other factors. They highlight three general criticisms: (1) that differences in police detection ultimately account for the IQ → crime relationship; (2) that an individual's race and/or class may account for the relationship; and (3) that the relationship is in the opposite direction, namely, that it is antisocial behavior that leads to lower intelligence. We now examine each of these arguments in greater detail.

First, the *differential detection hypothesis* states, in essence, that criminals with lower intelligence are more likely to be detected by the police for their unlawful actions compared with criminals with higher intelligence. In other words, individuals with higher intelligence may be committing crimes at the same rate as individuals with lower intelligence, but only the less intelligent ones are getting caught by the police. For that reason, it is argued that studies that show a relationship between intelligence and criminal behavior are invalid because the more intelligent criminals are able to avoid being detected by the police.

Research does not support this criticism. Several studies have compared mean IQ scores of delinquents detected by the police and delinquents not detected by the police, primarily through the use of self-reported questionnaires (e.g., Ellis & Walsh, 2003). These studies have found no



significant differences in IQ levels between individuals caught by the police and those not captured by the police. In all the studies, delinquents, arrested or not, scored significantly lower on intelligence compared with non-delinquents. Overall, converging evidence rejects the differential detection hypothesis.

The second counterhypothesis against the intelligence → crime relationship stems from a traditional sociological perspective. Sociologists are not usually concerned with explaining individual differences in behavior, because they believe that people who are exposed to the same environment will respond in a similar way. Thus, it is not surprising that many sociologists discount the relationship between intelligence and criminal behavior in favor of a *race and/or class hypothesis*. Most sociologists view IQ test scores as a proxy for race and class and not a true measure of intelligence. Higher scores on intelligence tests, they argue, reflect how well an individual has assimilated and internalized white, middle-class values instead of a valid assessment of intellectual ability.

To assess the validity of this argument, researchers include measures of race, class, and intelligence in their analyses to determine whether intelligence remains related to crime after controlling for these other factors. These studies have shown that the relationship between intelligence and crime remains even after the influence of race and class has been accounted for (Ellis & Walsh, 2003). Moreover, in every assessment of intelligence, African Americans score lower than whites or Asians. Across thousands of studies, the IQ for African Americans averages 85, whereas whites average 102 and Asians average 105. No study that has examined racial differences in IQ has been able to account for these differences.

The third argument that questions the relationship between intelligence and criminal behavior focuses on the chronological order of these two factors. Whereas the relationship between intelligence and crime assumes that individuals with lower intelligence are more likely to engage in criminal activity, critics argue that this relationship may in fact be temporally reversed. Instead of intelligence influencing criminal behavior, they maintain, it may be that criminal behavior affects an individual's level of intelligence. There are two main hypotheses related to this perspective. The first is called the *temporal order hypothesis*: Some scholars hypothesize that a delinquent lifestyle can result in lower intellectual functioning. For example, an individual can suffer from head injuries as a result of physical violence, or he or she can experience the erosion of cognitive abilities through prolonged substance abuse. In essence, it is the individual's criminal lifestyle that is to blame for his or her limited intellectual abilities, not the other way around.

The problem with this argument, however, is that ample evidence has shown that intelligence is established well before the onset of serious delinquency. In any case, a suitable way for researchers to examine this argument is

by sampling younger children in an attempt to decrease the possibility that they have already experienced the negative consequences of drug abuse and violence. These studies, along with those that demonstrate that intelligence is established early in life, cast suspicion on the delinquent lifestyle interpretation of the intelligence → crime relationship.

The second argument stemming from the temporal order hypothesis states that delinquents are simply not motivated to do well on intelligence tests; specifically, anti-social adolescents may lack motivation for or interest in completing an intelligence test. Therefore, although it appears that criminals are scoring lower on intelligence tests, the lower scores are in fact the result of their lack of motivation to complete the test instead of a true reflection of their intellectual abilities. To address this issue, researchers have used a variety of methods to control for levels of motivation. Indeed, when controlling for these motivational issues, the relationship between intelligence and crime remains.

## Indirect Relationships

Research has consistently shown that delinquents score, on average, 8 percentage points lower on IQ tests than non-delinquents. As a result, criminologists began investigating the mechanisms by which intelligence influences criminal behavior. Little evidence emerged, however, to suggest that the relationship between intelligence and delinquency was purely direct. For that reason, criminologists shifted their attention toward examining the possible indirect effects relating intelligence to criminal behavior. Studies have revealed that school performance is an important mediating factor (Ellis & Walsh, 2003). Individuals with lower intelligence are more likely to struggle in their academic endeavors, which may then increase their likelihood of delinquent involvement. After school performance emerged as an important factor in explaining the intelligence → crime relationship, the next step was to determine the specific mechanism by which school performance exerts its effects on delinquency. Research soon revealed that an individual's attitude toward school was a substantive predictor of school performance (Ellis & Walsh, 2003). Simply put, intelligence predicts school performance, which affects an individual's attitude toward school, which then influences delinquent involvement; specifically, adequate school performance is frequently associated with a good attitude about school, and poor school performance frequently results in a poor attitude.

Many criminologists attempt to explain the indirect relationship between intelligence and crime from a *social bond* perspective. The core premise of social bond theory states that individuals are born with the innate ability to commit crime; therefore, people need to be stopped from acting on these innate and selfish antisocial desires. The

inhibition to commit crime is accomplished when an individual forms a strong bond to society. There are four social bonds that tie individuals to society: (1) attachment, (2) commitment, (3) involvement, and (4) belief.

Of these four bonds, two—commitment to school and attachment to school—are especially relevant in explaining the indirect relationship between intelligence and crime. *Attachment* is the degree to which an individual has close bonds with other individuals (e.g., teachers). This bond is believed to help restrain the adolescent from committing crimes. In theory, a student with a strong attachment to a teacher will try to avoid causing disappointment and will thus steer clear from acting out delinquently. However, when an individual's intellectual ability interferes with his or her ability to succeed in school, his or her frustration level may increase and subsequently weaken his or her attachment to school officials.

*Commitment* refers to an individual's level of dedication to prosocial activities, such as school. For example, an adolescent who is heavily involved in school will have more to lose by committing crime, not to mention simply less time to think about and commit crimes, compared with an individual who is not as committed to his or her education. However, if an individual's intellectual ability is limited, then success in school may suffer, and the student may be less likely to maintain a strong commitment to his or her education.

## Intelligence and Interventions

We stated earlier that no known social intervention has successfully increased IQ scores over the life course. Programs designed to increase IQ and thus reduce crime and violence are likely to fail. Even so, this should not be taken as evidence that cognitive interventions in general are likely to fail. Indeed, quite the opposite is true: Programs that reduce criminal involvement and violence are more likely to use principles of cognitive therapy and behavioral modeling.

IQ appears to be immutable after childhood, but individuals, even those with low IQs, can be instructed to recognize criminal thinking patterns and to alter those patterns. Evidence indicates that IQ is not as important as the way individuals reason, the moral values they hold, or even their level of impulsivity. Because of this, interventions that occur early or later in the life span can be effective in reducing delinquency and crime even if they do not increase one's IQ.

One effective early intervention program is the Perry Preschool Project, which offers children from lower socioeconomic status with IQ scores in the range of 60 to 88 the opportunity to receive 2 years of intensive preschool education. The results obtained from this project revealed that children who received these 2 years of preschool had fewer arrests and were more likely to be employed during

adolescence (vs. youth with the same IQ and who did not attend preschool; Ellis & Walsh, 2003). Although IQ was impacted by the program, educational achievement was and remained the most important factor related to future delinquency.

One of the goals of the U.S. correctional system is to keep criminals from returning to prison once they have been released. Many rehabilitative programs have been implemented to help achieve this goal. Research has consistently indicated that the most effective programs for incarcerated individuals are those that target and change thinking styles and that use behavioral modification techniques (Ellis & Walsh, 2003). These programs are effective in part because they target known, changeable individual factors and they do so at a level the offender can understand. Cognitive behavioral programs attempt to change what offenders think, and they try to alter the behavior of offenders through positive and negative reinforcements.

It is also instructive that psychodynamic treatment modalities have not been proven effective with the criminal population. Scholars believe that psychodynamic programs are mismatched to the average offender's IQ level. Psychodynamic treatment is effective for individuals with average to above-average IQs, but it is not effective for below-average-IQ individuals.

Although it is important to focus on particular risk factors that place an individual at a higher likelihood of recommitting crimes, such as cognitive styles, other characteristics specific to the individual should also be considered. These characteristics, often referred to as *responsivity factors*, need to be identified because they have the potential to interfere with an individual's ability to succeed in a treatment program. There are several responsivity factors to consider, such as personality disorders; attention deficit disorder; child care problems; transportation needs; and, most important to this discussion, intelligence.

An offender's intelligence level should be considered before he or she is placed into a correctional treatment program. For example, very-low-functioning offenders will have a difficult time succeeding in treatment programs that require written homework or abstract thinking. Placing intellectually limited offenders into rehabilitation programs that require at least an average intelligence may waste resources and increase the likelihood of the person failing the program or returning to prison.

## Conclusion

The relationship between intelligence and crime remains a fiercely debated topic. Despite recent advancements through revised intelligence tests and sophisticated brain imaging techniques, there remain numerous theoretical deficiencies regarding the mechanisms underlying the intelligence → crime relationship. Needless to say, these shortcomings need to be examined more thoroughly, and

new hypotheses must emerge, before the role of intelligence in criminal behavior can be fully explained. True understanding may eventually emerge with the unification of several perspectives from various disciplines; therefore, one cannot forget that intelligence may just be one small piece of a larger puzzle in which numerous variables taken together can best explain the cognitive makeup of today's modern criminal.

## References and Further Readings

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- Cullen, F. T., Gendreau, P., Jarjoura, J. R., & Wright, J. P. (1997). Crime and the bell curve: Lessons from intelligent criminology. *Crime and Delinquency*, *43*, 387–411.
- Ellis, L., & Walsh, A. (2003). Crime, delinquency and intelligence: A review of the worldwide literature. In H. Nyborg (Ed.), *The scientific study of general intelligence: Tribute to Arthur R. Jensen* (pp. 343–366). New York: Pergamon Press.
- Hirschi, T., & Hindelang, M. (1977). Intelligence and delinquency: A revisionist review. *American Sociological Review*, *42*, 571–587.
- Kaufman, A. S., & Kaufman, N. L. (2002). *Kaufman Assessment Battery for Children—Second edition*. Circle Pines, MN: American Guidance Service.
- Lynam, D., Moffitt, T., & Stouthamer-Loeber, M. (1993). Explaining the relation between IQ and delinquency: Class, race, test motivation, school failure, or self control. *Journal of Abnormal Psychology*, *102*, 187–196.
- Moffitt, T., & Silva, P. (1988). IQ and delinquency: A direct test of the differential detection hypothesis. *Journal of Abnormal Psychology*, *97*, 330–333.
- Roid, G. H. (2005). *Stanford–Binet Intelligence Scales* (5th ed.). New York: Riverside.
- Ward, D., & Tittle, C. (1994). IQ and delinquency: A test of competing explanations. *Journal of Quantitative Criminology*, *10*, 189–212.
- Wechsler, D. (1997). *Wechsler Adult Intelligence Scale—Third edition*. San Antonio, TX: Psychological Corporation.
- Wechsler, D. (2002). *Wechsler Preschool and Primary Scale of Intelligence—Third edition*. San Antonio, TX: Psychological Corporation.
- Wechsler, D. (2003). *Wechsler Intelligence Scale for Children—Fourth edition*. San Antonio, TX: Psychological Corporation.

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## MENTAL ILLNESS AND CRIME

SCOTT BLOUGH

*Tiffin University*

Crime and disorder are often associated with deviation from the traditional norms and values of society. To ensure that the norms and values are met and respected, laws are instituted that govern behaviors of individuals and prohibit deviant behaviors. These deviant behaviors are often associated with crime. According to the U.S. Surgeon General, the term *mental illness* refers collectively to all diagnosable mental disorders: conditions that result in alterations of thinking, mood, and behavior. These alterations often cause deviations from normal behavior and thus are often classified as crime. Couple this with the estimated 5% of the U.S. population that have a mental illness, and the problem of mental illness and crime becomes apparent.

Individuals with mental illness typically access the criminal justice system through law enforcement, courts, and corrections (jail, prison, community corrections, and probation). At the time of arrest, mentally ill offenders begin the journey through the criminal justice system. This flow through the system comprises the following five steps: (1) arrest; (2) booking (jail); (3) court; (4) prison, jail, or probation; and (5) release.

During each of these phases, mentally ill offenders come into contact with different actors in the criminal justice system, ranging from law enforcement officers, prosecutors and defense attorneys, through judicial personnel to corrections personnel. As a result, according to the Bazelon Center for Mental Health Law (<http://www.bazelon.org>), these

offenders repeatedly use a significant amount of law enforcement and judicial resources during their initial contact. Also, these offenders' lack of conformity to correctional policy often leads to significantly more time spent in the institutions or on probation, further draining already-scarce resources.

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### History

To fully appreciate the impact of mental illness and crime, it is important to understand the dynamics of the population of which we speak. In 1955, there were 558,239 severely mentally ill patients in U.S. public psychiatric hospitals; in 1994, there were 71,619. On the basis of population growth, at the same per capita utilization as in 1955, there would have been an estimated 885,010 patients in state hospitals in 1994 (Torrey, 1997). Most of this projected population—more than 800,000 potential patients—live in the community.

The treatment of individuals with mental illness has undergone vast shifts over time. Around 400 BCE, the Greek physician Hippocrates treated mental illness as a physiological disease. Other cultures, including Indian, Egyptian, and Roman, understood mental illness to be a result of displeasure from the gods or some form of demonic possession (MacLowry & Samuels, 2003). Throughout the Middle Ages, many mentally ill people

were assumed to be witches or possessed by demons. In 1407, the first European establishment specifically for people with mental illness was established in Valencia, Spain (MacLowry & Samuels, 2003). During the 1600s, mentally ill people were confined in dungeons and mixed with handicapped people, vagrants, and delinquents, while experiencing increasingly inhumane treatment. In the 1700s, several European reformers began to slowly change the way mentally ill people were treated. In particular, the Gaol Act of 1774, promoted by John Howard, the High Sheriff of Bedford, addressed the idea of improving jails. Among other things, Howard published *The State of Prisons in England and Wales, with an Account of Some Foreign Prisons* in 1777, which was an account of his travels and *gaol* (jail) inspections across England. His work was so controversial that it was banned in several foreign countries, one of which was France. In his book, Howard advocated for the removal of mentally ill inmates from gaols and their placement in institutions designed for their care.

In addition to Howard's work in England, the United States had its share of corrections reformers. Thomas Jefferson worked with Benjamin LaTrobe in Virginia to develop a circular prison that provided direct viewing of inmates by the guards. The prison was completed in 1800 and aptly named the Virginia State Penitentiary. Among continuing reforms, such as the separation of males and females (1789) and the separation of juveniles from adults (1823), the separation of mentally ill people from inmates in prisons and jails and their placement in mental institutions occurred in 1854. This was largely due to the work of Dorothea Dix during the 1840s. Living in Massachusetts, she observed mentally ill people of all ages incarcerated with criminals. These individuals were often left unclothed and in dark cells that lacked both heat and bathroom facilities. In addition, many of the mentally ill were chained and beaten on a regular basis. Armed with that information, Dix successfully lobbied for and established 32 state hospitals for the mentally ill over a 40-year period in the mid- to late 1800s (MacLowry & Samuels, 2003). In addition to these reforms, in 1887 a female journalist named Nellie Bly went undercover in Blackwell Island, a New York facility for mentally ill women. Her undercover investigation, sponsored by the *New York World* newspaper, uncovered widespread mistreatment of patients and corruption of staff throughout the facility. Among the issues she uncovered were poor hygiene practices (with multiple patients using the same towel and comb), food quality issues (patients were fed rancid food and doctors and nurses dined on fresh fruit, bread, and meat), and medical malpractice (patients were rarely seen by doctors). As a result of Bly's exposé, an investigation commenced that resulted in some officials being tried in court and fired, as well as a \$3 million allocation for improvements at the facility (see [http://americanhistory.suite101.com/article.cfm/nellie\\_bly\\_stunt\\_reporter](http://americanhistory.suite101.com/article.cfm/nellie_bly_stunt_reporter)).

This system was in place for more than 100 years before the deinstitutionalization of the mentally ill, brought about by horrible abuses and lack of accountability in mental institutions, gained momentum. This momentum would carry the mentally ill back into prisons and jails at an alarming rate and make America's jails and prisons, in essence, warehouses for mentally ill individuals.

During the 1960s, many mentally ill people were removed from institutions and moved toward community placement and local mental health care. In 1963, Congress passed the Mental Retardation Facilities and Community Mental Health Centers Construction Act, which provided federal monies to develop a network of community-based mental health resources that would lessen the burden on the institutions. This legislation presumed that mentally ill individuals would voluntarily seek out assistance and treatment. Unfortunately, this presumption was not correct.

The deinstitutionalization of the mentally ill and the issues faced by communities in regard to lack of treatment and resources resulted in the formation of several advocacy organizations, the most prolific of which is the National Alliance on Mental Illness (NAMI). According to the group's Web site (<http://www.nami.org>), NAMI is "the nation's largest grassroots organization for people with mental illness and their families. Founded in 1979, NAMI has affiliates in every state and in more than 1,100 local communities across the country." Among many other functions, NAMI formed an advocacy center called the Law and Criminal Justice Action Center, which is responsible for promoting the interests of people with mental illness in state and federal legislation. NAMI and other advocacy groups have advanced awareness and treatment of mentally ill people in the justice system.

As deinstitutionalization became the norm in the United States, there took place an influx of mentally ill persons into communities that were ill-prepared to care for them. As a result of this influx and the lack of preparedness, communities often turned to the system of last resort: the criminal justice system, which comprises law enforcement, courts, and corrections. Law enforcement and corrections operate 24 hours a day, 7 days a week, thus making them the logical choice for communities experiencing issues with mentally ill people. As a result, many mentally ill people went from state institutions to state and local prisons and jails by way of law enforcement arrest and court convictions.

## Police and the Mentally Ill

To understand this phenomenon, it is important to explain the process by which many mentally ill people were ultimately imprisoned. After being placed under community supervision, many persons with mental illness were left to their own devices for obtaining and properly taking their prescribed medication. One of the major assumptions that

policymakers made during the transition was that, with better medication for mental illness, mentally ill persons would be medication compliant. This assumption proved to be false; people with mental illness often failed to comply with their medication and then violated the law or some social precedent. This violation often resulted in the commission of a crime or homelessness. Many of the severely mentally ill people who were released into the community through deinstitutionalization are now part of the 600,000 people in America who are homeless. Of these, it is believed that at least one third are mentally ill (U.S. Department of Health and Human Services, 1999). The most common offenses committed by mentally ill persons are assault, theft, robbery, shoplifting, alcohol or drug-related charges, and trespassing (Robertson, Pearson, & Gibb, 1996). Thus, law enforcement has played a major role in responding to and resolving these issues.

A study conducted by the Consensus Project and published in 2002 (Council of State Governments, 2002) indicated that in “police departments of U.S. cities with a population greater than 100,000, approximately 7 percent of all police contacts, both investigations and complaints, involved a person believed to have a mental illness” (p. 21). Further exemplifying the problem, the study also made the following observation:

During the year 2000, law enforcement officers in Florida transported more than 40,000 people with mental illness for involuntary 72 hour psychiatric examinations under the Baker Act. This exceeds the number of arrests in the state during 2000 for either aggravated assault (39,120) or burglary (26,087). (p. 25)

In 1998, New York City police officers transported 24,787 emotionally disturbed persons to hospitals for psychiatric evaluations, up from 1,000 in 1976 (Bumiller, 1999). Law enforcement officers’ safety is compromised when they are handling incidents involving mentally ill offenders. In 1998, mentally ill offenders killed law enforcement officers at a rate 5.5 times greater than that of the rest of the population (<http://www.psychlaws.org>). These facts make it apparent that law enforcement is the initial point of governmental contact that mentally ill offenders will have.

To more effectively handle the increased contact between law enforcement personnel and mentally ill people, U.S. law enforcement agencies have implemented numerous programs. The most effective are training programs designed to equip officers with the resources needed to effectively and appropriately deal with the mentally ill. Among these programs is the Crisis Intervention Team (CIT), one of the most successful. Originating in Memphis, Tennessee, in 1988, it is often referred to as the *Memphis Model*. According to Dr. Mark Munetz (personal communication, February 1, 2008),

The first CIT program began in Memphis, Tennessee. In 1987, 27-year-old Joseph Dewayne Robinson was shot and killed during an incident with the Memphis Police Department. This shooting outraged the community. From this community crisis

emerged in 1988 a new way of doing business for both the police and the mental health community in Memphis, based on a collaborative effort designed to help police officers identify and deal with mentally ill people.

The premise of the CIT program is to improve law enforcement officers’ response to the mentally ill. It is a law enforcement–based specialized response model. Until the CIT was developed, most basic law enforcement training referred to mentally ill individuals as *emotionally disturbed people* (EDP for short) and gave very basic instruction on the dangers officers face when encountering such individuals. This instruction ranged from describing the mentally ill as unpredictable to delineations of the proper distance an officer should maintain from such an individual. There was no training on how to effectively deescalate a situation involving a mentally ill offender. Thus, the 1987 Memphis case just described was often the norm rather than the exception. As CIT programs have become more widespread, these incidents have declined in number.

The CIT program relies on 10 elements to allow law enforcement officers to effectively and efficiently deal with mentally ill offenders (Schwarzfeld, Reuland, & Plotkin, 2008). As with any multidimensional program, collaboration plays a very important part. The CIT program relies on ensuring the appropriate response from incident inception to incident disposition and thus involves all components of law enforcement. The following is a list of the 10 components Schwarzfeld et al. (2008) recommended:

1. Collaborative Planning and Implementation
2. Program Design
3. Specialized Training
4. Call-Taker and Dispatcher Protocols
5. Stabilization, Observation, and Disposition
6. Transportation and Custodial Transfer
7. Information Exchange and Confidentiality
8. Treatment, Supports, and Services
9. Organizational Support
10. Program Evaluation and Sustainability

The key to a successful CIT program is the collaboration among agencies involved with law enforcement; health care; mental health; corrections; courts; advocacy groups; and, perhaps most important, funding agencies and sources. Another key component is providing first responders—both dispatchers and law enforcement officers—with specialized training. That training typically includes subjects such as mental illnesses, signs and symptoms of mental illnesses, de-escalation techniques, stabilization, disposition options, community resources, and legal issues. The most important part of the program is the focus on proper identification, intervention, and referral to the appropriate community resources.

The CIT program in Memphis provides 40 hours of specialized training for law enforcement officers, encompassing much of the aforementioned information. According to

Dupont, Cochran, and Bush, (1999), the Memphis CIT program reduced officer injuries sustained during mental disturbance calls by over 80%. The Memphis CIT program has also proven to be very cost-effective in that it has reduced the number of rearrests among mentally ill offenders. In addition, officers trained in the CIT program are 25% more likely to transport mentally ill offenders to a psychiatric or community mental health facility instead of to jail (Teller, Munetz, Gil, & Ritter, 2006).

The CIT program is one of the most effective means of helping law enforcement personnel effectively handle persons with mental illness. According to the Bureau of Justice Statistics (2006), there are more than 400 CIT programs operating in the United States. The CIT program has been successful in both metropolitan and rural areas as well.

### Courts and the Mentally Ill

After initial contact with law enforcement, mentally ill offenders who are arrested are booked into jail and receive an initial hearing in a court, where they often lack the proper resources, both mental and financial, to ensure proper outcomes. A 2002 study conducted by the Council of State and Local Governments: Criminal Justice/Mental Health Consensus Project determined that “People with mental illness are falling through the cracks of this country’s social safety net and are landing in the criminal justice system at an alarming rate” (p. 2). The report also focused on the fact that many individuals with mental illness are turned away or intimidated by the mental health system; thus, “Officials in the criminal justice system have encountered people with mental illness with increasing frequency” (p. 3).

Part of the reason why mentally ill individuals are falling through the cracks is funding. Mental health agencies are mandated to provide care to persons designated as mentally ill by state governments. These agencies are given funding to supplement the expense of treatment and care for those individuals, often referred to as *clients*. A gap in the funding system exists when the client enters the criminal justice system. The funding stream for a client who enters the criminal justice system changes from the mental health agency to the criminal justice agency. This change often interrupts the continuity of care for the client and results in a reevaluation of the client’s needs by criminal justice agency personnel without the benefit of medical and mental health records from the mental health agency. To combat this recurring issue, *mental health courts* were created. A report by the Council of State Governments (2008) provided the following definition of mental health courts:

A mental health court is a specialized court docket for certain defendants with mental illnesses that substitutes a problem-solving model for traditional criminal court processing. Participants are identified through mental health screening and assessments and voluntarily participate in a judicially supervised treatment plan developed jointly by a team of court

staff and mental health professionals. Incentives reward adherence to the treatment plan or other court conditions, non-adherence may be sanctioned, and success or graduation is defined according to predetermined criteria. (p. 30)

Only a handful of mental health courts were implemented in the late 1990s, but today more than 175 are now functioning nationwide (<http://www.cjmh-infonet.org>). It is interesting to note that mental health courts are not cookie-cutter projects; they vary in size, scope, programs, and partnerships, making them unique to the communities and populations they serve. The framework and utility of the mental health courts provide offenders with an opportunity to participate in court-supervised treatment. This treatment involves a team composed of a judge, court personnel, and treatment and community providers, all of whom define the terms of participation. Throughout the case, continuous assessments are provided to the treatment team, along with individualized sanctions and incentives for the offender. The final key element is the resolution of the case upon successful completion of the mandated treatment plan (Council of State Governments, 2008).

Among other goals, such as increased public safety, mental health courts seek to provide improved quality of life for participants by ensuring that program participants are connected to needed community-based treatments, housing, and other services that encourage recovery. On a broader scale, they seek to find a more effective use of resources for sponsoring jurisdictions by reducing repeated contacts between mentally ill people and the criminal justice system and by providing, when appropriate, treatment in the community, where it is more effective and less costly than in correctional institutions (Council of State Governments, 2008).

Several studies have evaluated the effectiveness of mental health courts. Moore and Hiday (2006) found that participants were significantly less likely to incur new charges than a comparison group of offenders with mental illness who did not utilize the mental health court. In addition to fewer new charges, participants in the Broward County Mental Health Court spent less time in jail than offenders going through traditional criminal court (Boothroyd, Poythress, McGaha, & Petrila, 2003). This is significant, because mentally ill inmates are typically incarcerated for up to three times longer than typical inmates. By minimizing mentally ill inmates’ jail time, the criminal justice system may experience significant cost savings in the long term. The cost of implementing a mental health court is not a significant burden for government. This was verified in a case study completed by the RAND Corporation in 2007 that assessed the Allegheny County Mental Health Court in Pennsylvania (Ridgely et al., 2007). The study found that the program did not result in substantial added costs, at least in the short term, over traditional court processing for individuals with serious mental illnesses. In addition, it suggested that the mental health court may result in a net savings for government over the long term because of decreased recidivism and use of the criminal justice system’s resources.

## Seminal Court Cases

In addition to involvement in the initial and subsequent appearances of mentally ill offenders, the courts have been active in clarifying the rights of mentally ill inmates over the past several decades. Prior to this, the courts operated under the “hands-off” doctrine, which allowed prisons and jails in the United States to operate in relative obscurity. During this time, before the 1960s, the courts held the belief that correctional administrators were better equipped than the judicial system to govern the operation of prisons and jails. As the civil rights movement advanced, courts began to take a more detailed look at inmate complaints, resulting in court intervention under the auspices of inmates’ constitutional rights.

The courts have had a significant impact on the treatment of mentally ill offenders in prisons and jails as well as on the “right to treatment for people with mental illnesses” (Perez, Liefman, & Estrada, 2003). This right was first recognized in the 1972 case of *Wyatt v. Stickney* at a district court in Alabama. In this decision, the court concluded that there were many treatment options for individuals with mental illness that did not involve warehousing in large state institutions. The court found specifically that institutionalization of the mentally ill did not guarantee “the constitutional right to receive such individual treatment as will give each individual with mental illness a realistic opportunity to be cured or to improve his or her mental condition” (at 785, *Wyatt v. Stickney*). This effectively placed the burden of treatment of the mentally ill on community-based behavioral health centers, of which few existed because of the previous focus on institutionalization. Thus, the goal of reintegration of mentally ill persons into the community was introduced.

According to Perez et al. (2003), many states “saw deinstitutionalization as an opportunity to save money rather than an opportunity to improve their mental health services” (p. 63). This lack of planning and disregard for the deinstitutionalized individuals led to a dramatic increase in homelessness and incarceration. Perez et al. also made the following observation: “Ironically, instead of deinstitutionalization, we have witnessed the reinstitutionalization of individuals with mental illnesses from deplorable state psychiatric hospitals to correctional institutions, where conditions are often worse” (p. 63).

Just as the courts first began the deinstitutionalization movement in 1972, they began to become more active in prisoner rights issues. One of the key cases related to health care came out of the U.S. Supreme Court in 1976. Although not specifically geared toward mentally ill inmates, it is still considered a landmark case. This case is *Estelle v. Gamble*, and it had several implications for jails and prisons in the United States:

- It guaranteed prison (jail) inmates medical treatment.
- It established the “deliberate indifference” standards.

- It deemed a lack of medical treatment “cruel and unusual punishment” (Eighth Amendment).
- It stated that the Fourteenth Amendment made the preceding three items applicable to states.

The court considered three issues when discussing “deliberate indifference”:

1. The amenability of the patient’s condition to treatment
2. The consequences to the patient if treatment does not occur
3. The likelihood of a favorable outcome

Deliberate indifference constitutes the “unnecessary and wanton infliction of pain” proscribed by the Eighth Amendment:

Whether the indifference is manifested by prison doctors in their response to the prisoner’s needs or by prison guards in intentionally denying or delaying access to medical care or intentionally interfering with the treatment once prescribed. Regardless of how evidenced, deliberate indifference to a prisoner’s serious illness or injury states a cause of action. (*Estelle v. Gamble*, 1976, pp. 104–105)

The courts are not in the business of second-guessing health care providers or treatment prescriptions but instead seek to achieve the following:

[To] ensure that decisions concerning the nature and timing of medical care are made by medical personnel, using equipment designed for medical use, in locations conducive to medical functions, and for reasons that are purely medical. (Neisser, 1977, pp. 956–957)

The courts have also weighed in on treatment issues within correctional facilities. *Ruiz v. Estelle* (1980) is the seminal case that established widely accepted standards for an adequate prison mental health system. In the Ruiz case, the court held that the Constitution requires the following:

- A systemic program for screening and evaluating inmates in order to identify those who require mental health treatment
- Treatment that entails more than segregation and close supervision of the inmate patients
- The participation of trained mental health professionals, who must be employed in sufficient numbers to identify and treat in an individualized manner those treatable inmates who have serious mental disorders
- Accurate, complete, and confidential records of the mental health treatment process
- A basic program for the identification, treatment, and supervision of inmates with suicidal tendencies

The court also stated that prescription and administration of behavior-altering medications in dangerous amounts, by dangerous methods, or without appropriate supervision



and periodic evaluation is an unacceptable method of treatment.

Even though *Ruiz v. Estelle* was decided in 1980, it was not until the mid-1990s that prisoner mental health treatment received national attention once again. First, in 1993, the case of *Casey v. Lewis* was brought by female inmates in the Arizona prison system. The court found that the Arizona prison officials were deliberately indifferent to the serious medical needs of female inmates because they did not provide facilities and mental health care services for females that were comparable to those provided to males. The court found that this was a violation of the Eighth Amendment. In its decision, the court cited the following problems:

- Inadequate screening of incoming inmates. For women, unqualified security staff made the decision as to which women were mentally ill.
- Records of all inmates were not routinely reviewed, and mentally ill inmates did not receive help until they asked for it or their condition deteriorated.
- Inadequate staffing of psychiatrists and psychologists.
- Delays in assessment and treatment.
- Use of lockdown as an alternative to mental health care; the court characterized this as “appalling.”
- Problems with monitoring of, and delays in receipt of, psychotropic medication. Medication was prescribed, continued, and discontinued without face-to-face evaluations by psychiatrists. Also, there was no method to ensure that patients take their medication.
- Insufficient mental health programming.
- Behavior modification implemented by untrained security officers.

*Casey v. Lewis* brought to light the use of “unqualified security staff” in screening and the implementation of behavioral modification techniques for mentally ill inmates. As a result, the court determined that mental health screening and mental health treatment should be provided by “qualified mental health personnel,” defined by Blough (2004) as “physicians, psychiatrists, psychologists, physician assistants, nurses, psychiatric social workers, and others who by virtue of their education, credentials and experience are permitted by law to evaluate and care for the mental health needs of prisoners” (p. 5). Following on the heels of *Casey v. Lewis*, in 1995 Ohio became the center of attention for inmates with mental illness in prisons.

*Dunn v. Voinovich* (1995) was a comprehensive class action suit that challenged the mental health care practices of the Ohio Department of Rehabilitation and Corrections. According to the decision, the “Dunn Decree” mandated the following:

- That mental health services be provided “within the framework of a community health model” and in the “least restrictive available environment and by the least intrusive measures available” (*Dunn v. Voinovich*, p. 4).

- Implementation of a three-tiered system of services: (1) inpatient hospital beds for long-term care, (2) residential treatment beds and crisis beds for short-term care, and (3) outpatient care for general population prisoners.
- Hiring a specified number of psychiatrists (25.5 personnel) and other mental health professionals (246.5 personnel).
- Implementation of procedures for housing assignments, disciplinary proceedings, suicide prevention, access to mental health care, restraint procedures, medication delivery systems, proper placement of mentally ill prisoners, improved medical records, screening procedures, staff training, and delineation of rules for transfer of mentally ill prisoners between prisons.

The Dunn Decree formalized the *Estelle v. Gamble* case and the applicability of deliberate indifference to mental health and mentally ill inmates. In addition, it opened the door for future cases that dealt with proper community linkage of released prisoners with mental health issues. This community linkage philosophy was transformed into what is now known as *prisoner reentry*. According to the U.S. Department of Justice, Bureau of Justice Statistics (2003), *reentry* is defined as a broad term used to refer to issues related to the transition of offenders from prison to community supervision. Reentry seeks to equip offenders returning to society with the resources necessary to become productive members of society. This concept was embraced by the Ohio Department of Rehabilitation and Correction under Director Reginald Wilson and signaled a philosophical switch in prisoner treatment and programming for both mentally ill and other inmates. Thus, the Dunn Decree proved to be important in the overall philosophy of corrections in Ohio and throughout the nation.

As was recognized in the Dunn Decree, community linkage plays a vital role in reducing recidivism for all inmates but is particularly important for mentally ill inmates. The landmark case in the area of community linkage is *Brad H. v. City of New York* (2000). This class action suit, like the Dunn Decree, alleged improper treatment of mentally ill inmates. The major difference in the *Brad H.* case is that it specifically targeted the failure of New York City and St. Barnabas Hospital to provide discharge planning services to jail inmates receiving psychiatric treatment in city jails.

The case complaint in *Brad H. v. City of New York* stated that more than 25,000 inmates per year received psychiatric care while in jail, yet few received discharge planning upon release (Barr, 2003). The case revolved around the practice of releasing inmates (whether or not they were mentally ill) by taking them to a subway station and giving them \$1.50 and two subway fares while providing no other assistance. The *Brad H.* case resulted in a comprehensive reform of the New York City jail mental health system’s practices. It effectively provided inmates with discharge planning for continued mental health treatment after release from jail. It also provided assistance with obtaining related services and benefit entitlements. The discharge planning included the following elements: (a) mental health treatment

and supportive services (including medication and counseling), (b) public benefits (Medicaid, food stamps, etc.), and (c) transportation to housing or shelter.

Medication was mandated to be provided to mentally ill inmates who were released. The settlement required that inmates in need of psychotropic medication must be given a 7-day supply and a 21-day prescription, as well as an escort or transport to a community clinic or mental health treatment center to ensure continuity of care. Another important mandate made staff accountable for obtaining Medicaid benefits for the inmates who were activated or reactivated upon release from jail. This ensured that the inmate would have access to medication and benefits to promote continuity of care after release.

According to Barr (2003), the *Brad H.* case ironically sought mental health discharge planning by means of the following:

Attributing to a jail the obligations long-accepted as duties of community mental health treatment providers and hospitals. In finding that New York City had an obligation to provide discharge planning to Brad H. class members, the Court found that the jails were “subject to licensure” by the State Office of Mental Health and, thus, subject to the same legal requirements as other mental health service providers in New York. (p. 68)

This decision meant that jails and prisons would be looked on as mental health service providers instead of correctional facilities that provide mental health treatment. Thus, it opened the door for the argument that the rights guaranteed to hospital patients extend into prison and jail walls.

The aforementioned court cases outlined the rights of mentally ill inmates in prisons and jails. The impact of these decisions was a significant change in the management of mentally ill inmates.

### Prisons and Jails and the Mentally Ill

The final actor in the criminal justice system with which a mentally ill offender comes into contact is the corrections system. In the United States, the corrections system is composed, at its core, of jails, prisons, probation, and parole. In addition, there are numerous ancillary components, such as community-based correctional facilities, halfway houses, electronic monitoring, home incarceration, and global positioning satellite tracking supervision. These are all broken down into two basic categories: (1) incarceration and (2) community supervision. *Incarceration* typically refers to jails and prisons, whereas *community supervision* refers to probation and parole.

Inmates with mental illness make up an increasing number of the U.S. inmate population. In 1999, the jail population of people with mental illness in the United States swelled to 285,000 and approximately 16% of those inmates reported a mental condition or an overnight stay in

a mental hospital (U.S. Department of Justice, 1999). According to a 2006 Bureau of Justice Statistics report, 56% of state prison inmates and 64% of inmates in local jails reported mental health problem. According to that same study, half of mentally ill inmates reported three or more prior sentences. Among the mentally ill, 52% of state prisoners, and 54% of jail inmates, reported three or more prior sentences to probation or incarceration.

The National Institute of Corrections estimates the number of people booked into America’s jails at 10 million per year. Using the aforementioned 16% statistic from the U.S. Department of Justice, one can estimate that nearly 1.6 million people per year with a mental condition or mental illness will pass through America’s jails. According to the Bureau of Justice Statistics (2006), more than half of all prison and jail inmates had a mental health problem. This included more than 784,000 inmates in state and federal prisons and more than 479,000 inmates in local jails.

Characteristics of inmates with mental health problems are indicative of the systemic nature of the problems that arose with the deinstitutionalization of the mentally ill. According to the Bureau of Justice Assistance (2006), inmates 24 years of age and younger reported the highest incidence of mental health problems, and those age 55 and older reported the fewest (Bureau of Justice Statistics, 2006). Many of the inmates reported symptoms of a mental health disorder without a recent history of problems or treatment. This exemplifies the problem of the community-based approach to treating persons with mental illness identified by the Council of State Governments (2008) as letting “individuals with mental illness [slip] through the cracks.” More often than not, those who slip through the cracks end up involved with the criminal justice system.

Inmates with a mental health problem had a violent offense as their most serious conviction 49% of the time, compared with 46.5% of the time for other inmates. Although violent offenses were more prevalent among inmates with a mental health problem, the use of a weapon during the commission of the offense was relatively the same as other inmates: 37.2% and 36.9%, respectively. Reinforcing the notion that mentally ill inmates recidivate more often than other inmates is that fact that 61% of inmates with a mental health problem had a current or past violent offense, compared with 56% of other inmates (Bureau of Justice Statistics, 2006). In addition, according to Los Angeles County officials in 1991, 90% of the Los Angeles County jail inmates with mental illness are repeat offenders. Of these inmates, an estimated 31% have been incarcerated 10 or more times (see <http://www.consensusproject.org>).

Another issue in dealing with mentally ill inmates is their adaptation to the correctional facility. Nearly 58% of inmates who reported a mental health problem were charged with a disciplinary rule violation, compared with 43% of other inmates. Almost 25% of inmates who reported a mental health problem were charged with a rule violation involving assault, and over 20% were injured in a fight. Only 13% of other inmates were involved in an

assault, and 10% were injured in a fight (Bureau of Justice Statistics, 2006). Thus, mentally ill inmates are almost twice as likely as other inmates to be injured in a fight.

The costs of housing mentally ill inmates can quickly add up. According to the Pennsylvania Department of Corrections, housing a mentally ill inmate costs \$140 per day, well above the \$80 per day of other inmates (Wilkinson, 2003). This equates to a 75% increase in cost per day to house a mentally ill inmate. In addition, a Rikers Island study conducted in 2003 indicated that mentally ill inmates are incarcerated three to four times longer than other inmates (Insel, 2003). Some studies have reported that mentally ill inmates are incarcerated up to eight times longer and at a cost of more than seven times that of other inmates (Stephey, 2007). According to Butterfield (1998), the average length of stay in the New York City jail system is 215 days for inmates with a mental illness, compared with 42 days for other inmates. Thus, in addition to increased cost per day and increased time in prisons and jails, mentally ill inmates present operational problems for correctional facilities.

The day-to-day management of mentally ill inmates presents numerous problems for prisons and jails alike. One of the key issues surrounding prison and jail management of mentally ill inmates is that staff does not understand the dynamics involved. Most corrections staff are not appropriately trained to recognize the challenges associated with mentally ill inmates, such as maintaining medication compliance, behavioral issues, noncompliance with institutional rules, and so on. This is evidenced by the Dunn Decree in Ohio and numerous other court actions that have been previously mentioned.

In addition to prison issues, jails present a different challenge for the staff. The jail is often isolated from community mental health programs, or jail staff lack the knowledge of where to find services. The eight most important issues in managing mentally ill inmates, as delineated by the *Standards for the Mentally Ill in Jails* (Blough, 2004), are as follows: (1) reception, (2) housing, (3) programming and services, (4) medical services, (5) discipline, (6) physical plant (i.e., the jail facility itself), (7) linkage (i.e., continuity of care), and (8) staff training.

In attempting to alleviate some of the issues surrounding the management of mentally ill jail inmates, the Ohio Supreme Court Advisory Committee on the Mentally Ill in the Courts formed a subcommittee to address jail standards for the mentally ill. The Ohio Supreme Court Advisory Committee on the Mentally Ill in the Courts is composed of representatives from the Ohio Department of Mental Health, the Ohio Department of Alcohol and Drug Addiction Services, the Ohio Department of Rehabilitation and Correction, the Ohio Department of Mental Retardation and Developmental Disabilities, the Ohio Office of Criminal Justice Services, judges, law enforcement personnel, mediation experts, housing and treatment providers, consumer advocacy groups, and other officials from across the state. This committee, formed by Ohio

Supreme Court Justice Evelyn Stratton, is working to establish local task forces in each county in Ohio to bring similar local representatives together to collaborate on the issues of mentally ill inmates in the criminal justice system. The Jail Standards Subcommittee developed the set of aforementioned model jail standards as a reference point for jail administrators across the nation.

The model jail standards are a professional guide of recommended practices for jail administrators to promote better care of mentally ill inmates while they are incarcerated and, perhaps most important, provide continuity of care throughout the transition from jail to community by implementing appropriate information sharing and safety net systems to ensure that inmates have the requisite services and community linkages to prevent recidivism.

The most important component of the *Standards for the Mentally Ill in Jails* is the first one: reception, when the initial screening of the inmate takes place. From this initial screening, inmates are classified and placed in housing of an appropriate security level. Inmates also are screened for medical and mental illness issues and placed in the appropriate programs or care on the basis of the jail's medical services plan. Many studies have shown that inmates commit suicide within 72 hours of admission to a jail; thus, a comprehensive reception process is vital to the protection of mentally ill inmates.

Another difficult aspect of managing mentally ill inmates falls within the fifth function, discipline. Many mentally ill inmates spend time in disciplinary isolation or lockdown for infractions that, if the proper management team (including a mental health representative) were involved, would not have occurred or may have been viewed as a medical issue instead of a disciplinary issue. In addition, many jails lack the ability to institute therapeutic seclusion when directed by a qualified mental health or medical authority. Thus, the subcommittee has developed standards regarding the construction of a therapeutic seclusion cell that meets minimum guidelines for physical construction while allowing the mentally ill inmate to orient himself or herself to the time of day by providing natural light.

As stated previously, jail staff often lack training in supervising inmates with mental illness. Thus, training standards have been developed for jail staff, including the jail administrator, supervisors, and nonsecurity staff, in regard to recognition, de-escalation, privacy issues, medication responses, and medical contradictions to restraints. In the final analysis, these standards will enable the jail staff to more effectively recognize and properly supervise inmates with mental illness.

Along with drafting standards for mentally ill inmates, the Ohio Supreme Court Advisory Committee on the Mentally Ill in the Courts also advocates community-based treatment and jail diversion programs. These diversion programs are important for both altruistic and financial reasons. Several studies have shown that diverting mentally ill offenders from jails and prisons saves considerable money.

To highlight this cost savings, two programs that provide intensive community-based services to mentally ill individuals who have been involved with the criminal justice system have demonstrated their cost-effectiveness. The Thresholds Jail Program in Cook County, Illinois, demonstrated a cost savings of \$18,873 per program participant. This savings was realized over a 2-year period with 30 participants (<http://www.thresholds.org>). Another project, in Monroe County, New York, Project Link, demonstrated a cost savings of \$39,518 per person over a 1-year period with 44 participants (<http://www.consensusproject.org>).

## Federal Legislation

In addition to innovative programs for mentally ill offenders, the federal government has implemented groundbreaking legislation over the past several years. The first piece of legislation, the Mentally Ill Offender Crime Reduction Act of 2003, was designed to promote public safety and community health by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems in diverting mentally ill individuals from the criminal and juvenile justice systems and in treating such individuals within those systems. This act provided \$50 million in grant funding to promote the expansion of mental health courts and to establish community partnerships to better serve mentally ill offenders.

Another piece of federal legislation that had a significant impact on mentally ill offenders was the Second Chance Act. This act was designed to improve outcomes for people returning to the community from prisons and jails. On April 9, 2008, President George W. Bush signed the Second Chance Act into law (see [http://reentrypolicy.org/government\\_affairs/second\\_chance\\_act](http://reentrypolicy.org/government_affairs/second_chance_act)). This legislation authorizes federal grants to government agencies and community and faith-based organizations to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victim support, and other services that can help reduce reoffending and violations of probation and parole. The House of Representatives appropriated \$45 million to fund these grants.

As a result of these two important pieces of legislation, many new programs have been created or augmented, resulting in better and more cost-effective service to mentally ill offenders. These programs enable communities to tailor their programs to fit both their needs and resources in a community-specific way.

## Crime Victimization and the Mentally Ill

Another aspect of mentally ill persons in the criminal justice system that receives little attention is the victim. According to Teplin (1999), persons with serious mental

illness are more than seven times more likely to be a crime victim than those without a mental illness. This population is also 9 times more likely to be the victim of a violent crime and more than 24 times more likely to be the victim of rape. Women with serious mental illness are much more likely to become victims of sexual assault than men.

According to experts, symptoms often associated with severe mental illness, such as disorganized thought processes, impulsivity, lack of awareness of one's environment, and poor planning and problem-solving skills, may compromise one's ability to perceive risks and protect oneself, making one more vulnerable for victimization. In addition, the deinstitutionalization of individuals with mental illness has led to increased vulnerability due to their tendency toward homelessness, substance abuse, and poverty. According to Levin (2005), nearly 3 million severely mentally ill individuals are crime victims each year. The severely mentally ill are more than 140 times more likely than the general population to be the victim of a property crime. In addition to a higher likelihood of being victims, severely mentally ill individuals are more likely to suffer repeat victimization. This is due to symptoms related to their mental illness, which often lead them to be discredited as witnesses or to be found as complicit in their own victimization.

## Conclusion

The subject of mental illness and crime is significant in many ways. Mental illness is pervasive in all aspects of the criminal justice system, from offenders to victims. It impacts each segment of the criminal justice system in many ways, from monetary issues to personnel training and interagency collaboration. It is a problem that requires a multifaceted approach to finding solutions. These solutions are generally community specific and agency resource dependent, requiring innovative initiatives and leaders.

## References and Further Readings

- Barr, I. (2003). *Mentally ill, chemically addicted and stuck in jail*. Retrieved from <http://www.gothamgazette.com/article/health/20031114/9/680>
- Blough, S. (2004). *Standards for the mentally ill in jails*. Retrieved from <http://www.sconet.state.oh.us/ACMIC/>
- Boothroyd, R., Poythress, N., McGaha, A., & Petrila, J. (2003). The Broward Mental Health Court: Process, outcomes, and service utilization. *International Journal of Law and Psychiatry*, 26, 55–71.
- Brad H. et al. v. City of New York et al., 185 Misc. 2d 420, 712 N.Y.S. 2d 336 (Sup. Ct. 2000).
- Bumiller, E. (1999, November 20). In wake of attack, Giuliani cracks down on homeless. *New York Times*. Retrieved from <http://query.nytimes.com/gst/fullpage.html?res=9805E2D9153CF933A15752C1A96F958260>

- Bureau of Justice Assistance Law Enforcement/Mental Health Partnership Program: [http://www.ojp.usdoj.gov/BJA/grant/LE\\_MHPPartnership.pdf](http://www.ojp.usdoj.gov/BJA/grant/LE_MHPPartnership.pdf)
- Bureau of Justice Statistics. (2006). *Mental health problems of prison and jail inmates*. Retrieved from <http://www.ojp.usdoj.gov/bjs/abstract/mhppji.htm>
- Butterfield, F., (1998, March 5). Prisons replace hospitals for the nation's mentally ill. *New York Times*.
- Casey v. Lewis, 516 U.S. 804 (1996).
- Council of State Governments. (2002). *Criminal Justice Mental Health Consensus Project: New York*. Lexington, KY: Author.
- Council of State Governments Justice Center. (2008). *Mental health courts: A primer for policymakers and practitioners*. Retrieved from [http://www.ojp.usdoj.gov/BJA/pdf/MHC\\_Primer.pdf](http://www.ojp.usdoj.gov/BJA/pdf/MHC_Primer.pdf)
- Dunn v. Voinovich, Case No. C1-93-0166 (S.D. Ohio 1995).
- Dupont, R., Cochran, S., & Bush, A. (1999). *Reducing criminalization among individuals with mental illness*. Conference presentation given at the Substance Abuse and Mental Health Services Administration Conference on Forensics and Mental Illness, Washington, DC.
- Estelle v. Gamble, 429 U.S. 97 (1976).
- Howard, J. (1777). *State of prisons in England and Wales*. Warrington, UK: William Eyres.
- Insel, T. R. (2003, March). *Introductory presentation*. Presented at "Beyond the Clinic Walls: Expanding Mental Health, Drug and Alcohol Services Research Outside the Specialty Care System," a conference cosponsored by the National Institute of Mental Health and the National Institute on Alcoholism and Alcohol Abuse, Washington, DC.
- Levin, A. (2005, September 2). People with mental illness more often crime victims. *Psychiatric News*, p. 16.
- MacArthur Foundation. (2001, February). *The MacArthur Violence Risk Assessment Study*. Retrieved from <http://www.macarthur.virginia.edu/violence.html>
- MacLowry, R. (Producer), & Samels, M. (Director). (2003). *A brilliant madness* [Television broadcast]. New York: Public Broadcasting Service.
- Marley, J. A., & Buila, S. (1999). When violence happens to people with mental illness: Disclosing victimization. *American Journal of Orthopsychiatry*, 69, 398-402.
- Mayo Clinic. (2006, August 17). *Defining mental illness: An interview with a Mayo Clinic specialist*. Retrieved from <http://www.cnn.com/HEALTH/library/HQ/01079.html>
- Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, 42 U.S.C. § 2684(3) *et seq.*
- Mentally Ill Offender Treatment and Crime Reduction Act of 2003, 42 U.S.C. § 3711 *et seq.*
- Moore, M. E., & Hiday, V. A. (2006). Mental health court outcomes: A comparison of re-arrest and re-arrest severity between mental health court and traditional court participants. *Law and Human Behavior*, 164, 1395-1403.
- Munetz, M. R., Fitzgerald, A., & Woody, M. (2006). Police use of the Taser with people with mental illness in crisis. *Psychiatric Services*. Retrieved from <http://www.psychservices.psychiatryonline.org/cgi/content/full/57/6/883>
- Neisser, E. (1977). Is there a doctor in the joint? The search for constitutional standards for prison health care. *Virginia Law Review*, 921, 956-957.
- Ohio Supreme Court Advisory Committee on the Mentally Ill in the Courts: <http://www.sconet.state.oh.us/ACMIC/>
- Perez, A., Liefman, S., & Estrada, A. (2003). Reversing the criminalization of mental illness. *Crime & Delinquency*, 49, 62-78.
- Ridgely, M. S., Engberg, J., Greenberg, M. D., Turner, S., DeMartini, C., & Dembosky, J. W. (2007). *Justice, treatment, and cost: An evaluation of the fiscal impact of Allegheny County mental health court* (Technical report). Santa Monica, CA: RAND Corporation.
- Robertson, G., Pearson, R., & Gibb, R. (1996). The entry of mentally disordered people to the criminal justice system. *British Journal of Psychiatry*, 169, 172-180.
- Rodgers, B. A. (2006). *Psychological aspects of police work: An officer's guide to street psychology*. Springfield, IL: Charles C Thomas.
- Ruiz v. Estelle, 503 F. Supp. 1265 (S.D. Tex. 1980).
- Sanow, E. (2006). New liability with mentally ill. *Law & Order*, 54(12), 6.
- Schwarzfeld, M., Reuland, M., & Plotkin, M. (2008). *Improving responses to people with mental illnesses: The essential elements of a specialized law enforcement-based program*. New York: Council of State Governments Justice Center.
- Second Chance Act of 2007, 42 U.S.C. § 17531 *et seq.*
- Stephan, J. J. (2001). *Census of jails, 1999*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Stephey, M. J. (2007, August 8). De-criminalizing mental illness. *Time*. Retrieved February 6, 2009, from <http://www.time.com/time/health/article/0,8599,1651002,00.html>
- Talking to "invisible" people: How to communicate with the mentally ill in times of crisis*. (2006, March). Retrieved from <http://www.officer.com/publication/printer.jsp?id=26209>
- Teller, J., Munetz, M., Gil, K., & Ritter, C. (2006). Crisis intervention team training for police officers responding to mental disturbance calls. *Psychiatric Services*, 57, 232-237.
- Teplin, L. (1999, October). *Criminal victimization of the mentally ill*. Presentation given at the National Research Council's Workshop on Crime Victims with Developmental Disabilities, Irvine, CA.
- Torrey, E. F. (1997). *Out of the shadows: Confronting America's mental illness crisis*. New York: Wiley.
- Treatment Advocacy Center. (2005). *Briefing paper: Law enforcement and people with severe mental illnesses*. Retrieved from <http://www.psychlaws.org>
- U.S. Department of Health and Human Services. (1999). *Mental health: A report of the surgeon general*. Rockville, MD: Substance Abuse and Mental Health Services Administration.
- U.S. Department of Justice, Bureau of Justice Statistics. (1999). *Mental health and treatment of inmates and probationers*. Retrieved March 16, 2009, from <http://www.ojp.usdoj.gov/bjs/abstract/mhtip.htm>
- U.S. Department of Justice, Bureau of Justice Statistics. (2003). *Reentry trends in the United States, 2002*. Retrieved from <http://www.ojp.gov/bjs/reentry/definition.htm>
- Vickers, B. (2000, July). Memphis, Tennessee, police department's crisis intervention team. *Practitioner Perspectives*, pp. 1-12.
- Wilkinson, R. (2003). *Congressional testimony*. Senate Bill 1194, The Mentally Ill Offender and Crime Reduction Act of 2003.
- Wyatt v. Stickney, 344 F. Supp. 387 (M.D. Ala. 1972).

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## NEIGHBORHOOD INFLUENCES ON CRIME

CHRIS L. GIBSON

*University of Florida*

HOLLY VENTURA MILLER

*University of Texas at San Antonio*

The typical point of departure for understanding crime is to investigate differences between individuals to discern what characteristics distinguish offenders from nonoffenders, high-rate from low-rate offenders, and persistent from less persistent offenders. It is often the case that psychological, family, biological, social, and environmental factors are front-runners for explaining why people commit crimes. Reinforcing this type of thinking are the media and other news outlets, which often discuss how biological insults and family problems, among others, lead to a particular criminal's behavioral patterns or explain why he or she committed a particular crime. Although much has been learned about why individuals offend, much has also been learned about the striking patterns of crime across geographical entities. As such, focusing only on the individual may not generate an extensive portrait of what explains crime. A neighborhood or community is one geographical example of *place* that can be considered an explanatory source of crime and is the focus of this chapter.

Dating back to the era of Burgess, Park, Shaw, and McKay of the Chicago School of sociology, communities and neighborhoods in the United States have been systematically studied for decades to understand how characteristics of areas within a city are correlated not only with crime but also with other social ills that tend to occur in the same areas. Since the early studies of the Chicago School, criminologists and sociologists have learned a tremendous

amount about crime rates across neighborhoods, correlates of neighborhood crime, and even the offending behaviors of youth living in particular neighborhoods.

According to Sampson (2006, pp. 34–35), a consistent set of “neighborhood facts” have emerged over many decades of research on neighborhood conditions and crime. First, neighborhoods show much variation in terms of inequality. Research has shown that neighborhoods vary substantially in terms of their racial segregation and socioeconomic standing. In fact, neighborhoods that have the highest percentages of minorities are also often the poorest and most isolated neighborhoods. Second, it appears that many problems tend to co-occur in particular neighborhoods. Neighborhoods that have high levels of crime often face other problems, including juvenile delinquency, disorder, higher percentages of infant mortality and low birthweight, school dropout, and child abuse—the list goes on and on. Third, many studies have concluded that neighborhood inequality, segregation, and more generally concentrated disadvantage are often characteristic of neighborhoods with high rates of victimization and the problems mentioned earlier. Fourth, studies that have produced these correlations show consistent findings across various geographical areas investigated. For instance, a correlation between concentrated disadvantage (e.g., poverty and ethnic–racial segregation) and crime is found whether the unit of analysis is the community area, census tracts, police beats, or other classifications of “neighborhood.”

Many of these research facts are the impetus for this chapter, and they will be used to further explore some of the mechanisms responsible for the link between neighborhoods and crime.

This chapter explores several of the “neighborhood facts” just mentioned by discussing theories that attempt to explain why crime rates vary by neighborhoods or communities, research evidence on the specific correlates of crime across neighborhoods, and limitations of research and obstacles facing researchers who are attempting to explain the link between neighborhoods and crime. This chapter also discusses the evidence on how neighborhood contexts influence offending behaviors of adolescents, which are different from crime rates.

### Explanations for the Neighborhood–Crime Link: Theory and Research

The notion that neighborhoods may have an influence, or at least something to do with, crime is not an innovative or even a new idea. It dates back to the early 19th century, when two Belgians, Guerry and Quetelet, found patterns of arrest in France to be distributed nonrandomly (Bierne, 1993). Guerry and Quetelet were also some of the first pioneers to discover an empirical link between regional crime rates and structural factors such as poverty rates and education levels. They observed that these relationships were persistent over periods of time. Although Guerry and Quetelet made one of the first empirical links between regional crime rates and social conditions, they did not offer a detailed theoretical explanation for their findings. This led to following two questions: (1) Why are crime rates higher in some places than others? and (2) what are the mechanisms that explain such patterns?

#### Social Disorganization Theory

One of the classic theories that attempt to make sense of the nonrandom, systematic pattern of crime in regions and cities originates not in Belgium but rather in Chicago and was generated by Shaw and McKay (1942) during the early 20th century when Chicago was experiencing tremendous growth. During its incorporation between the mid-1800s to the early 1900s, the city’s population grew from a few thousand to more than 2 million. This growth was attributable to both the creation of large industries and the arrival of immigrants from European countries (Palen, 1981). With this growth came disorder and crime.

Relying on several existing ideas from social ecology, Shaw and McKay’s (1942) classic formulation of *social disorganization theory* was created to explain crime in places, specifically Chicago neighborhoods. As opposed to being a theory of individual involvement in crime and delinquency, their theory attempts to explain what makes a neighborhood crime prone. Through mapping juvenile

delinquency data on the residential locations of youth referred to juvenile court, Shaw and McKay made several observations regarding neighborhoods and the distribution of crime in Chicago. First, they found a systematic trend in the distribution of delinquency in Chicago; that is, delinquency rates were the highest in lower-class neighborhoods, which were adjacent to areas with industry that had many damned buildings. These lower-class neighborhoods consisted of large percentages of families receiving public assistance and low percentages of families owning homes. These same areas had some of the highest rates of physical decay, infant mortality, prostitution, drug addiction, alcoholism, and tuberculosis. Second, over many decades, Shaw and McKay observed that these neighborhoods continued to sustain high amounts of delinquency and high crime rates, while their racial and ethnic compositions changed substantially. Although a correlation existed between delinquency rates of neighborhoods and concentrations of foreign-born and African American heads of households, Shaw and McKay did not conclude that African Americans or immigrants were any more likely than whites to engage in crime. In fact, they came to the following conclusion:

In the face of these facts it is difficult to sustain the contention that, by themselves, the factors of race, nativity, and nationality are vitally related to the problem of juvenile delinquency. It seems necessary to conclude, rather, that the significantly higher rates of delinquency found among the children of Negroes, the foreign born and more recent immigrants are closely related to existing differences in their respective pattern of geographical distribution within the city. (p. 145)

This suggests that the neighborhood conditions triumphed over individual differences as factors that explain why people commit crime.

In their formulation of social disorganization theory, Shaw and McKay (1942) relied heavily on Park and Burgess’s (1925) *theory of human ecology* to understand why delinquency and crime patterns surfaced as they did in Chicago. Park and Burgess described Chicago as consisting of various concentric zones (Zones 1–5), whereby each zone gradually invaded and dominated its nearest zones, with an overall growth outward. Zone 1 is the central business district and the innermost layer of the city. Zone 2, also referred to as the *zone in transition*, is considered the oldest segment of the city that has experienced the most invasion, dominance, and succession. This zone was observed to be not only the poorest area of Chicago but also the least desirable area to live. Shaw and McKay found some of the highest rates of delinquency and crime, as well as several other social ills mentioned earlier, in this particular zone. Zone 3, the working-class zone, consists of humble homes and rentals largely occupied by people who escaped the poverty-stricken conditions of zone 2 (i.e., the zone in transition). Zones 4 and 5 consist of nicer housing and suburbs, respectively.

Shaw and McKay (1942) interpreted their observations to be a consequence of socially disorganized areas that undermine the control of social disorder and crime. They argued that socially disorganized areas are not able to realize the common values of their residents or reach decisions on how to handle community problems, largely because of a lack of communication and shared values. They identified three indirect indicators of social disorganization: (1) residential instability, (2) poverty, and (3) ethnic-racial heterogeneity, which they argued are highly correlated; that is, areas with higher concentrations of one also have higher rates of the others. First, neighborhoods that have high residential instability have high population turnover whereby individuals move in and out rapidly. Such instability leads to little investment in the community by residents in that they do not care about the neighborhood's appearance or betterment. Also, such high turnover fails to provide residents time to get to know one another, resulting in a decreased sense of neighborliness and failure to recognize their neighbors' children. When out of sight of their primary caregivers, children in such neighborhoods are likely to be under minimal control. Second, although we think of diversity as a good thing these days, ethnic-racial heterogeneity was not seen in Chicago as something good, at least as far as crime was concerned. Racial and ethnic heterogeneity suggests that a neighborhood is populated with diverse races, languages, and cultures, thus creating barriers that isolate groups from one another, which puts limitations on meaningful interactions that could promote shared community values and goals. In socially disorganized neighborhoods, different racial and ethnic groups were known for isolating themselves and having minimal interactions with one another and, as such, lines of communication decreased and disorganization was thought to have increased. Finally, poverty-stricken neighborhoods have insufficient resources, which makes it almost impossible for them to deal with community problems.

A major limitation of Shaw and McKay's (1942) research is that it fell short of permitting them to draw conclusions about how social disorganization related to crime, because they were able to measure social disorganization only by using proxies. Their measures of this concept were limited to the indirect structural aspects of neighborhoods (e.g., poverty and residential instability). Only in theory were they able to state that social disorganization was the force behind the relationships between structural aspects of neighborhoods and crime. Acknowledging this shortcoming, Sampson and Groves (1989) stated that "while past researchers have examined Shaw and McKay's predictions concerning community change and extra-local influences on delinquency, no one has directly tested their theory of social disorganization" (p. 175).

Starting roughly in the 1970s, social disorganization experienced a revival, both theoretically and empirically, from criminologists and sociologists alike who desired to further explain the pieces of the puzzle that were left

undone by Shaw and McKay's (1942) work (see Bursik, 1988; Bursik & Grasmick, 1993; Duncan & Raudenbush, 2001; Jencks & Mayer, 1990; Kornhauser, 1978; Sampson & Groves, 1989; Sampson, Raudenbush, & Earls, 1997; Sampson, Morenoff, & Raudenbush, 2005). Researchers have since filled many gaps by actually measuring and assessing the impact of social disorganization. They have done this by using more advanced research methods and collecting more appropriate data to thoroughly test the propositions from social disorganization theory that were not originally tested.

Sampson and Groves (1989) were among the first to acknowledge that Shaw and McKay (1942) did not sufficiently articulate the differences among social disorganization, its causes, and its consequences. Sampson and Groves defined *social disorganization* as the inability of a neighborhood to achieve common goals of its residents and maintain effective social controls. They developed and tested a model of social disorganization that proposed several hypotheses, one of which consisted of indirect effects of neighborhood structural characteristics on crime. They proposed that structural characteristics (e.g., residential instability, poverty, family disruption, and ethnic-racial heterogeneity) lead to neighborhood social disorganization, which in turn predicts crime. They identified three indicators of social disorganization: (1) weak local friendship networks, (2) low organizational participation, and (3) unsupervised teenage groups. This was an improvement from early social disorganization studies, because social disorganization was closer to being measured and its effects on crime were closer to being estimated. Sampson and Groves used self-report crime and victimization data from individuals residing within neighborhoods, overcoming the problems inherent in Shaw and McKay's use of official crime data. Using data from the British Crime Survey on 238 neighborhoods in England and Wales, they found support for social disorganization theory: Crime rates were higher in neighborhoods where friendship ties were weak, organizational participation was low, and teen groups were unsupervised. Furthermore, their social disorganization variables largely mediated the effects of structural characteristics on crime. This study was replicated a decade later, and the results were highly consistent with those found in the original study (Lowencamp, Cullen, & Pratt, 2003).

### Collective Efficacy Theory

In what is probably the most advanced statement to date in the social disorganization tradition of explaining the link between neighborhoods and crime, Sampson and colleagues (1997) put forth a model that has come to be known as *collective efficacy theory*. In this formulation, they developed a concept that they termed *collective efficacy* and argued that it can explain not only the link between structural conditions of neighborhoods and crime rates but also the general well-being of a neighborhood.



Collective efficacy, Sampson and colleagues (1997) argued, is more than just social ties, personal ties, or social networks within neighborhoods. Although networks are important, they must be activated before they are meaningful in assisting with neighborhood problems. Thus, according to Sampson (2006), “Social networks foster the conditions under which collective efficacy may flourish, but they are not sufficient for the exercise of control” (p. 39) So then, what is collective efficacy, and how can levels of it be measured across neighborhoods?

*Collective efficacy* is defined as social cohesion among neighbors combined with their willingness to intervene on behalf of the common good of the neighborhood. Although this does depend on a working trust among neighbors and social interactions, according to Sampson (2006), it is not a requirement that neighbors befriend one another or that they be friends with local police officers. Sampson and colleagues (1997) developed a measure of this concept that taps into social cohesion, informal social control, and trust among neighbors. The social cohesion and trust component of the measure taps into community relationships and was captured by several survey questions that were asked of residents of various Chicago neighborhoods selected for participation in the Project on Human Development in Chicago Neighborhoods (PHDCN), known as one of the most ambitious and costly criminological studies on neighborhoods in the history of social science. For example, residents were asked if they agreed to the following statements: “People around here can be trusted”; “This is a close-knit neighborhood”; “People around here are willing to help their neighbors”; and “People in this neighborhood share the same values.” The other component of collective efficacy, which captures shared expectations regarding neighborhood social control, was measured using five survey questions asked of residents that included how likely it was that their neighbor could be counted on if children were skipping school and hanging out on a street corner, children were spray-painting graffiti on the side of a building, children were showing disrespect to an adult, a fight broke out in front of their house, and the fire station closest to their home was threatened with budget cuts. These measures of social cohesion/trust and informal social control were so highly correlated that they were summed to form one measure of collective efficacy and then aggregated up to the neighborhood level to reflect the level of collective efficacy for each Chicago neighborhood.

In their theory of collective efficacy, Sampson and colleagues (1997) suggested that the structural conditions of neighborhoods (e.g., poverty, residential instability) do not directly explain crime and that the mediating mechanism is collective efficacy. They argued that a central objective of a neighborhood is the neighborhood residents’ desire to live in safe, crime-free environments where informal social control is practiced to maintain order. For this to occur, groups of neighborhood residents must regulate their

members by developing clear rules and collective goals for the neighborhood. Residents must develop relationships and trust among one another. Sampson et al. argued that when a neighborhood’s residents have a high degree of trust among one another, social cohesion, and practice informal social controls, then both social disorder and crime will be less likely to occur.

Sampson et al. (1997) tested their theory of collective efficacy by analyzing data on 343 Chicago neighborhoods and thousands of residents. These data were collected as part of the PHDCN. They were able to estimate the effects of neighborhood-level structural characteristics (concentrated disadvantage, residential stability, and immigrant concentration) and social processes (i.e., collective efficacy) simultaneously on multiple measures of violence while considering individual characteristics of neighborhood residents (e.g., race, age, mobility, socioeconomic status). To date, this has been one of the most methodologically sophisticated studies on neighborhoods and crime. This research offers several important observations. First, structural characteristics explained a large amount of variability in collective efficacy across Chicago neighborhoods. Second, collective efficacy was found to have an important effect on violence, regardless of structural characteristics and controls for individual characteristics of residents within neighborhoods. Third, neighborhood collective efficacy largely reduced the influence of neighborhood disadvantage on violence, something that is also referred to as a *mediating effect*.

Collective efficacy’s influence in neighborhoods reaches further than just understanding violence. More recently, neighborhood collective efficacy has been shown to partially explain the relationship between disorder and crime in neighborhoods. Ever since the dissemination of *broken windows theory*—that minor crime, if left unattended, will breed larger, more serious crimes—scholars have argued that disorder within a neighborhood leads to crime. Police have thus directed much of their attention to fighting disorder in the hopes of preventing more serious forms of crime from developing. Sampson and colleagues (2002) recently argued that the relationship between disorder and crime is not causal; instead, they both have the same underlying causes, one of which is collective efficacy. Analyzing data from the PHDCN again, they found that the relationship between disorder, measured through direct observations on street blocks, and crime could be explained by the levels of poverty and collective efficacy in neighborhoods.

## How Neighborhoods Influence Delinquent and Criminal Behavior of Youth

We now know that social scientists have been intrigued by the association between neighborhood characteristics and crime rates, and how people are affected by the neighborhoods in which they live, for nearly a century. In summary,

research has shown that disorganized and disadvantaged neighborhoods tend to have residents that are less bonded to one another, have limited social networks, lack resources, and tend not to engender mutual trust among one another. In such neighborhoods, residents are less willing to act as informal social control agents to rise up and deal with neighborhood problems (Sampson et al., 1997; Sampson, Morenoff, & Earls, 1999) and are thus unlikely to take action when problems such as crime or juvenile delinquency occur. Beyond crime rates, one area within the social disorganization model receiving attention at present is how neighborhood-level factors influence outcomes for children and adolescents (see Sampson, Morenoff, & Gannon-Rowley, 2002).

Recent research has focused on how neighborhood structure can affect child development, specifically, how it leads adolescents to be more frequently involved with crime and delinquency. Children raised in areas of extremely low levels of socioeconomic disadvantage and inequality are at risk for developing a host of negative outcomes that can further increase their likelihood of participating in criminal activity. Children raised under such conditions are at risk for dropping out of school, lower school achievement, decreased verbal ability, and many other problems (see Leventhal & Brooks-Gunn, 2000). Although researchers have found a link between structural disadvantage of neighborhoods and negative child and adolescent outcomes, until recently the mechanisms for why these relationships exist had yet to be thoroughly explored. Various models have been put forth that may shed light on how neighborhood context can influence children's involvement in crime and delinquency.

Jencks and Mayer (1990) identified five theoretical frameworks for linking individual behavioral outcomes for children and adolescents to the neighborhoods in which they are raised. First, they identified what they called the *neighborhood institutional resource models*, whereby neighborhood resources are believed to affect children and adolescents through access to resources such as parks and libraries, as well as community service centers that promote positive, healthy development. Second, they discussed the *contagion model*, which focuses on problem behaviors and is based on the idea that negative behaviors of peers and/or neighbors can quickly spread throughout a neighborhood, thus affecting children and adolescents. Third, they described a *competition model*, which suggests that neighbors compete with one another for scarce community resources, which in turn can lead to negative behaviors of children and adolescents. Fourth, they noted a *relative deprivation model*, which hypothesizes that neighborhood conditions and surroundings affect children and adolescents by means of their evaluation of their situation vis-à-vis others in the neighborhood. Fifth and finally, they described a *collective socialization model*, which suggests that neighborhoods influence children and adolescents through community social organization; control; and collective efficacy, including the presence of adult role models

and social control agents who, in addition to structuring routines and opportunities in the neighborhood, supervise and monitor children and adolescents in the neighborhood.

Leventhal and Brooks-Gunn (2000) proposed three of their own potential mechanisms by which neighborhoods can influence children. These mechanisms often overlap those described by Jencks and Mayer (1990). The first mechanism is *institutional resources*, the availability of affordable and accessible recreational activities, medical facilities, employment, schooling, and child care for residents of the community. The second mechanism is *relationships*, whereby parental characteristics, such as their mental and physical health, parenting skills, and home life, affect a child. The third mechanism is *norms/collective efficacy*, which focuses on the supervision and monitoring of the behavior of residents within the community (mostly of youth for activities and deviant or antisocial peer group behaviors and physical risk, e.g., violence and victimization). Stressful neighborhood environments cause parents to employ parenting behaviors that adversely affect children's behavior and learning. Prosperous neighborhoods may have more institutional resources that are conducive to child and adolescent well-being, such as learning, social, and recreational activities and quality child care and schools.

Extending beyond the somewhat overlapping neighborhood mechanisms offered by Jencks and Mayer (1990) and Leventhal and Brooks-Gunn (2000), Akers (1998) offered the *social structure social learning (SSSL) model* to explain the link between neighborhood social disorganization and children's delinquent and criminal involvement. According to Akers, children and adolescents learn conforming behaviors through association with others, observation of others, and exposure to others. Similarly, this is also how children and adolescents learn to engage in criminal and delinquent behaviors. Whereas learning theory has been tested and supported through many empirical studies, far less evidence has been put forth regarding Akers's newest formulation of how neighborhood structure and delinquency are linked through the social learning process. In putting forth the SSSL model of crime, Akers (1998) made the following proposition:

Social learning is the primary process linking social structure to individual behavior. Its main proposition is that variations in the social structure, culture, and locations of individuals and groups in the social system explain variables in crime rates, principally through their influence on differences among individuals on the social learning variables—mainly, differential association, differential reinforcement, imitation, and definitions favorable and unfavorable and other discriminative stimuli for crime. (p. 322)

Akers (1998) argued that social learning should largely mediate the link between structural and social conditions of neighborhoods and youth involvement in delinquency and violence. According to Akers, neighborhood social disorganization leads to children and adolescents engaging in

delinquency by means of increased associations with delinquent peers, more positive reinforcement for engaging in delinquent behaviors, exposure to more favorable attitudes toward delinquent behavior, and more delinquent models to imitate. To this end, very few studies have empirically assessed propositions from Akers's SSSL model, and with few exceptions (Haynie, Silver, & Teasdale, 2006) they have largely neglected how peer associations of children and adolescents can mediate the effect neighborhood conditions may have on delinquent behavior. Although Akers's model should not be viewed as competing against these other models, it should be seen as an additional piece of the theoretical puzzle that can help us understand why children residing in disadvantaged neighborhoods are at risk for engaging in more delinquency and crime.

## Conclusion

The goal of this chapter was to provide an introductory overview of the link between neighborhoods and crime. First, several neighborhood facts were discussed that have been confirmed by years of research on neighborhoods and their social conditions. Second, some of these facts, such as the link between neighborhood structural conditions and crime, were discussed from theoretical perspectives. Specifically, social disorganization and collective efficacy theory were introduced as key theoretical explanations for the link between neighborhood structural conditions and crime. Research support for both of these theories was discussed, and various theoretical perspectives on how neighborhood contexts in which children grow up can influence their involvement in delinquent and criminal behaviors were discussed. This final section discusses various limitations and some future directions for research on neighborhoods and crime.

As described earlier, many advances have been made in the arena of neighborhood research since the early discoveries of Guerry and Quetelet, the Belgian researchers who discovered correlations between regional crime rates and social factors in France during the 1800s. Starting with Shaw and McKay's (1942) findings and theory to the most recent advances by Sampson and his colleagues (e.g., Sampson & Groves, 1989), we know much more today about neighborhood influences on crime than we did a century ago. Nonetheless, several obstacles stand in the path of understanding the impact and reaching effects of neighborhood conditions on crime and how to prevent crime in neighborhoods.

First, one of the most important obstacles facing neighborhood research is the issue of *selection bias*. To understand the effect of any neighborhood influence on crime, research must be able to account for the types of families and adolescents living in those neighborhoods, because families are not randomly assigned to live in a particular neighborhood. Instead, they often choose which neighborhoods they live in; some have limited choices as to the

neighborhoods in which they can afford to live. This poses the following questions: How do we truly know that neighborhood-level differences in crime rates are the consequences of neighborhood level factors, such as collective efficacy? Could differential crime rates be attributed to the types of families and children who live in those neighborhoods and not the neighborhood conditions themselves? Some recent research carried out in large cities such as Boston and New York has attempted to address this issue by moving families and their children from high-poverty neighborhoods to lower poverty neighborhoods. This is known as the Moving to Opportunity study (Goering & Feins, 2003). It has been able to address the issue of selection bias because families were randomly assigned to live in various neighborhoods. In general, the study has found that families who moved to lower poverty areas had more positive outcomes, especially in the children's problem behaviors; however, these effects are not totally consistent across sites. As Sampson (2006) pointed out, however, the Moving to Opportunity study does not address the causal effects of neighborhood conditions on crime rates. For this to be accomplished, a researcher would need to randomly assign treatments or programs to neighborhoods and then assess how the crime rates change over time while comparing the treated neighborhoods with those that did not receive treatment.

Second, many neighborhood-level factors have been discovered that help us understand crime within and between neighborhoods, but less is known about how to use this research in a way that will reduce neighborhood crime rates. For instance, it appears that collective efficacy is a very important correlate of crime. In fact, Pratt and Cullen (2005) conducted a recent review of 200 studies on macrolevel predictors of crime. They discovered that collective efficacy ranked fourth in the mix of factors that were important for explaining crime rates. Although we now know that collective efficacy is an important neighborhood-level influence, what we do not know is how a neighborhood without collective efficacy can achieve it. Few, if any studies, have explicitly focused on increasing collective efficacy at the neighborhood level.

Third, although we now know considerably more about how crime rates are influenced by structural and social conditions of neighborhoods, less is known about how neighborhood contexts influence the development of children and adolescents in terms of their delinquent behavior. This is largely because scholars do not have the required data and methodological sophistication to analyze many children and their families from various neighborhoods in a city. Such a study would require an amazing amount of resources and money. However, now studies are under way, and some (e.g., the Project on Human Development in Chicago Neighborhoods) have even been completed. These types of studies (i.e., that assess how neighborhood conditions influence the behavior of children and adolescents) are becoming important developments in the research literature.

As for neighborhood contextual influences on delinquent and offending behaviors of youth, several scholars (Leventhal & Brooks-Gunn, 2000; Wikström & Sampson, 2003) have outlined key areas for further improvement and expansion of the understanding of mechanisms by which neighborhood conditions may lead to adverse outcomes for children. They argue that the reasons why neighborhood characteristics impact developmental and behavioral outcomes are important areas of inquiry currently lacking a substantial empirical base. Their recommendations are very similar. First, they propose that community organization and socialization are likely more important than structural aspects of neighborhoods (e.g., concentrated disadvantage, residential instability). An important candidate in this arena is *child-based collective efficacy* (Sampson et al., 1999), which consists of the willingness of residents to share responsibility for children and is largely contingent on conditions of mutual trust and shared expectations between residents. These characteristics include intergenerational closure, reciprocal exchange, and child-centered social control, which together represent neighborhood aspects of child rearing or collective efficacy for children (see Sampson et al., 1999).

According to Sampson et al. (1999), *intergenerational closure* indicates the closeness of parents and children within a community, and it is argued that this closeness is important for neighborhood control of children beyond parental child-rearing practices and monitoring in that it provides social support for children and information to parents and helps in facilitating control. For instance, examples of such questions include whether there are adults whom children can look up to in the neighborhood and adults in the neighborhood who can be counted on to watch that children are safe and do not get into trouble. *Reciprocal exchange* is the interaction of families with respect to child rearing (both parent and children); such exchanges can involve giving advice, material goods, and information about child rearing. For example, questions may include: How often do people in the neighborhood do favors for each other? How often do people in the neighborhood visit in each other's homes or on the street? *Child-centered social control* relates to the collective willingness of residents to intervene on behalf of children in the neighborhood, and it represents a neighborhood's willingness to take action to help monitor and look after children. In studies of child-centered social control, residents are asked whether their neighbors would do something if youth were skipping school and hanging out, spray-painting graffiti, or showing disrespect to an adult.

In their review of neighborhood influences and youth development, Wikström and Sampson (2003) argued that the development of criminal propensities is partially influenced by community socialization and that this impact is due to the level of collective efficacy present in the neighborhood. Collective efficacy is likely related to the frequency in which children experience behavioral settings that are not conducive to prosocial development. Specifically,

children living in neighborhoods that are low in child-based collective efficacy might be expected to frequently encounter behavioral settings that provide less parental support and fewer positive role models. Wikström and Sampson also indicated that neighborhoods can exert a direct effect on child and adolescent development. Finally, both Sampson et al. (1999) and Wikström and Sampson agree that a lack of empirical evidence prevents researchers from drawing any conclusions as to which theoretical models are most important, which, at present, limits the advancement of a contextual model of neighborhood influences on children.

Researchers have yet to determine whether neighborhood structural and social processes interact with children's personal attributes to ameliorate or amplify their involvement in delinquency, the age of onset of delinquency, the frequency in which they engage in delinquency, and whether they persist in delinquency and crime. These are issues that are still being theoretically developed and lack systematic research. Only with time; many resources; the correct methodological designs; appropriate analytic strategies; and quality data on neighborhoods, crime, and youth will these complex issues regarding the link between neighborhoods and crime be adequately addressed.

## References and Further Readings

- Akers, R. L. (1998). *Social learning and social structure: A general theory of crime and deviance*. Boston: Northeastern University Press.
- Bierne, P. (1993). *Inventing criminology*. Albany: State University of New York Press.
- Blau, J. R., & Blau, P. M. (1982). The cost of inequality: Metropolitan structure and violent crime. *American Sociological Review*, 47, 111–129.
- Bursik, R. J. (1988). Social disorganization and theories of crime and delinquency: Problems and prospects. *Criminology*, 26, 519–551.
- Bursik, R. J., & Grasmick, H. (1993). *Neighborhoods and crime: The dimensions of effective community control*. New York: Lexington Books.
- Byrne, J. M., & Sampson, R. J. (Eds.). (1986). *The social ecology of crime*. New York: Springer-Verlag.
- Duncan, G. J., & Raudenbush, S. (2001). Neighborhoods and adolescent development: How can we determine the links? In A. Booth & A. C. Crouter (Eds.), *Does it take a village? Community effects on children, adolescents, and families* (pp. 55–80). New York: Psychology Press.
- Goering, J., & Feins, J. (2003). *Choosing a better life? Evaluating the Moving to Opportunity experiment*. Washington, DC: Urban Institute Press.
- Haynie, D. L., Silver, E., & Teasdale, B. (2006). Neighborhood characteristics, peer networks, and adolescent violence. *Journal of Quantitative Criminology*, 22, 147–169.
- Jencks, C., & Mayer, S. (1990). The social consequences of growing up in a poor neighborhood. In L. Laurence Jr. & M. McGeary (Eds.), *Inner city poverty in the United States* (pp. 111–186). Washington, DC: National Academy Press.

- Kornhauser, R. (1978). *Social sources of delinquency*. Chicago: University of Chicago Press.
- Leventhal, T., & Brooks-Gunn, J. (2000). The neighborhoods they live in: The effects of neighborhood residence on child and adolescent development. *Psychological Bulletin*, *126*, 309–337.
- Lowenkamp, C. T., Cullen, F. T., & Pratt, T. C. (2003). Replicating Sampson and Grove's test of social disorganization theory: Revisiting a criminological classic. *Journal of Research in Crime and Delinquency*, *40*, 351–373.
- Massey, D. S., & Denton, N. A. (1993). *American apartheid: Segregation and the making of the underclass*. Cambridge, MA: Harvard University Press.
- Palen, J. (1981). *The urban world*. New York: McGraw-Hill.
- Park, R. E., & Burgess, E. W. (1925). *The city*. Chicago: University of Chicago Press.
- Pratt, T. C., & Cullen, F. T. (2005). Assessing macro-level predictors and theories of crime: A meta-analysis. In M. Tonry (Ed.), *Crime and justice: Vol. 32. A review of research* (pp. 373–449). Chicago: University of Chicago Press.
- Reiss, A. J. (1951). Delinquency as the failure of personal and social controls. *American Sociological Review*, *16*, 196–207.
- Reiss, A. J., & Tonry, M. (Eds.). (1986). *Communities and crime*. Chicago: University of Chicago Press.
- Sampson, R. J. (2006). How does community context matter? Social mechanisms and the explanation of crime rates. In P. H. Wikström & R. J. Sampson (Eds.), *The explanation of crime: Context, mechanisms, and development* (pp. 32–60). Cambridge, UK: Cambridge University Press.
- Sampson, R. J., & Groves, W. B. (1989). Community structure and crime: Testing social disorganization theory. *American Journal of Sociology*, *94*, 774–802.
- Sampson, R. J., Morenoff, J. D., & Earls, F. (1999). Beyond social capital: Spatial dynamics of collective efficacy for children. *American Sociological Review*, *64*, 633–660.
- Sampson, R. J., Morenoff, J. D., & Gannon-Rowley, T. (2002). Assessing “neighborhood effects”: Social processes and new directions in research. *Annual Review of Sociology*, *28*, 443–478.
- Sampson, R. J., Morenoff, J. D., & Raudenbush, S. (2005). Social anatomy of racial and ethnic disparities in violence. *American Journal of Public Health*, *95*, 224–232.
- Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997, August 15). Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, *277*, 918–924.
- Shaw, C. R., & McKay, H. (1942). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.
- Wikström, P. H., & Sampson, R. J. (2003). Social mechanisms of community influences on crime and pathways in criminality. In B. B. Lahey, T. E. Moffitt, & A. Caspi (Eds.), *The causes of conduct disorder and serious juvenile delinquency* (pp. 118–151). New York: Guilford Press.
- Wilson, W. J. (1987). *The truly disadvantaged: The inner city, the underclass, and public policy*. Chicago: University of Chicago Press.

## EMPLOYMENT AND CRIME

ROBERT APEL

*State University of New York at Albany*

Employment has long been observed to be a correlate of criminal behavior. For example, Belgian criminologist Adolphe Quetelet, in an 1831 publication analyzing French crime statistics titled *Research on the Propensity for Crime at Different Ages* (cited in Beirne, 1987), remarked that individuals who were unemployed or employed in “lowly occupations” were more likely to commit crimes (Beirne, 1987, pp. 1153–1154). Thus, the study of crime and the economy is a long-standing tradition in criminology.

To maintain a sufficiently narrow scope, this chapter focuses on individual-level theories of, and observational research on, the relationship between employment and crime. It thus omits a review of employment–crime studies at the macro level and experimental or quasi-experimental evaluations of employment interventions. The first section in this chapter comprises a theoretical overview of the relationship between employment and crime. The second section reviews the empirical literature on the employment–crime connection, the third section identifies empirical challenges that must be overcome in employment–crime research, and the final section offers some concluding remarks and outlines future directions.

### Theoretical Relationship Between Employment and Crime

A number of theories rooted in labor economics and sociological criminology consider legitimate, remunerative

employment to be an important causal factor in the prevention of criminal behavior. Conversely, unemployment is believed to genuinely cause an increase in criminal activity. Several of the more prominent theories of the employment–crime relationship are described in this section.

*Economic choice theory* is rooted in the neoclassical idea of *utility maximization*, which presumes that people are responsive to incentives and choose behavior by maximizing their utility from a stable set of preferences, subject to opportunities and other constraints on their resources (Becker, 1968). Distilled to its basics, the economic choice theory of crime is concerned with how self-interested individuals allocate their time and resources between legal and illegal activities when the returns to the latter set of activities in particular are uncertain. Prominent in this tradition is the *expected utility model*, according to which a person decides to commit crime when the expected returns from illegal behavior, discounted by punishment risk, exceed the expected returns from law-abiding behavior such as employment. All else equal, individuals faced with current or future unemployment or low wages experience lower costs of committing crime. To be precise, they experience lower *opportunity costs* of engaging in illegal activity, and thus they find illegal income generation to be an attractive and rational alternative compared with legal income generation.

*Social control theory* proposes that strong attachment to the institution of work constitutes a potent source of informal social control over criminal behavior (Hirschi, 1969; Sampson & Laub, 1993). Such attachment encourages a

strong “stake in conformity” that can overcome the temptation to violate the law, in part because attached individuals fear putting their future careers in jeopardy. The acquisition of a stable job of high quality can also be a turning point for individuals with a history of criminal behavior because it fosters *social capital*, or investments in conventional institutional relationships (Hagan & McCarthy, 1997; Sampson & Laub, 1993). According to control theory, then, the mediating role of social capital implies that work quality is more salient than the mere presence of work, because higher quality jobs promote stronger interpersonal connectedness and institutional embeddedness.

Social control theory is also friendly to the notion that “idle hands are the devil’s workshop,” in the sense that employed individuals simply have fewer opportunities to commit crime because they are too busy working (Hirschi, 1969). This is the involvement hypothesis of the theory: “Many persons undoubtedly owe a life of virtue to a lack of opportunity to do otherwise” (Hirschi, 1969, p. 21). If the allocation of time is a zero-sum game, then one more hour spent in the workplace is one less hour available for criminal activity outside the workplace. In a recent elaboration of this idea, Laub and Sampson (2003) proposed that attachment to work not only constrains opportunities to commit crime but also leads to fundamental changes in how individuals spend their leisure time outside of work. The imposed structure of the workplace may permeate nonwork settings and thus foster changes in routine activities that lure individuals away from crime by channeling them into conventional behavior with law-abiding companions.

*Strain theory* presumes that lack of success in the legitimate labor market motivates individuals to “innovate” in the most expedient or technically efficient manner, usually through criminal behavior (Merton, 1938). Underlying this theory is the presumption that the desire for wealth is universal (it is a culturally approved goal) and therefore blocked access to legitimate opportunities to acquire this valued goal results in anger, frustration, desperation, or other forms of negative affect (see Agnew, 1992). Criminal behavior is one way to alleviate the negative feelings associated with the strain of unemployment or low-quality employment. Unemployed individuals thus commit crime as an income substitute; individuals employed in low-wage or low-quality occupations commit crime as an income supplement.

According to various strands of *learning theory*, the workplace provides a context for differential associations with conventional employers and coworkers that tip the balance of definitions favorable to law violation (Sutherland, 1947), a general process proposed to operate through modeling and differential reinforcement of law-abiding behavior (Akers, 1985). Steady work in a good job puts individuals in close proximity with a conventional social circle for a nontrivial number of hours each week. As such, they have exposure to colleagues who espouse prosocial beliefs toward the law, who act on these beliefs, and who therefore provide positive role models and reinforcers for behavior both inside and outside the workplace.

To summarize thus far, all of the foregoing theories provide support for two basic propositions. First, individuals who are employed are less likely to commit crime, on average, compared with individuals who are not employed, who are unemployed, or who are underemployed. Second, individuals who are employed in stable, high-quality jobs (e.g., high-paying, primary-sector occupations) are less likely to commit crime than their counterparts in unstable, low-quality jobs. Each of the foregoing theories—economic choice, social control, strain, and learning—presumes that the inverse correlation between gainful employment and crime is causal; however, according to at least one other prominent theoretical tradition, the employment–crime correlation is entirely spurious.

*Self-control theory* posits that individuals sort themselves into certain institutional settings on the basis of a differential tendency to consider the long-term consequences of their actions, what Gottfredson and Hirschi (1990) referred to as *self-control*. Because individuals with low self-control seek immediate gratification of their desires with minimal effort or long-term planning, they are less likely to be employed or, if they are employed, will have difficulty holding down a steady job: “People who lack self-control tend to dislike settings that require discipline, supervision, or other constraints on their behavior” (Gottfredson & Hirschi, 1990, p. 157). It so happens that these same personal qualities increase the likelihood that desires will be satisfied through criminal activity. Simply put, unemployment, low-wage employment, and crime are all manifestations of the versatility of individuals with low self-control. In statistical terminology, low self-control is a source of unobserved heterogeneity that is responsible for an artifactual (i.e., spurious) inverse correlation between employment and crime.

## The Empirical Relationship Between Employment and Crime

More than two dozen empirical studies among a variety of adult and young adult populations consistently confirm that labor market success in the form of employment, high wages, job stability, and occupational prestige are correlated with reduced criminal involvement (Crutchfield & Pitchford, 1997; Farrington, Gallagher, Morley, St. Ledger, & West, 1986; Good, Pirog-Good, & Sickles, 1986; Grogger, 1998; Hagan & McCarthy, 1997; Horney, Osgood, & Marshall, 1995; Laub & Sampson 2003; Sampson & Laub, 1993; Thornberry & Christenson, 1984; Uggen, 1999, 2000). Instead of reviewing each study in detail, a handful are selected that are representative of the wider literature and offer valuable insight into the employment–crime connection.

Thornberry and Christenson (1984) studied the relationship between unemployment and crime among a cohort of males born in 1945 in Philadelphia. In an analysis of yearly crime and unemployment during the 21–24

age range, unemployment duration was positively correlated with officially recorded arrest frequency (weighted by seriousness). They also found that the correlation grew stronger with age and that the correlation was more pronounced among the less advantaged individuals in the sample, including delinquent persons, African Americans, and individuals from blue-collar families.

Farrington et al. (1986) assessed the impact of unemployment on crime among a sample of 16- to 18-year-old working-class London men. They found that rates of officially recorded convictions were higher during periods of unemployment. When they administered a prediction scale of delinquency at age 10 (e.g., low income, poor parental child rearing, low intelligence, parental conviction), they found that unemployment was significantly related to crime only among participants with the most risk factors. This finding suggests that unemployment is criminogenic only among individuals with a high propensity for crime and therefore may not cause crime among generally low-risk individuals. Stated differently, employment may be associated with the largest crime-preventive benefits among high-risk individuals, but it may have little or no impact on crime among low-risk persons.

Sampson and Laub (1993) used data from a sample of young males sentenced to a Boston-area reform school and matched them with a sample of schoolgoing youth. They constructed a measure of job stability that was a composite of employment status at the time of the interview, duration of the most recent employment, and work habits as indicated by reliable and effortful work performance. They found that job instability during the 17–25 age range was correlated with higher probability, frequency, and hazard of arrest during the 17–25 and 25–32 age ranges, net of official and unofficial juvenile delinquency. A follow-up of a subset of the reform school sample to age 70 revealed that arrest frequencies were significantly higher during months in which the participants were unemployed compared with months when they were employed (Laub & Sampson, 2003).

Grogger (1998) assessed the relationship between wages and crime among nonenrolled males (i.e., those not in school) in a national probability sample. He reported that higher wages corresponded with a substantially lower probability of criminal participation, controlling for prior criminal justice involvement. Further inspection of the data led Grogger to conclude that the African American–white wage gap accounted for about one quarter of the racial differential in crime participation. Moreover, he found that the age-earnings profile could plausibly explain the age distribution of crime from the late teens to the early 20s, leading him to conclude that “the growth in market opportunities with age is largely responsible for the concomitant decrease in crime” (p. 786).

Uggen (1999, 2000) has studied the employment–crime relationship among a sample of males who were part of a larger study of supported work for high-risk individuals. In one study, he found that job quality (measured objectively by aggregate job satisfaction scores on the Quality of

Employment Survey) was inversely associated with self-reported crime among a sample of ex-offenders who were successful in finding work (Uggen, 1999). This was true even when he controlled for prior criminality and substance abuse and when he considered both economic and noneconomic crime as outcomes. In a second study, he found that a work opportunity was a significant turning point in the criminal careers of individuals with an arrest history (Uggen, 2000). Securing employment—even marginal employment—through a random assignment process was associated with a lower hazard of illegal earnings and arrest. He also found that older offenders (over age 26) benefited the most from this work experience.

By way of summary, empirical studies confirm the expectation from a variety of theories that having a job is associated with less crime than not having a job and that being unemployed is associated with more crime than being employed or out of the labor force. It also appears to be the case that having a good job—more stability, higher wages, better quality—is associated with even less crime than having a bad job, although even a bad job is still associated with less crime than unemployment, at least among high-risk samples (e.g., Hagan & McCarthy, 1997; Uggen, 2000). However, it should be noted that the strength of the correlation between employment and crime is not as impressive as one might anticipate from theoretical arguments. The correlation is often quite weak once other characteristics are controlled. Two other noteworthy findings are that the employment–crime connection tends to be stronger among older individuals as well among high-risk individuals. On the other hand, employment is not so strongly associated with crime among young persons and generally low-risk individuals (e.g., Farrington et al., 1986; Thornberry & Christenson, 1984; Uggen, 2000).

## The Special Case of Adolescent Employment and Delinquency

Almost all U.S. adolescents gain employment experience before they graduate from high school, with as many as 90% of teenagers entering the labor market at some point during their high school careers (National Research Council, 1998). A nontrivial proportion of employed adolescents also work at *high intensity*—a label denoting employment of more than 20 hours per week (Greenberger & Steinberg, 1986). Folk wisdom would suggest that intensive exposure to the world of adult work provides a number of positive benefits for adolescents because of the way that it structures a youth’s leisure time, increases exposure to adult authority figures, fosters independence and maturity, teaches responsibility in the use of money, and promotes balancing of multiple responsibilities. Surprisingly, however, empirical research has consistently demonstrated that “the correlates of school-year employment are generally negative” (Steinberg & Dornbusch, 1991, p. 309). This is especially true where delinquent behavior is concerned.



In the 1980s and 1990s, a generation of studies of youth employment and antisocial behavior emerged that gave more sustained attention to the developmental consequences of adolescent employment (Agnew, 1986; Bachman & Schulenberg, 1993; Mortimer, 2003; Steinberg & Dornbusch, 1991; Wright, Cullen, & Williams, 1997, 2002). The seminal work of this new generation of research was a book by Greenberger and Steinberg (1986), titled *When Teenagers Work: The Psychological and Social Costs of Adolescent Employment*. Their unambiguous conclusion was that “extensive commitment to a job may interfere with the work of growing up” (p. 7). Research by Greenberger and Steinberg and others has consistently found that working during high school was associated with higher rates of school misconduct (e.g., truancy, cheating, suspension), substance use (e.g., cigarettes, alcohol, marijuana), minor delinquency (e.g., theft, vandalism), and serious delinquency (e.g., interpersonal aggression, assault). Moreover, researchers discovered that these negative side effects of employment were generally a function of work intensity, or the number of hours per week devoted to working. Specifically, intensive employment of more than 20 hours per week was associated with the most negative outcomes.

By the late 1990s, the scientific consensus was that work of moderate intensity (1–20 hours per week) has few adverse effects and in some cases is more developmentally beneficial than not working at all. However, beyond this 20-hour threshold employment appeared to be associated with more costs than benefits for the social and emotional development of young people. The finding that intensive employment during adolescence increases the risk of delinquency is puzzling in light of the research on adult employment reviewed earlier, which consistently indicates that adults who are strongly attached to work and who acquire full-time (read: intensive) employment are less likely to be criminally involved. These contradictory results have forced researchers into the awkward position of suggesting that the sign of the work effect changes at some point during the transition to adulthood, that is, that strong attachment to work (as measured by the number of hours per week) is criminogenic for adolescents but prophylactic for adults (e.g., Uggen, 2000, p. 530; Wright et al., 2002, p. 10).

Fortunately, employment–crime theories are sufficiently flexible to accommodate the apparent anomaly of adolescent work. One set of explanations appeals to the *job quality thesis* of traditional economic and sociological theories. Teenage employment is concentrated in the retail and service industries, in occupations that are universally regarded as low quality. These jobs pay barely more than minimum wage, involve little in the use or acquisition of any notable skills, offer few or no benefits or opportunities for upward mobility, and suffer constant turnover. They are often derided as teenage “McJobs” that do not engender any significant degree of attachment on the part of adolescent workers. Moreover, they tend to involve stressful working conditions and are often a stopping point for high school dropouts. Thus, it does not require theoretical

acrobatics to explain why adolescent employment may be criminogenic. Low-quality jobs lead to crime among adolescents and adults alike; it just happens to be the case that the typical job for the typical adolescent is a low-quality one and thus a criminogenic one (see Staff & Uggen, 2003, for evidence on “good jobs” in adolescence).

Another set of explanations focuses attention on adolescence as a life stage and is more firmly rooted in developmental psychology and theories of precocious development. Put simply, intensive employment is one symptom of a latent, stage-specific propensity to expedite the transition to adulthood before adolescents have acquired the maturity to do so. The underlying issue for precocious development theory thus has to do with early timing of work, or developmentally “off-time” entry into the work role and especially an intensive work role. According to this perspective, the family and school are the primary socializing institutions in adolescents’ lives, with the workplace taking on secondary importance until the postsecondary years. With respect to family relationships, intensive employment disrupts healthy parent–child relationships, because these youth spend less time with, are less emotionally close to, engage in more disagreements with, are less closely monitored by, and exercise greater decision-making autonomy vis-à-vis their parents than nonworkers or moderate workers (Bachman & Schulenberg, 1993; Steinberg & Dornbusch, 1991). In schooling domains, intensive employment is associated with disinvestment in and disengagement from school, because it is correlated with less time spent studying and doing homework, cutting class and absenteeism, lower educational aspirations, a nonacademic track curriculum, negative school attitudes, and lower scholastic performance (Agnew, 1986; Steinberg & Dornbusch, 1991). Therefore, embeddedness in a developmentally unproductive work role competes with family and school as the dominant influence in the lives of adolescents and leads to a variety of delinquent and deviant adaptations (Wright et al., 2002).

Irrespective of the explanatory mechanism, until recently there was virtual unanimity that youth employment was criminogenic (with notable exceptions, e.g., Good et al., 1986). However, a new round of youth employment research has emerged in the 2000s that strongly challenges the interpretation of the employment–delinquency association as causal (Apel, Paternoster, Bushway, & Brame, 2006; Apel, Bushway, Paternoster, Brame, & Sweeten, 2008; Apel et al., 2007; Brame, Bushway, Paternoster, & Apel, 2004; Paternoster, Bushway, Brame, & Apel, 2003). This research has been attentive to the fact that adolescent workers (especially high-intensity workers) are different from moderate workers and nonworkers, often well before they begin working. For example, youth tend to enter the labor market in part as a result of weak emotional attachment to their parents, academic underperformance and school disengagement, and early delinquent and antisocial behavior (see Apel et al., 2007; Bachman & Schulenberg, 1993; Mortimer, 2003; Steinberg et al., 1993). In other words,

youth with a higher propensity for crime are precisely those most likely to work intensively while in school. This implies that the apparent criminogenic effect of youth employment may be a selection artifact instead of the true causal effect of employment on delinquent behavior.

## Empirical Challenges to Studying the Employment–Crime Relationship

Any study of the causal effect of employment on crime must confront at least two empirical challenges: (1) endogeneity and (2) simultaneity. These are threats to causal inference that can seriously bias empirical estimates of the employment–crime association. Each is discussed in turn, and recent efforts to overcome these challenges are described.

### Endogeneity: The Selection Problem

One of the most serious challenges to existing studies of employment and crime is the selection problem. It is the problem of *endogeneity* of employment effects on crime, meaning that individuals who are employed (or are employed in high-quality jobs) differ fundamentally from individuals who are not employed in a way that accounts for their lower crime involvement. One may conceive of such person-level characteristics as ability, planfulness, and agreeableness that might individually or jointly increase the likelihood that an individual will be gainfully employed and simultaneously reduce the likelihood that the person will commit crime. The selection problem arises when these traits are difficult or impractical to observe and measure. The consequence is systematic bias in the estimated effect of employment on crime. Moreover, the direction of the bias under this scenario is predictable: The impact of employment on crime will be overestimated.

Sampson and Laub (1993) found that weak occupational commitment and job instability from ages 17 to 32 were predicted by official delinquency, unofficial delinquency (self-, parent, and teacher report), and early temper tantrums (parent report) during childhood. Caspi, Wright, Moffitt, and Silva (1998) linked youth unemployment (ages 15–21) with a variety of factors that reach far back into childhood. As measured in early childhood (ages 3–5), longer duration of unemployment was predicted by low family occupational status, low intelligence, an unmarried mother at birth, and difficult temperament. As measured in late childhood (ages 7–9), youth unemployment was predicted by these same variables in addition to family conflict and behavior problems. An important contribution of these studies is that they directly address the selection problem and identify underlying factors responsible for the differential sorting of individuals into the labor market, oftentimes long before they do so.

Under these circumstances, causal inference about the nature of the employment–crime relationship is aided by the

availability of longitudinal data, which allow researchers to overcome endogeneity of the employment effect on crime attributable to time-stable individual differences, so-called unobserved heterogeneity (e.g., Horney et al., 1995). Such studies have examined the way in which change in employment affects change in crime and have found that the employment–crime relationship (at least among adults) does withstand these more rigorous selection controls and is not seriously biased by endogeneity. However, it is worth noting that the strength of the correlation tends to be weak compared with other time-varying factors, such as drug consumption and living arrangements (e.g., marital living and cohabitation).

The consequences of the selection problem have been brought into sharp focus in recent youth employment research. Paternoster et al. (2003) and Apel et al. (2006) have addressed the selection problem using longitudinal data on employment and antisocial behavior for 3 years. Both studies replicated the positive correlation between intensive employment during the school year and delinquent behavior using conventional methods. However, both also found that intensive work was positively correlated with delinquency only when examined across individuals but that within-individual change in work involvement was not correlated at all with change in delinquent behavior and substance use. They concluded that the criminogenic effect of intensive work among adolescents was driven by a process of selection rather than causation and could be best understood as a spurious correlation.<sup>1</sup>

In one of the most recent statements on the subject of adolescent employment, Apel et al. (2008) exploited interstate variation in child labor laws at the 15-to-16 transition as a source of causal identification. They found in their analysis that work intensity was actually inversely correlated with delinquent behavior; that is, the increase in work involvement from age 15 to 16 attributable to a loosening of child labor restrictions (the magnitude of which varied across states) was actually associated with a substantial decline in delinquent involvement. Once the problem of endogeneity was addressed through the use of longitudinal data and instrumental variables, then, the employment–delinquency association was found to be inverse after all, contrary to most previous youth employment research but well in line with employment–crime research among adults. Moreover, the techniques that Apel et al. used allowed them to interpret this as a causal association.

### Simultaneity: The Feedback Problem

The contemporaneous, inverse correlation between employment and crime is usually interpreted as the causal effect of employment on crime. However, the correlation may in fact represent the causal effect of crime on employment, which is the feedback problem. This is the problem of *simultaneity* of causal effects, in that employment and crime mutually influence one another. The practical consequence of simultaneity bias is to systematically overestimate the

effect of employment on crime, because the simultaneous inverse effect of crime on employment will be erroneously attributed to the effect of employment on crime.

Labeling theory, for one, anticipates just this sort of feedback effect from crime to employment. This is the notion of *secondary deviance*, or *deviance amplification*, among persons toward whom a sanction has been directed. An arrest or conviction, for example, constitutes a social stigma that might lead to exclusion from legitimate employment (Pager, 2003). Many prospective employers may be disinclined to hire individuals with a criminal record because it serves as a signal of sorts about what kind of employee one is likely to be. For example, employers may be sensitive to liability for negligent hiring (Bushway, 2004), or they may perceive offenders as untrustworthy (Waldfogel, 1994). A criminal record may also relegate individuals to the secondary labor market, or to what Nagin and Waldfogel (1995) referred to as “spot market jobs” as opposed to “career jobs.” This effect may be attributable, in part, to state-imposed restrictions on employment in certain industries (e.g., government employment), catering to vulnerable clientele (e.g., children), and professional licensing in certain occupations (Burton, Cullen, & Travis, 1987).

Empirical research confirms that a criminal record in the form of arrest, conviction, or incarceration does indeed hamper an individual’s future employment prospects (e.g., Nagin & Waldfogel, 1995; Waldfogel, 1994; Western, 2002). A criminal record reduces employment, increases unemployment, lowers earnings, slows wage growth, diminishes job tenure, and exacerbates job turnover. Thus, the feedback problem is real, and research that examines the contemporaneous effect of employment on crime must be attentive to simultaneity bias that overstates the preventive effect of employment on crime.

One way that researchers have addressed the feedback problem is through estimation of reciprocal models of employment and crime. *Simultaneous equation studies* have confirmed that the cross-sectional association between employment and crime is a combination of the effect of employment on crime as well as the effect of crime on employment (e.g., Good et al., 1986; Thornberry & Christenson, 1984). In these studies, isolation of causal effects requires the use of exclusion restrictions (i.e., instrumental variables) or other modeling constraints that are capable of identifying the simultaneous effects in the model. Thornberry and Christenson (1984) imposed cross-time equality constraints on model parameters to identify the reciprocal effects of unemployment and arrest. Good et al. (1986) used the number of job rejections as an instrumental variable for employment and gang affiliation and police enforcement (specifically, police contact) as instrumental variables for arrest. Each of these studies found that the effect of (un)employment on arrest was stronger than the contemporaneous feedback effect of arrest on (un)employment. In fact, both studies discovered that the contemporaneous effect of arrest on (un)employment was not statistically significant, although Thornberry and Christenson discovered that the

influence of arrest was lagged one period, and Good and colleagues noted that the total number of prior police contacts was more salient. These studies thus suggest that the influence of criminality on employment operates through the accumulation of an arrest record that impedes the acquisition of stable employment.

## Conclusion

The question of the relationship between employment and crime has a long history in criminology and dates back to the earliest studies of crime beginning in the mid-19th century. Empirical criminology has repeatedly confirmed the presence of an inverse correlation between employment and crime, and research that has addressed the selection and feedback problems in a compelling way points to the correlation as a causal one. However, as noted earlier, the strength of the employment–crime correlation is not nearly as impressive as a number of theoretical accounts would suggest. Neither has research successfully pinpointed the precise theoretical mechanism for the correlation. Nevertheless, there is sufficient evidence to date that continued exploration of this relationship is justified that would illuminate the causal pathway.

A handful of more recent studies have endeavored to do just that by considering heterogeneity in the employment–crime relationship. These studies are based on the presumption that employment may not have the same crime-control benefits for all members of a population. The *population average treatment effect* of employment on crime will not be meaningful if it is not representative of the *group average treatment effect* for any identifiable subgroup in the target population. It could be, in other words, an average over a possibly wide range of subgroup averages. Relatively more recent studies have found that the strength of the employment–crime correlation varies as a function of the aggregate labor market context (Crutchfield & Pitchford, 1997), specific characteristics of the job (Staff & Uggen, 2003), and individuals’ offending history (Apel et al., 2007; see also Farrington et al., 1986; Thornberry & Christenson, 1984). Studies such as these identify important pathways for further empirical and theoretical exploration.

## Note

1. A simulation study conducted by Brame et al. (2004) was incapable of identifying even the *sign* of the causal effect of work on delinquency. In other words, they could not determine with confidence whether the correlation between employment and delinquency was positive, zero, or negative. All three possibilities were consistent with the data, depending on what assumptions they were willing to adopt. Importantly, they concluded that if an unobserved “crime trait” increased the probability of employment and also increased the probability of delinquent behavior (both of which are consistent with prior research), the estimated work effect could actually be shown to be negative.

## References and Further Readings

- Agnew, R. (1986). Work and delinquency among juveniles attending school. *Journal of Criminal Justice*, 9, 19–41.
- Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology*, 30, 47–87.
- Akers, R. L. (1985). *Deviant behavior: A social learning approach* (3rd ed.). Belmont, CA: Wadsworth.
- Apel, R., Bushway, S., Brame, R., Haviland, A. M., Nagin, D. S., & Paternoster, R. (2007). Unpacking the relationship between adolescent employment and antisocial behavior: A matched samples comparison. *Criminology*, 45, 67–97.
- Apel, R., Bushway, S. D., Paternoster, R., Brame, R., & Sweeten, G. (2008). Using state child labor laws to identify the causal effect of youth employment on deviant behavior and academic achievement. *Journal of Quantitative Criminology*, 24, 337–362.
- Apel, R., Paternoster, R., Bushway, S. D., & Brame, R. (2006). A job isn't just a job: The differential impact of formal versus informal work on adolescent problem behavior. *Crime & Delinquency*, 52, 333–369.
- Bachman, J. G., & Schulenberg, J. (1993). How part-time work intensity relates to drug use, problem behavior, time use, and satisfaction among high school seniors: Are these consequences or merely correlates? *Developmental Psychology*, 29, 220–235.
- Becker, G. S. (1968). Crime and punishment: An economic approach. *Journal of Political Economy*, 76, 169–217.
- Beirne, P. (1987). Adolphe Quetelet and the origins of positivist criminology. *American Journal of Sociology*, 92, 1140–1169.
- Brame, R., Bushway, S. D., Paternoster, R., & Apel, R. (2004). Assessing the effect of adolescent employment on involvement in criminal activity. *Journal of Contemporary Criminal Justice*, 20, 236–256.
- Burton, V. S., Jr., Cullen, F. T., & Travis, L. F., III. (1987). The collateral consequences of a felony conviction: A national study of state statutes. *Federal Probation*, 51, 52–60.
- Bushway, S. D. (2004). Labor market effects of permitting employer access to criminal history records. *Journal of Contemporary Criminal Justice*, 20, 276–291.
- Caspi, A., Wright, B. R. E., Moffitt, T. E., & Silva, P. A. (1998). Early failure in the labor market: Childhood and adolescent predictors of unemployment in the transition to adulthood. *American Sociological Review*, 63, 424–451.
- Crutchfield, R. D., & Pitchford, S. R. (1997). Work and crime: The effects of labor stratification. *Social Forces*, 76, 93–118.
- Farrington, D. P., Gallagher, B., Morley, L., St. Ledger, R. J., & West, D. J. (1986). Unemployment, school leaving, and crime. *British Journal of Criminology*, 26, 335–356.
- Good, D. H., Pirog-Good, M. A., & Sickles, R. C. (1986). An analysis of youth crime and employment patterns. *Journal of Quantitative Criminology*, 2, 219–236.
- Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Greenberger, E., & Steinberg, L. (1986). *When teenagers work: The psychological and social costs of adolescent employment*. New York: Basic Books.
- Grogger, J. (1998). Market wages and youth crime. *Journal of Labor Economics*, 16, 756–791.
- Hagan, J., & McCarthy, B. (1997). *Mean streets: Youth crime and homelessness*. New York: Cambridge University Press.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Horney, J. D., Osgood, W., & Marshall, I. H. (1995). Criminal careers in the short-term: Intra-individual variability in crime and its relation to local life circumstances. *American Sociological Review*, 60, 655–673.
- Laub, J. H., & Sampson, R. J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA: Harvard University Press.
- Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, 3, 672–682.
- Mortimer, J. T. (2003). *Working and growing up in America*. Cambridge, MA: Harvard University Press.
- Nagin, D., & Waldfoegel, J. (1995). The effects of criminality and conviction on the labor market status of young British offenders. *International Review of Law and Economics*, 15, 109–126.
- National Research Council. (1998). *Protecting youth at work: Health, safety, and development of working children and adolescents in the United States*. Washington, DC: National Academy Press.
- Pager, D. (2003). The mark of a criminal record. *American Journal of Sociology*, 108, 937–975.
- Paternoster, R., Bushway, S., Brame, R., & Apel, R. (2003). The effect of teenage employment on delinquency and problem behaviors. *Social Forces*, 82, 297–335.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Staff, J., & Uggen, C. (2003). The fruits of good work: Early work experiences and adolescent deviance. *Journal of Research in Crime and Delinquency*, 40, 263–290.
- Steinberg, L., & Dornbusch, S. M. (1991). Negative correlates of part-time employment during adolescence: Replication and elaboration. *Developmental Psychology*, 27, 304–313.
- Sutherland, E. H. (1947). *Principles of criminology* (4th ed.). Chicago: Lippincott.
- Thornberry, T. P., & Christenson, R. L. (1984). Unemployment and criminal involvement: An investigation of reciprocal causal structures. *American Sociological Review*, 49, 398–411.
- Uggen, C. (1999). Ex-offenders and the conformist alternative: A job quality model of work and crime. *Social Problems*, 46, 127–151.
- Uggen, C. (2000). Work as a turning point in the life course of criminals: A duration model of age, employment, and recidivism. *American Sociological Review*, 65, 529–546.
- Waldfoegel, J. (1994). The effect of criminal conviction on income and the trust “reposed in the workmen.” *Journal of Human Resources*, 29, 62–81.
- Western, B. (2002). The impact of incarceration on wage mobility and inequality. *American Sociological Review*, 67, 526–546.
- Wright, J. P., Cullen, F. T., & Williams, N. (1997). Working while in high school and delinquent involvement: Implications for social policy. *Crime & Delinquency*, 43, 203–221.
- Wright, J. P., Cullen, F. T., & Williams, N. (2002). The embeddedness of adolescent employment and participation in delinquency: A life course perspective. *Western Criminology Review*, 4, 1–19.

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## PEERS AND CRIME

DANA L. HAYNIE

*The Ohio State University*

Peer relations have long been central to the study of delinquency, and for good reason. Adolescents spend much time with their friends, attribute great importance to them, and are more strongly influenced by them during this period of the life course than at any other time. During adolescence, friends become the primary role models, and adolescents are particularly vulnerable to peer dynamics. Thus, it is not surprising that one of the most consistent and robust findings in the criminology literature is that adolescents with delinquent peers are more likely to be delinquent/criminal themselves. This finding dates back to the 1930s with Shaw and McKay's (1942) discovery that more than 80% of juveniles appearing before court had peer accomplices. More recent studies have found that the relationship of peer delinquency to self-report delinquency is more important than that of any other independent variable, regardless of whether the focus is on status offenses, minor property crimes, violence crimes, or substance use.

Although prior research establishes that adolescents are likely to behave in a manner consistent with their friends, it has only recently begun to incorporate the network structure of friendship relations into empirical models. By ignoring the underlying social structure of friendship patterns, prior research has failed to adequately measure peer delinquency and to incorporate the structure in which peer processes operate. Therefore, one aim of this chapter is to illustrate how a network perspective can provide a particularly useful lens through which to better understand the

importance of peers for adolescent involvement in crime and delinquency. The following sections discuss the importance of friendship networks in adolescence.

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### Friendship Networks

Ethnographic studies of adolescents in school settings provide important information on the role of friendship networks during adolescence. These studies reveal that being with friends is a very important aspect of school life for most students and that relational problems with peers are particularly distressing to adolescents. Part of the importance attributed to friendships derives from structural changes that occur in the school environment during the transition from elementary to junior and senior high school. After this transition, adolescents are confronted with a large and more diverse population of students, and one's status in this new setting is often based on being known by peers. Subsequently, many students speak of the need to expand their personal networks to avoid becoming lost and isolated in new school settings.

The importance of finding a position within larger friendship networks suggests that adolescents are particularly susceptible to peer influence during these transition years, including behavioral constraints that may pull them toward or away from problem behavior. This concern over locating position within the school hierarchy and gaining a sense of belonging among their peers leads students to

adopt a variety of strategies to enhance peer solidarity. For instance, girls may use gossip to direct and constrain behavior among peers, and boys may enforce masculinity norms such that behaviors emphasizing aggressiveness, dominance, and toughness are encouraged. These findings suggest that friendship networks and peers exert considerable influence over behavior during the adolescent years, including delinquency.

Despite the large body of research examining the importance of peers and peer behavior for delinquency, the contribution of peer relations to delinquency remains controversial, with different theories suggesting different reasons for the association between friends' and an individual's behavior. Next, theoretical explanations for the peer–delinquency association are summarized.

## Theory

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The two dominant perspectives on the causes of delinquent behavior are Hirschi's (1969) *social control theory* and Sutherland's (1947) *differential association theory*. Other theories that speak to the issue of peer delinquency include Gottfredson and Hirschi's (1990) *general theory of crime* and Osgood and colleagues' *opportunity theory* (Osgood, Wilson, O'Malley, Bachman, & Johnston, 1996). Although these theories offer useful explanations for understanding the importance of peer relations for delinquency, a social network perspective can offer additional insight through which to understand the role of friendship networks for delinquent behavior.

### Social Control Theory

Hirschi's (1969) social control theory of delinquency is based largely on the notion of social integration and the idea that individuals form bonds to society that prevent them from acting on their delinquent impulses. In terms of friendship networks, social control theory posits that the more bonds an adolescent has through friendship ties, which carry a connotation of attachment, the less delinquent the adolescent will be.

One of the more problematic aspects of social control theory involves its neglect of the context in which the social bonds occur. Although research has established that in most cases social bonds through attachment are associated with a reduction in delinquency, these social bonds are not likely to reduce delinquency when adolescents are attached to delinquent friends. When an adolescent has delinquent friends, being attached to these friends is likely to direct behavior toward, not away from, delinquent behavior. Despite Hirschi's (1969) denial of the importance of delinquent peers, it is these delinquent associates who are implicated in the transmission of delinquency and to whom differential association theory attaches primary importance.

### Differential Association Theory

Sutherland's (1947) differential association theory is based on the premise that delinquency is learned through intimate social relations with individuals whereby attitudes or "definitions" favorable to law violation are acquired. Not only are adolescents' attachments to peers important for delinquency involvement, but also, and more important, the context or norms of the friendship group determine whether attachment to friends results in conventional or delinquent behavior. According to Sutherland, the social transmission of delinquency occurs within the friendship network through the transference of attitudes about the appropriateness of delinquent behavior.

Whereas Sutherland's (1947) theory emphasizes the attitudes of peers in the transmission of delinquency, Akers's (1985) extension to differential reinforcement theory suggests that the adoption of delinquent behavior occurs through imitation of peers' behavior or through the observation of its consequences, either positive or negative. The important point made by these socialization theories, including differential association and social learning theories, is that delinquent behavior is learned through intimate personal relations, with friends serving as an important mechanism in adolescence by which delinquent behavior is observed and passed on.

### Opportunity Theory

A third theory that is useful for understanding how peer networks influence adolescent behavior was offered by Osgood and colleagues (1996) in their opportunity theory. This position argues that situations conducive to delinquency are especially prevalent during time spent in unstructured socializing with peers in the absence of authority figures. This is because the presence of peers makes delinquent acts easier and more rewarding, the absence of authority figures reduces the potential for social control responses to delinquency, and the lack of structure leaves times available for delinquency. From this perspective, peer relations are not connected to delinquency by the type of friends that one chooses. Instead, what matters is the amount of time spent with peers engaged in a common type of activity. Friendship networks, according to this perspective, are important because they provide opportunities for adolescents to engage in delinquent behavior. Whether the friends are delinquent themselves is less important than the amount of time spent in unstructured activities with friends away from authority figures.

### Self-Selection

An alternative perspective on the association between friends' delinquency and a adolescent's delinquency was offered by Gottfredson and Hirschi (1990) in their general theory of crime. The basic premise here is that peers have

no influence on delinquency; instead, stable characteristics of individuals determine how adolescents cluster together and therefore account for individual participation in delinquency (i.e., the idea that birds of a feather flock together). In particular, Gottfredson and Hirschi argued that adolescents' level of self-control (i.e., the ability to control impulsive behavior) determines whether adolescents self-select into delinquent or prosocial friendship networks. Because self-control is believed to be strongly associated with delinquent behavior, this position suggests that delinquent behavior precedes selection of delinquent friends (i.e., delinquent adolescents select other delinquent adolescents to be friend). At issue here is what comes first, an adolescent's delinquency or the delinquency of his or her friends.

A more nuanced position suggests that both socialization (i.e., peer influence) and selection (i.e., adolescents select friends similar to themselves) contribute to the similarity found between friends' and an adolescent's behavior. The theories of both Elliott and colleagues (Elliott, Ageton, & Canter, 1979) and Thornberry (1987) imply that delinquent peer groups and normative influence are reciprocally related, with both processes at work. Therefore, adolescents are likely to befriend others similar to themselves, and once friendships are formed, behavior is likely to be reinforced and shaped to be consistent with group norms.

### Social Network Perspective

Although social control theory pays limited attention to the context in which social bonds occur, its focus on the constraining influence of social integration is consistent with a social network perspective. Being integrated within a friendship network in which adolescents are likely to report high attachment and time spent with peers either facilitates or discourages delinquency involvement depending on the norms, values, and behaviors evident in the network. Consistent with Eder and Enke's (1991) finding that although adolescents often discount a peer's evaluation, but never a group evaluation, is the notion that embeddedness within a social structure, such as a friendship network, acquires additional influence because it creates expectations for behavior while reinforcing the social norms and beliefs of the network. This idea of embeddedness also ties nicely into Sutherland's (1947) theory of differential association, because being enmeshed in a peer network provides access to expectations, norms, and sanctions that either support or discourage delinquent behavior. Because peer friendships are of central importance during adolescence, and considering that one of the most important developmental goals during this period is ensuring peer acceptance, peer networks should be especially effective at directing and constraining individual members' behavior.

Although a network perspective offers a particularly useful tool for understanding how peer networks can influence

behavior, research has until recently neglected to incorporate a network perspective to understand the role of peer relations in adolescent delinquency. As the next section illustrates, this has led to a limited understanding of the role of peers for understanding adolescent delinquency.

### Methods

Despite the large body of research documenting the role of peer influence in adolescent delinquency, research on the role of delinquent peers has been limited in three important ways. First, past research has used a less than precise definition of the friendship group in which normative influence is believed to occur. Most studies in the criminology literature examining the effect of peer influence on delinquency have simply asked adolescents to think about their friends in general and to report whether their friends have participated in a particular illegal behavior or set of illegal behaviors. As a result of this strategy, it is unclear who was included in adolescents' definition of "friends." For instance, the number of friends considered is unknown. In addition, no information on prosocial individuals (i.e., friends who abstain from crime/delinquency) has been collected.

Second, problematic measures of peer influence have been used. For the most part, past research has relied on adolescents' perceptions of friends' behavior. Therefore, the standard approach to measuring peer delinquency contains a same-source bias that substantially inflates similarity in behavior between peers. In almost all criminological studies, information about friends comes from adolescents' descriptions of the behavior of their friends instead of from those friends' reports of their own behavior. Such measures inflate the similarity in behavior between adolescents and their peers, because people tend to project their own attitudes and behavior onto their friends, a phenomenon social psychologists refer to as *assumed similarity* or *projection*. Although such findings have led several scholars to caution against the use of adolescents' reports about peers, there has been limited recognition of this problem in research on crime and deviance. Such findings show that there is some truth in Gottfredson and Hirschi's (1990) argument that adolescents' reports of their peers' delinquency "may merely be another measure of self-reported delinquency" (p. 157).

Third, prior research has neglected to consider the role of the structural properties of friendship relations. By overlooking the structure of friendship networks, past research has assumed that everyone in the friendship network is affected by friends' behavior similarly. This is an oversimplification of network processes because it overlooks the adolescent's position within the network (e.g., central vs. peripheral), the cohesiveness of the network (i.e., the interconnections among network members), and the adolescent's prestige (e.g., popularity) within the network. These structural characteristics shape the degree to which adolescents are influenced by group dynamics.

Fortunately, recent work on social networks and network analyses has begun to make its way into the work of researchers interested in understanding peer processes as they relate to adolescent crime and delinquency. Much of this recent work has been spurred by the availability of a new novel data set, The Longitudinal Study of Adolescent Health (hereafter, *Add Health*), which allows researchers to overcome the limitations just described (for use of the Add Health data, see, e.g., Haynie, 2002). The advantage of these data is that they can be used to incorporate a social network perspective to elaborate on the normative influence process believed to generate peer similarity among friends. Specifically, a network perspective is guided by the assumption that the behaviors exhibited by network members, as well as the structure of the network, have important consequences for understanding subsequent behavior. In the context of delinquency, this suggests that exposure to pro- or anti-delinquent behaviors will depend upon the structure of the network, the adolescent's position within the network, and the behaviors exhibited in the network.

In addition, and in contrast to past measurement strategies, a network perspective offers a more desirable measurement strategy whereby the friendship network is carefully mapped out, responses about behaviors come directly from the friends' perspectives, and network homogeneity and structure are considered. The beginning point of network studies involves asking adolescents both to describe their own behavior and to identify their friends. The second step involves locating and interviewing the friends, with the friends describing their own behavior and then identifying their friends, and so on. In a best-case scenario, all adolescents and friends in the population of adolescents provide this information. This allows for the links among friends to be established for the purposes of constructing analytical friendship networks with identifiable structural properties and allows researchers to measure friends' behavior based on the actual responses of friends themselves.

### Add Health Data

Part of the reason the effects of friendship networks on adolescents' delinquency has received less attention than it deserves is that the necessary data have not been available. Understanding social networks' influence on adolescent delinquency requires detailed data on the structure of friendship networks within a school, for many different schools. Until recently, the only data that approached these stringent requirements came from Coleman's (1961) landmark study of social relationship among high school students in the 1960s. Fortunately, more recent data are now available.

Add Health is a nationally representative sample of adolescents in Grades 7 through 12 located within randomly selected schools in the United States in 1995–1996. The innovative design of this sample, in particular its emphasis on the effects of multiple contexts of adolescents' lives, allows for an examination of the causes of adolescent

health and health behavior (including delinquency) that goes considerably beyond prior research.

Adolescents were included in the Add Health study on the basis of a sampling design that stratified schools by region, urbanicity, school type, ethnic mix, and size. This is important because, when used properly, these data allow findings to be generalized to all adolescents enrolled and attending middle and senior high schools in the United States. In addition, the data are longitudinal and currently consist of three waves of data: an initial in-school questionnaire followed by three in-home surveys conducted in 1995, 1996, and 2002.

Information collected in the in-school questionnaire is the critical component of the study for network analyses, because this is where the friendship networks of school-age adolescents are measured. In the initial in-school survey administered in 1994–1995, all students attending school on the day of the self-administered questionnaire in each of 132 high schools and middle schools were surveyed. This sample is the basis for the construction of the measures of friendship network characteristics. To tie all of the students together in the schools, researchers asked each student who filled out the in-school questionnaire to nominate up to 5 of his or her closest female and 5 of his or her closest male friends (for a maximum of 10 friends). They identified their friends by name from school rosters and entered a corresponding identification number. Because each student in the school was interviewed, global networks (i.e., school networks connecting all students in the school) were re-created. The behaviors of friends nominated by the adolescent, as well as those friends who nominated the adolescent, were matched to the adolescent's record, allowing a unique opportunity to assess the actual effect of friends' behaviors.

Friendship networks can be defined in various ways using the Add Health data. For instance, it is possible to define the network as consisting of those adolescents who reciprocate the friendship nomination (i.e., the friendship network contains only adolescents whose friendship ties sent to others are reciprocated), as containing only those nominations sent to others (i.e., including only those friends that the adolescent nominates), as containing only those nominations received from others (i.e., including as friends those adolescents in the school who nominated the adolescent as a friend), or as including both ties sent and received (i.e., defining the friendship network as including all of those friends the adolescent nominated as well as those adolescents in the school who nominated the adolescent in the school). In addition to examining characteristics of the adolescent's friendship network (including behavior, demographics, and structure), these data make it possible to measure characteristics of the overall school network in which the adolescent's friendship network is located.

Following the in-school questionnaire, in-home surveys were administered to a smaller sample of adolescents selected from school rosters and involved a longer series of questions, including items concerning more serious delinquency involvement. By the time of the third wave of data



collection, the sample was approaching young adulthood (i.e., between the ages of 18 and 26). Unfortunately, network information for all students was available only during the initial in-school questionnaire. However, for a small number of schools, network data are available for two points in time. Because of Add Health's interest in social networks, there were 12 schools from which all enrolled students were selected for the in-home interviews (instead of a random sample). The 12 schools (2 very large schools and 10 small schools) have various characteristics, including location in rural and urban areas, designation as public and private schools, and differing degrees of ethnic heterogeneity. In this saturated sample, all adolescents in these schools were interviewed in depth in their homes. In addition to answering a series of questions relating to involvement in serious delinquency, students in these schools also nominated their closest friends at two points in time (during the first and second in-home interviews). These data, therefore, provide a unique opportunity to study the effect of peer influence processes over time. More information on the Add Health data design can be found at the following Web site: <http://www.cpc.unc.edu/projects/addhealth/design>.

## Applications

Although much is known about the relationships between delinquency and friends' behavior, only a few studies present detailed information on friendship characteristics among delinquent adolescents. Warr (1996) examined specific features of delinquent subgroups, such as group organization and the instigator role within groups, and determined that the structure of the group, not an individual's attributes, affects which individual instigates delinquency. Results from his study also indicate that groups are more specialized in terms of delinquency involvement than individuals tend to be, so that most delinquent offenders belong to multiple groups, with each group specializing in a smaller range of offenses. This latter finding also highlights the multifaceted nature of peer groups; individuals in school settings can be members of many different friendship groups and face differing degrees of constraint depending on whether the behavior, norms, and values of the group coincide or diverge. This is consistent with Dunphy's (1963) finding that most adolescents do not belong to a single, densely knit, isolated friendship group but instead are affiliated with many loosely bounded friendship groups with varying degrees of cohesion and permeability.

Although delinquency is largely a group behavior, there is evidence that some offenses are more likely to occur in groups than others. For instance, offenses including the use of alcohol and marijuana and vandalism are more likely to be committed in groups compared with offenses such as assault and shoplifting, which are among the offenses least likely to be committed in groups (Warr, 1996).

The nature of friendship relations in delinquent versus nondelinquent networks has also been developed in two influential studies. Giordano, Cernkovich, and Pugh (1986)

found that various dimensions of friendship relations do not differ markedly between delinquent and nondelinquent adolescents. Both delinquent and nondelinquent youth report similar levels of attachment, intimacy, and contact with friends. Kandel and Davies (1991) also found few differences in the quality of friendship relationships among adolescents who did and did not use illicit drugs.

Despite original emphasis on the importance of exposure to definitions or attitudes favorable to law violation, prior research has consistently indicated that attitude transference is not the primary mechanism through which friends influence one another; instead, adolescents appear more influenced by the behaviors of friends than they are by friends' attitudes toward crime (Warr & Stafford, 1991). Consistent with social learning explanations of peer influence, these findings suggest that imitation of friends' behavior and direct reinforcement of behavior by friends are most important (Akers, 1985).

Even though the studies just described are important for considering the role of peer relationships for adolescent delinquency, they were not able to draw on detailed social network data to ask more varied questions about the role of friendship networks. To do this, work using the detailed friendship networks available in the Add Health data has begun.

Recent work by Haynie illustrates some of the beginning questions that researchers interested in adolescent delinquency can address using network data available from Add Health. A popular issue in the field of criminology has been trying to understand whether adolescents select into delinquent peer groups on the basis of their own behavior (as Gottfredson & Hirschi, 1990, suggested), supporting the common adage that birds of a feather flock together. If this idea is true, then friendship networks should exhibit predominately delinquent or nondelinquent behavior. This, therefore, raises the question: Do adolescents have homogeneous networks in terms of the delinquency of their friends?

Using friendship network information available in the Add Health and a dichotomous measure of delinquency (1 = yes, adolescent engaged in some delinquency during the past year; 0 = no delinquency reported), Haynie (2002) found that adolescents are located in rather heterogeneous networks in terms of the display of delinquent behavior; that is, the most common pattern is for adolescents to have both delinquent and nondelinquent friends in their friendship networks. Specifically, she found that 56% of adolescents are in a mixed network, with both delinquent and nondelinquent peers; 28% are in an entirely delinquent network; and 16% are in an entirely nondelinquent network.

These findings suggest that peer networks are much more heterogeneous in terms of exposure to delinquent friends. Although there is some evidence that delinquents cluster together, most adolescents in schools have both delinquent and nondelinquent friends in their networks of close acquaintances. This is an important finding that is at odds with Gottfredson and Hirschi's (1990) assertion that self-selection is entirely responsible for the peer–delinquency association, because the assumption is that there are clearly delineated

delinquent or nondelinquent networks that adolescents choose to join. Instead, most adolescents are exposed to both delinquent and nondelinquent patterns, and the ratio of these patterns influences behavior. When friendship networks contain access to both delinquent and nondelinquent friends, the network may be less effective in providing clear behavioral guidelines, cohesive norms, and consistent values regarding behavioral expectations.

A second common question concerns whether peer delinquency influences subsequent behavior or instead results from selection processes or the tendency for adolescents to project their own behaviors onto the peers whom they think of as their friends. The Add Health data provide a unique opportunity to address this question, because, as discussed earlier, the methodological structure permits the careful definition of friendship networks. With this approach, results based on the Add Health data suggest that peer delinquency is associated with an adolescent's subsequent delinquency, controlling for prior delinquency; however, the effect is much smaller than that estimated by prior research that did not incorporate a network method and perspectives (Haynie & Osgood, 2005). This finding suggests that relying on adolescents' perceptions of friends' behavior does introduce substantial same-source bias that inflates the correlation between friends' and adolescents' behavior.

Third, recent work has been able to ask whether network characteristics condition the strength of the peer–delinquency association. In addition to measures of network behaviors, Add Health data allow for assessment of the structure of peer networks and the location of an adolescent's position within the friendship network. Three network characteristics in particular appear to shape the degree of influence operating in a friendship network: (1) the density of ties within the network indicating how cohesive the network is, (2) the centrality of the adolescent's position in the network, and (3) the popularity of the adolescent within the network. Specifically, it is expected that peer delinquency will have a stronger influence on an adolescent's behavior when the friendship network is very dense (i.e., the adolescent's friends are friends with one another), when the adolescent is located in a central position (vs. a peripheral position at the edge of the network), or when the adolescent has high prestige in the network (i.e., when he or she is very popular and receives many friendship nominations from others in the school). Findings based on the Add Health data suggest that this is indeed the case. In particular, network density emerges as an important component of the peer–delinquency association, with very cohesive networks promoting greater influence than networks that are less cohesive (Haynie, 2001).

If delinquency is largely a group phenomenon, then what would we expect to find in regard to delinquent behavior for adolescents who are isolated from peers? This is the interesting question that Kreager (2004) tackled using Add Health data. Theories reviewed earlier in this chapter suggest competing hypotheses about these isolated individuals. According to socialization theories (differential

association and social learning), isolated adolescents will have limited access to delinquent role models and, as a result, are expected to engage in low or no amount of delinquency. In contrast, social control theory would expect that the lack of attachment to friends would result in individuals who are more inclined to act on their delinquent impulses. Kreager's results indicate that although isolation from peer friendships is a rare event (less than 5% of the sample were friendless), its relationship to delinquency is more nuanced than socialization or social control theories would predict. Isolates who do not report peer trouble have very low levels of delinquency; however, isolates who also report peer conflict are likely to report higher levels of delinquency. Therefore, the effect of peer isolation on delinquency depends on whether adolescents report peer conflict.

In addition to facilitating examination of the peer–delinquency association, the Add Health data allow researchers to examine network behaviors and network structures as important mediating variables in explaining outcomes of interest (e.g., delinquency). For instance, in the criminology literature, there has been a common finding that girls who experience pubertal development earlier than their peers are at increased risk of engaging in subsequent delinquent behavior. One reason for this increased risk is the differing peer networks in which more developed versus less developed females find themselves. In particular, research using the Add Health data has found that females who experience pubertal development earlier than their peers do have higher levels of delinquency 1 year later, but this is because these girls are at heightened risk of being involved in romantic relationships and because their friends are engaging in risky behaviors (Haynie, 2003). This suggests that peer networks serve as a mechanism that differently place certain groups of adolescents at heightened risk of problem behaviors.

## Future Directions

This chapter highlights some of the research questions that have addressed the relationship between peer networks and delinquency, but it is also important to consider future research directions that need to be explored further.

Although this chapter has emphasized the important context of adolescent friendships, future research would benefit greatly by incorporating multiple dimensions of potential influence. In particular, the delinquency involvement of other key individuals in youths' networks, such as romantic partners, siblings, parents, and neighbors, may add to our understanding of influence processes. Because research has highlighted the importance of competing prosocial and deviant friendships that make up the bulk of adolescents' friendships, it is likely that other influential persons beyond friends could tilt the ratio of definitions favorable versus unfavorable to delinquency involvement. Incorporating these multiple contexts of adolescents' lives into future analyses would also increase our understanding

of the relative risk factors that adolescents face and potentially provide avenues toward reducing these risk factors.

Comparing the strength of influence across relational contexts also can provide unique insight into adolescents' overall susceptibility to delinquent patterns. One example of research that incorporated romantic partner behavior is that by Haynie, Giordano, Manning, and Longmore (2005), which shows that romantic partners' delinquency exerts a unique effect on adolescents' delinquency, over and beyond that of friends' delinquency and control variables. In addition, recent work has compared the influence of "best friends" to that of youth considered "close friends" (Weerman & Smeenk, 2005). Taking this further, it would be interesting to also consider influence deriving from that of the overall school network in which adolescents are enmeshed. Along these lines, future research could identify the most popular students in the school to determine whether their behavior is especially influential for other individuals located in the school (who may or may not be tied to the most popular students).

Future research should also consider whether and how peer influence varies across demographic groups, such as by gender and race. On the basis of studies of homophily in friendship choice and evidence that race is one of the most important characteristics that influences which friendships form, we might expect to find that African American youth are more likely to be found in mixed networks where definitions toward delinquency are less clear-cut. In terms of susceptibility to delinquency by race, prior evidence suggests mixed findings. In terms of gender, research suggests that although girls place more emphasis on close friendships incorporating intimacy and closeness than do boys, there is some evidence that boys are more susceptible to peer influence (Giordano et al., 1986). Other research suggests that gender differences in peer influence depend on the sex composition of the friendship network (Haynie, Steffensmeier, & Bell, 2007).

Another avenue for future research involves incorporating the school and neighborhood context to better understand how social environments make unique contributions to the levels and severity of delinquency found among individuals and in their networks. Neighborhood and school environments are especially likely to determine the exposure adolescents have to prosocial or delinquent others. In addition, school factors such as school size, school disciplinary practices, school climate, school resources, and school policies such as tracking are likely to produce environments more or less conducive to delinquency and/or to place delinquent youth in closer proximity to other delinquent youth. This information would allow researchers to ask whether delinquent behavior among friends is more likely to occur in disadvantaged or disorganized schools, for example.

In addition, researchers may be interested in whether and how characteristics of the overall global school network (e.g., the density of ties, the racial heterogeneity of ties) influence levels of delinquency in the school. For instance, this type of information can be used to identify school characteristics that are most likely to suppress

delinquency and/or violent behavior in the school, reduce the transmission of delinquent behavior, and/or decrease opportunities for high-risk youth to cluster together. In sum, future research should pay more explicit attention to the ways that neighborhoods and schools shape adolescent friendship networks, which in turn provide the contexts in which peer influences appear to flourish.

Future research should begin to examine how friendship networks and behavior change over time in school contexts. For example, researchers should consider the question of what predicts the dissolution of friendship ties over time. According to socialization theories, an individual's behavior is shaped by the group norms to which youth are exposed. In the case of friendships, what happens when the behavior in question is not displayed by all members of the group? The normative influence process could sway the group's behavior in favor of or against the behavior in question. Perhaps there is a tipping point at which it becomes more likely for the group to adapt the behavior in question or members who are not displaying the behavior to select out of the group (i.e., the tie is dissolved). These are interesting questions that could be addressed using longitudinal network data available.

Finally, future research needs to attempt to identify the mechanisms responsible for transmitting peer behavior to individuals. Although socialization theories suggest a variety of mechanisms that are potentially responsible, research has yet to clearly identify the specific ways that networks influence behavior. For instance, does the effect of peers on subsequent behavior result from social capital generated in the group, the modeling of group processes, increased opportunities for delinquency, deterrence factors, or a mixture of these mechanisms? Precise identification of the mechanism underlying behavioral similarity may require a different methodological approach.

## Conclusion

The purpose of this chapter was to elucidate the importance of peers and peer networks for understanding adolescent delinquency and crime. The network framework described in this chapter emphasizes the social connections among adolescents that goes considerably beyond prior research, which has viewed individuals as essentially separate from their social structure. Instead, the purpose here was to demonstrate the need for a network reformulation of the peer–delinquency association that incorporates characteristics of the friendship network in which adolescents are enmeshed.

As this chapter illustrates, not all adolescents are influenced to the same degree by their peer associations and, when the patterning of relationships between adolescents provides more opportunities for interactions among members (e.g., when the friendship network contains a higher proportion of delinquent youth or the network is very cohesive), peer delinquency plays a larger role in the adolescent's own delinquency behavior. This positioning in the peer network provides different opportunities for peer interaction,

resulting in varying exposure to delinquent behavioral models, communication of delinquent norms, access to information on delinquent opportunities, and opportunities for rewards or deterrents to delinquency.

Because research using network methods and data has found that the average adolescent is exposed to both delinquent and nondelinquent friends and that adolescents' own delinquency level is associated with the proportion of delinquent friends in the network, any intervention policies that bring delinquent youth together for targeted intervention may have unintended negative consequences. For instance, these policies are likely to exacerbate problem behavior if social influence occurs and deviancy training takes place in these settings (see, e.g., Dishion, Spracklen, Andrews, & Patterson, 1996). Although network studies of adolescents are more costly to implement, the findings emerging from such research suggest that interventions are more likely to succeed (i.e., to reduce problem behaviors) if they are able to minimize exposure to delinquent peers.

In addition, identifying adolescents most at risk of being influenced by peer dynamics and/or transmitting delinquent behavior to others can be useful information for policies aimed at reducing delinquent behaviors, because they can help to identify where school resources may have the greatest impact. For instance, it may be important not only to target delinquent peer networks but also to focus on the delinquent peer networks in which density is high or in which adolescents are located in central positions.

In sum, the approach of identifying and examining peer social networks provides a coherent and promising framework for investigating a variety of ways that peers shape and influence adolescent involvement in delinquency and crime. This conclusion is consistent with the current emphasis on the significance of social contexts (e.g., neighborhood, school) and suggests that an important context with important implications for adolescents' behavior is the peer networks in which youth are embedded.

## References and Further Readings

- Akers, R. L. (1985). *Deviant behavior: A social learning approach*. Belmont, CA: Wadsworth.
- Best, R. (1983). *We've all got scars*. Bloomington: Indiana University Press.
- Brown, B. B. (1990). Peer groups and peer cultures. In S. S. Feldman & G. R. Elliott (Eds.), *At the threshold: The developing adolescent* (pp. 171–196). Cambridge, MA: Harvard University Press.
- Coleman, J. R. (1961). *The adolescent society: The social life of the teenager and its impact on education*. Glencoe, IL: Free Press.
- Dishion, T., Spracklen, K., Andrews, D., & Patterson, G. (1996). Deviancy training in male adolescent friendships. *Behavior Therapy, 27*, 373–390.
- Dunphy, D. (1963). The social structure of urban adolescent peer groups. *Sociometry, 26*, 240–246.
- Eckert, P. (1989). *Jocks and burnouts: Social categories and identity in the high school*. New York: Teachers College Press.
- Eder, D. (1985). The cycle of popularity: Interpersonal relations among female adolescents. *Sociology of Education, 58*, 154–165.
- Eder, D., & Enke, J. L. (1991). The structure of gossip: Opportunities and constraints on collective expression among adolescents. *American Sociological Review, 56*, 494–508.
- Elliott, D., Ageton, S., & Canter, R. (1979). An integrated perspective on delinquent behavior. *Journal of Research on Crime and Delinquency, 16*, 3–27.
- Giordano, P., Cernkovich, S., & Pugh, M. D. (1986). Friendships and delinquency. *American Journal of Sociology, 91*, 1170–1202.
- Gottfredson, M., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Haynie, D. L. (2001). Delinquent peers revisited: Does network structure matter? *American Journal of Sociology, 106*, 1013–1057.
- Haynie, D. L. (2002). Friendship networks and adolescent delinquency: The relative nature of peer delinquency. *Journal of Quantitative Criminology, 18*, 99–134.
- Haynie, D. L. (2003). Contexts of risk? Explaining the link between girls' pubertal development and their delinquency involvement. *Social Forces, 82*, 355–397.
- Haynie, D. L., Giordano, P., Manning, W., & Longmore, M. (2005). Adolescent romantic relationships and delinquency involvement. *Criminology, 43*, 177–210.
- Haynie, D. L., & Osgood, W. D. (2005). Reconsidering peers and delinquency: How do peers matter? *Social Forces, 84*, 1107–1128.
- Haynie, D. L., Steffensmeier, D., & Bell, K. (2007). Gender and serious violence: Untangling the role of friendship composition and peer violence. *Youth Violence and Juvenile Justice, 5*, 235–253.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Kandel, D., & Davies, M. (1991). Friendship networks, intimacy, and illicit drug use in young adulthood: A comparison of two competing theories. *Criminology, 29*, 441–470.
- Kreager, D. A. (2004). Strangers in the halls: Isolation and delinquency in school networks. *Social Forces, 83*, 351–390.
- Osgood, W. D., Wilson, J., O'Malley, P., Bachman, J., & Johnston, L. (1996). Routine activities and individual deviant behavior. *American Sociological Review, 61*, 635–655.
- Shaw, C., & McKay, H. (1942). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.
- Sutherland, E. (1947). *Principles of criminology* (4th ed.). Philadelphia: Lippincott.
- Thornberry, T. P. (1987). Toward an interactional theory of delinquency. *Criminology, 25*, 863–891.
- Warr, M. (1996). Organization and instigation in delinquent groups. *Criminology, 34*, 11–38.
- Warr, M. (2002). *Companions in crime: The social aspects of criminal conduct*. Cambridge, UK: Cambridge University Press.
- Warr, M., & Stafford, M. (1991). The influence of delinquent peers: What they think or what they do? *Criminology, 29*, 851–866.
- Weerman, F., & Smeenk, W. (2005). Peer similarity in delinquency for different types of friends: A comparison using two measurement methods. *Criminology, 43*, 499–524.

## RACE/ETHNICITY AND CRIME

MATTHEW PATE

*State University of New York at Albany*

WILLIAM C. PLOUFFE JR.

*Kutztown University*

The meaning of *race* has changed significantly over the course of human history. Early theories of race assigned numerous social, intellectual, moral, and physical values to the apparent differences between groups of people. From the 17th through early 20th centuries, the study of race was defined in terms of a hierarchy of putative biological differences. In this era, scholars working from various social and natural science perspectives developed “scientific” justifications that were subsequently used to rationalize the disparate treatment of ethnic, racial, and social groups. In the decades following World War II, the concept of race increasingly came to be understood more as a social and political construction and less as a matter of biology. A considerable body of modern theory regards race as a social mechanism used to preserve unbalanced relationships of power. In this chapter, readers will encounter a brief history of race as a subject for social thought, followed by a review of more recent developments in criminological theory. Last, a discussion of race as a component of social policy with specific regard to its place in American legal history is presented.

Before one can meaningfully discuss the instrumental properties of race in a social context, a definition of the concept itself must be developed. That said, the reduction of race to a single essentialist criterion is a difficult, if not impossible, endeavor. Although phenotype or skin color may strongly inform racial categorization, historically many other characteristics have been treated as equally determinative. National or ethnic origin, social class, religion, and language

have all been used to identify racially “distinct” groups. Race is thus invested with a complex social context that depends in part on the prevailing “common understanding and meaning” of society (*In re Ah Yup*, 1878).

Lopez (1994) defined race as follows:

A vast group of people loosely bound together by historically contingent, socially significant elements of their morphology and/or ancestry . . . an ongoing, contradictory, self-reinforcing process subject to the macro forces of social and political struggle and the micro effects of daily decisions. (p. 3)

Although this is but one scholar’s attempt to capture the attributes of an admittedly difficult concept, this definition speaks to the malleability of the term and its predominantly social, rather than biological, construction.

It is difficult to pinpoint a time in history when theories of race were first used as a tool to categorize people. Some scholars argue that the process of racial categorization, as well as the assignment of relative social values to those categories, was prevalent by the end of the Middle Ages in Europe (Winant, 2000) and by the Renaissance in England (Bartel, 1997). Sweet (1997) made the following argument:

By the time of the Columbian encounter [with the peoples of the New World] . . . race, and especially skin color, defined the contours of power relationships. . . . Biological assumptions that were familiar to a nineteenth-century Cuban slave owner would have been recognizable to his fifteenth-century Spanish counterpart. (p. 166)

Winant (2000) added the following:

The Crusades and the Inquisition and the Mediterranean slave trade were important rehearsals for modern systems of racial differentiation . . . in terms of scale and inexorability, the race concept only began to attain its familiar meanings at the end of the middle ages. (p. 45)

Less than a century ago, Italian, Irish, and southern European immigrants and their descendants were considered by many other Americans as “non-white” (Ignatiev, 1996). Oxford professor Edward Freeman espoused a prevalent late 19th-century viewpoint with the statement, “The best remedy for whatever is amiss in America would be if every Irishman would kill a Negro and be hanged for it” (Tucker, 1996, p. 34). The social status of “whiteness” was eventually conveyed on many of these immigrant groups on the basis of changes in social agreement regarding their assimilatory potential combined with the establishment of a racial identity appropriately distanced from their “blackness.” Lopez (1996) documented more than four dozen American legal decisions from 1878 to 1952 in which individuals representing various nationalities and ethnic groups had their relative “whiteness” determined in court.

As social and legal conceptions of race have evolved, an important point has emerged: Race is a matter not just of discerning group characteristics but of understanding and demarcating social relationships. The history of scholarship regarding race speaks directly to this point.

## A Brief History of Race

The first conflict between one human group against another is a matter lost to history. Equally distant is the first enslavement of a defeated people by their conquerors. Even so, our modern language is peppered with pejorative terms referencing ancient conflicts. For instance, we understand colloquially what it is to be a “barbarian”; however, most of what we know about the actual “barbarian races” that plagued Greek and Roman society comes from the written records of the Greeks and Romans themselves. The Greek historian Herodotus made the following observation:

Their lust for gold is immense, their love of drink boundless. Barbarians are without restraint . . . they are given to gross personal hygiene. . . . Their reproductive energy is inexhaustible . . . [if] driven back or destroyed, another already emerges. . . . Indeed, there are no new barbarian peoples . . . descendents of the same tribes keep appearing. (Wolfram, 1992, pp. 6–7)

As Winston Churchill once quipped, “History is written by the victors.” In this case, as with many others, the victory need only be cultural, not military.

Etymologically speaking, the Greek root of the term *barbarian* means “strange, foreign or ignorant.” Thus, one sees that human history has long been shaped both politically and linguistically by negative reference to a defeated or marginalized “alien.” This kind of semantic (or actual) distancing of one group by another has played an important part in social policy throughout human history.

One of the first instances when a systematic consideration of race was used to inform modern European public policy is found in the 17th-century writings of Gottfried Wilhelm Leibniz. In 1671, Leibniz proposed the *Consilium Aegyptiacum*, or “Egyptian Plan” to King Louis XIV of France. In this scheme, an army of “semi-beasts” composed of slaves taken from “Africa, Arabia, Canada, New Guinea . . . Ethiopians, Negroes, Canadians, and Hurons” would be collected and trained as an elite force to be used for world conquest (Fenves, 2006, p. 14). Interestingly, the racial classification system Leibniz used relied primarily on religious distinctions (Christian vs. non-Christian) instead of phenotype or skin color to justify the enslavement of non-Europeans.

Although Leibniz put forth a very rudimentary theory of race based on religious and geographical criteria, the first detailed racial taxonomy of humans was advanced by the Swedish biological taxonomist Carolus Linnaeus in his 1735 work *Systema Naturae* (Uppsala Universitet, n.d.). Linnaeus divided human beings into four distinct categories based on skin color and geographical origin: (1) Europeus (white), (2) Africanus (black), (3) Americanus (red), and (4) Asiatic (yellow). Each of these categories was described in terms of personal, mental, and physical attributes said to typify members of the respective groupings.

In an effort to promulgate a uniform theory of race, the German medical doctor and physiologist Johann Friedrich Blumenbach in 1775 proposed a racial classification scheme that proved very influential even into the modern era (Zammito, 2006). Blumenbach was vehemently opposed to viewing groups of humans as “different species.” He asserted that differences in complexion and phenotype were caused by climate. Blumenbach also protested against theories of racial superiority. As he observed, “[While non-Europeans may be different in color,] as a whole they seem to agree in many things with ourselves” (Zammito, 2006, p. 47).

The racial theories of Blumenbach and other social philosophers gained particular significance during the Age of Enlightenment. Likewise, the Aristotelian conception of “natural order” regained intellectual currency; and as an extension of this ordering, the “inherent” inequalities therein implied were used to rationalize the subordination of groups deemed “inferior” (Tucker, 1996, p. 10). Enlightenment thought heralded a move away from an understanding of human identity couched in religion and preservation of the nobility through biological understandings of lineage, to an identity vested in the context of race (Goldberg, 1993).

Paradoxically, as Malik (1996) argued, Enlightenment ideals of reason, rationality, and the scientific method do not necessitate understanding human difference in terms of race; instead, he contended that Enlightenment faith in reason, empiricism, and human equality were applied to justify entrenched social inequalities in terms of racial difference. Even as members of the poorer classes called for recognition of universal rights, dominant social forces provided a strong response. Universal rights were seen as directly oppositional to bourgeoisie notions of capitalism and the emerging free markets that displaced the old feudal and monarchic order. The inherent inequality stemming from the private ownership of property led thinkers such as Adam Smith (1789/2003) to conclude a necessity for limits on and exceptions to “universal equality” as a means to protect the “natural” rights of propertied classes.

As the world moved through the age of revolution and into the 19th century, the defense of private property as a natural right of humankind necessarily required a more nuanced concept of social equality. More than at any point in human history, a fundamental paradigm shift was poised to take place. The divide between a person’s natural right to social equality and freedom versus the natural right to own private property came to foment over the issue of slavery. Slavery was regarded as a form of private property and took its primary justification not on grounds of racial inequality per se but as a matter of economic necessity. Slavery was regarded as a “necessary evil” to support general economic progress and provide opportunities for poorer whites (Malik, 1996, p. 67). As discussed in a following section, the American experience of reconciling these interests has been as troubled and protracted in the courts as it was bloody on the battlefields of the Civil War.

The preceding treatment of race as an evolving social construct demonstrates several fundamental relationships that social scientists in the 20th and 21st centuries have used to examine race, crime, and social policy. First, the distinctions of race have, from first delineation, been used to inform public policy. Second, science has repeatedly been called upon to justify, with reference to “natural order” or “necessity,” the social and economic hierarchies present in society. Last, numerous criteria, including skin color, phenotype, religion, language, social class, geographic origin, and so on, have been used to substantiate purported racial differences and the social inequities predicated thereon.

## Race and Modern Criminological Theory

Although an arguable amount of progress has been made in the general academic treatment of race, the intersection of race and crime still proves to be a problematic topic for social science. As Sampson and Wilson (1995) stated, “The discussion of race and crime is mired in an unproductive

mix of controversy and silence . . . criminologists are loathe to speak . . . for fear of being misunderstood or labeled racist” (p. 37). Nonetheless, the disproportionate involvement of minorities with crime, both as victims and perpetrators, demands a systematic and balanced exploration. Many social scientists (Mann, 1993; Stark, 1990) complicate the matter with assertions that the perceived differential between groups with regard to crime is reducible to either systematized bias or unreliable/misapplied statistics. To counter, a number of scholars (Hawkins, 1986; Hindelang, 1978; Katz, 1988; Sampson & Wilson, 1995) have provided arguments that both acknowledge the differentials while furthering the etiological debate.

As the preceding discussion implies, there are many divergent perspectives on the matter of race and crime. Accordingly, there is little broad agreement on many of the fundamental aspects of the issue. This said, it is instructive to consider some general theoretical categories of scholarship and how each has addressed the problem.

Among the oldest body of work that considers the matter of race and crime may be those which are described as *sociobiological theories*. These theories generally posit that criminality (or the proclivity thereto) is a matter of hereditary, genetic, or physiological flaw. Perhaps the most well-known of these is the work of Cesare Lombroso. Lombroso (1912/2006) proposed that criminals were a kind of evolutionary throwback to a more primitive condition: “The criminal is an atavistic being, a relic of a vanished race . . . a return to characteristics peculiar to primitive savages” (p. 21). Lombroso’s work spawned an examination of theorized physiological and psychological differences between criminals and “normal” people. Lombroso famously observed that “many criminals have outstanding ears, abundant hair, a sparse beard, enormous frontal sinuses and jaws, a square and projecting chin, broad cheekbones, frequent gestures, in fact a type resembling the Mongolian and sometimes the Negro” (p. 29).

In more recent years, Jeffery (1979, 1990) and Fishbein (1990) have proposed a revised version of sociobiological criminological theory. Jeffery’s (1990) work in particular concerns the interaction of genetics with environmental forces: “Genes influence behavior through pathway mechanisms such as the brain, brain chemistry and hormonal systems, all in interaction with one another and with the environment” (p. 184). Balkan, Berger and Schmidt (1980) were highly critical of this approach, calling it “a continuation of the tradition of looking for individual biological basis of criminal behavior” (pp. 18–19). Although Jeffery never expressly addressed race, adherents to the perspective nonetheless have cautioned against “the premature application of biological findings” (Fishbein, 1990, p. 55).

An individual-level theory that does expressly consider race is found in the work of Poussaint (1972). Poussaint’s theories consider the impact of rage and low self-esteem as conditioned by the African American experience: “Many of the problems in the Black community

are related to institutional racism, which fosters a chronic lack of Black self-respect, predisposing many poor Blacks to behave self-destructively and with uncontrollable rage” (p. 163). The “incessant . . . [irritation] of the black man’s psyche” (Guterman, 1972, p. 231) and “estrangement, cynicism and expectations of double-dealing” (Heilbrun & Heilbrun, 1977, p. 370) add support to frustration–aggression theory. Likewise, Bernard (1990, p. 74) refined the perspective by suggesting that social factors such as urban environment, low social position, and discrimination exacerbate the conditions noted in previous studies. As Bernard’s work suggests, understanding the interplay between the individual and his or her environment is important in assessing the relationship between crime and race.

Moving beyond individual-level theories, a number of perspectives have considered the impact of culture and the broader social environment in their explanations of crime and race. Hereto, there exists considerable debate. As Sampson and Wilson (1995) stated, “[Criminologists] have reduced the race-crime debate to simplistic arguments about culture versus social structure” (p. 38). As Sampson and Wilson correctly identified, the discourse is fundamentally one couched in either a “relative deprivation” structuralist hypothesis as typified by Blau and Blau (1982) or an equally unsatisfying cultural focus on “an indigenous culture” of ghetto violence offered by Wolfgang and Ferracuti (1967).

Of the two, the subculture-of-violence perspective is arguably the more widely discussed. In their elaboration of the theory, Wolfgang and Ferracuti (1967) sought to explain minority violence in terms of dominant subcultural values, which include “a potent theme of violence” that is transmitted through “lifestyle, the socialization process, [and] the interpersonal relationships of individuals living in similar conditions” (p. 140). A more recent explication of the subculture-of-violence perspective came from Luckenbill and Doyle (1989), who put forth the hypothesis that “young adults, males, blacks, lower income persons, and urban and southern residents are more likely than their respective counterparts to name a negative outcome, to claim reparation and to persevere and use force in resolving a dispute” (p. 425).

The subculture-of-violence perspective has garnered a substantial amount of criticism. Mann and Selva (1979) criticized the perspective for its over-focus on “the street lifestyle.” Haft-Picker (1980) summarized a number of concerns with her statement that “criminologists no longer agree on what the subculture of violence actually is or whether it exists at all” (p. 181).

In many regards, ecological theories of crime overcome the problems inherent to individual-level and subcultural explanations. As a general construct, ecological theories seek to identify and understand those features of communities, in particular urban communities that produce differential rates of crime (Bursik, 1988; Byrne & Sampson, 1986; Sampson & Wilson, 1995; Short, 1985). In particular,

the community-level approach first elucidated by Shaw and McKay (1942/1969) identifies three structural factors that contribute most strongly to juvenile delinquency: (1) low economic status, (2) ethnic heterogeneity, and (3) residential mobility. Perhaps their most prescient finding was their demonstration that high rates of delinquency persisted in certain areas irrespective of population turnover. This finding led Shaw and McKay to reject individualistic theories of delinquent behavior in favor of studying the process of intergenerational transmission of delinquency (and crime generally) in more socially disorganized areas (p. 320). Shaw and McKay directly refuted contemporary theorists (i.e., Jonassen, 1949) who argued that ethnicity had a direct effect on observed rates of delinquent behavior.

As pertains specifically to considerations of race, the social disorganization perspective founded largely in the work of Shaw and McKay (1942/1969) continues to be among the most fecund in the study of crime. Of particular note is the work of Messner and Sampson (1991), Sampson (1987), Sullivan (1989), and Meares (1998) on the influence of family structure and disruption in minority communities.

Perhaps the most damaging criticism of the social disorganization perspective, namely, that it is founded in circular reasoning, was summarized by Bohm (1997): “That is, social disorganization is the cause of delinquency, and delinquency is an indicator of social disorganization” (p. 78). Bohm also noted that the social disorganization perspective fails to account for high crime rates in stable working-class communities.

The work of Blau and Blau (1982), mentioned earlier, has inspired explanations of crime through the lens of economic and racial inequality. The influence of extralegal factors (e.g., economic inequality) on the social control of crime is the focus of considerable scholarly debate. The mass of the discourse is built around issues of race and social class examined from a conflict perspective (Eitle, D’Alessio, & Stolzenberg, 2002, p. 557). Liska (1987) asserted that “law making is assumed to reflect the interests of the powerful; those activities are criminalized that threaten their interests” (p. 77). Racial threat theory expands on the conflict perspective to suggest that law violations by racial minorities can be perceived as particularly threatening to those in power and will therefore be met with greater force (Liska, 1987, p. 77).

Blalock (1967) is generally viewed as the primary exponent of racial threat theory. Blalock argued that one may use the relative minority population size to predict the ways in which a majority population will exercise social control. According to his perspective, as the percentage of non-whites increases, they are perceived to constitute a political and economic threat to the white majority. The growing minority in essence “forces” members of the white majority to compete for jobs and other economic resources. As the minority population grows, it competes with whites for social resources, such as political power.



Racial discrimination is, according to this perspective, an attempt by whites to subvert racial minority efforts to exercise power. As an extension of this perspective, those things that become criminalized, and the ways in which the criminal justice system is structured to respond, reflects the interests of the majority population and its attempts to preserve social power.

Numerous studies support the conclusion that the size of the minority population influences social control (Bobo, 1983; Chamlin, 1989; Fossett & Kiecolt, 1989; Giles & Evans, 1986; Giles & Hertz, 1994; Glaser, 1994; Matthews & Prothro, 1966; Taylor, 1998; Wright, 1977). Despite this consensus, critics have identified a number of problems that undercut the racial threat perspective.

Liska (1987, p. 78) provided one of the more damaging critiques. Citing problems of “epistemic and theoretical linkage,” he contended that theorists have generally failed to properly operationalize and connect concepts such as “ruling class interests” and “threat.” Moreover, he held that the problems extend throughout the literature, for the following reasons:

Because the critical causal variables are not well defined, theoretically and operationally, and are not clearly linked to each other in the form of propositions or a causal model, the relevant research literature is also not well defined and integrated. (p. 78)

As readers can see, there are numerous theoretical perspectives through which one might approach the topic of race and crime. Each contributes to the broader understanding of the matter while presenting methodological or structural issues that remain to be reconciled. In this, one may view the body of criminological theory as a continually evolving construct. As readers will see in the following section, this metaphor of evolution also fits the history of American legal process with regard to race.

## Race in American Legal History

One of the most difficult areas of American legal and political history has been the conjunction of race and crime. Matters of race have tainted legal proceedings and enforcement of the criminal law since before the founding of the United States of America. An examination of constitutional, judicial, and legislative history provides an understanding of how a person’s race has determined the extent of justice individuals were or were not allowed.

### Before the Civil War

The U.S. Constitution, as originally enacted, recognized that those persons who were not free (i.e., slaves) were not endowed with the full rights of citizenship. For example, in determinations of congressional representation, slaves counted as only three fifths of a free person (U.S. Const.,

Art. I, Sec. 2, Cl. 3). Furthermore, when a slave escaped the captivity of a state permitting slavery, the law mandated the slave’s return to the slave state (U.S. Const., Art. IV, Sec. 2, Cl. 3).

Not until after the Civil War was the institution of slavery effectively abolished in the United States. The Thirteenth Amendment, which prohibits slavery, was enacted in 1865. This was followed shortly by enactment of the Fourteenth Amendment in 1868. The Fourteenth Amendment was extremely important in that it guaranteed “equal protection of the law to all persons; and that no person shall be deprived of life, liberty, or property without due process of law.” It further mandated that these principles were applicable to the states and not just to the federal government. Combined with the Thirteenth and Fifteenth Amendments, the Fourteenth Amendment was a statement of principle that race should not be a factor in denying any person justice. Moreover, the Thirteenth and Fourteenth Amendments, taken together, obviated the unequal three-fifths rule for determining the number of congressional representatives. The Fourteenth Amendment, did, however, stipulate that the required population count “[exclude] Indians not taxed.” With the adoption of the Fifteenth Amendment in 1870, the right to vote was guaranteed to all men over 21 years of age, regardless of race.

Such constitutional statements of principle were admirable improvements, but meaningful execution of policy was entirely another matter. In the decade following the Civil War, Congress took a number of steps to put policy into action. Congress passed the Civil Rights Act of 1866 (14 Stat. 27), which mandated equal property rights for all persons regardless of race. The Civil Rights Act of 1870 (42 U.S.C. § 1981) granted the right to contract to all persons regardless of race. It also provided criminal penalties for certain civil rights violations. The Civil Rights Act of 1871, also known as the Ku Klux Klan Act, provided for a civil action: to enforce violations of civil rights by the government (42 U.S.C. § 1983), to obtain damages for conspiracies to violate civil rights (42 U.S.C. § 1985), and to obtain damages for negligence in preventing civil rights violations (42 U.S.C. § 1986). Furthermore, the Congress enacted the Civil Rights Act of 1875, which prohibited racial discrimination in inns, public conveyances, and places of public amusement, for which criminal penalties were applied for violations.

Even before the enactment of the U.S. Constitution and the Bill of Rights, race was linked to many injustices in criminal law enforcement in America. One of the more well-known early criminal cases involving slaves was the “Great Negro Plot” of 1741 (DiCanio, 1994). A number of African Americans were convicted of theft and conspiring to commit arson and murder. On the basis of what would now be regarded as inadmissible and hearsay evidence, 70 African Americans were banished from the American colonies to Africa, 16 were hanged, and 13 were burned at the stake. A small number of whites were also punished.

This was not the last time that such evidence would be used to convict racial minorities.

Despite the enactment of the Bill of Rights, racial minorities were continuously denied the same rights accorded to whites. For example, slaves were frequently denied the right to testify in court. The tension between the North and South concerning slavery continued to fester and was only temporarily mollified by the Missouri Compromise of 1820, an act intended to regulate the spread of slavery in the western territories.

Perhaps paradoxically, American history contains several instances in which justice was done, albeit for unusual reasons. One such example involved the schooner *Amistad*. A slave, Joseph Cinque, and 49 others, were purchased in Havana, Cuba, and placed on the *Amistad* for delivery to a Cuban plantation. Cinque and other slaves revolted, killing the captain and members of the crew. They eventually arrived in New York City, where they were charged with murder and piracy in 1839. Although eventually acquitted, the acquittal was granted under property law instead of criminal law. The decision was based on the grounds that Cinque and his codefendants were not legally “property” and had been illegally enslaved in Africa. Thus, Cinque and the other slaves had both a valid defense to the criminal charges as well as the right to free themselves (Christianson, 1994a; *U.S. v. The Schooner Amistad*, 1841).

Despite rare decisions like that of the case of Joseph Cinque, the concept of racial inferiority remained pervasive. In the infamous *Dred Scott* decision of 1856, the U.S. Supreme Court reaffirmed the idea that African Americans were inferior as a race (*Scott v. Sanford*, 1857). Scott, an African American slave, had been taken by his owner from a slave state to a free state and brought suit in Missouri to gain his freedom. Although Scott won at trial, the Missouri Supreme Court and the U.S. Supreme Court both held that Scott was property and thus was still a slave (Christianson, 1994b; Hall, 2005). This decision reinforced the position in the United States that actions taken against slaves, which would otherwise be criminal if committed against whites, were not criminal acts.

No discussion of the issue of race and crime would be complete without mentioning John Brown. In 1859, Brown, an ardent abolitionist, attempted to arm and start a revolt among southern slaves. He and his followers seized the federal arsenal at Harpers Ferry, Virginia. After a brief siege, Brown and his followers were captured. Brown was tried in Virginia for charges of insurrection and murder. He was found guilty and hanged (Christianson, 1994c). This case illustrates how, throughout American history, race permeates not just the criminal trials of racial minorities but the trials of whites trying to defend racial minorities.

### Civil War Era

Within a few years of the John Brown revolt, the Civil War started. After the defeat of the Confederacy, the Thirteenth, Fourteenth, and Fifteenth Amendments to the

U.S. Constitution were enacted. Reconstruction began in the South, ostensibly as a means to protect the former slaves. Many gains were made for the former slaves. However, Reconstruction, which was essentially administered by the military during the early years after the Civil War, caused a great deal of resentment among southern whites. As a result, lynching and other racially motivated crimes were commonplace (Foner, 1988).

In 1873, in Louisiana, a number of African Americans were lynched concerning voting in a state election. The State of Louisiana, for unknown reasons, failed to prosecute the murder suspects. The U.S. Attorney, seeking to enforce the Civil Rights Act of 1870, indicted more than 100 people for various crimes, including conspiracy. Eight of the suspects went to trial, three of whom were found guilty. They appealed to the U.S. Supreme Court, which reversed the convictions, finding that the indictments were technically insufficient, although some authorities are of the opinion that the reversal was based more on the posture that the criminal charges were more properly brought in state court (*United States v. Cruikshank*, 1875; Hall, 2005).

This setback notwithstanding, a number of criminal cases were brought against private individuals for discrimination. Several of these cases came to the U.S. Supreme Court in 1882. In a combined decision, known as the “Civil Rights Cases,” the Supreme Court struck down part of the Civil Rights Act of 1875, finding that Congress did not have the authority to enact such criminal laws (The Civil Rights Cases, 1883; Hall, 2005). These decisions, *United States v. Cruikshank* (1875) and the Civil Rights Cases (1883), effectively squelched the hope for equal rights for racial minorities, in both civil and criminal actions, in America for almost a century.

### After the Civil War: Jim Crow Laws

In the wake of the *Cruikshank* and the Civil Rights Cases, a long interregnum in the South began. So-called Jim Crow laws were enacted all across the South and in the North (Klarman, 2004). Jim Crow laws were statutes enacted to enforce segregation between the white and minority populations. These laws covered almost every aspect of life, including public facilities, restaurants, public transportation, health care, education, employment, and social relationships. Violation of Jim Crow laws frequently resulted in criminal prosecution.

Enforcement of Jim Crow laws came to a head in 1896 with the one of the most infamous Supreme Court decisions: *Plessy v. Ferguson* (1896). Plessy, an African American, had purchased a ticket on a train within the State of Louisiana. He entered a car reserved for whites. Plessy was arrested, taken to jail, prosecuted, and found guilty. Plessy appealed to the U.S. Supreme Court, which, in essence, placed its seal of approval on de facto racial discrimination, by approving the doctrine of “separate but equal” and affirming Plessy’s conviction. The

Supreme Court ignored the fact that accommodations for African Americans were almost never equal and that it was impossible for African Americans to enforce any equality of treatment. Justice John Marshall Harlan, quite presciently, dissenting in the *Plessy* decision, noted that *Plessy* would become as pernicious as the *Dred Scott* decision (Hall, 2005).

Through the early 1900s, racial minorities rarely received due process in criminal trials. Despite the problems, Congress made attempts to enforce civil rights through legislation. For example, it was a crime for government officials to engage in a conspiracy to violate civil rights or to deprive a person of his or her civil rights under the color of law (18 U.S.C. §§ 241, 242, 35 Stat. 1092, 1909). Well intended as they may have been, these statutes were rarely enforced. This situation was aggravated by the rapid postwar increase in membership and influence of the virulently racist Ku Klux Klan (McLean, 1995). Despite these problems, there was still the occasional victory, but usually at great cost.

A noted example occurred during 1919 as a result of race riots in Elaine, Arkansas. A number of sharecropping African Americans held meetings in at the Hoop Spur Church to organize protection from extortive practices of white landowners. In response, the white landowners attacked the sharecroppers. During the clashes, between 100 and 200 African Americans and 5 whites died. A number of African American men were arrested and charged with murder. A "Committee of Seven" whites was appointed to investigate the matter. A lynch mob marched on the jail. The National Guard was summoned in to protect the African Americans. Although the defendants were shielded from the anger of the lynch mob, the subsequent trial was hardly fairer. Witnesses were tortured to compel testimony against the accused. An attorney was appointed for them, but he did not meet with the men before trial. He did not challenge any juror, nor did he ask for separate trials. Moreover, he called no witnesses for the defense, even though they were available. In a 45-minute trial, with the jury deliberating less than 5 minutes, 6 African Americans were found guilty and sentenced to death. Appeals through the Arkansas courts were unsuccessful. Suit for a writ of habeas corpus brought in the federal district court in Arkansas was likewise unsuccessful. Not until the U.S. Supreme Court decided the matter in 1923 was a writ of habeas corpus granted for the wrongful conviction (*Moore v. Dempsey*, 1923; Hall, 2005; Ryan, 1994a). The *Moore v. Dempsey* decision foreshadowed changes to come concerning race and the criminal justice system. It was not enough, however, to prevent one of the gravest racially tainted miscarriages of American justice: the Scottsboro Boys cases.

In Scottsboro, Alabama, in 1931, nine African American youth were accused of rape by two white women. The mood of the local community was ugly, and the National Guard had to be called to prevent the defendants from being lynched. At trial, the judge, after stating that he would

appoint any attorney in the country to represent the defendants, appointed an attorney who was a renowned alcoholic. Despite the lack of inculpatory medical evidence, the Scottsboro Boys were all convicted and sentenced to death save for one, who was granted a new trial. The Alabama courts denied the appeals. The U.S. Supreme Court reversed the convictions for a violation of due process concerning the appointment of the defense attorney (Hall, 2005; Ryan, 1994b).

A second trial in the Alabama courts was scheduled. One of the Scottsboro Boys was again convicted. He was convicted in spite of the following facts: One of the alleged victims recanted, the other victim had been found to have been convicted several times of adultery and fornication, two of the boys had physical limitations preventing them from raping the alleged victims, and the medical evidence again showed that the alleged victims had not been raped. The trial judge set aside the jury's judgment and recused himself under pressure from the attorney general and the chief justice (Hall, 2005; Ryan, 1994b).

A third trial for the Scottsboro Boys in the Alabama courts was held in 1936. Convictions were again obtained. An appeal to the U.S. Supreme Court resulted in a reversal because African Americans had been excluded from jury duty (Hall, 2005; Ryan, 1994b). Even so, a fourth trial was held in Alabama in 1937. Four of the Scottsboro Boys were found guilty of rape. One was found guilty of stabbing a deputy during a jail transfer, and the charges against the remaining four were dropped when a new prosecutor was placed in office. The Alabama governor, cognizant of public opinion, refused to grant a clemency petition after he agreed that "all were guilty or all should be freed" (Hall, 2005; Ryan, 1994b). The *Scottsboro Boys* case has been considered to be perhaps the ultimate example of racial discrimination and the denial of due process in the American criminal justice system.

During World War II, race became an issue in what is probably one of the most shameful events in American history. More than 100,000 Japanese Americans on the West Coast were rounded up and herded into the American version of concentration camps based solely on their race, on the assumption that they might possibly be spies. Even though American officials admitted that there had not been a single case of espionage involving Japanese Americans, the internments continued. Indeed, Japanese Americans volunteered for combat duty in Europe against the Nazis and, in the 442nd Nisei Regiment, amassed numerous battle honors, but still innocent Japanese Americans were criminally prosecuted for failing to report for internment (Irons, 1983; *Korematsu v. United States*, 1944). Indeed, in the *Korematsu* decision, a dissenting justice, Frank Murphy, accused the nation of falling into the ugly abyss of racism and compared the United States to Nazi Germany. Only later in the century, when Fred Korematsu brought a civil suit, were the Japanese Americans finally vindicated (*Korematsu v. United States*, 1984).

Although not a criminal case, *Brown v. Board of Education* (1954) highlights the status of racial minorities in America up to the 1950s. Linda Brown, a young African American girl, was denied enrollment in a white school in Topeka, Kansas, and was required to travel a long distance to attend a black school. Brown brought suit. The lower courts, relying on the decision in *Plessy v. Ferguson* (1896), denied the suit. Brown appealed to the U.S. Supreme Court. In 1954, the Supreme Court overruled *Plessy* and rejected the doctrine of separate but equal, deciding that segregation was inherently unequal (*Brown v. Board of Education*, 1954; Hall, 2005).

### The 1960s to the Present

The 1960s were a significant period of upheaval and change in society and for minorities in the American justice system. With broad changes such as the Civil Rights Act of 1964 (Pub. Law 88–352, 78 Stat. 241) and the National Voting Rights Act of 1965 (42 U.S.C. § 1973–1973aa-6), the legal landscape slowly adapted to the realities of past injustices. A number of criminal cases decided by the U.S. Supreme Court under Chief Justice Earl Warren added to this change (Schwartz, 1996). During 1961, the Supreme Court decided the case of *Mapp v. Ohio* (1961). By its decision in *Mapp*, the U.S. Supreme Court overruled *Wolf v. Colorado* and held that the exclusionary rule—that evidence seized in violation of the Fourth Amendment was held inadmissible in both state and federal criminal proceedings—was directly applicable to the states. However, the *Mapp* decision is also important in regard to the issue of race and the criminal justice system. The defendant, Dollree Mapp, was an African American woman whose house was illegally searched without a warrant. The *Mapp* decision was the first landmark decision concerning the universal application of a constitutional rule of criminal procedure involving a racial minority (Long, 2006).

The 1960s also saw the decision of the U.S. Supreme Court in *Miranda v. Arizona* (1966). Ernesto Miranda was a Hispanic man arrested for rape and kidnapping. He was not well educated. Despite maintaining his innocence, after police interrogation Miranda signed a confession that led to his conviction. Miranda subsequently appealed, and the U.S. Supreme Court ruled that police had to advise suspects of their rights, to include access to counsel, before interrogation. The *Miranda* decision reinforced the principle that even the lowliest person was entitled to the rights of criminal procedure guaranteed by the Constitution and the Bill of Rights and that minorities should be given equal protection of the law (Hall, 2005).

Capitalizing on these principles, under Chief Justice Warren, the U.S. Supreme Court expressly overruled a number of the Jim Crow laws enacted in the late 19th and early 20th centuries. In *McLaughlin v. Florida* (1964) and *Loving v. Virginia* (1967), the Warren Court struck down laws that criminalized interracial marriage.

Although not directly concerning criminal prosecution, a decision of the Warren Court in 1961 allowed those persons who suffered violations of their civil rights in the context of criminal investigations and prosecutions to seek civil relief under the Civil Rights Act of 1871 and 42 U.S.C. § 1983. In *Monroe v. Pape* (1961), the U.S. Supreme Court allowed civil rights suits against government officials to be brought for damages. This was an extraordinary decision that breathed life into the Civil Rights Act of 1871 and 42 U.S.C. § 1983, which had been rarely used since its enactment almost a century before. Since that decision, suits brought under these laws have limited the powers of the government to enforce criminal law and required the more just and equitable application of the criminal law for minorities under the equal protection and due process clauses of the Fourteenth Amendment.

Many more civil rights laws were passed in the 1960s. Relative to criminal law, one of the most important was probably 18 U.S.C. § 245, which criminalized both private and public discrimination (Pub. Law 90–284, 82 Stat. 73, 1968). This statute was, in essence, another attempt to make such discrimination criminally illegal, as was done with the Civil Rights Acts of 1870 and 1871, which had been undermined by previous Supreme Court decisions.

Despite the myriad legislation and judicial decisions recognizing the inappropriateness of race as a factor for limiting a person's rights, law enforcement agencies continued to use race as a factor. Among the most notorious examples of this is a Federal Bureau of Investigation program known as COINTELPRO. This program, along with others, resulted in the illegal surveillance and harassment of Martin Luther King and the Black Panther Party (Burnham, 1996).

Any review of race and crime in the United States must include a discussion of the death penalty. It is undisputed that in the American criminal justice system, African Americans are executed at a rate much greater than whites. Illustrative of the problem is the case of *Furman v. Georgia* (1972). Mark Furman, a young African American man, was charged with murder subsequent to burglarizing a home and killing the homeowner who had interrupted the burglary.

Furman, both indigent and with psychological problems, received a court-appointed lawyer, who was paid \$150. Upon his conviction, Furman appealed. The U.S. Supreme Court found that the death penalty was disproportionately applied to racial minorities and overturned the conviction. Although the *Furman* decision did not invalidate the death penalty, it restricted its application. Within a few years, the Supreme Court, in its decision in *Gregg v. Georgia* (1976), added additional restrictions on the death penalty and its application to minority groups (*Gregg v. Georgia*, 1976; Hall, 2005).

Obviously, all the problems concerning race and the criminal justice system were not resolved in the 1960s and 1970s. The Supreme Court has repeatedly heard cases alleging racial discrimination. In the 1980s, the U.S.

Supreme Court addressed the issue of exclusion of jurors on the basis of race. Even though each party (i.e., prosecutor and defendant) has the right to exercise a certain number of peremptory challenges to a juror for which a reason does not have to be given, the court ruled that it was unconstitutional to use such challenges against jurors on the basis of race (*Batson v. Kentucky*, 1986).

Race continued to be a troublesome issue for law enforcement in the 1990s. The Rodney King case provides a well-known example. King was arrested in 1991 and during the arrest was beaten by a number of California police officers. The officers were acquitted in state court of criminal charges. However, they were subsequently indicted in federal court for criminal civil rights violations under 18 U.S.C. § 242. Two of the officers were found guilty and sentenced to prison (*Koon v. United States*, 1996). The King incident highlighted what many minorities assert is the continuing unequal treatment afforded to racial minorities in the enforcement of the criminal law.

Furthermore, in the 1990s, criminal law enforcement was taken to task for the unequal enforcement in what is commonly known as the “driving while black” lawsuit (*Maryland State Conference of the NAACP v. Maryland State Police*, 1998). A number of law enforcement agencies engaged in the practice of *racial profiling*, whereby a person is suspected of committing a crime simply on the basis of—or in part because of—his or her race. Lawsuits such as this, combined with public and political pressure, have reduced the incidence of such law enforcement practices, but they still exist.

Even today, during the early part of the 21st century, matters of race continue to plague the criminal justice system. For example, for decades the rate and extent of incarceration of racial minorities in prison have far exceeded the imprisonment rate and extent of whites.

History indisputably shows that race has been and still is a significant factor in the enforcement of the criminal law in the United States. With the Warren Court in the 1960s, significant improvements to the criminal justice system concerning its intersection with race have been made. There has been moderate, if only minimal improvement since that time, with the changing of the political environment and the U.S. Supreme Court to a more conservative perspective. As a matter of law and policy, the issue of race in the criminal justice system has witnessed positive changes, but there remains much to be done to ensure racial equality in the American criminal justice system.

## References and Further Readings

- Balkan, S., Berger, R., & Schmidt, J. (1980). *Crime and deviance in America: A critical approach*. Belmont, CA: Wadsworth.
- Bartel, E. (1997). Othello and Africa: Postcolonialism reconsidered. *William and Mary Quarterly*, 54(1), 59–61.
- Batson v. Kentucky*, 476 U.S. 79 (1986).
- Bernard, T. (1990). Angry aggression among the “truly disadvantaged.” *Criminology*, 28, 73–96.
- Blalock, H. M. (1967). *Toward a theory of minority-group relations*. New York: Wiley.
- Blau, P., & Blau, J. (1982). The cost of inequality: Metropolitan structure and violent crime. *American Sociological Review*, 47, 114–129.
- Bobo, L. (1983). Whites’ opposition to busing: Symbolic racism or realistic group conflict? *Journal of Personality and Social Psychology*, 45, 1196–1210.
- Bohm, R. (1997). Sociological theories. In S. Horne (Ed.), *A primer on crime and delinquency* (pp. 69–107). Belmont, CA: Wadsworth.
- Bosworth, M., & Flavin, J. (Eds.). (2007). *Race, gender and punishment: From colonialism to the war on terror*. New Brunswick, NJ: Rutgers University Press.
- Brown v. Board of Education, 347 U.S. 483 (1954).
- Burnham, D. (1996). *Above the law*. New York: Scribner’s.
- Bursik, R. (1988). Social disorganization and theories of crime and delinquency: Problems and prospects. *Criminology*, 26, 519–552.
- Byrne, J., & Sampson, R. (1986). Key issues in the social ecology of crime. In J. Byrne & R. Sampson (Eds.), *The social ecology of crime* (pp. 1–22). New York: Springer-Verlag.
- Chamlin, M. B. (1989). Conflict theory and police killings. *Deviant Behavior*, 10, 353–368.
- Christianson, S. (1994a). *Dred Scott* decision: 1856. In E. W. Knappman (Ed.), *Great American trials: From Salem witchcraft to Rodney King* (pp. 114–119). Canton, MI: Visible Ink Press.
- Christianson, S. (1994b). John Brown trial: 1859. In E. W. Knappman (Ed.), *Great American trials: From Salem witchcraft to Rodney King* (pp. 133–137). Canton, MI: Visible Ink Press.
- Christianson, S. (1994c). *U.S. v. Cinque*: 1839. In E. W. Knappman (Ed.), *Great American trials: From Salem witchcraft to Rodney King* (pp. 91–94). Canton, MI: Visible Ink Press.
- The Civil Rights Cases, 109 U.S. 3 (1883).
- DiCanio, T. (1994). The great Negro plot. In E. W. Knappman (Ed.), *Great American trials: From Salem witchcraft to Rodney King* (pp. 29–31). Canton, MI: Visible Ink Press.
- Eigen, S., & Larrimore, M. (Eds.). (2006). *The German invention of race*. Albany: State University of New York Press.
- Eitle, D., D’Alessio, S. J., & Stolzenberg, L. (2002). Racial threat and social control: A test of the political, economic, and threat of black crime hypotheses. *Social Forces*, 81, 557–576.
- Fenves, P. (2006). What “progresses” has race-theory made since the times of Leibniz and Wolff? In S. Eigen & M. J. Larrimore (Eds.), *The German invention of race* (pp. 11–22). Albany: State University of New York Press.
- Fishbein, D. (1990). Biological perspectives in criminology. *Criminology*, 28, 27–72.
- Foner, E. (1988). *Reconstruction: America’s unfinished revolution 1863–1877*. New York: Harper & Row.
- Fossett, M., & Kiecolt, K. (1989). The relative size of minority populations and white racial attitudes. *Social Science Quarterly*, 70, 320–335.
- Furman v. Georgia*, 408 U.S. 238 (1972).
- Giles, M., & Evans, A. (1986). The power approach to intergroup hostility. *Journal of Conflict Resolution*, 30, 469–486.

- Giles, M. W., & Hertz, K. (1994). Racial threat and partisan identification. *American Political Science Review*, 88, pp. 317–326.
- Glaser, J. (1994). Back to the black belt: Racial environment and white racial attitudes in the South. *Journal of Politics*, 56, 1–41.
- Goldberg, D. (1993). *Racist culture: Philosophy and the politics of meaning*. Hoboken, NJ: Wiley-Blackwell.
- Gregg v. Georgia, 428 U.S. 153 (1976).
- Guterman, S. (Ed.). (1972). *Black psyche*. Berkeley, CA: Glendessary Press.
- Haft-Picker, C. (1980). Beyond the subculture of violence: An evolutionary and historical approach to social control. In G. Newman (Ed.), *Crime and deviance: A comparative perspective* (pp. 181–210). Beverly Hills, CA: Sage.
- Hall, K. (Ed.). (2005). *The Oxford companion to the Supreme Court*. London: Oxford University Press.
- Hawkins, D. (1986). *Homicide among black Americans*. Lanham, MD: University Press of America.
- Heilbrun, A., & Heilbrun, K. (1977). The black minority criminal and violent crime: The role of self-control. *Criminal Justice Behavior*, 17, 370–377.
- Hindelang, M. (1978). Race and involvement in common law personal crimes. *American Sociological Review*, 43, 93–109.
- Ignatiev, N. (1996). *How the Irish became white*. New York: Routledge.
- In re Ah Yup 1 Fed. Cas. 223 (D. Cal. Cir. Ct. 1878).
- Irons, P. (1983). *Justice at war: The story of the Japanese American internment camp cases*. Berkeley: University of California Press.
- Jeffery, C. R. (Ed.). (1979). *Biology and crime*. Beverly Hills, CA: Sage.
- Jeffery, C. R. (1990). *Criminology: An interdisciplinary approach*. Englewood Cliffs, NJ: Prentice Hall.
- Jonassen, C. (1949). A reevaluation and critique of the logic and some methods of Shaw and McKay. *American Sociological Review*, 14, 237–260.
- Katz, J. (1988). *Seductions of doing crime: The sensual and moral attractions of doing evil*. New York: Basic Books.
- Klarman, M. (2004). *From Jim Crow to civil rights: The Supreme Court and the struggle for racial equality*. New York: Oxford University Press.
- Koon v. United States, 518 U.S. 81 (1996).
- Korematsu v. United States, 323 U.S. 214 (1944).
- Korematsu v. United States, 584 F. Supp. 1406 (N.D. Calif. 1984).
- Liska, A. E. (1987). A critical examination of macro perspectives on crime control. *Annual Review of Sociology*, 13, 67–88.
- Lombroso, C. (2006). *Criminal man* (M. Gibson & H. Rafter, Trans.) Durham, NC: Duke University Press. (Original work published 1912)
- Long, C. (2006). *Mapp v. Ohio: Guarding against unreasonable searches and seizures*. Lawrence: University Press of Kansas.
- Lopez, I. (1994). The social construction of race: Some observations on illusion, fabrication, and choice. *Harvard Civil Rights-Civil Liberties Law Review*, 29, 1–62.
- Lopez, I. (1996). *White by law: The legal construction of race*. New York: New York University Press.
- Loving v. Virginia, 388 U.S. 1 (1967).
- Luckenbill, D., & Doyle, D. (1989). Structural position and violence: Developing a cultural explanation. *Criminology*, 27, 419–436.
- Malik, K. (1996). *The meaning of race*. London: Macmillan.
- Mann, C. (1993). *Unequal justice: A question of color*. Bloomington: Indiana University Press.
- Mann, C., & Selva, L. (1979). The sexualization of racism: The black rapist and white justice. *Western Journal of Black Studies*, 3, 168–177.
- Mapp v. Ohio, 367 U.S. 643 (1961).
- Maryland State Conference of the NAACP v. Maryland State Police, Case No. 98–1098, U.S. District Court in the District of Maryland (1998).
- Matthews, D., and Prothro, J. (1966). *Negroes and the new southern politics*. New York: Harcourt, Brace & World.
- McLaughlin v. Florida, 379 U.S. 184 (1964).
- McLean, N. (1995). *Behind the mask of chivalry: The making of the second Ku Klux Klan*. New York: Oxford University Press.
- Meares, T. L. (1998). Social organization and drug law enforcement. *American Criminal Law Review*, 35, 191–227.
- Messner, S., & Sampson, R. (1991). The sex ratio, family disruption and rates of violent crime: The paradox of demographic structure. *Social Forces*, 69, 693–714.
- Miranda v. Arizona, 384 U.S. 436 (1966).
- Monroe v. Pape, 365 U.S. 167 (1961).
- Moore v. Dempsey, 261 U.S. 86 (1923).
- Plessy v. Ferguson, 163 U.S. 537 (1896).
- Poussaint, A. (1972). *Why blacks kill*. New York: Emerson Hall.
- Ryan, B., Jr. (1994a). *Moore et al v. Dempsey* appeal; 1923. In E. W. Knappman (Ed.), *Great American trials: From Salem witchcraft to Rodney King* (pp. 300–303). Canton, MI: Visible Ink Press.
- Ryan, B., Jr. (1994b). The Scottsboro Trials: 1931–37. In E. W. Knappman (Ed.), *Great American trials: From Salem witchcraft to Rodney King* (pp. 351–356). Canton, MI: Visible Ink Press.
- Sampson, R. (1987). Urban black violence: The effect of male joblessness and family disruption. *American Journal of Sociology*, 93, 348–382.
- Sampson, R., & Bean, L. (2006). Cultural mechanisms and killing fields: A revised theory of community-level racial inequality. In R. Peterson, L. Krivo, & J. Hagan (Eds.), *The many colors of crime: Inequalities of race, ethnicity and crime in America* (pp. 8–37). New York: New York University Press.
- Sampson, R., & Wilson, W. (1995). Toward a theory of race, crime and inequality. In J. Hagan & R. Peterson (Eds.), *Crime and inequality* (pp. 37–54). Stanford, CA: Stanford University Press.
- Schwartz, B. (Ed.). (1996). *The Warren Court: A retrospective*. London: Oxford University Press.
- Scott v. Sanford, 60 U.S. 393 (1857).
- Shaw, C., & McKay, H. (1969). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press. (Original work published 1942)
- Short, J. (1985). The level of explanation problem in criminology. In R. Meier (Ed.), *Theoretical methods in criminology* (pp. 51–74). Beverly Hills, CA: Sage.
- Smith, A. (2003). *An inquiry into the nature and causes of the wealth of nations*. New York: Bantam. (Original work published 1789)
- Stark, E. (1990, July 18). The myth of black violence. *New York Times*, p. A21.

- Sullivan, M. (1989). "Getting paid": Youth crime and work in the inner city. Ithaca, NY: Cornell University Press.
- Sweet, J. (1997). The Iberian roots of American racist thought. *William and Mary Quarterly*, 54, 143–166.
- Taylor, M. (1998). Local racial/ethnic proportions and white attitudes: Number count. *American Sociological Review*, 63, 56–78.
- Tucker, W. (1996). *The science and politics of racial research*. Champaign: University of Illinois Press.
- United States v. Cruikshank, 92 U.S. 542 (1875).
- United States v. The Schooner *Amistad*, 40 U.S. 518 (1841).
- Uppsala Universitet, Linné Online: <http://www.linnaeus.uu.se/online/index-en.html>
- Winant, H. (2000). Race and race theory. *Annual Review of Sociology*, 26, 169.
- Wolfgang, M., & Ferracuti, F. (1967). *The subculture of violence*. London: Social Science Paperbacks.
- Wolfram, H. (1992). *History of the goths*. Berkeley: University of California Press.
- Wright, G. (1977). Contextual models of electoral behavior: The southern Wallace vote. *American Political Science Review*, 71, 497–508.
- Zammito, J. (2006). Policing polygeneticism in Germany, 1775: (Kames), Kant and Blumenbach. In S. Eigen & M. J. Larrimore (Eds.), *The German invention of race* (pp. 35–54). Albany: State University of New York Press.

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## RELIGION AND CRIME

KENT R. KERLEY

*University of Alabama at Birmingham*

An impressive research literature that identifies linkages between religion and a wide range of attitudes, behaviors, and life events has emerged. This research suggests that religiosity—a cognitive and behavioral commitment to organized religion—is associated with factors such as interpersonal friendliness; psychological and physical well-being; comfort for those who face difficult life situations, such as family problems, divorce, and unemployment; marital happiness; participation in politics and political movements; and volunteering in community organizations. A recurrent theme in this literature is that religion may operate as a social force for reducing negative behaviors and for increasing positive behaviors.

The relationship between religion and crime, however, is not as straightforward. Research on this topic since the 1960s has yielded widely varying results. Whereas many studies have found that religion is significantly related to a host of crime-related factors, others have found no relationship. This chapter is designed to introduce readers to the extensive literature on religion and crime. It is organized along three dimensions. First, research on the relationship between religion and the commission of criminal and deviant acts is discussed. Second, research on religion in the prison context is reviewed. Third, research on the relationship between religion and crime control attitudes is presented.

### Religion and Criminal or Deviant Behaviors

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Researchers have long sought to understand the relationship between religion and the commission of criminal or deviant behaviors. French sociologist Émile Durkheim (1897) was one of the first to consider this topic. Durkheim believed that religion operated as a social force such that greater levels of religious commitment should lead to reduced negative behaviors. Before the empirical research on this topic is discussed, the important question to address is how religion may reduce criminal or deviant behaviors. The answer lies in insights drawn from *social capital theory* (Coleman, 1988) and *social control theory* (Hirschi, 1969). Many researchers contend that religious involvement may create social networks and emotional support that will constrain criminal behavior. Religious individuals tend to be bonded to religious institutions that provide informal social control over their behaviors. The behavior of individuals with higher levels of religiosity is thought to be guided by the sanctions derived from religion. According to this logic, religiosity may operate as a shield against negative behaviors such as crime and deviance by creating and reinforcing social networks and social bonds.

Closely related to the avoidance of criminal and deviant behaviors is the promotion of prosocial behaviors. Christopher Ellison (1992) contended that religiosity may



be linked with prosocial behaviors for two key reasons. First, individuals with higher levels of religious commitment are more likely to engage in religious role-taking such that they interact with others according to their perceptions of what a “divine other” would expect. Religious individuals may view life from “the vantage point of the ‘God-role,’ by attempting to understand how a divine other would expect them to behave toward their fellows” (Ellison, 1992, p. 413). Second, religious individuals may internalize religious norms concerning kindness, empathy, and civility. Scriptural stories such as the Good Samaritan and scriptural precepts such as the Golden Rule provide structure and a model for relationships with others.

### Review of Empirical Studies

The first major empirical study of religion and crime was conducted by Travis Hirschi and Rodney Stark (1969). They used survey data on youth from California to test the *hellfire hypothesis*, which predicted that religion could deter crime on the individual level through the fear of supernatural sanctions and at the same time encourage prosocial behaviors through the hope and promise of supernatural rewards. The authors investigated whether individuals who attended church were less likely than individuals who do not attend church to engage in a variety of delinquent behaviors. They also investigated whether belief in supernatural sanctions for bad behavior deterred the same delinquent behaviors. Hirschi and Stark found no relationship between religious attendance or belief in supernatural sanctions and self-reported delinquent acts. They concluded that respondents’ decisions to commit crimes were linked with perceptions of pleasure and pain on earth, instead of on perceived heavenly rewards for good behavior or the punishment of hellfire for sinful acts. Since Hirschi and Stark’s landmark study, investigators have produced approximately two studies per year on this topic. The relationship between religion and crime has also been the subject of a meta-analysis (Baier & Wright, 2001) and a systematic review (Johnson, De Li, Larsen, & McCullough, 2000).

In a subsequent study, Stark, Kent, and Doyle (1982) suggested that the findings from Hirschi and Stark’s (1969) study were largely due to the moral makeup of the area in which it was conducted (Richmond, California). In what has become known as the *moral communities hypothesis*, Stark et al. contended that religion is best understood as a structural property of communities rather than as an individual attribute of persons. In other words, religion is most likely to reduce crime and deviance in more religious areas of the United States (e.g., Southeast, Midwest), and is less likely to do so in less religious areas (e.g., Northeast, Pacific Northwest). In terms of church membership and church attendance, Richmond, California, had very low rates of religious commitment relative to the rest of the country. Stark et al. characterized this area as a “secular

community” rather than as a “moral community.” The moral makeup of the community thus helped to explain why religiosity did not reduce crime in the original study (see also Stark, 1996).

Similar to Stark et al. (1982), Higgins and Albrecht (1977) suggested that the absence of a significant relationship between religiosity and delinquency in Hirschi and Stark’s (1969) landmark study stemmed from the use of a sample from a primarily nonreligious Western population. Higgins and Albrecht analyzed a sample drawn from the more religious-oriented South and found that religiosity led to reductions in the amount of self-reported crime and deviance. They also found that, in addition to religiosity, peer expectations and relationship with parents were predictors of crime and deviance. Thus, Higgins and Albrecht concluded that Hirschi and Stark’s research may have yielded accurate results for the western area they studied, but the results of studies conducted in other areas of the country, characterized by strong religious communities, are likely to be the opposite.

Burkett and White (1974) offered a rival explanation to Hirschi and Stark’s (1969) findings. They suggested that the effects of religion on crime will vary depending on the type of crime. Using survey data on high school students in Pennsylvania, they found that religion is most likely to reduce behaviors that have a strong moral or ascetic connotation in religious circles but are not universally looked down on in society (e.g., alcohol and drug use, gambling, premarital sex). The authors reported that higher levels of religious participation led to significant decreases in students’ use of alcohol and marijuana, but it did not influence involvement in property or violent offenses. Burkett and White’s work comprises what is called the *anti-asceticism hypothesis*.

Using data on middle and high school students in three midwestern states, Cochran and Akers (1989) reached a conclusion similar to that of Burkett and White (1974). Cochran and Akers tested several competing theories of the relationship between crime and delinquency and found that the anti-asceticism hypothesis received the most support; specifically, the more religious students in the sample reported significantly lower levels of alcohol and marijuana use than less religious students and nonreligious students, but there was no significant effect of religion on other types of crimes.

Lee Ellis (1987) suggested that the relationship between religion and crime is spurious; that is, the relationship is contingent on another factor, which in this case is the arousal level of each individual. According to Ellis’s *arousal theory*, criminal behavior is related to innate variations in each individual’s demand for neurological stimulation. Ellis contended that criminals are naturally prone to boredom and that criminal actions are a means of finding arousal through risk-seeking behavior. If individuals have suboptimal arousal levels (a tendency to be bored), they

will seek stimulation to meet their psychological and physiological needs. This need for stimulation is greater than for individuals with normal levels of arousal. This is not to say that all stimulation sought by suboptimal individuals will be criminal but that the risk-seeking behaviors may, in some cases, be criminal.

In terms of religiosity, Ellis (1987) predicted that individuals who have suboptimal arousal levels will have low levels of church attendance, because religious services often are routine and solemn events. In Ellis's test of his theory, he measured religion on the basis of church membership, church attendance, belief in God, denominational measures, belief in immortality, and other beliefs. He then measured arousal in two ways: (1) neurological and (2) extraneurological. The neurological measure included basic brain wave readings from an EEG. Extraneurological measures were divided into two subcategories: (1) physiological measures and (2) self-reported measures. Physiological measures involved skin conductivity and other arousal indicators, such as heart and pulse rates, startle reflexes, and adrenaline secretions. The self-reported measures consisted of responses about the exciting and boring activities in which the participants took part.

On the basis of this research, Ellis (1987) reached three main conclusions: (1) Among church members, those who attended church more often exhibited lower crime rates than those whose attendance was infrequent; (2) those who believed in an afterlife where their sins would be punished had lower crime rates than those who lacked the same belief, and (3) Jewish crime rates were lower than for Christians, and Protestants had lower crime rates than Catholics. He concluded that religious participation was associated with lower levels of criminal conduct; however, he found that the observed relationship between religion and crime was no longer strong once the level of arousal was accounted for. Thus, Ellis concluded that arousal level was the best predictor of both religiosity and criminal behavior.

Cochran and colleagues (Cochran, Wood, & Arneklev, 1994) used data on high school students in Oklahoma to investigate whether religion could reduce the incidence of several different types of crimes. Along with measures of religiosity, the authors included measures based on arousal and social control theories. Similar to Ellis (1987), the authors found that the religion-crime relationship was spurious; more specifically, the relationship between religion and crime disappeared once the arousal levels and social controls of the individuals were accounted for.

Benda and Corwyn (1997) analyzed data on students in three Arkansas high schools to determine whether religion was related to several different types of delinquent and criminal behaviors. They found that greater levels of religiosity (in particular, church attendance) reduced the likelihood of status offenses (e.g., skipping school, fake excuses for missing school, running away) but did not reduce the likelihood of several crimes against persons or

property. When measures of social control were accounted for, however, the relationship between religiosity and status offenses disappeared, and there was still no effect of religiosity on crime.

Byron Johnson and his colleagues (Johnson, Jang, Larson, & De Li, 2001) analyzed data from the National Youth Survey and came to a very different conclusion about the relationship between religiosity and delinquency. They attempted to explain involvement in 35 different types of delinquent behavior on the basis of religiosity, social controls, and social learning, and found that religiosity directly reduced delinquent behavior, even after controlling for youth's social bonds to society and the extent of their delinquent associations.

Welch, Tittle, and Grasmick (2006) examined the relationships among religiosity, self-control, and crime. They analyzed survey data on adults in Oklahoma to determine the key predictors of five different types of crimes. The authors found that religiosity and self-control operate on significant, independent tracks for deterring crime. In other words, higher levels of religious commitment directly reduced the likelihood of criminal activities even after accounting for individuals' level of self-control.

Finally, two sets of scholars compiled and reviewed a large number of empirical studies of religion and crime to determine the overall strength and nature of the relationship. Johnson and associates (Johnson, De Li, et al., 2000) reviewed 40 studies of the relationship between religion and delinquency conducted between January 1985 and December 1997. They used a method called *systematic review*, which involves a search of all peer-reviewed journals in the social and behavioral sciences. Of the 40 studies of religiosity and crime/delinquency they identified, 30 indicated that religion had a beneficial effect (i.e., led to reductions in) on many types of criminal and deviant behaviors. The 10 remaining studies showed either no effect (5 studies), mixed effects (3 studies), positive effects (1 study), or effects not specified (1 study). Thus, Johnson et al. concluded that the research literature consistently has shown that religion leads directly or indirectly to reductions in criminal and deviant behavior. Baier and Wright (2001) reviewed 60 studies of religion and crime that were conducted between 1969 and 1998. They concluded that, overall, religion had a "moderate" effect on reductions in criminal and deviant behaviors.

## Religion and Prison

The relationship between religion and crime has also received attention from scholars who have studied religion in the prison context. Religion has been a tool for correctional treatment since the inception of the penal system in the United States. In fact, the first penitentiaries were developed by Quakers for offenders to study the Bible to facilitate their rehabilitation. Currently, most states employ

full-time chaplains and allow members of local religious congregations to promote faith to the incarcerated. Before studies of religiosity and faith-based programs in prison are reviewed, it is important to learn more about prison chaplains and local religious congregants.

### **Prison Chaplains and Local Religious Congregants**

Much of the literature on prison chaplains has been written by chaplains themselves. The most prevalent topic in the literature is the transformation of their position in the last century from guiding inmates to spiritual conversion to serving as counselors, organizers, and liaisons for inmates. One particular concern for chaplains is balancing the provision of religious programs with active proselytization. The once-accepted practice of using inmates as a “captive audience” for chaplains has now been dismissed. It is unethical, and in some cases illegal, for chaplains to force inmates to attend a religious program. In addition to not forcing their beliefs on inmates, prison chaplains must be respectful of whatever religious beliefs are present in the prison. The majority of inmates and chaplains identify with some form of Christianity, but a growing minority adhere to other religions, including Islam and Judaism. Chaplains must ensure that inmates have the materials and personnel necessary to fulfill the religious rites of the faith tradition to which they adhere.

Sundt and Cullen (1998) sought to determine the types of tasks prison chaplains spent most of their time doing in order to categorize those tasks as either spiritual or secular. They also attempted to determine whether what chaplains *perceive* they should be doing is what they actually *are* doing. The authors mailed questionnaires to a sample of 500 chaplains. They hypothesized that chaplains would see spiritual duties as their primary responsibility but that they would report being responsible for more secular duties. The authors found that chaplains consider the secular activity of counseling inmates to be their highest priority and the area on which they spend the most time. The study showed that, with the exception of the time spent coordinating volunteers, chaplains mostly spent their time on the tasks they perceived to be most important. Most chaplains perceived their role to be primarily supportive of inmates, but custodial activities were a substantial part of their job as well. Sundt and Cullen concluded that it does appear that chaplains have secular activities, such as counseling, as their primary responsibility; however, this did not appear to produce greater role ambiguity among the chaplains than for most people working in corrections.

In a follow-up study conducted on the basis of data on chaplains in New York, Sundt, Dammer, and Cullen (2002) measured chaplains’ support for treatment, the amount of counseling done by chaplains, and the content of the counseling sessions. Most chaplains favored treatment and rehabilitation along with punishment and did not see the

rehabilitation model as a failure. They found that chaplains used a variety of counseling methods during their sessions; however, most reported using a spiritual orientation in these sessions. As these studies demonstrate, counseling has become one of the most important aspects of modern chaplaincy. However, in addition to counseling inmates, chaplains are expected to be a liaison between inmates and the rest of the correctional staff and, in some cases, even an advocate for inmates.

In a third study, Sundt and Cullen (2002) surveyed chaplains to determine their perspective on the purpose of imprisonment. They hypothesized that those who are in the field of service, such as chaplains, would be more supportive of rehabilitation efforts and less likely to be punitive. They found that although almost half of the chaplains thought that the primary purpose of incarceration should be incapacitation, when they had to choose between rehabilitation and punishment, they chose rehabilitation. Not surprisingly, chaplains thought that religion was the best method for reforming inmates. The authors concluded that chaplains support rehabilitation and consider their work to be such. Chaplains who felt called to work in chaplaincy and those who viewed God as forgiving were more likely to have a rehabilitative view.

As the responsibilities of prison chaplains change and prison populations increase, local religious congregants are a more vital part of faith-based prison programs. With an increase in secular responsibilities and shortage in money per inmate, chaplains increasingly rely on local religious congregants to help with the workload. Local religious congregants can be helpful when inmates have spiritual requests for which chaplains are not trained or equipped to respond. Tewksbury and Dabney (2004) found that nearly 60% of prison volunteers reported contributing financial or material goods to their work. That is substantial support in an overcrowded prison system in which budgets are limited for rehabilitation programs. The downside of looking to the community for help is that, as a result of budget cuts, chaplains themselves are being replaced by local religious congregants in order to cut costs. According to chaplains, the main disadvantage of this trend is that local religious congregants do not have the training that is required of chaplains. Chaplains are necessary to train the congregants visiting the prison so that they are aware of and adhere to the rules of the facility. Also, local religious congregants cannot be expected to meet all of the demands required of a chaplain, including counseling and advocacy.

Tewksbury and colleagues conducted two studies of prison volunteers. In the first study, Tewksbury and Dabney (2004) surveyed volunteers at a southern prison who were attending a mandatory training session. The point of the survey was to determine who was volunteering, why, and how he or she benefited. The most frequently reported motivation for coming to the prison was to share religious beliefs. Other reasons for volunteering were to help others, because they were asked to do so, or because they had a

relative in prison. Overall, the ratings the volunteers gave for their experience and satisfaction were positive. The questions regarding satisfaction all averaged over 7 on a scale of 1 to 10, with 10 representing complete agreement. Nearly half of the volunteers listed seeing a change in the inmates as the most rewarding part of their experience. Tewksbury and Dabney concluded that the main population of volunteers came from the religious community. Those volunteers showed high levels of satisfaction and showed that they are willing to make sacrifices in order to volunteer.

In a more recent study, Tewksbury and Collins (2005) surveyed a different group of local religious congregants doing faith-based prison work. They asked these congregants about the same motivations and their perceived rewards from the work in order to help recruit future local religious congregants. In this instance, the authors used anonymous surveys, which were distributed to local congregants who volunteered in three Kentucky prisons. The vast majority identified with some form of Christianity, and most had served more than 1 but less than 10 years as a volunteer. There were a multitude of tasks that were reportedly done by the local religious congregants. The most commonly reported tasks were teaching, preaching, counseling, and studying religious texts. Nearly all prison volunteers reported intrinsic rewards, such as feeling that they were serving God and had a true sense of purpose.

### Review of Empirical Studies

Researchers who study religion in the prison context have focused on two issues: (1) whether inmates' level of religiosity affects prison behavior and (2) whether religiosity reduces the likelihood of arrest after release (i.e., recidivism). Several of the major studies of religion in prison context have been conducted by Johnson and his colleagues. Using a sample of inmates released from a Florida prison between 1978 and 1982, Johnson (1987) found that inmate religiosity, chaplains' assessment of inmate religiosity, and inmate religious service attendance did not affect the number of prison infractions committed or the amount of time inmates spent in disciplinary confinement.

Johnson, Larson, and Pitts (1997) conducted an evaluation of a faith-based program sponsored by Prison Fellowship Ministries (PFM). A sample of prisoners in four New York state prisons was chosen because the PFM staff in that prison had kept thorough records. Among the 40,000 inmates in the four prisons, 201 male prisoners were chosen on the basis of their similarities to the control group. Inmates were categorized on the basis of how often they participated in three different kinds of religious programs and the length of time they were involved in an activity. Inmates who participated in 10 or more activities per year were considered highly active, those participating in 1 to 9 programs were considered medium active, and those who did not attend were classified as

inactive. Johnson et al. evaluated the inmates' incident records while incarcerated as well as their arrest records up to 1 year after release. They hypothesized that the number of infractions while incarcerated, including serious infractions, would be inversely proportional to level of participation in PFM programs and that inmates who were most active would be less likely to be rearrested than those who had less participation.

Johnson et al. (1997) found that participation in PFM activities was not related to the prison infractions; in fact, inmates who were most active in PFM activities were most likely to have a record of serious infractions. The authors were unable to determine which activity was first (the PFM activity or the infraction) but suggested that the inmates might have committed the infractions and then turned to religion to make amends. Inmates involved in PFM activities did not have a significantly reduced likelihood of recidivism compared with the control group. However, Johnson et al. found that inmates who were most heavily involved in PFM activities were much less likely to have been arrested 1 year after their release than individuals in the control group.

In 2004, Johnson conducted a follow-up study with several modifications. In particular, he changed the definition of *active participation* and increased the amount of time evaluated after the inmates were released. By lowering the number of activities in which inmates must participate to be considered having high participation from 10 or greater to 5 or greater, and increasing the time after release from 1 year to 8 years, he was able to determine more thoroughly the effect of involvement in PFM activities. Johnson found little difference between the median arrest times and reincarceration rates between PFM and non-PFM inmates. The survival rate, or the rate at which inmates were arrested after release, was slightly lower for the PFM group at 8 years, but the only significant differences appeared when highly active inmates were compared with low-activity inmates. Program attendance was insignificant when predicting recidivism, and participation in PFM programs was insignificant as a predictor compared with virtually all other variables through the 8-year mark. Johnson concluded that there was little difference in recidivism rates between inmates at different levels of participation after 8 years.

Todd Clear and his colleagues (Clear, Hardyman, Stout, Lucken, & Dammer, 2000) studied the potential benefits of any type of faith-based prison activity. They noted that although religion might be popular as a way to reduce recidivism, historically, any method for reducing recidivism will fall out of favor if it does not produce significant results. They sought to determine what benefits inmates could receive from religious activities in prisons. Clear et al. used both survey data and an ethnography of inmates involved in Christian and Muslim religious activities over the course of 10 months. They looked at the intrinsic values of being outwardly religious for prisoners,

which they defined as the part that religion plays in helping them deal with the bad feelings they experienced because of their incarceration. They proposed that inmates who are active in religious activities would report, or have reported about them, mental or behavioral differences compared with those who were not active in the religious activities. This would demonstrate that religion can have intrinsic value in prison outside of any value it may have in reducing recidivism.

The results supported Clear et al.'s (2000) expectations that inmates who were active in religious activities differed from those who were not active in regard to emotional health, prosocial behaviors, and the benefits they received. They found that faith allowed inmates to receive forgiveness and to make restitution for their offenses. Also, it gave them hope that they could turn their lives around when they were released. The most religiously active inmates reported that religion allowed them a mental escape from the realities of prison life and helped to prevent involvement in activities that could cause them trouble.

Clear et al. (2000) also looked at the extrinsic values of religious participation in terms of how faith affects inmates' relationships with others. Involvement in religious activities benefited inmates by providing them with a safe context in which to forge positive relationships in prison. These friends ensured a measure of safety. Especially for inmates practicing Islam, being part of a group provided them with a certain amount of protection, because their group was bound to protect them. Also, the physical act of going to religious activities or acting out religious rituals kept an inmate out of trouble or in safe places, such as the chapel. Being active in religious programs also allowed inmates to create relationships with individuals visiting from outside prison. This contact with those in the free world gave inmates a feeling that they had not been forgotten by society. The authors concluded that religious activities in prison can provide inmates with a way of coping with the shock that prison life can present (see also Clear & Sumter, 2002).

Kent Kerley and his colleagues (Kerley, Matthews, & Blanchard, 2005) studied the effect of religiosity on negative prison behaviors, specifically to determine whether it reduced frequent arguments and fights. A random sample of inmates at a large southeastern prison facility completed a survey relating to personal background, religious background, involvement in religious activities, and fighting or arguing with other inmates. The key outcome measures were arguing with other inmates and fighting with other inmates one or more times per month. The authors found that there is a correlation between religiosity and the amount of arguments in which inmates engage. Inmates who reported belief in a higher power and regularly attended prison religious services had a significantly lower likelihood of arguing once or more per month than those who did not. Religiosity reduced inmate fighting not directly but indirectly, by reducing the frequency of arguments.

In a follow-up study, Kerley, Allison, and Graham (2006) found that religiosity did not lead to a significant reduction in the experience of a range of negative emotions. They concluded that prison life is emotionally debilitating to the point that religion does not seem to reduce the experience of negative emotions but does appear to structure interpersonal relationships in prison by reducing negative interactions that could escalate to serious interpersonal conflicts.

Camp, Klein-Saffran, Kwon, Daggett, and Joseph (2006) found that inmates who participate in religious programs are seeking their way in a religious sense. They found that inmates who had a religious identity prior to incarceration were less likely to volunteer for religious programs offered in prison. They argue that religious programs are effective in reducing prison deviance and recidivism only for those inmates who are highly involved and not for inmates who have only a moderate or small amount of involvement.

### Religion and Crime Control Attitudes

The third area in which investigators have studied the relationship between religion and crime is in regard to how religious ideology influences attitudes toward crime control. Overall, this research has demonstrated consistently that conservative Protestants (also referred to in the literature as *evangelicals* or *fundamentalists*) are more likely to support punitive crime control measures such as stricter sentences, three-strikes laws, capital punishment, and boot camps. Moreover, investigators have studied the relationship between religion and the perception of wrongfulness of crimes. Using survey data from Oklahoma, Curry (1996) examined the relationship between conservative Protestant beliefs and the perceived wrongfulness of crimes. He concluded that conservative Protestantism was positively associated with higher ratings of perceived wrongfulness of crimes when compared with other religious traditions and nonreligious orientations. Thus, both in terms of attitudes toward criminal sanctions and the seriousness of crime, evangelical Protestants are thought to hold more punitive and stringent attitudes compared with their nonreligious and mainline counterparts.

The important theoretical question is why conservative Protestants are more likely to support punitive treatment of criminal offenders than their nonreligious and mainline religious counterparts. According to John Bartkowski (2001, 2004), conservative Protestants typically privilege the logic of *justice* over the logic of *mercy*. The logic of justice places a premium on the judgment and condemnation of wrongdoing. It is focused on morality and emphasizes the punitive consequences of antisocial and criminal behaviors. By contrast, the logic of mercy stresses the importance of forgiveness of wrongdoers and highlights opportunities for redemption. In the Christian context, the logic of justice distinguishes the sheep (the saved) from the

goats (the damned), whereas the logic of mercy stresses the equality of “God’s children,” all of whom are in need of divine redemption. In addition, conservative Protestants are more inclined to embrace an individualistic worldview that downplays the role of structural explanations for human behavior. Closely linked to this commitment to individualism, religious conservatives believe that moral accountability, which is facing the consequences for one’s actions, is of key importance.

The conservative Protestant tendency to prioritize justice over mercy does not mean that religious believers are incapable of exhibiting compassion. In fact, there is growing evidence that although the logic of justice predominates in conservative Protestant congregations, it is often intertwined with the logic of mercy. Recent survey research reveals that religious adherents who embrace images of God as loving and forgiving are less likely to support punitive reactions to criminal offending. Applegate, Cullen, Fisher, and Vander Ven (2005) considered the effects of religious forgiveness and the influence of traditional conservative religious views on punitiveness for offenders. Using survey data from Ohio, they found that a literal interpretation of the Bible and a punitive image of God were significantly related to favoring punishment and opposing rehabilitation programs for offenders. Conversely, they found that persons with stronger values of religious forgiveness were less likely to support capital punishment and less likely to support punitive approaches to offenders. Furthermore, stronger attachments to religious values of forgiveness were positively associated with favoring rehabilitation and treatment.

Unnever, Cullen, and Applegate (2005) investigated what they referred to as the “neglected variables” (compassion, forgiveness, and an image of a gracious God) from prior studies of religion and punitiveness. Using data from the 1998 General Social Survey, they found that all three of these measures of religious orientation were associated with being less punitive. The authors reported that individuals who truly can “turn the other cheek” and are compassionate toward others are less supportive of “get tough on crime” policies. In a follow-up study, Unnever and Cullen (2006) investigated whether Christian fundamentalists were more likely than nonfundamentalists to support capital punishment. Their results indicated that fundamentalists hold more religiously conservative beliefs, are more likely to express forgiveness and compassion, and are not more likely to support the death penalty than nonfundamentalists.

In a subsequent study analyzing data from the 2004 General Social Survey, Unnever, Cullen, and Bartkowski (2006) hypothesized that individuals reporting a personal relationship with a loving God would reject the worldview that punitiveness is an appropriate response to human failings. They argued that instead, forgiveness and unconditional love and mercy are extended from God to all who have failed or sinned. Their findings indicated

that individuals with a close relationship with a loving God were significantly less likely to support capital punishment. The authors theorized that people with a close relationship with God are less likely to support the death penalty because it contradicts the power and purpose of God, denies offenders the opportunity for redemption, and is in opposition to the sentiment that only God can give and take away life (Unnever et al., 2006).

Thus, the current literature suggests that the religious convictions and practices of conservative Protestants are complex, not simple reflections of a punitive worldview. Local parishioners who focus on individualism and moral accountability prioritize the logic of justice in forming their crime control attitudes (e.g., judgment of wrongdoers, punitive consequences for transgression). Parishioners who focus on compassion and redemption prioritize the logic of mercy in forming their crime control attitudes (e.g., forgiveness of wrongdoers, reconciliation following repentance).

## Limitations of Studies

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Many scholars have noted several important limitations of the research literature on religion, crime, and faith-based prison programs. First, scholars have questioned the quality and quantity of the measures of religiosity in some previous studies. Johnson, De Li, et al. (2000) found in their systematic review that only about half of the 40 studies they reviewed included three or more measures of religiosity. They also found that only 65% of the studies measured religious attendance, and only 35% measured time spent in prayer. Second, many studies were based on samples of individuals who had volunteered for faith-based interventions, as opposed to participants who had been randomly assigned to a religious or nonreligious group. This allows for the possibility of self-selection bias, because the effects of a religious program may be due not to the program itself but to whatever caused individuals to get involved in religion in the first place. Third, the large majority of studies have used all-male or predominantly male populations in the U.S. general population or in U.S. prisons. Additional research needs to be conducted with females and in other countries. Fourth, the overwhelming majority of studies have used cross-sectional data gathered at one point in time instead of longitudinal data gathered at multiple points in time. For example, only 5 of the 40 studies reviewed by Johnson, De Li, et al. (2000) used longitudinal data. Thus, more longitudinal studies are needed to determine the long-term impact of religion on crime, deviant behavior, prison behavior, recidivism, and crime control attitudes.

## Conclusion

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An impressive body of research has identified a significant relationship between religion and a wide range of

attitudes, behaviors, and life events. Studies of the relationship between religion and crime, however, have not shown the same significant and uniform effects. This chapter has provided a review of the literature on religion and crime from three distinctive topic areas: (1) the effects of religion on the commission of criminal and deviant acts, (2) the effects of religion on prison misconduct and recidivism, and (3) the effects of religion on attitudes toward crime control. Studies in all three areas suggest a nuanced and inconsistent relationship between religion and crime. It is fair to say that religion, to varying degrees, is related to several crime-related factors. Additional research is needed to explore further the relationship and to understand the nuances. So long as religion continues to be a recognizable and prominent social institution, researchers will continue to assess the extent to which it influences crime and related factors.

## References and Further Readings

- Applegate, B. K., Cullen, F. T., Fisher, B. S., & Vander Ven, T. (2005). Forgiveness and fundamentalism: Reconsidering the relationship between correctional attitudes and religion. *Criminology*, 38, 719–754.
- Baier, C., & Wright, B. R. E. (2001). If you love me, keep my commandments: A meta-analysis of the effect of religion on crime. *Journal of Research in Crime and Delinquency*, 38, 3–21.
- Bainbridge, W. S. (1989). The religious ecology of deviance. *American Sociological Review*, 24, 25–56.
- Bartkowski, J. P. (2001). *Remaking the godly marriage: Gender negotiations in evangelical families*. Piscataway, NJ: Rutgers University Press.
- Bartkowski, J. P. (2004). *The promise keepers: Servants, soldiers, and godly men*. Piscataway, NJ: Rutgers University Press.
- Benda, B. B., & Corwyn, R. F. (1997). Religion and delinquency: The relationship after considering family and peer influences. *Journal for the Scientific Study of Religion*, 36, 81–92.
- Burkett, S. R., & White, M. (1974). Hellfire and delinquency: Another look. *Journal for the Scientific Study of Religion*, 13, 455–462.
- Camp, S. D., Klein-Saffran, J., Kwon, O., Daggett, D. M., & Joseph, V. (2006). An exploration into participation in a faith-based prison program. *Criminology & Public Policy*, 5, 529–550.
- Clear, T. R., Hardyman, P. L., Stout, B., Lucken, K., & Dammer, H. R. (2000). The value of religion in prison. *Journal of Contemporary Criminal Justice*, 16, 53–74.
- Clear, T. R., & Sumter, M. T. (2002). Prisoners, prison, and religion: Religion and adjustment to prison. *Journal of Offender Rehabilitation*, 35, 127–159.
- Cochran, J. K., & Akers, R. L. (1989). Beyond hellfire: An exploration of the variable effects of religiosity on adolescent marijuana and alcohol use. *Journal of Research in Crime and Delinquency*, 26, 198–225.
- Cochran, J. K., Wood, P. B., & Arneklev, B. J. (1994). Is the religiosity–delinquency relationship spurious? A test of arousal and social control theories. *Journal of Research in Crime and Delinquency*, 31, 92–123.
- Coleman, J. (1988). Social capital in the creation of human capital. *American Journal of Sociology*, 94, S95–S120.
- Cullen, F. T., Sundt, J. L., & Wozniak, J. F. (2001). The virtuous prison: Toward a restorative rehabilitation. In H. N. Pontell & D. Shichor (Eds.), *Contemporary issues in crime and criminal justice: Essays in honor of Gil Geis* (pp. 265–286). Upper Saddle River, NJ: Prentice Hall.
- Curry, T. R. (1996). Conservative Protestantism and the perceived wrongfulness of crimes. *Criminology*, 34, 453–464.
- Durkheim, E. (1897). *Suicide: A study in sociology*. New York: Free Press.
- Ellis, L. (1987). Religiosity and criminality from the perspective of the arousal theory. *Journal of Research on Crime and Delinquency*, 24, 215–232.
- Ellison, C. G. (1992). Are religious people nice people? Evidence from the National Survey of black Americans. *Social Forces*, 71, 411–430.
- Evans, D. T., Cullen, F. T., Dunaway, R. G., & Burton, V. S. (1995). Religion and crime reexamined: The impact of religion, secular controls, and social ecology on adult criminality. *Criminology*, 33, 195–224.
- Higgins, P. C., & Albrecht, G. L. (1977). Hellfire and delinquency revisited. *Social Forces*, 55, 952–958.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Hirschi, T., & Stark, R. (1969). Hellfire and delinquency. *Social Problems*, 17, 202–213.
- Johnson, B. R. (1987). Religiosity and institutional deviance: The impact of religious variables upon inmate adjustment. *Criminal Justice Review*, 12, 21–30.
- Johnson, B. R. (2004). Religious programs and recidivism among former inmates in prison fellowship programs: A long-term follow-up study. *Justice Quarterly*, 21, 329–354.
- Johnson, B. R., De Li, S., Larson, D. B., & McCullough, M. (2000). A systematic review of the religiosity and delinquency literature. *Journal of Contemporary Criminal Justice*, 16, 32–52.
- Johnson, B. R., Jang, S. J., Larson, D. B., & De Li, S. (2001). Does adolescent religious commitment matter? A reexamination of the effects of religiosity on delinquency. *Journal of Research in Crime and Delinquency*, 38, 22–44.
- Johnson, B. R., Larson, D. B., De Li, S., & Jang, S. J. (2000). Escaping from the crime of inner cities: Church attendance and religious salience among disadvantaged youth. *Justice Quarterly*, 17, 377–391.
- Johnson, B. R., Larson, D. B., & Pitts, T. C. (1997). Religious programs, institutional adjustment, and recidivism among former inmates in prison fellowship programs. *Justice Quarterly*, 14, 145–166.
- Kerley, K. R., Allison, M. C., & Graham, R. D. (2006). Investigating the impact of religiosity on emotional and behavioral coping in prison. *Journal of Crime and Justice*, 29, 71–96.
- Kerley, K. R., Matthews, T. L., & Blanchard, T. C. (2005). Religiosity, religious participation, and negative prison behaviors. *Journal for the Scientific Study of Religion*, 44, 443–457.
- Stark, R. (1996). Religion as context: Hellfire and delinquency one more time. *Sociology of Religion*, 57, 163–173.
- Stark, R., Kent, L., & Doyle, D. P. (1982). Religion and delinquency: The ecology of a “lost” relationship. *Journal of Research in Crime and Delinquency*, 19, 4–24.

- Sundt, J. L., & Cullen, F. T. (1998). The role of the contemporary prison chaplain. *Prison Journal*, 78, 271–298.
- Sundt, J. L., & Cullen, F. T. (2002). The correctional ideology of prison chaplains: A national survey. *Journal of Criminal Justice*, 30, 369–385.
- Sundt, J. L., Dammer, H. J., & Cullen, F. T. (2002) The role of the prison chaplain in offender rehabilitation. *Journal of Offender Rehabilitation*, 35, 59–86.
- Tewksbury, R., & Collins, S. C. (2005). Prison chapel volunteers. *Federal Probation*, 69, 26–30.
- Tewksbury, R., & Dabney, D. (2004). Prison volunteers: Profiles, motivations, satisfaction. *Journal of Offender Rehabilitation*, 40, 173–183.
- Unnever, J. D., & Cullen, F. T. (2006). Christian fundamentalism and support for capital punishment. *Journal of Research in Crime and Delinquency*, 43, 169–197.
- Unnever, J. D., Cullen, F. T., & Applegate, B. K. (2005). Turning the other cheek: Reassessing the impact of religion on punitive ideology. *Justice Quarterly*, 22, 304–338.
- Unnever, J. D., Cullen, F. T., & Bartkowski, J. P. (2006). Images of God and public support for capital punishment: Does a close relationship with a loving god matter? *Criminology*, 44, 835–866.
- Welch, M. R., Tittle, C. R., & Grasmick, H. G. (2006). Christian religiosity, self-control, and social conformity. *Social Forces*, 84, 411–430.



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## SOCIAL CLASS AND CRIME

MICHAEL T. COSTELLOE AND RAYMOND J. MICHALOWSKI

*Northern Arizona University*

The relationship between social class and crime has been a long-standing source of debate in criminology. Specifically, there is considerable disagreement as to whether crime is largely a lower-class phenomenon or is more broadly and equally distributed. The significance of this debate, and thus its longevity, stems from the fact that most established criminological theories are predicated on the belief that there is something about a lower-class lifestyle that is inherently criminogenic. In fact, during the early and middle decades of the 20th century, most new criminological theories began with the assumption that crime was primarily a lower-class phenomenon (see, e.g., Cloward & Ohlin, 1960; Cohen, 1955; Miller, 1958, Shaw & McKay, 1942).

More recently, the assumption of lower-class exceptionalism has been challenged by empirical research that has attempted to determine the class–crime relationship instead of accepting it as the starting point for criminological inquiry. Unfortunately, because of disparate findings and inconclusive results, criminologists have yet to establish a conclusive answer regarding the class–crime relationship, a relationship that is further complicated when crimes of the powerful, which normally are excluded from criminological analyses of class and crime, are entered into the equation.

This chapter examines the possibility that differing conclusions about class and crime by researchers supposedly analyzing the same phenomenon may be rooted in methodological differences. It also considers the possibility that if the long-assumed causal relationship between lower social classes and criminality is incorrect, not only are many theories of nature and origins of crime based on an erroneous supposition, but the criminal justice policies based on these theories are also formulated on a fundamental misperception. Most crime control policies disproportionately target individuals from the lower classes while ignoring the harms caused by people in the upper classes. If crime and other harmful activities are, in fact, more widely distributed across social classes, these policies, then, may be ineffectual at best and, at worst, counterproductive or even harmful when it comes to combating crime and reducing the harm that it causes.

There are several notable aspects of the relationship between social class and crime: (a) how social class shapes the definition of crime, (b) how social class influences patterns of victimization and wrongful behavior, and (c) how the commonly held societal perception that crime comprises largely lower-class behaviors influences the way the criminal justice system deals with lower income populations. However, before examining these topics, we must

begin by examining the definition of *social class*, why social classes exist, and why they are an important aspect of free market societies.

## What Is Social Class, and Why Is It Important?

When discussing social class, we frequently hear terms such as *upper class*, *middle class*, *lower class*, *working class*, and *underclass*. These terms attempt to differentiate social groups according to their access to economic, social, political, cultural, or lifestyle resources. Although such terms present an overly simplistic description that ignores the complexity and difficulties in defining social class, they do provide a starting point for discussing social stratification.

Economic resources consist of the wealth and/or income controlled by different social groups. The extent to which groups can exert political influence and/or cultural authority constitutes *social resources*, and the ability to directly shape the actions of governmental institutions such as political leaders or governmental functionaries, or indirectly through the exercise of power outside of government, constitute *political resources*. *Cultural capital* refers to the capacity of social classes to shape popular perception through access and control of mass media, education, and other platforms of public communication.

Finally, the phrase *lifestyle resources* refers to the degree to which group-based patterns of behavior and belief are valued or devalued within a society. These include such things as modes of speech, style of dress, attitudes and values, and preferred and/or available pleasures. As illustrated in studies of ghetto youth (see, e.g., Bourgois, 1995, and Wilson, 1987), the less individuals can look, talk, dress, and act in the approved white, middle-class manner, the less likely they are to be hired, even when they have the necessary skills for a job.

Attempts to understand social class typically fall into one of two types: (1) those following a *Marxian model* of social class and (2) those following a *Weberian model* of social class. Marxian models are concerned with locating individuals within distinct groups with respect to their relationship to the means of products, for example, those who earn some or all of their income through the ownership of productive wealth versus those whose only source of income is their ability to work for a wage. Because the social structure of modern industrial societies involves many more class locations than the simple distinction between owners and workers would allow, some analysts have developed the notion of *class fractions*; that is, although many people work for wages, some, such as corporate managers, are more closely linked to ownership structures than others, such as low-income wage workers. Considerable effort has been devoted to creating more precise definitions of where one class fraction ends and

another begins. This theoretically grounded approach to social class has been incorporated into sociological and economic research, but it has rarely been used within criminological research.

Criminological research typically treats social class from a Weberian perspective that views class as a matter of relative income levels. A more useful model for viewing social class is to understand it not simply as a matter of relative income but as the intersection of economic, cultural, and political resources that place social groups somewhere along a social class continuum ranging from the least to the most advantaged groups. At the highest level of this social class continuum in the United States are those groups that (a) earn large annual incomes; (b) control much of the country's wealth, in the form of real estate and material objects as well as in financial securities such as stocks, bonds, and hedge funds; (c) exert substantial influence over developing and implementing laws and governmental policy; (d) use wealth and power to shape the content of mass media; and (e) live the kinds of lifestyles that many people envy and would like to emulate. At the lower end are social groups that (a) earn relatively low annual incomes; (b) own little material property and almost no financial securities; (c) have minimal influence over government or media; and (d) have patterns of speech, dress, and behavior that are often viewed as disturbing or "dangerous" by better-off segments of the society. Between these two extremes are other groupings characterized by differing configurations of economic, social, and lifestyle resources that afford them fewer benefits than elites but more than the worst off.

The criminological significance of this differential distribution of resources is how it influences justice processes. Specifically, the social class system in America enables resource-advantaged groups to implement definitions of crime and justice that ensure elite-caused harms will rarely be treated as crime while harms more common among less advantaged groups—so-called street crimes—will be criminalized and vigorously punished.

Another important question to address is: Why do social classes exist? Like most of the world, the United States is based on a political-economic system organized around free-market competition. In these competitive market systems, some people win a larger share of the society's resources and assets than others. A number of reasons explain why some people may fare better in the competition for resources than others. A commonly held perception is that people obtain more because they work harder and sacrifice more; however, this is not always the case. Some people fare better than others because they are healthier or start life with more cultural and economic advantages than others. Others gain more because they have more hope and have not succumbed to the frustrations caused by the constant negotiation of the obstacles that society has placed in front of them. Although these represent some *individual* reasons for success or failure, they are not the cause of inequalities among large social groups.

For societies organized around economic competition, the division of society into social classes based on varying levels of material success is an inevitable, *structural* outcome. In the absence of measures that work to reduce social inequality, these differences tend to solidify into highly unequal class *systems*, in which people who are advantaged acquire more than the disadvantaged. The division of society into social classes also has a cumulative effect on economic disparity, whereby the more resources individuals bring to the game, the more resources they can win, in particular because economic expansion does not produce equal benefits to all social classes.

Between 1979 and 2005, for instance, the United States experienced a period of substantial economic growth. By 2005, however, the after-tax income of the richest 5% of the U.S. population had grown by over 80%, while the income of the bottom 20% of the population had declined by 1%. Although the middle fifth of the population, which represents the heart of America's hard-working middle class, did experience a 15% increase in net income during this time, this was still only about one fifth of the growth experienced by the top 5% of income earners (U.S. Census Bureau, 2006). In other words, according to a number of sources, it was clear that, during one of the strongest periods of income growth, income inequality increased.

In addition to shaping the distribution of financial wealth, economic stratification ensures the continuation of social class distinctions by determining access to *social capital*, that is, the nonmonetary resources and skills that enable individuals to do well in competitive societies. Children who grow up in financially advantaged homes in neighborhoods with high-quality schools, and who enjoy important developmental experiences such as early exposure to reading, writing, and analytic reasoning, will characteristically do better in school, pursue more advanced levels of education, obtain better careers, and earn more money over the course of their lives than people who grow up in households that could not provide these benefits. It is true that some individuals who are born poor succeed beyond expectations, while some who have every advantage fail; however, this is atypical. For most of the people, most of the time, their social class origins will shape much of their adult lives. The process of uneven competition ensures that wealth will concentrate within relatively small segments of the population, ensuring the continuation of social class differences.

Although an uneven distribution of wealth and cultural advantages is inevitable in any competitive-market society, the degree of inequality is the result of political forces. Governmental policies can either intensify or lessen class inequalities. Progressive taxation of income and capital gains can finance programs and policies that improve the chances of the people who are less well off while reducing income and wealth inequality. Alternatively, governments can pursue policies that make the poor poorer and the rich richer, such as regressive sales taxes and reducing the

amount of money spent on social programs that would close the wealth gap.

## Exploring the Social Class–Crime Link

Whereas the origin of social classes is relatively clear, the effect of social class divisions on crime is less so. Annual reports of the characteristics of people arrested in the United States provide insight concerning gender, age, race, and ethnicity but tell us little about social class characteristics such as income, occupation, or residence. Consequently, the best information we have regarding the social class characteristics of the individuals who inhabit U.S. prisons and jails derives from surveys of prison inmates and, interestingly, the government provides very little money to fund research into these characteristics. The last detailed survey of prisoners serving felony sentences in state penitentiaries, who make up the majority of those incarcerated in the United States in any given year, was conducted in 1993. Apparently, the federal government has little interest in regularly gathering information about the class and other social characteristics of prisoners.

An examination of the U.S. correctional population leaves little doubt that most of the people serving time for criminal offenses come from the lower end of society's socioeconomic continuum. Government statistics show that criminal offenders in prison tend to be less well educated, more likely to be unemployed, and to earn far lower incomes than the general population. A 2002 survey conducted on inmates incarcerated in local jails revealed a similar pattern: Only about half of jail inmates were employed full-time at the time of their arrest, even though the national unemployment rate was below 5%, and over half of jail inmates earned less than \$15,000 a year (Bureau of Justice Statistics, U.S. Department of Justice, 2004).

Although these statistics may be somewhat skewed by the fact that better-off offenders who are charged with street crimes are more likely to avoid imprisonment, there is little reason to believe the degree of error is substantial. All one has to do is observe any urban police station or city court to know that very few middle- or upper class citizens are arrested and prosecuted for common street crimes. Clearly, the criminal justice net hauls in the poorest of the poor. What this tells us about the link between social class and criminal behavior, however, remains controversial. Some scholars argue that the disproportionate representation of poor people in prison is indicative of their overinvolvement in crime, whereas others suggest this disparity is the result of a criminal justice system that unfairly targets the poor.

The contradictory perceptions about the relationship between social class and criminality are, in part, the product of disparate research findings. There is no shortage of research studies that have examined this relationship; however, there is little consensus because of inconsistent findings and inclusive results. For example, some studies have

concluded that crime is more likely among people in higher social classes, whereas others have found criminality more prevalent among the lower classes. Some of these inconsistencies are traced to the different research methods used to study this relationship. These include different data collection methods; different measures of social class, crime, and criminality; different samples; and different methods of data analyses.

An examination of the past research reveals that the earliest of these studies (those conducted before the 1950s) tended to find more criminality among the lower classes than the upper classes. These findings in turn provided the foundation for numerous theories of crime and delinquency that attempted to explain why poverty was criminogenic, focusing on factors such as individual and cultural deficiencies, lack of opportunity, and differential (and harsher) treatment of individuals in poorer communities by the criminal justice system. Many of these theories, however, were only tenuously rooted in empirical research.

Although the social class–crime link was widely accepted, there were criminologists of the time who took issue with the methods that produced the correlation between social class and criminality. Most commonly, they argued that measuring crime through the use of official data (i.e., arrest data, prison statistics) presented a biased picture of crime. This measure of crime simply did not take into account the reality that many crimes go unnoticed or unreported, or for some other reason simply do not become known to those who wish to count them. This unknown and uncounted crime is referred to as *the dark figure of crime*. The problem, as they saw it, was that there was no way to determine whether accurately measuring the dark figure of crime would or would not show crime to be more broadly distributed. Some criminologists also argued that official measures of crime may actually better measure police practices than actual levels of crime; that is, in reality they may simply reflect, at least in part, the discretionary practices of police officers concerning whom to arrest and whom not to arrest, or a judge's propensity for sending particular offenders to prison while reserving alternative, community-based sanctions for others.

The development of self-report data in the 1950s intensified the ongoing debate. Researchers administered surveys to individuals randomly selected from the population and asked them to report their criminal behaviors. Although many of the earliest of these studies did not support the belief that lower social classes were more criminal, there was also enough research that found contradictory results to ensure that the issue would not be resolved. Furthermore, there were as many sociologists and criminologists who attacked the validity of self-report data as there were those who took issue with the validity of official measures of crime. Their argument was that there is no way to determine whether people in self-report studies are telling the truth about their criminal behavior. Doubters suggested that self-report surveys were better measures of

a participant's willingness to tell the truth about his or her criminality. They also speculated that people from the lower classes were underreporting their deviant and criminal behavior while those in the upper classes were overreporting, thereby artificially reducing the magnitude of the correlation between lower-class status and criminality.

Tittle, Villemez, and Smith (1978) reviewed 35 research studies that had examined the social class–crime link and concluded that there was an extremely small relationship, with the members of the lower classes exhibiting slightly more criminality. They also noted that this relationship had become smaller over the past four decades.

This by no means settled the debate; instead, research became the impetus for even more extensive and complicated empirical efforts. Much of these later efforts attempted to discover the conditions under which social class influences criminality. One set of studies attempted to determine whether the manner in which social class and crime were measured affects the likelihood of discovering a link between social class and crime. In terms of social class, several studies suggested that this relationship may exist only among people in the lowest economic strata, the group sometimes referred to as the *underclass*. These studies then measured social class by dividing populations into dichotomous categories such as welfare recipients and nonrecipients or, for school-age children, those who receive free lunches and those who do not. Other studies used a composite measure of social class, which often included education, occupation, and income. Still other studies used Marxian classifications of social class, conceptualizing social class in terms of an individual's (or his or her parents') relationship to the means of production—specifically, whether they owned some means of production or sold their labor for a wage. Still others expanded this fairly simple classification to include other variables, such as whether one has *control* over the means of production and/or *control* over the labor of others. The emphasis on control helped to distinguish between wage workers who have managerial positions and those who do not, an increasingly prevalent distinction in modern society.

Crime was also measured in a number of different ways in an effort to determine whether it conditions the social class–criminality relationship. For example, a number of studies have examined whether the negative relationship between social class and delinquency existed only for the most serious criminal offenses or the most frequent offenders. Also, the source of crime data was thought to have an effect on whether a relationship between social class and crime was uncovered. Some criminologists held that crime would be shown to be more prevalent among the lower class if official police data or court records are used to determine criminality. As previously mentioned, they argued that people from lower classes are more likely to underreport their criminal behavior on self-report surveys.

A number of studies also sought to determine whether demographic and environmental variables had important

conditioning effects on the class–crime relationship. For example, some studies examined whether the effect of social class on criminality was greater among blacks than it was for whites or among males than among females. Given the contradictory results of these research efforts, it would be difficult to suggest that the social class–criminality relationship was specific to a certain race or gender. Still another set of studies has examined whether this relationship was more likely in areas that were characterized as being more heterogeneous, more urban, or in higher status areas, and again produced mixed results.

Tittle and Meier (1990) reviewed the research literature that examined the relationship between socioeconomic status and delinquency and that attempted to specify whether any of the aforementioned conditions mattered. They concluded that there was little evidence that the link between social class and criminality existed under any of the conditions examined.

More recent and sophisticated studies have generally arrived at similar conclusions, although some studies did help clarify the relationship. For example, Wright and his colleagues (B. R. E. Wright, Caspi, Moffitt, Miech, & Silva, 1999) found that people in lower social classes experienced lower educational and occupational goals and more financial strain, aggression, and alienation, which in turn increase delinquency. Delinquency in the higher social classes, on the other hand, was the result of high socioeconomic status causing increased risk taking and social power, and diminished the commitment to conventional values, all of which then predispose these youth to delinquency. Dunaway, Cullen, Burton, and Evans (2000) examined the relationship between social class (measured in a variety of ways) and criminality (based on self-report surveys) and found that, among adults, the correlation was weak for less serious offenses. They did, however, find a class effect for violent offenses and among non-whites. This study was distinctive in that it measured adult criminality, a surprisingly underresearched population. In the end, the best conclusion that can be drawn about the relationship between social class and the commission of street crimes is that it tends to be weak and present only under certain specified conditions, and criminology researchers must continue to attempt to specify other circumstances that may influence this relationship.

What many of these studies do have in common is that most approached the definition of crime as being non-problematic instead of acknowledging crime as a multifaceted concept that includes crimes of the disadvantaged as well as crimes of the powerful. Unfortunately, the latter were, and still are, less apt to be considered. This is important, because if studies included offenses that powerful individuals are more likely to commit (e.g., insider trading), and that those in lower classes are in no position to commit, then there would be little question as to whether criminality would appear more evenly distributed across social classes than has traditionally been thought.

Moreover, it is only by including a wider variety of offenses that we can consider the social class–crime link as having been more completely and fairly tested.

So, although there has been little advancement toward settling the social class–street crime questions, the introduction of self-report studies has generally confirmed that criminality is more broadly and equally distributed across social classes than previously suspected. In fact, to date, these studies have consistently shown that nearly 90% of Americans have committed at least one crime for which they could have been sentenced to jail or prison. These findings may confirm that the use of official statistics means that we may not actually be measuring the level of crime or propensity for criminality but instead are measuring the decision-making practices of the criminal justice system (i.e., when to file an official police report, whom to arrest, whom to charge, and whom to send to prison).

### Explaining the Relationship Between Social Class and Criminality

Although the relationship between social class and crime remains contested and unclear, it has not prevented the development of a number of theoretical explanations, which are formulated around the belief that poor people simply commit more serious crime. There are three types of explanations: (1) individualistic theories, (2) social interactionist theories, and (3) structural outcomes theories.

Currently, the most favored theories are those that suggest that higher rates of street crime among the poor are the product of family failings and personal morality. Collectively, these theories are considered *individualistic explanations* for crime. *Body Count* (Bennett, Dilulio, & Walters, 1996), an influential, conservative assessment of crime trends, argued that crime is the result of “moral poverty.” The authors claimed that high crime rates occur when families fail to impose clear moral understandings of right and wrong on the next generation. By focusing on “street criminals,” the authors make it clear that they are primarily concerned with the “moral poverty” of the poorer classes, not the moral poverty of the families that produce corporate and political criminals.

A second set of approaches suggests that if it were not for the discriminatory practices of the criminal justice system, the affluent would appear to be as equally criminal as the poor or, put in more positive terms, the poor would appear to be just as law abiding as the affluent. These *social interactionist* explanations contend that the criminals who show up in official statistics are disproportionately poor because (a) the justice system focuses on controlling poor communities, and (b) this practice increases the likelihood of future criminality by labeling residents of these areas, particularly young men, as criminals at an early

age. A typical example put forth is that the proportion of drug users among college students is no less than in that in poor communities, yet college students have a far lower risk of serving time as drug offenders than residents of poor communities because they are not the targets of “wars on drugs”—which are really wars on poor people. Although there is some merit to this approach, the question that remains is: Why does the criminal justice system do this? Is it merely a reflection of the discriminatory attitudes of the people who work in the justice system, or are they, as good workers, simply pursuing the goals set out for them by a broader political and economic system?

Finally, there are scholars who argue that poor communities suffer from higher rates of crime, in the same way that they suffer from disproportionate levels of other problems, such as alcohol and drug abuse, medical ailments, stress and hopelessness, not because of individual failings but because of the physical and emotional pressures of poverty and inequality. These *structural outcome* perspectives focus on the structurally induced discrepancy between the material desires of people in the poorer classes and their access to legitimate opportunities for fulfilling them. As initially described by Robert Merton (1938), this concept of *structural strain* contends that although desires for the “good things” in life are equally distributed across all social classes, the poor have fewer resources to obtain them. Some individuals resolve this pressure by resorting to illegal means to fulfill their culturally learned desires. When it comes to nonutilitarian crimes, such as interpersonal violence or drug use, structural outcomes models shift their focus toward how the daily frustrations and sadness of living poor can increase tendencies toward aggression or to self-medication with illegal drugs and alcohol as an escape from the hardships of daily life.

Regardless of the future outcome of the ongoing debate as to whether social class determines criminality in terms of the incidence or even prevalence of crime, it seems likely that social class at least shapes the types of crimes one commits. As the populist folk singer of the 1930s, Woody Guthrie, wrote, “Some men rob you with a six-gun, some with a fountain pen.” Whether one uses a six-gun or a fountain pen depends on the socioeconomic status of the individual. Although it is clear that those who occupy the most privileged and powerful positions certainly can and do at times engage in private crimes of greed, lust, or insanity, it is rarely possible for those in lower classes to engage in many of the illegal behaviors of the rich. Offenses such as price-fixing, embezzlement, and wire and securities fraud require jobs and circumstances possessed by people who have been exposed to advanced education and other social and cultural privileges.

The criminal justice system, however, is designed almost exclusively to control people who “rob you with a six-gun.” Those who commit corporate and political crime with a pen have little to fear from the justice system. In other words, social class not only shapes the type of crime

one can commit but also influences the likelihood of apprehension and severity of punishment. Many of the crimes in which people from the lower class participate, such as drug dealing, prostitution, and robbery, occur outside in the street, where detection is more probable. However, state-sponsored, corporate, and white-collar crime tends to occur behind the closed doors of offices and conference rooms, where detection is much more difficult. Also, when apprehension and threat of criminal prosecution do occur, individuals who possess economic and social capital are more likely to avoid punishment. They are able to post bail; employ high-priced, experienced attorneys; participate in developing their defense; and use their status in the community to decrease likelihood of conviction and/or severe penalties. Individuals in the lower classes, however, may not be able to raise bail and are more likely to be represented by an overworked, underexperienced public defender. Economically disadvantaged offenders may not even meet their attorneys until minutes before the trial, and, when they do, they are often persuaded to plead guilty in return for a less severe punishment.

### Perceptions of Crime as a Lower-Class Phenomenon

Perceptually speaking, there appears to be a consensus among a large segment of the U.S. population that crime is largely the product of the behavior of lower-class populations.

If the relationship between social class and crime is not supported by research, why does the perception persist? In his seminal work concerning the *social reality* of crime, Richard Quinney (1970) noted that certain forms of crimes are embedded in the psyche of the American people; that is, when we think about crime, we tend to think of it in very narrow terms, often omitting the most prevalent crimes and, often, the people who cause the most harm. We tend to envision street crimes, such as murder, robbery, burglary, and assault, while rarely conceiving of white-collar, corporate, and state-sponsored crimes. Because street crime is often more likely to be carried out by people in the lower classes, and crimes of the elite—which generally do not occupy the public consciousness—are committed almost universally by people with economic, political, and social power, the theory of the social reality of crime neatly associates criminality with those on the lower rungs of the economic and social ladder. This remains true even in the face of the well-documented data demonstrating that crimes committed by the powerful cost the U.S. population more, both in terms of monetary and physical costs. Quinney (1977) suggested that this is so because the definition of what constitutes a crime is developed by those with economic, political, and social power and according to their own interests, whereas individuals without such power are more likely to have their activities defined as criminal.

Explanations for why the American public tends to have such a limited conception of crime are plentiful. The way crime is measured sheds light on one way that people obtain a narrow definition. There are three general methods used to measure crime: (1) official statistics, (2) victimization surveys, and (3) self-report studies. The last two methods measure various aspects of victimization and self-reported criminal behavior, and the first usually involves the Uniform Crime Reports, which relies on crimes known to the police to provide us with estimated crime rates. A crime become known to the police either because an officer discovers it or, more likely, because someone reports it to the police. As long as the police make a report of the crime, it is available to be counted and used in calculating crime rates. The caveat to this is that, in creating an overall crime rate, the Uniform Crime Report measures only eight offenses: (1) murder and nonnegligent manslaughter, (2) forcible rape, (3) robbery, (4) aggravated assault, (5) burglary, larceny–theft, (6) motor vehicle theft, (7) simple assault, and (8) arson. The first four are violent offenses, and the second four are property offenses. Because these offenses deal mostly with street crime, which the poor are more likely to commit, and omit a large number of offenses, many of which those in the upper economic strata are likely to commit, crime rates provide a skewed picture of crime.

Of course, news and entertainment media have also worked to present a picture of crime and victimization that is not necessarily rooted in reality. Crime has become a prominent theme in media content. One of the most noticeable aspects of media coverage of crime is that it tends to focus on the rarest of crimes. Images of relatively high-profile rapes, murders, and robberies are displayed on television screens throughout the day, throughout the country. Local newspapers and news shows typically adhere to the adage “If it bleeds, it leads.” News stories about the deviant and illegal practices of political, economic, and social elites receive no comparable attention unless they occur on a very large scale, as was the case with the collapse of companies such as Enron and WorldCom because of financial crimes.

However, media practices are not a complete explanation. As social actors, people play a role in, if not creating, then surely allowing the emergence and sustainability of a distorted image of crime. Stories about violent and gruesome crimes tend to capture public interest. This interest is part of the reason that the newspaper articles we read, and the news, movies, and TV shows we watch are dominated by crime stories. Indeed, some analysts argue that the media are simply responding to the desires of the public. They are a business and, like all businesses, their primary goal is to increase market share, advertising income, and profits. Therefore, if the public did not consume what the media presented, then the media would have to change what they offer or go out of business.

Public perceptions of crime are also a product of ideology. Many of our ideas about crime and criminality are

rooted in socialization and personal circumstances. Shaped by social background, religious principles, and political preferences, many people develop strong ideas about the causes and cures of criminal behavior relatively early in life. The extent to which people accept the common view of crime as a lower-class phenomenon is due in part to the fact that these views coincide nicely with the dominant rhetoric of religious, economic, and political leaders about the relationships among sin, poverty, and crime.

Finally, criminologists are complicit in creating an inaccurate depiction of crime. Criminology has historically focused almost exclusively on street crime in theoretical development and empirical research; that is, criminologists have devoted far more attention to describing and explaining crimes such as murder, burglary, robbery, and drug use than to white-collar offenses such as securities fraud, illegal price fixing, or other forms of elite deviance. It is only recently that a significant number of criminologists have started to empirically examine crimes of the elite.

## Social Class and Criminal Victimization

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Although there is some debate about the relationship between social class and criminality, the link between social class and criminal victimization is well-known and commonly accepted. Data provided by the National Crime Victimization Survey indicate that although the link between social class and victimization varies according to crime, overall, people who are less well-off tend to bear a greater burden as crime victims, particularly with respect to crimes of violence. The difference between rich and poor households as victims of property crime is less dramatic, although for the more serious crime of burglary, poor households face greater risks than rich ones.

The popular image of street crime is often that of the poor preying on the rich, but the reality of crime is that most people tend to commit crime within a relatively short distance of where they live. Thus, if the structural contradictions of poverty and inequality are more likely to result in individuals committing ordinary crimes, it means that the poor are also more likely to be the victims of street crimes.

## Social Class, Crime, and Policy

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Most problematic about the apparent misconception of the criminogenic nature of economic and social disadvantage is that policies implemented on the basis of this assumption are more harmful to the lower classes. Government policies can increase or decrease the criminogenic consequences of income and wealth inequality by choosing to pursue preventive or punitive justice strategies. Preventive strategies, such as preschool education of poor children, housing subsidies, and income support policies for poor families, will help reduce the negative effects of

inequality, lessening the number of low-income children for whom hopelessness becomes a pathway to delinquency, drug use, and maybe even adult crime. Punitive strategies, which are far more prevalent today, attack crime through get-tough tactics such as determinate sentencing, “wars” on crime and drugs, and removal of rehabilitation programs from prisons. This results in an increase in the number of people, mostly poor, who will be victims of the crimes committed by those who have become enmeshed in the justice system in ways that leave little option but to return to crime once they return to their communities.

Social class divisions are characterized by the asymmetrical distribution of political power, cultural authority, and wealth. Individuals whose money comes principally from investments or high-paying occupations have more opportunities to influence the formal institutions of government—including the justice system—than ordinary wageworkers, the poor, the unemployed, the young, or the undereducated. If you doubt this, examine the U.S. Senate, the Congress, or your state legislature, and you will find that most of the members tend to be wealthy, employed in high-status professions, or business owners, or possess some combination of these characteristics. At the federal level, one third of all senators and over one quarter of all congressional representatives are millionaires (Santini, 2004). The nonelite social groups that together comprise the vast majority of the American social landscape are almost entirely absent from the law-making process. As a result, the laws and policies that shape how we define crime are more likely to reflect the values, life experiences, and interests of the upper echelons of society.

Of course, laws and policies do not reflect the interests only of the upper echelons of society. Across social classes, there are many areas of consensus over the definition of crime. Both the rich and the poor agree that murder, rape, and burglary should be treated as crimes. It is where this consensus over the definition of crime breaks down that the greater power of the upper classes becomes apparent. For example, most Americans view deliberate acts of white-collar crime that lead to death or injury as being as serious as street crimes that lead to death or injury, and view corporate and political corruption as being as deserving of punishment as ordinary acts of theft. Lawmakers, however, come primarily from the strata of society that has the exclusive ability to commit white-collar crimes. As a result, the prosecution and punishment of white-collar, corporate, and political crimes has always been more lenient than the treatment of street crimes.

### Whose Crimes Are More Harmful?

In addition to the conflict over who is more likely to commit crime, there is considerable disagreement about whose crimes cause the most harm. Past research fortunately has provided some fairly clear answers to this question, resulting in the following observation: Elite offenders pose a far

greater risk to health, life, and economic well-being than street criminals.

There are approximately 20,000 homicides in the United States every year; however, approximately 100,000 people die every year because of work-related illnesses and accidents, and almost 40,000 deaths occur because of inadequate medical care and unnecessary surgeries. Jay Albanese (1995) estimated that annual economic losses due to street crime are about \$10 billion, whereas the losses due to white-collar crime were nearly \$200 billion. As Jeffrey Reiman (2004) notes in his book, *The Rich Get Richer and the Poor Get Prison*, the latter figure is undoubtedly an underestimate. Reiman’s own calculations put the cost of white-collar crimes in the United States at over \$400 billion a year. He suggested that this figure also underestimates the true cost of white-collar crime. In fact, other researchers have estimated that the material and physical losses from white-collar and corporate crime may actually exceed \$600 billion.

If we ask, then, who is more likely to cause harm to society, it would appear that the upper and middle-class sectors pose the greatest danger to our health, life, and economic well-being. If we stick to the question of who commits the crimes targeted by the justice system, the picture remains unclear.

### Conclusion

Social class has always been a critical component in the study of crime, criminality, and the criminal justice system’s responses. Although research is unclear as to the exact nature of the relationship, it seems evident that social class matters. It matters in determining who decides which harmful behaviors are criminalized and which are not. It matters when determining the severity of sanctions. It matters in the kinds of offenses one can commit and the quality of defenses one can mount when apprehended. It matters when one is looking at arrest records and prison populations. It matters when one is determining victimization patterns, and it matters in calculating the harm caused by crime. Ironically, where it may not matter is in determining who is more likely to be a criminal. Nevertheless, it matters, and because it matters, criminological research will, we hope, continue to explore the effects of social class on crime and, more important, its effect on justice, the one place where social class should definitely not matter.

### References and Further Readings

- Albanese, J. (1995). *White-collar crime in America*. Englewood Cliffs, NJ: Prentice Hall.
- Barak, G., Leighton, P., & Flavin, J. (2007). *Class, race, gender and crime: Social realities of justice in America* (2nd ed.). Lanham, MD: Rowman & Littlefield.



- Bennett, W. J., Dilulio, J. J., & Walters, J. P. (1996). *Body count: Moral poverty—and how to win the war against crime and drugs*. New York: Simon & Schuster.
- Bourgois, P. (1995). *In search of respect: Selling crack in el barrio*. New York: Cambridge University Press.
- Braithwaite, J. (1981). The myth of social class and criminality reconsidered. *American Sociological Review*, 46, 36–57.
- Bureau of Justice Statistics, U.S. Department of Justice. (2004). *Survey of inmates of state prisons*. Washington, DC: U.S. Government Printing Office.
- Chambliss, W. (1964). A sociological analysis of the law of vagrancy. *Social Problems*, 12, 67–77.
- Cloward, R., & Ohlin, L. (1960). *Delinquency and opportunity*. New York: Free Press.
- Cohen, A. K. (1955). *Delinquent boys*. New York: Free Press.
- Dunaway, R. G., Cullen, F. T., Burton, V. S., Jr., & Evans, T. D. (2000). The myth of social class and crime revisited: An examination of class and adult criminality. *Criminology*, 38, 589–632.
- Elliot, D., & Huizinga, D. (1983). Social class and delinquent behavior in a national youth panel. *Criminology*, 21, 149–177.
- Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, 3, 672–682.
- Michalowski, R. (1985). *Order, law and crime*. New York: Random House.
- Michalowski, R. (in press). Social class, crime, and justice. In L. M. Jones, M. O. Nielsen, & B. Perry (Eds.), *Investigating difference: Human and cultural relations in criminal justice*. Boston: Allyn & Bacon.
- Miller, W. B. (1958). Lower class culture as a generating milieu for gang delinquency. *Journal of Social Issues*, 14, 5–19.
- Quinney, R. (1970). *The social reality of crime*. Boston: Little, Brown.
- Quinney, R. (1977). *Class, state and crime: On the theory and practice of criminal justice*. New York: Longman.
- Reiman, J. (2004). *The rich get richer and the poor get prison*. Boston: Allyn & Bacon.
- Santini, J.-L. (2004). *Millionaires fill U.S. Congress Halls*. Retrieved from <http://www.Informationclearinghouse.info/article6418.htm>
- Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency in urban areas*. Chicago: University of Chicago Press.
- Title, C. (1983). Social class and criminal behavior: A critique of the theoretical foundation. *Social Forces*, 62, 334–358.
- Title, C., & Meier, R. F. (1990). Specifying the SES/delinquency relationship. *Criminology*, 28, 183–206.
- Title, C., Villemez, W., & Smith, D. (1978). The myth of social class and criminality: An empirical assessment of the empirical evidence. *American Sociological Review*, 43, 643–656.
- U.S. Census Bureau. (2006). *Historical income tables, F3*. Retrieved from <http://www.census.gov/hhes/www/income/histinc/h01ar.html>
- Wilson, W. J. (1987). *The truly disadvantaged: The inner city, the underclass, and public policy*. Chicago: University of Chicago Press.
- Wright, B. R. E., Caspi, A., Moffitt, T. E., Miech, R. A., & Silva, P. A. (1999). Reconsidering the relationship between SES and delinquency: A causation but not correlation. *Criminology*, 37, 175–194.
- Wright, E. O. (1997). *Class counts*. New York: Cambridge University Press.

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## VICTIMIZATION

BONNIE S. FISHER AND BRADFORD W. REYNS

*University of Cincinnati*

**V**ictimization is the outcome of deliberate action taken by a person or institution to exploit, oppress, or harm another, or to destroy or illegally obtain another's property or possessions. The Latin word *victima* means "sacrificial animal," but the term *victim* has evolved to include a variety of targets, including oneself, another individual, a household, a business, the state, or the environment. The act committed by the offender is usually a violation of a criminal or civil statute but does not necessarily have to violate a law. Harm can include psychological/emotional damage, physical or sexual injury, or economic loss.

*Victimology* is the scientific study of victims. Victimologists focus on a range of victim-related issues, including estimating the extent of different types of victimization, explaining why victimization occurs to whom or what, the effects and consequences of victimization, and examining victims' rights within the legal system. Different domains of victimization are also of interest. Victimology is characterized as an interdisciplinary field—academics, practitioners, and advocates worldwide from the fields of criminology, economics, forensic sciences, law, political science, public health, psychology, social work, sociology, nursing, and medicine focus on victims' plight.

### Types of Victimization

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#### Personal Victimization

*Personal victimization* occurs when one party experiences some harm that is a result of interacting with an offending party. Personal victimizations can be lethal (e.g., homicide), nonlethal (e.g., assault), or sexual (e.g., forced rape). These victimizations can be violent (e.g., robbery) or nonviolent (e.g., psychological/emotional abuse). Examples of personal victimization also include domestic violence, stalking, kidnapping, child or elder maltreatment/abuse/neglect, torture, human trafficking, and human rights violations.

#### Property Victimization

*Property victimization* involves loss or destruction of private or public possessions. Property victimization can be committed against a person or against a specific place (e.g., residence), object (e.g., car), or institution (e.g., business). Encompassing offenses include burglary, arson, motor vehicle theft, shoplifting, and vandalism. Embezzlement, money laundering, and a variety of computer/Internet offenses (e.g., software piracy) are also property victimizations.

## Estimating the Extent of Victimization: National Sources of Victimization Data in the United States

### Uniform Crime Reports

One of the primary sources of annual victimization data is the Uniform Crime Reports (UCR). The Federal Bureau of Investigation (FBI) has compiled the UCR since 1930; it is the longest-running systematic data collection effort on crime in the United States. The UCR presents aggregate crime counts for personal and property offenses based on standardized definitions collected from jurisdictions in all 50 states; Washington, D.C.; and Puerto Rico. Crime counts are reported for the entire country, as well as for regions, states, counties, cities, and towns. Participation in the UCR is voluntary, with more than 17,000 city, county, and state law enforcement agencies participating, representing about 94% of the total U.S. population.

UCR crimes are divided into two categories: Part I and Part II offenses. Part I crimes are referred to as *index crimes* and include more serious offenses, which are subdivided into violent and property categories. Part I violent offenses are murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. Part I property offenses are burglary, larceny-theft, motor vehicle theft, and arson. Part II offenses are less serious offenses, including simple assault, drug offenses, and weapon offenses. In 1992, the FBI began reporting information on hate crimes. It also collects the UCR *Supplemental Homicide Reports*, which are the most reliable, timely data on the extent and nature of homicides.

The usefulness of the UCR as a measure of the “true” amount of victimization is limited, because it overlooks the *dark figure of crime*; that is, it includes only those crimes reported to and known by law enforcement and reflected in official crime statistics. Agency reporting practices, such as masking problems through manipulating or reporting incomplete crime counts, have also plagued the UCR. Another shortcoming is a lack of information about the victim or the context of the offense.

### National Crime Victimization Survey

The National Crime Victimization Survey (NCVS) is another source of annual victimization data. Its precursor, the National Crime Survey (NCS), was initiated in 1973 by the U.S. Census Bureau and the Bureau of Justice Statistics with the goal of surveying a representative sample of members of the nation’s households regarding their victimization. The NCS was renamed in 1992 after an intensive methodological redesign (e.g., question wording

changes, addition of new crime types). Further changes in methodology (e.g., a new sample and method of interviewing) in 2006 do not allow its estimates and perhaps subsequent NCVS crime victimization estimates to be compared with previous years’ NCVS estimates.

Housing units are selected through a stratified multi-stage cluster sampling design. For 3 years and half-years, each household member 12 years and older from selected house units is interviewed. Victimization screen questions are asked and followed by a detailed incident report for each number of times the respondent reports the incident happened over the past 6 months.

*Personal crimes* include completed and attempted/threatened rape, sexual assault, robbery, simple and aggravated assault, and larceny with and without contract (e.g., pocket picking, purse snatching). *Property crimes* comprise household burglary, motor vehicle theft, and theft. Because it is a self-report survey, the NCVS does not collect information about homicides.

Among the strengths of the NCVS is the incident-level information that is used to assess the frequency, victim (e.g., sex, race) and incident characteristics (e.g., weapon use, victim-offender relationship, place of occurrence), and consequences of the victimization (e.g., injury, reporting behavior, economic loss). The NCVS collects information about incidents reported and not reported to law enforcement.

Topical supplements are periodically fielded and have included school crime (1989, 1995), workplace victimization (2002), stalking (2006), and identity theft (2008). Like all surveys, memory decay, forward and backward telescoping (i.e., the ability to remember things from the past [backward] or predict the future [forward]), and exaggeration by respondents are possible threats to the validity of the victimization estimates. Frequently victimized individuals, such as the homeless or those institutionalized, are not included in the NCVS.

### National Incident-Based Reporting System

Another source of national victimization data is the National Incident-Based Reporting System (NIBRS). NIBRS is an incident-based reporting system of a wide variety of crimes known to law enforcement. The FBI created NIBRS in 1988 with the purpose of enhancing and improving the UCR to meet law enforcement needs in the 21st century. Like the UCR, participation in NIBRS is voluntary on the part of law enforcement agencies and is not based on a representative sample of crime in the United States.

NIBRS collects information about the nature of the offenses in the incident, characteristics of the victim and offender, types and value of property stolen and recovered,

and characteristics of persons arrested in connection with a crime incident. NIBRS has a number of improvements over the UCR. Additional crimes, such as drug offenses, fraud, kidnapping, and prostitution offenses, are included in NIBRS. NIBRS also collects data on the context of the incident, such as information on the relationship between the victim and the offender. NIBRS overcomes the UCR's limitation of recording only the most serious offense with an incident; NIBRS records each offense within an incident. The complicated nature of the incident report, coupled with the strict guidelines and voluntary participation, has resulted in less than ideal levels of participation from law enforcement agencies.

### Patterns and Trends in Victimization Rates

Consistent trends over time are evident from the UCR and NCVS. First, both sources have consistently reported that the annual property crime rate is larger than the violent crime rate. For example, the 2006 UCR reports that there were 3,334.5 property victimizations per 100,000 inhabitants of the United States, compared with 473.5 violent victimizations per 100,000. Second, both sources reported that crime rates have been declining over time. Figure 20.1 shows that the NCVS property crime rates have been steadily declining since 1973. Figure 20.2 shows that, since 1994, violent crime rates have declined, reaching the lowest level ever in 2005. The UCR reported that from 1996 to 2005, the violent crime rate decreased 26.3% and the property crime rate fell 22.9%.

### Personal Victimization

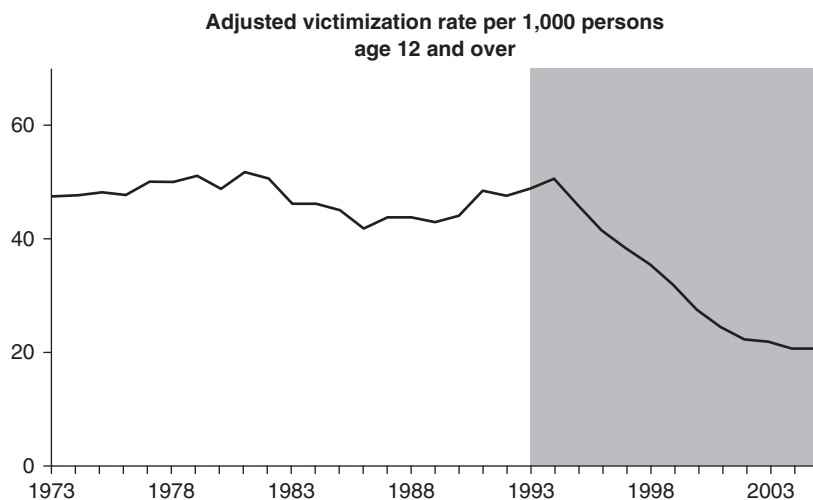
The NCVS has consistently reported that assault is the most frequently occurring personal victimization. Of the two types

of assault, victims experience approximately three times more simple assaults than aggravated assaults. To illustrate, the 2005 NCVS estimated 13.5 simple assaults per 1,000 persons age 12 and older compared with 4.3 aggravated assaults per 1,000 persons age 12 and older. Robbery was the next most frequent, with 2.6 per 1,000 persons age 12 and older; rape was next at 0.03 per 1,000 persons age 12 and older. Murder was the least frequently occurring crime—an estimated rate of 5.7 per 100,000 inhabitants as reported by the UCR.

Demographic differences in personal victimization rates have also consistently been reported in the NCVS. In 2005, for example, persons of two or more races had the highest rates of violent victimization (83.6 per 1,000 persons age 12 and older), followed by blacks (27 per 1,000 persons age 12 and older), Hispanics (25 per 1,000 persons age 12 and older), whites (20.1 per 1,000 persons age 12 and older), and all other races (Native Americans, Native Alaskans, etc.; 13.9 per 1,000 persons age 12 and older).

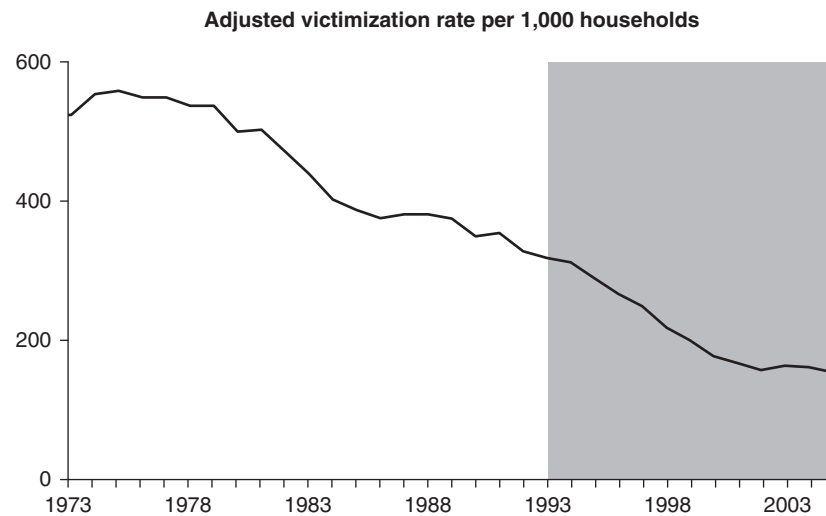
Males had higher violent victimization rates than females. Males were almost 4 times more likely than females to be murdered in 2005. Males' violent crime rate was 25.5, compared with females' rate of 17.1 per 1,000 persons age 12 and older.

Victims of violence tend to be young and less likely to experience a violent victimization as they age. The age group most at risk was the 20–24 age group (46.9 per 1,000 persons age 12 and older), followed by the 16–19 group (44.2 per 1,000 persons age 12 and older), the 12–15 group (44 per 1,000 persons age 12 and older), the 25–34 group (23.6 per 1,000 persons age 12 and older), the 35–49 group (17.5 per 1,000 persons age 12 and older), the 50–64 group (11.4 per 1,000 persons age 12 and older) and, finally, the 65-and-older age group (2.4 per 1,000 persons age 12 and older). Interestingly, the relationship between age and victimization is very similar to the relationship between age and crime.



**Figure 20.1** U.S. Violent Crime Rates, 1973–2005

SOURCE: U.S. Department of Justice, Bureau of Justice Statistics (2005). *National Crime Victimization Survey*. Washington, DC: Author.



**Figure 20.2** U.S. Property Crime Rates, 1973–2005

SOURCE: U.S. Department of Justice, Bureau of Justice Statistics (2005). *National Crime Victimization Survey*. Washington, DC: Author.

## Property Victimization

Theft was the most frequent property victimization to occur in 2005, with 116.2 victimizations per 1,000 households; followed by household burglary, with 29.5 victimizations per 1,000 households; and motor vehicle theft, with 8.4 victimizations per 1,000 households. The overall property victimization rate was 154 per 1,000 households. The NCVS presents victimization information for a number of victim characteristics. As an example, the nature of one's housing (rent or own) shows that people who rent were victimized more than those who own (192.3 compared with 136.5 victimizations per 1,000 households). The location of the residence is also presented in the NCVS. People living in urban locations experience the most property victimizations (200 per 1,000 households), followed by suburban residents (141.4 per 1,000 households), and then rural residents (125.1 per 1,000 households).

## Theories of Victimization

Relative to the field of criminology, which originated around the mid-18th century, victimology is a young field with roots in the late 1940s. Since that time, several generations of scholars have advanced its theoretical beginnings and promoted the reemergence of interest in the victim through a wide range of research questions and methods.

### First Generation: Early Victimologists

First-generation scholarly work in victimology proposed victim typologies based on the offender–victim dyad

in a criminal act. Common to the ideas of these early victimologists was that each classified victims in regard to the degree to which they had caused their own victimization. These early theoretical reflections pushed the budding field of victimology in a direction that eventually led to a reformulation of the definition of victimization.

#### *Hans Von Hentig*

German criminologist Hans Von Hentig (1948) developed a typology of victims based on the degree to which victims contributed to causing the criminal act. Examining the psychological, social, and biological dynamics of the situation, he classified victims into 13 categories depending on their propensity or risk for victimization. His typology included the young, female, old, immigrants, depressed, wanton, tormentor, blocked, exempted, or fighting. His notion that victims contributed to their victimization through their actions and behaviors led to the development of the concept of “victim-blaming” and is seen by many victim advocates as an attempt to assign equal culpability to the victim.

#### *Benjamin Mendelsohn*

Benjamin Mendelsohn (1976), an attorney, has often been referred to as the “father” of victimology. Intrigued by the dynamics that take place between victims and offenders, he surveyed both parties during the course of preparing a case for trial. Using these data, he developed a six-category typology of victims based on legal considerations of the degree of a victim's culpability. This classification ranged from the completely innocent victim (e.g., a child or a completely unconscious person) to the imaginary victim (e.g., persons suffering from mental disorders who believe they are victims).

*Marvin E. Wolfgang*

The first empirical evidence to support the notion that victims are to some degree responsible for their own victimization was presented by Marvin E. Wolfgang (1958), who analyzed Philadelphia's police homicide records from 1948 through 1952. He reported that 26% of homicides resulted from victim precipitation. Wolfgang identified three factors common to victim-precipitated homicides: (1) The victim and offender had some prior interpersonal relationship, (2) there was a series of escalating disagreements between the parties, and (3) the victim had consumed alcohol.

*Stephen Schafer*

Moving from classifying victims on the basis of propensity or risk and yet still focused on the victim-offender relationship, Stephen Schafer's (1968) typology classifies victims on the basis of their "functional responsibility." Victims' dual role was to function so that they did not provoke others to harm them while also preventing such acts. Schafer's seven-category functional responsibility typology ranged from no victim responsibility (e.g., unrelated victims, those who are biologically weak), to some degree of victim responsibility (e.g., precipitative victims), to total victim responsibility (e.g., self-victimizing).

*Menachem Amir*

Several years later, Menachem Amir (1971) undertook one of the first studies of rape. On the basis of the details in the Philadelphia police rape records, Amir reported that 19% of all forcible rapes were victim precipitated by such factors as the use of alcohol by both parties; seductive actions by the victim; and the victim's wearing of revealing clothing, which could tantalize the offender to the point of misreading the victim's behavior. His work was criticized by the victim's movement and the feminist movement as blaming the victim.

**Second Generation: Theories of Victimization**

The second generation of theorists shifted attention from the role of the victim toward an emphasis on a situational approach that focuses on explaining and testing how lifestyles and routine activities of everyday life create opportunities for victimization. The emergence of these two theoretical perspectives is one of the most significant developments in the field of victimology.

*Lifestyle Exposure Theory*

Using data from the 1972–1974 NCS, Hindelang, Gottfredson, and Garofalo (1978) noticed that certain groups of people, namely, young people and males, were more likely

to be criminally victimized. They theorized that an individual's demographics (e.g., age, sex) tended to influence one's lifestyle, which in turn increased his or her exposure to risk of personal and property victimization. For instance, according to Hindelang et al., one's sex carries with it certain role expectations and societal constraints; it is how the individual reacts to these influences that determines one's lifestyle. If females spend more time at home, they would be exposed to fewer risky situations involving strangers and hence experience fewer stranger-committed victimizations.

Using the principle of *homogamy*, Hindelang et al. (1978) also argued that lifestyles that expose people to a large share of would-be offenders increase one's risk of being victimized. Homogamy would explain why young persons are more likely to be victimized than older people, because the young are more likely to hang out with other youth, who commit a disproportionate amount of violent and property crimes.

*Routine Activities Theory*

Cohen and Felson (1979) formulated *routine activities theory* to explain changes in aggregate direct-contact predatory (e.g., murder, forcible rape, burglary) crime rates in the United States from 1947 through 1974. Routine activities theory posits that the convergence in time and space of a *motivated offender*, a *suitable target*, and the *absence of a capable guardian* provide an opportunity for crimes to occur. The absence of any one of these conditions is sufficient to drastically reduce the risk of criminal opportunity, if not prevent it altogether.

Routine activities theory does not attempt to explain participation in crime but instead focuses on how opportunities for crimes are related to the nature of patterns of routine social interaction, including one's work, family, and leisure activities. So, for example, if someone spends time in public places such as bars or hanging out on the streets, he or she increases the likelihood of coming into contact with a motivated offender in the absence of a capable guardian. The supply of motivated offenders is taken as a given. What varies is the supply of suitable targets (e.g., lightweight, easy-to-conceal property, such as cell phones and DVD players, or drunk individuals) and capable guardians (e.g., neighbors, police, burglar alarms).

*Empirical Support*

Researchers commonly have used lifestyle exposure and routine activity theories to test hypotheses about how individuals' daily routines expose them to victimization risk. These theories have been applied principally to examine opportunities for different types of personal and property victimizations using diverse samples that range from school-age children, to college students, to adults in the general population across the United States and abroad. The data are generally supportive of the theories, although not all studies fully support the theories.

### Third Generation: Refinement and Empirical Tests of Opportunity Theories of Victimization

Researchers' continued testing of lifestyle exposure and routine activity theories has generated supportive findings and critical thinking that has led to a refining and extension of them. Miethe and Meier (1994) developed an integrated theory of victimization, called *structural-choice theory*, which attempts to explain both offender motivation and the opportunities for victimization. This further refinement of opportunity theories of victimization was an important contribution to the victimology literature.

One of the first studies of opportunity theories for predatory crimes was conducted by Sampson and Wooldredge (1987), who used data from the 1982 British Crime Survey (BCS). Their findings showed that individual and household characteristics were significant predictors of victimization, as were neighborhood-level characteristics. For example, although age of the head of the household was an important indicator of burglary, the percentage of unemployed persons in the area also predicted burglary. Sampson and Wooldredge's multilevel opportunity model was among the first to test lifestyle and routine activity theories. Multilevel modeling of lifestyle exposure and routine activity theories continues to draw the attention of scholars seeking to test how both individual characteristics and macro-level ones—for example, neighborhood characteristics—frame victimization opportunities (see Wilcox, Land, & Hunt, 2003).

Victimization theories have been expanded to examine nonpredatory crimes and “victimless” crimes, such as gambling and prostitution (Felson, 1998), and deviant behavior such as heavy alcohol use and dangerous drinking in young adults (Osgood, Wilson, O'Malley, Bachman, & Johnston, 1996). The theories have also been applied to a wide range of crimes in different social contexts, such as school-based victimization in secondary schools (Augustine, Wilcox, Ousey, & Clayton, 2002), stalking among college students (Fisher, Cullen, & Turner, 2000), and even explanations of the link between victimization and offending (Sampson & Lauritsen, 1990). Other scholars have examined how opportunity for victimization is linked to social contexts and different types of locations, such as the workplace (Lynch, 1987), neighborhoods (Lynch & Cantor, 1992), and college campuses (Fisher, Sloan, Cullen, & Lu, 1998).

### Fourth Generation: Moving Beyond Opportunity Theories

Work by Schreck and his colleagues suggests that antecedents to opportunity, such as low self-control, social bonds, and peer influences, have also been found to be important predictors of violent and property victimization (Schreck, 1999; Schreck & Fisher, 2004; Schreck, Stewart, & Fisher, 2006). Schreck, Wright, and Miller (2002) examined the effects of individual factors (e.g., low self-control,

weak social ties to family and school), and situational risk factors (e.g., having delinquent peers, having a lot of unstructured social time) on the risk of victimization.

## Recurring Victimization

### Distinguishing Between Repeat and Multiple Victims

People who experience two or more victimizations have been referred to as *recurring victims*. A *repeat victim* is one who experiences the same type of victimization two or more times in a given time frame. For example, if a house is burglarized, and burgled a second time later in the same month, the owner would be considered a repeat victim. A multiple crime type victim, or *multiple victim*, is one who is victimized by more than one type of offense over a period of time. For example, if someone experienced a personal victimization and a property victimization.

### Characteristics of Recurring Victimitations

Studies on the topic of repeat victimization have confirmed that victimization tends to cluster. A growing body of research shows that repeat targets also experience a disproportionate amount of all crime victimizations. Studies that have used samples from the general population, college populations, and youth have reported that a small proportion of property or personal victims—individuals or households—experience a large proportion of all victimization incidents.

Two distinct patterns have emerged from study of the time course of repeat property and personal victimization research. First, if a second incident is going to occur, it is likely to occur relatively quickly after the first incident. Second, there is a period of heightened risk immediately following the occurrence of the prior incident that decreases over time. Studies of burglary, domestic violence, racial attacks, simple assaults, and sexual victimizations have reported these two patterns.

### Recurring Victim Typologies and Theories

Much of the early work on recurring victims focused on victim typologies that sought to explain recurring victimization in terms of victim proneness. Similar to the early victimologists, Sparks (1981) developed a typology of repeat victimization that included the following elements: precipitation, facilitation, vulnerability, opportunity, attractiveness, and impunity.

Moving beyond typologies, Farrell, Phillips, and Pease (1995) examined the reasons for why repeat victimization occurs within the context of the offender's rational choices and routine activities, as well as their decisions to revisit the same targets more than once. In addition to detailing repeat victimization scenarios across a variety of crimes, these

authors advanced two important concepts to explain why offenders might be more likely to offend against already-victimized targets: (1) risk heterogeneity and (2) state dependence. The idea behind *risk heterogeneity* is that a victim possesses characteristics that make his or her subsequent victimization more likely—for instance, a house that is continually left unguarded and possesses no preventive devices, such as an alarm. *State dependence* refers to conditions created by a first victimization that allow for subsequent victimization—for example, the vandalism of a building with graffiti, whereby after the first tagging the target is made more attractive for subsequent taggers.

Lauritsen and Davis Quinet (1995) found support for both the state dependence and heterogeneity arguments in their study of young adults. The heterogeneity argument proposed is one in which persistent characteristics, such as temperament, stay with young people throughout their lives. The state dependence hypothesis, which asserts that a victimization incident changes something about the victim in some way that alters future risks, also was supported.

Hope and colleagues (Hope, Bryan, Trickett, & Osborn, 2001) focused on multiple victimization and reported a link between the risk of becoming a victim of a property crime and the risk of becoming a victim of a personal crime. Outlaw, Ruback, and Britt (2002) determined that individual and contextual factors were important predictors of repeat property, repeat violent, and multiple-type victimizations. Multiple victimizations were driven more by individual characteristics, whereas the repeat property and repeat violent victimizations were predicted by both individual characteristics and neighborhood settings. Perhaps one of the more valuable contributions of this study is the idea that repeat and multiple victimizations are affected by unique processes.

## Effects and Consequences of Victimization

### Physical Consequences

The physical consequences of victimization are often visible and range in seriousness from bruises and scrapes, to broken bones, to fatal injuries. Other, less foreseeable injuries, such as the threat of sexually transmitted diseases, can also be the result of a victimization incident. Forensic evidence collection can detect physical injury and other useful evidence to support the claim of a crime. For example, a specially trained medical nurse can perform sexual assault forensic examination and document vaginal–anal and oral injury from an alleged rape victim.

### Psychological/Emotional and Mental Consequences

Emotional, psychological, and mental consequences of victimization may be less externally obvious but are just as serious as physical injury. Stress, depression, anxiety, and

other mental disorders are but a few that crime victims experience. There are distinct mental stages that follow a victimization incident: At first, victims feel shock and fear, and perhaps retreat from society; after this initial feeling of shock begins to subside, victims experience a range of emotions as they begin to readapt to their lives; finally, but with the consequences that victimization carries, victims attempt to reconcile and find a balance to allow them to pick up with their lives and routines where they left off. Persistent mental consequences such as acute stress disorder, posttraumatic stress disorder, and substance dependency, can occur.

### Financial Consequences

The monetary costs of victimization to the victim are at times easy to calculate and at other times impossible to measure. Medical expenses, property losses, lost wages and legal costs are financial consequences that victims and their families must bear. Losses to the victim that are not as easy to estimate a dollar value for, but are nevertheless salient, are pain and suffering, and fear, among others. There are also financial consequences of victimization that society must bear: victim services, witness assistance programs, costs to the criminal justice system, and negative public opinion. In 1996, personal crime was estimated to cost \$105 billion annually in medical costs, lost earnings, and public program costs related to victim assistance. The estimated cost jumped to \$450 billion annually when the pain, suffering, and reduced quality of life that increased the cost of crime to victims were included (Miller, Cohen, & Wiersema, 1996).

## The Victim–Offender Relationship

### Victimization by Intimate Partners

The National Violence Against Women Survey comprises two national surveys administered in 1998 and 2000 to measure physical and sexual victimization and stalking in a sample of men and women in the United States. The survey reported that women experience more partner violence than men: 25% of women, compared with 8% of men, reported rape or physical assault in their lifetime. The majority of violence against women is committed by a spouse, former spouse, or other intimate partner: 76% of women who had been raped or assaulted since age 18 had been victimized by an intimate partner, compared with 18% of men. Women, regardless of victimization type, were also more likely than men to be injured during an assault: 32% of women compared with 16% of men. Victims of stalking are most often female, and most of these stalking victims (59%) are stalked by intimate partners, whereas male victims of stalking are most often stalked by strangers or acquaintances (Tjaden & Thoennes, 1998).



## Victimization by Acquaintances

The NCVS presents data on the victim–offender relationship for certain crimes. A few examples from the NCVS demonstrate the prevalence of victimization by friends or acquaintances. According to 2005 NCVS estimates, male victims of violence were victimized by friends or acquaintances 36% of the time. Similarly, 39% of female victims of violence were victimized by friends or acquaintances. For rape and sexual assault, 38% of female respondents were victimized by friends or acquaintances; there were no recorded incidents of rape or sexual assaults of males by friends or acquaintances. Last, 18% of male and 39% of female victims had experienced robbery by friends or acquaintances.

## Victimization by Strangers

The NCVS also provides information on victimization by strangers. As an example, the 2005 NCVS reported that 54% of male victims of violent crimes were victimized by strangers, compared with 34% of female victims. Sampson (1987) studied personal violence and theft by strangers to test an opportunity theory model of predatory victimization by examining how individual and community characteristics affect victimization risk. Violent victimization by strangers was experienced by 3.6% of the sample's males and 1.1% of the sample's females; 1% of the females experienced personal theft victimization by strangers, compared with 0.6% of the males. The most significant predictor of stranger victimization was alcohol use by the offender. Both individual and structural variables proved important in studying victimization by strangers, but thus far little research has been devoted to the topic.

## Domains of Victimization

Victimization occurs in a variety of domains that modify the risks by altering criminal opportunity structures. Any setting can provide opportunities for different types of victimization.

### Workplaces

Characteristics of specific workplaces structure worker routine activities and opportunity structures differently, and some increase employee risk of victimization more so than others. Lynch (1987) analyzed the relationship between worker routine activities and victimization at work. He reported that a person's routine activities at work, as well as the proximity of the workplace to potential offenders, significantly influenced the risks of worker victimization.

### Schools

Schools are domains where young people congregate and, as such, provide unique circumstances as an environment for

victimization to occur. The 1995 supplement to the NCVS that focused on school victimization reported that 4.2% of the sample reported experiencing a violent victimization at school, and 11.6% had experienced property victimization. Because young people disproportionately represent both victims and/or offenders, routine activities theory would suggest that schools are places where victimization is likely to occur when guardianship is low. Astor, Meyer, and Behre (1999) found this to be the case—school areas such as parking lots, dining areas, and hallways were considered “unowned” by teachers and staff and were the locations where violence was most likely to occur.

## College and University Campuses

College campuses are not ivory towers where students are insulated from risks of victimization but instead are another domain for victimization (Fisher et al., 1998). Although on-campus victimization of students is far from commonplace, for some types of crimes, such as property theft, college students are more at risk of victimization on campus than they would be off campus. Consistent with routine activities theory, Fisher et al. (2000) found that exposure to risky situations, in conjunction with a lack of guardianship and proximity to motivated offenders, placed college women at higher risk of being a victim of stalking. Women who lived alone had significantly higher odds of being stalked than women who did not live alone.

## Places of Leisure

Places of leisure—bars and taverns, football stadiums, movie theaters, beaches, and many other places where strangers congregate that have domain-specific characteristics that dictate routine activities and behavior within that setting—are often domains of victimization. Roncek and Maier (1991) concluded that the number of bars and taverns had a significant positive impact on area crime. For example, assaults and robberies are almost 20% more likely to occur on blocks with bars or taverns than on those without such establishments. Patrons of these businesses may be more susceptible to having their property stolen if they are impaired by alcohol, may be more likely to get into a barroom brawl, or may be more vulnerable to hustlers.

## Victims' Rights

Over the last two decades, the victim has begun to take a much more prominent role in the criminal justice process. One achievement is the *victim impact statement* (VIS), which is a way for the victim to communicate to the court what impact the victimization has had upon his or her life. The VIS is an opportunity for victims to describe emotional and financial costs they have incurred and voice their opinion as to what the appropriate punishment should

be. In 1987, the U.S. Supreme Court first addressed the issue of the VIS in capital cases. In the case of *Booth v. Maryland*, the court ruled that a VIS could not be shown to a jury in a capital case; in 1991, in the case of *Payne v. Tennessee*, the court reversed this decision to allow jurors to consider the VIS in its decision making.

There have been unsuccessful attempts to add a Victims' Rights Amendment to the U.S. Constitution to guarantee victims certain rights as victims participate in the criminal justice system. Amendments to state constitutions to include Victims' Rights Amendments have, however, been successful, with 33 states having such amendments. There has also been victims' rights legislation passed at federal and state levels since 1974, such as the 1996 Community Notification Act, also known as Megan's Law, requiring sex offender registration and community notification; the 2003 launch of the Amber Alert system; and the 2004 Justice for All Act, which grants rights to crime victims.

## Victim Assistance

Victim assistance takes a wide variety of forms, from large federal government programs to smaller, grassroots efforts. Crime victim compensation programs exist in every state. The eligibility requirement varies across states, but examples of covered costs include medical and mental health expenses; lost wages; and in homicide cases, funeral expenses and loss of support for families. The enactment of the Victims of Crime Act in 1984 established the Crime Victims Fund, which allows state compensation programs to receive federal funding. Passage of the Violence Against Women Act of 1994 secured federal monies for criminal and civil remedies for domestic violence.

The civil courts are an arena in which victims can take action against offenders in an effort to recover damages for their losses. One type of victim assistance mandated by the courts is *restitution*: the process by which offenders pay back damages to the victim for the injuries received as a result of their victimization. A counterpart to restitution is victim *compensation*, in which case the state rather than the offender pays the victim for their losses.

Another avenue of assistance available to victims involves emergency aid, such as medical resources and treatment, a national telephone 24-hour crisis hotline where crime victims can obtain advice from trained specialists, and emergency protection or restraining orders. Counseling and advocacy, both short- and long term, and self-help groups are also available to victims.

Throughout the criminal justice process, there are many opportunities for victim assistance. During a criminal investigation, court advocates support victim's rights, and notification of pretrial release of the accused or input into the bond release decisions can be among the services offered to victims. During prosecution, orientation to the criminal justice system can be offered to the victim, as can consultation in plea bargains, accompaniment to court, and

employer intervention services. At sentencing, victims can be notified as to their right to submit a VIS. Postdisposition, the victim can be notified of the court's decision, submit a VIS for parole hearings, and receive notification of the status of the convicted person.

*Peacemaking circles*, whereby victim, offender, and their respective support systems and families meet to discuss what happened and how to restore the victim to his or her previctimization position, also have been used.

## Comparative and International Victimology

### Comparative Victimology

The study of victimology in the United States is generally considered to be narrower in scope compared with the broader nature of victimizations on which many scholars in the international community focus. Around the globe, there are serious forms of personal victimization on which researchers, policymakers, and advocates focus, including terrorism, war crimes, genocide, and femicide (the systematic killing of women). Other international offenses, such as cybercrime and human trafficking, frequently cross the borders of different countries.

### International Sources of Victimization Data

Many countries across the globe measure victimization within their borders. Organizations such as the United Nations and the World Health Organization contribute to our understanding of victims and their plight. Two sources of international victimization data—the BCS and the International Crime Victims Survey (ICVS)—are among the most widely known.

#### *British Crime Survey*

The BCS is a nationally representative survey of residents of England and Wales that measures victimization, levels of crime, public fear of crime, and other criminal justice issues from year to year. Begun in 1982, the BCS is conducted by the British Market Research Bureau Limited on behalf of the Home Office. The survey was first administered in 1982 and included Scotland, which has since adopted its own crime survey, the Scottish Crime and Victimization Survey. The BCS was also administered in 1984, 1988, 1992, 1994, 1996, 1998, 2000, 2001, and has since been conducted every year.

One household resident age 16 or older from selection households is interviewed about victimizations he or she has experienced in the year prior, as well as detailed information about each incident (e.g., victim-offender relationship). Topics within the BCS include fear of crime, workplace victimization, and illegal drug use. Trends in the BCS indicate that overall victimization in England and Wales peaked in 1995 and has since declined to BCS launch levels (1982; Jansson, 2008).

### *International Crime Victims Survey*

The ICVS is designed to measure victimization experiences and other crime-related subjects across the globe, with 30 countries participating in the latest wave and a total of 78 countries participating across the life of the survey. The ICVS was first administered in 1989 and was subsequently administered in 1992, 1996, 2000, and 2005; it is scheduled again for 2009.

One of the goals of the ICVS is to allow for international comparisons of crime and victimization across countries. Official statistics cannot be easily used, because legal definitions of crimes vary across countries and because so much crime is never known to authorities. The ICVS collects information on a variety of crimes, including theft of cars, theft from cars, motorcycle theft, bicycle theft, burglary, personal larceny, robbery, sexual offenses, assaults and threats, consumer fraud, corruption, hate crimes, and drug-related crimes. Overall victimization trends indicate a peak in victimizations in the mid-1990s and a decline since (Van Dijk, 2008).

### *International Violence Against Women Survey*

The International Violence Against Women Survey (IVAWS) was developed to research the victimization of women around the world, in particular in developing countries. The IVAWS generates estimates of violence perpetrated by men against women, including physical assault; sexual assault; psychological/emotional abuse; and other crimes, such as human trafficking, femicide, and female infanticide. The IVAWS also measures the impact of violence on women and the steps taken after victimization to seek help. The survey methodology was developed on the basis of the one used by the ICVS with the goal of making international comparisons of the prevalence and risk factors of violence against women. Methodological issues include cultural differences between countries, translation issues, interviewing methods, and subjectivity (e.g., what is a sexual assault in one country may not be considered as such in another country). Data were collected from 2003 through 2004 in 11 countries, including Australia, Costa Rica, Italy, the Philippines, and Poland (Johnson, Ollus, & Nevala, 2007).

### **World Crime**

Risks of violent victimization around the world are clustered among countries within certain regions of the globe. Africa, Central America, South America, the Caribbean, and eastern Europe have the highest homicide rates in the world. On the basis of information from 110 countries, the countries in which one is most at risk for homicide are Swaziland, Colombia, and South Africa, with the lowest risks being enjoyed by Myanmar, Cyprus, Morocco, and Israel (Van Dijk, 2008). Compared with other countries, the United States is in

the middle range for homicide risks, but if only developed nations are examined, it quickly rises to the top of the list.

For the crime of assault, the most dangerous region is Africa, with North America and Oceania (Micronesia, Melanesia, and Polynesia) as distant contenders. The most risky countries for assault are South Africa, Zimbabwe, and Swaziland, with Mexico, the Philippines, and Turkey being the least risky. Papua New Guinea, Colombia, Nigeria, and India are ranked the most risky countries for women to be sexually assaulted, whereas Azerbaijan, Hong Kong, and the Philippines are the least risky. Violence against women by intimate partners is estimated to be the most prevalent in the Middle East, Africa, and Asia (Van Dijk, 2008).

For property crimes, the places in the world that are most at risk are not generally the same as for violent victimization. Car theft occurs most often in England and Wales, New Zealand, and Portugal, with residents of Austria, Japan, and Germany experiencing it the least. Risks of motorcycle theft are highest in Italy, England and Wales, and Japan, and lowest in Mexico, Luxembourg, and Bulgaria. Risks for having one's bicycle stolen are greatest in the Netherlands, Denmark, and Finland. Burglary risks are highest in England and Wales, New Zealand, and Mexico and lowest in Sweden, Spain, and Finland. The risk of being a pickpocketing victim is highest in Greece, Estonia, and Ireland and lowest in Japan, Mexico, and New Zealand (Van Dijk, 2008).

## **References and Further Readings**

- Amir, M. (1971). *Patterns in forcible rape*. Chicago: University of Chicago Press.
- Astor, R. A., Meyer, H. A., & Behre, W. J. (1999). Unowned places and times: Maps and interviews about violence in high schools. *American Educational Research Journal*, 36, 3–42.
- Augustine, M. C., Wilcox, P., Ousey, G. C., & Clayton, R. R. (2002). Opportunity theory and adolescent school-based victimization. *Violence and Victims*, 17, 233–253.
- Cohen, L. E., & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, 44, 588–608.
- Farrell, G., Phillips, C., & Pease, K. (1995). Like taking candy: Why does repeat victimization occur? *British Journal of Criminology*, 35, 384–399.
- Felson, M. (1998). *Crime and everyday life*. Beverly Hills, CA: Sage.
- Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women*. Retrieved from <http://www.ncjrs.gov/pdffiles1/nij/182369.pdf>
- Fisher, B. S., Sloan, J. J., Cullen, F. T., & Lu, C. (1998). Crime in the ivory tower: Level and sources of student victimization. *Criminology*, 36, 671–710.
- Hindelang, M. J., Gottfredson, M. R., & Garofalo, J. (1978). *Victims of personal crime: An empirical foundation for a theory of personal victimization*. Cambridge, MA: Ballinger.

- Hope, T., Bryan, J., Trickett, A., & Osborn, D. R. (2001). The phenomena of multiple victimization: The relationship between personal and property crime risk. *British Journal of Criminology, 41*, 595–617.
- Jansson, K. (2008). *British crime survey—Measuring crime for 25 years*. Retrieved from <http://www.homeoffice.gov.uk/rds/pdfs07/bcs25.pdf>
- Johnson, H., Ollus, N., & Nevala, S. (2007). *Violence against women: An international perspective*. New York: Springer.
- Lauritsen, J. L., & Davis Quinet, K. F. (1995). Repeat victimization among adolescents and young adults. *Journal of Quantitative Criminology, 11*, 143–166.
- Lynch, J. P. (1987). Routine activity and victimization at work. *Journal of Quantitative Criminology, 3*, 283–300.
- Lynch, J. P., & Cantor, D. (1992). Ecological and behavioral influences on property victimization at home: Implications for opportunity theory. *Journal of Research in Crime and Delinquency, 29*, 335–362.
- Mendelsohn, B. (1976). Victimology and contemporary society's trends. *Victimology, 1*, 8–28.
- Miethe, T. D., & Meier, R. F. (1994). *Crime and its social context: Toward an integrated theory of offenders, victims, and situations*. Albany: State University of New York Press.
- Miller, T. R., Cohen, M. A., & Wiersema, B. (1996). *Victim costs and consequences: A new look*. Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Osgood, D. W., Wilson, J. K., O'Malley, P. M., Bachman, J. G., & Johnston, L. D. (1996). Routine activities and individual deviant behaviors. *American Sociological Review, 61*, 635–655.
- Outlaw, M., Ruback, B., & Britt, C. (2002). Repeat and multiple victimizations: The role of individual and contextual factors. *Violence and Victims, 17*, 187–204.
- Roncek, D. W., & Maier, P. (1991). Bars, blocks, and crime revisited: Linking the theory of routine activities to the empiricism of "hot spots." *Criminology, 29*, 725–753.
- Sampson, R. J. (1987). Personal violence by strangers: An extension and test of the opportunity model of predatory victimization. *Journal of Criminal Law & Criminology, 78*, 327–356.
- Sampson, R. J., & Lauritsen, J. L. (1990). Deviant lifestyles, proximity to crime, and the offender–victim link in personal violence. *Journal of Research in Crime and Delinquency, 27*, 110–139.
- Sampson, R. J., & Wooldredge, J. (1987). Linking the micro- and macro-level dimensions of lifestyle—routine activity and opportunity models of predatory victimization. *Journal of Quantitative Criminology, 3*, 371–393.
- Schafer, S. (1968). *The victim and his criminal: A study in functional responsibility*. New York: Random House.
- Schreck, C. J. (1999). Criminal victimization and low self-control: An extension and test of a general theory of crime. *Justice Quarterly, 16*, 633–654.
- Schreck, C. J., & Fisher, B. S. (2004). Specifying the influence of family and peers on violent victimization: Extending routine activities and lifestyles theories. *Journal of Interpersonal Violence, 19*, 1021–1041.
- Schreck, C. J., Stewart, E. A., & Fisher, B. S. (2006). Self-control, victimization, and their influence on risky lifestyles: A longitudinal analysis using panel data. *Journal of Quantitative Criminology, 22*, 319–340.
- Schreck, C. J., Wright, R. A., & Miller, J. M. (2002). A study of individual and situational antecedents of violent victimization. *Justice Quarterly, 19*, 159–180.
- Sparks, R. F. (1981). Multiple victimization: Evidence, theory, and future research. *Journal of Criminal Law and Criminology, 72*, 762–778.
- Tjaden, P., & Thoennes, N. (1998). *Prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey*. Retrieved from <http://www.ncjrs.org/pdffiles/172837.pdf>
- U.S. Department of Justice, Bureau of Justice Statistics. (2005). *National Crime Victimization Survey*. Washington, DC: Author.
- Van Dijk, J. (2008). *The world of crime: Breaking the silence on problems of security, justice, and development across the world*. Thousand Oaks, CA: Sage.
- Von Hentig, H. (1948). *The criminal and his victim*. New Haven, CT: Yale University Press.
- Wilcox, P., Land, K. C., & Hunt, S. A. (2003). *Criminal circumstance: A dynamic multicontextual criminal opportunity theory*. New York: Aldine de Gruyter.
- Wolfgang, M. E. (1958). *Patterns in criminal homicide*. Montclair, NJ: Patterson Smith.

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## IMMIGRATION AND CRIME

HOAN N. BUI

*University of Tennessee at Knoxville*

Concerns about the connection between immigration and crime have a long-standing history in the United States, dating back to colonial times. Increased immigration was believed to be associated with increased criminal activity. Negative perceptions of new immigrants were exacerbated by the fact that the British frequently shipped convicts on a large scale for white servitude in certain colonies where labor was needed. The colonists were also disturbed by people who fled to United States to escape the consequences of misbehavior committed in their homeland; these undesirable free immigrants were believed likely to become troublesome citizens. As the practice of transportation of convicts by the British came to an end with the Revolutionary War, new concerns arose regarding European immigrants who came to the United States after experiencing hunger and hardship of long wars in their country of origin. In addition, belief remained that several European governments continued sending felons to the United States. Thus, perceptions arose that new immigrants disproportionately engaged in crime because they belonged to the criminal class or because they were unable to adjust to new conditions of American life.

The perception about the positive relationship between immigration and crime also appears to be motivated by anti-immigrant, xenophobic sentiments. Negative stereotypes of newcomers often ensue from periods of increased

immigration, in particular during economic downturns or when new immigrants differ substantially from the natives in cultural, racial, and/or ethnic backgrounds. In recent years, concerns about negative consequences of immigration to the United States have been based on the assumption that immigrants have caused many social problems to U.S. society, including changing the American ways of life, depleting welfare resources, increasing unemployment among native-born persons, causing housing shortages, overwhelming school and health care systems, and undermining the existing social order. The media also have blamed immigrants for the drug problem in the United States, accusing illegal immigrants of flooding drugs into the country.

These perceptions about immigrants have had important policy implications. Numerous policies aimed at reducing the flow of immigration, restricting immigration from certain countries, limiting social benefits for immigrants, or increasing penalties for immigration violations have been implemented throughout history in response to these negative perceptions. This chapter examines the immigration–crime link, beginning with an overview of U.S. immigration history. This is followed by discussions of theories about the relationship between immigration and crime, research findings about patterns of crime and factors affecting crime among immigrants and their children (the second generation), and crime victimization experienced by immigrants.

## U.S. Immigration: A Historical Overview

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Throughout history, U.S. immigration policy has been shaped by two contending views: One advocates that the United States should serve as a refuge for the world's dispossessed; the other believes that immigration policy should benefit the United States by granting admissions for people who add to the economy and society but excluding those who may become a burden (Fix & Pastel, 1994). Many of the core elements of the U.S. immigration policies existed in the colonial era, but comprehensive immigration policies under the form of federal laws did not emerge until the end of the 19th century. In regard to federal laws, regulations of immigration to the United States can be divided in two distinct periods. The first period was characterized by immigration restrictions, beginning with the Chinese Exclusion Act of 1882, which, among other provisions, suspended the immigration of Chinese laborers and removed the rights of Chinese immigrants to become citizens. From 1822 to 1965, several other immigration policies were implemented to define the quality and quantity of persons who could be admitted to the United States as immigrants. Criminals, prostitutes, physically and mentally ill people, and those who were illiterate were barred from entering the United States. National-origin exclusions were expanded to the Japanese in 1907 and to all Asians in 1917. The quantitative restriction on immigration was imposed in 1924 under the National Origin Act, which determined admission quotas for European countries based on the proportion of each country's population present in the United States during the 1890 census. Consequently, a majority of immigrants to the United States before 1965 hailed from European countries.

A new era characterized by a shift toward a more liberal immigration policy began in 1965, with the Immigration and Nationality Act (also called the *Hart Cellar Immigration Reform Act of 1965*). The national-origin quota system was replaced by a system that gave admission preference for two categories: (1) relatives of U.S. citizens and lawful permanent residents and (2) people with job skills deemed useful in the United States. The law also created different admission caps for countries in the Eastern and Western Hemispheres. As a result, the number of female immigrants, as well as the number of immigrants from Asia and Mexico, increased substantially. Three other major immigration policies were implemented between 1980 and 1990, representing a trend toward more open immigration. First, the Refugee Act of 1980 created a comprehensive refugee policy and set up a permanent and systematic procedure for admitting refugees. Second, the Immigration Reform and Control Act of 1986 addressed the issue of illegal immigration. It sought to enhance enforcement by increasing border enforcement and instituting employer sanctions for knowingly hiring illegal aliens. The law also created two amnesty programs that gave certain types of unauthorized aliens a legal status in the United States. Under these amnesty programs, almost 3 million people

illegally living in the United States became lawful permanent residents. Third, the Immigration Act of 1990 increased legal, employment-based, and skill-based immigration. It tripled employment-based immigration with its focus on skills needed in the U.S. economy. A new trend emerged in 1996, however: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 addressed border enforcement and the use of social services by immigrants. The law increased the number of border patrol agents, introduced new control measures, and reduced government benefits to immigrants.

Since 1820, the year when immigration statistics first became available, the numbers of immigrants coming to the United States have steadily increased, even during the period of immigration restrictions. The number of foreign-born persons admitted to the United States as legal permanent residents in 1820 was less than 10,000, but this number has been increased to more than 1 million since 2000. These legal permanent residents are officially defined as immigrants. Besides legal immigration, illegal immigration is an important issue in the United States. Over the years, seasoned workers from many countries have been recruited to work in the United States under nonimmigrant visas for a limited period of time. A major source of illegal immigration has come from temporary workers and tourists who overstay their nonimmigrant visas. Foreign nationals who illegally enter the United States by crossing the border have also contributed to the illegal immigrant population. By 2006, the foreign-born population in the United States (including both legal and illegal immigrants) reached 37.5 million, accounting for 12% of the U.S. population. The illegal immigrant population was estimated at 12 million, or one third of the foreign-born population. In this chapter, the term *immigrants* refers to foreign-born persons who are admitted to the United States as legal permanent residents or those who are allowed to resettle in the United States but do not have yet a permanent resident status. This group is also considered the first immigrant generation.

## Theories on the Relationship Between Immigration and Crime

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Several theories have been used to explain the relationship between immigration and crime as well as patterns of criminal behavior in different immigrant groups and generations. These theories focus on different factors considered important in shaping individual behavior and immigration resettlement experiences.

### Self-Selection Theory

Low levels of criminality among early immigrants have led to the assumption that these immigrants were self-selected economic individuals who had a low criminal tendency. This is known as *self-selection theory*. Advocates of

self-selection theory argue that because these immigrants left their homeland and came to the United States for economic opportunities, most of them were hard working. Due to their interest in long-term advancement, they behaved themselves and avoided getting into trouble with the law. Recently, Butcher and Piehl (2005) used the model of labor market outcomes to explain low levels of criminality among immigrants who came to the United States after 1965 and to support the self-selection hypothesis. According to Butcher and Piehl, some occupational skills are transferable across countries but translate into different earnings across places. Thus, low-earning skills in one country may be translated into a very different level of earning in other countries. When possible, immigrants will choose to move to a country where their earnings will be higher, and the economic outcomes can serve as a protection against criminal activities.

### Social Structure Theories

*Social structure theories* focus on socioeconomic structures that shape economic opportunities, which in turn influence criminal tendency. According to *strain theory*, developed by Merton (1938), material success depends on education and job opportunities, which are not equally available to everyone. When legitimate opportunities are not available, crime can be an innovative alternative to achieve material goals. Because many new immigrants are unskilled and poorly educated, and because economic opportunities do not penetrate urban ghettos, where many new immigrants resettle, crime is likely to be an option. *Social disorganization theory*, developed by Shaw and McKay (1942), emphasizes the adverse social conditions in urban ghettos that facilitate the breakdown of community institutions and social control mechanisms. According to this theory, poverty, high levels of population turnover, cultural heterogeneity, and the presence of a large number of adult criminals weaken social control and foster delinquency. Immigration increases crime because it causes social change and creates social disorganization that makes social control less effective.

### Culture-Based Theories

The *subculture-of-violence theory*, developed by Wolfgang and Ferracuti (1967), suggests that as poor people adapt to their structural conditions, violence can become a normal and expected means of dispute resolution in deprived and disorganized communities. Because new immigrants are more likely than native individuals to live in these areas, it is assumed that they are more likely to engage in violent crime. *Culture conflict theory*, on the other hand, emphasizes the difference between U.S. laws and cultural traditions that immigrants brought from their home countries. According to Sellin (1938), criminal law reflects the values and interests of the dominant groups, and the system of values and norms among immigrants may be quite different. When the cultural

codes of immigrants are in conflict with those of the host society, the behavior of immigrants will be labeled deviant or criminal. Thus, the conflict of cultures is a reason for crime among immigrants.

### Acculturation and Assimilation Perspectives

*Acculturation*, or *cultural assimilation*, refers to changes in attitudes and/or behaviors as a result of contact with other cultures. Among immigrants and their children, cultural change occurs on a number of dimensions, including the language, cultural beliefs, values, behaviors, and one's loyalty and sense of belonging to the host culture and one's culture of origin. The classic assimilation model proposed by Gordon (1964) posits that acculturation to and acceptance by the host society are prerequisites for social and economic mobility. The acquisition of English proficiency, higher levels of education, and valuable new job skills can ease the adaptation process and improve the immigrants' chance of success in the U.S. economy. A lack of acculturation is considered a factor that contributes to crime and delinquency among immigrants who lack knowledge of new legal norms and thus the ability to adapt to the new economy.

Research findings about low levels of crime and delinquency among the foreign-born have challenged the classic model of assimilation and suggest that acculturation also has negative consequences. Recent literature indicates that the longer immigrants and their children live in the United States, the more they become subject to economic and social forces, such as high rates of family disintegration and substance use, that are found to be associated with criminal behavior among the natives. In addition, with greater time and socialization in U.S. institutions, neighborhoods, and youth culture, the children of immigrants increasingly adopt behavioral norms of the host society, including health and risk behaviors. Acculturated adolescents are likely to challenge the cultural mandate regarding parental control and authority when they experience conflicting sets of expectations from their foreign-born parents and persons from the larger society with whom they are in most immediate contact. Thus, acculturation can facilitate delinquency by weakening parent-child relationships and diminishing parental authority.

### Segmented Assimilation Perspective

The *segmented assimilation perspective* was developed with a focus on the changing U.S. economy and labor market and how they affect the experience of recent immigrants who have come mostly from Asia and Latin America. According to Portes and Zhou (1993), new immigrants and their children experience different adaptation processes based on the characteristics of the U.S. population in which they are integrated. Consequently, greater exposure to American culture may be associated with mixed adaptation outcomes. Depending on the type of human capital (education and

skills) and social capital (social resources and supportive opportunities) that different immigrant groups possess, one path will lead to the assimilation of the immigrants and their children to the middle-class majority. An opposite type of adaptation caused by poverty and racial segregation will lead to downward mobility and the assimilation of immigrants and their children into the inner-city underclass. The exposure to and contacts with various types of social problems commonly found in lower class neighborhoods will facilitate crime and delinquency among children of immigrants. Adherence to the traditional values and retention of ethnic identity will lead to the third path of adaptation, with rapid economic advancement and the preservation of values and solidarity among immigrants. Communities of co-ethnic people can supply to new immigrants the types of social capital that can protect against criminal behavior by increasing economic opportunities, enforcing norms against divorce and family disruption, and reinforcing parental authority over children.

### Relationships Between Immigration and Crime

The link between immigration and crime became a research topic at the turn of the 20th century, after immigrants from Europe came to the United States in large numbers. The immigration–crime relationship was not a major research topic before this because the trend of immigration was slow during this period and because it was believed that large segments of European immigrants coming in the early 20th century were already assimilated to U.S. society. With the open-door policy under the Immigration and Nationality Act of 1965, new immigrants again arrived in the United States in numbers not seen since the turn of the 20th century. Post-1965 immigration, which included large numbers of Asians, Afro-Caribbeans, and Latinos, renewed research interest in the topic partly because of increased public debates about the costs and benefits of immigration and partly because of the coincidence of two social phenomena: (1) the arrival of new immigrants and (2) the rise in crime rates in the 1970s and the 1980s. There were also concerns about low levels of labor market skills among new immigrants, especially those who arrived through clandestine channels and legal loopholes. Early and recent studies produced different findings but did not show strong evidence about the causal effects of immigration on crime. Instead, they indicated the effects of various socioeconomic factors on criminal behavior among immigrants.

#### No Negative Effects of Immigration on Crime

Several early and recent studies did not find evidence about the negative effect of immigration on the crime problem. Findings from three early studies, including those of the Industrial Commission (1901), the Immigration Commission (1911), and the National Commission on Law Observance and Enforcement (also popularly known as the Wickersham

Commission, 1931–1932), indicated that, on the macrolevel, cities with a high proportion of foreign-born persons did not necessarily have higher crime rates than cities with a lower proportion of foreign-born persons. On the microlevel, foreign-born whites were viewed as less criminal than U.S.-born whites because they had lower rates of incarceration. Court records also showed that foreign-born people were less likely than native-born people to be found guilty of crime. Research in recent years has provided similar findings, showing that neighborhoods with large concentrations of the foreign-born had lower levels of violence than those with smaller proportions of foreign-born residents. Cities near the U.S.–Mexico border, such as El Paso, Texas, and San Diego, California, have been ranked as low-crime areas, and cities with concentrated immigrant populations, such as New York, have been considered among the safest places in the United States. Research on several ethnic–racial groups perceived as having high levels of crime provided further evidence for a low level of crime among immigrants. Compared with U.S.-born Mexican Americans, foreign-born Mexicans in the United States have lower rates of arrest, conviction, and incarceration. In Miami, Florida, Haitian and Latino immigrants are underrepresented in homicide relative to their group sizes. Homicide rates among Haitians are much lower than those among U.S.-born blacks in the same area and, in some cases, even lower than those among U.S.-born whites. Mariel refugees, who came to the United States from Cuba in the 1980s, were rarely overrepresented among homicide offenders. Although they were likely to be involved in acquaintance homicides, there is little evidence that they were disproportionately involved in stranger homicide or that they were unusually violent, as suggested by dominant themes in popular stereotypes.

Although most of the research just discussed did not explain the reason for the low levels of arrest and conviction among foreign-born immigrants, a recent study conducted by Butcher and Piehl (2005) suggested that the self-selected nature of immigrants explains their low levels of criminality. They found that recent immigrants from all racial and ethnic backgrounds had lower levels of education but that they also had substantially lower levels of incarceration than natives, even during the time period when institutionalization expanded. In 2000, among men ages 18 through 39, the group that made up the vast majority of the prison population, the foreign-born had an incarceration rate (0.7%) that was 5 times lower than that of the native-born (3.5%). After finding no support for other explanations (e.g., increased deportation and deterrence), Butcher and Piehl concluded that immigrants were self-selected from among those with a low criminal propensity.

#### Age and Gender Structure and Crime Among Immigrants

Not all studies have found low levels of crime among immigrants, however. Because young males have higher crime rates than other age and gender groups, the large



proportions of young males in particular immigrant groups can contribute to high levels of crime in these groups. Incarceration rates among immigrants from Ireland and Germany in the 1850s were more than 10 times higher than those among the native-born, and these two immigrant groups had a large proportion (60%) of young males. In the study conducted by the Industrial Commission (1901), foreign-born whites had an overall imprisonment rate that was higher than the rate among U.S.-born whites but lower than the rate among U.S.-born blacks. However, among people aged 20 to 45, imprisonment rates among the foreign-born were only 15% higher than those among the native whites and, among the adult male population (age 21 or older), foreign-born whites had lower imprisonment rates than native-born whites. Research on Mexican immigrants in the 1930s suggested that a large proportion of young males was a reason behind the high offending rates in this group. Recent studies also have indicated the effect of age and gender on crime rate among immigrants. In Miami, homicide rates increased shortly after Afro-Caribbean immigrants (including Mariel Cubans, Haitians, and Jamaicans) arrived in the 1980s. In late 1990s, when these immigrant groups grew in size, became older, and had low proportions of young males, their homicide rates rapidly declined, dropping below the average national rate for cities of Miami's size (Martinez & Lee, 2000). According to Hagan and Palloni (1998), Hispanic immigrants are disproportionately young males who, regardless of immigration status, are at a greater risk of criminal involvement. When age and gender are taken into account, the involvement of Hispanic immigrants in crime is less than that among the native-born.

### **Socioeconomic Conditions of Immigration Resettlement and Crime**

Negative experience with emigration and resettlement are considered factors that contribute to adaptation outcomes. Problems faced by immigrants in their country of origin before emigration and their negative experience during the process of immigration and resettlement, including physical torture, posttraumatic stress disorder, discrimination, and alienation, can be associated with the tendency to commit crime. Research indicates that Southeast Asians in the United States were more likely than native whites to engage in crimes that produced financial gains, such as theft, auto theft, and petty theft. Youthful crime among Southeast Asians has been considered as emerging out of the cohort that first arrived in 1980; many of them were alienated youth who had emigrated without parents, suffered from posttraumatic stress disorder caused by hardship in the process of immigration, and experienced adaptation problems.

Crime rates among immigrants also vary across locations, even for the same racial and ethnic groups. Among Puerto Rican newcomers, those living in New York City tend to have higher rates of homicide, whereas those living

elsewhere have rates comparable to those among native whites. In rural areas in Texas and California, where the Mexican populations are large, the criminality of foreign-born Mexicans is relatively lower than that among the native-born. In more urban communities, Mexican immigrants have relatively higher crime rates. The role of immigration in contributing to high levels of crime in some locations of concentrated immigration is considered limited, but economic deprivations and social disorganization are seen as main factors. In a well-known study of delinquency in urban areas conducted in Chicago in the early part of the 20th century, Shaw and McKay (1942) found high arrest rates for delinquency in areas with large concentrations of immigrants. As these immigrant groups moved from poor areas into places where crime rates were lower, the groups' arrest rates also fell. Recent research also has shown that high levels of violent crime among Latinos in major cities in California were associated with the existence of local alcohol outlets and other vice-related businesses.

### **Cultural Conflicts and Crime Among Immigrants**

Besides different levels of criminality, patterns of crime committed by immigrants and native-born individuals also differ. Early research showed that, for gainful offenses (or property offenses, including robbery, burglary, theft, and fraud), native-born people had higher conviction rates than foreign-born groups. For offenses against public policy (e.g., carrying weapons, intoxication, vagrancy, and truancy), the foreign-born had greater conviction rates than the native-born. The formal criminal charge rates for homicide and aggravated assault among the foreign-born approached those among native-born whites, and in some locations were even slightly higher. Different patterns of offending were also found across national groups. The Italian group stood out for high conviction rates for homicide, rape, and kidnapping; Russians for larceny and receiving stolen goods; and French for offenses against chastity and for prostitution. Mexicans had higher arrest rates than native-born whites, but the vast majority of Mexican arrests were for public order misdemeanors, such as vagrancy, possession of marijuana, and public intoxication. Asian immigrants had consistently low arrest rates, except for gambling. Foreign-born Chinese had the highest arrest rate of any ethnic group in San Francisco, and gambling in particular led to unusually high arrest rates among Chinese in San Francisco and other major cities.

Different patterns of crime between foreign-born groups and native-born groups, and among different national groups, suggest the impact of cultural conflicts on criminal behavior. The Wickersham Commission (1931) identified two factors that brought early immigrants into conflict with the law. First, immigrants' ignorance of the language (English) was a source of confusion and misunderstanding about laws, regulations, and customs in the United States.

Many immigrants were arrested for unknowingly violating ordinances that regulated licenses and provided for sanitary and fire prevention inspections. Second, immigrants brought with them a well-defined set of habits of thought and behavior, which had been built up in an environment that was entirely different, in regard to law and custom, in the United States. During the Prohibition era, U.S. laws about gambling; prostitution; and the manufacture, sale, and consumption of beer, wine, and liquor were entirely different from those in the countries from which the immigrants came. Their lifetime habits and experience in the country of origin did not readily prepare them for change. Some immigrant groups also held a strong belief in personal and family pride and were accustomed to the practice of men's use of violence, including killing, to wipe out any stain brought upon the honor of their women. Because of the availability of weapons that many immigrants carried to protect personal safety in certain locations, flaring anger over issues of honor often inevitably led to fatal endings. This was considered one of the primary reasons for the high percentage of violent crime among the foreign-born.

In recent years, culture conflicts were also considered a factor contributing to domestic violence in immigrant families. Gender inequality, women's subordination to men, and cultural and legal norms that give men the right to control women are considered factors contributing to domestic violence. In the United States, cultural and legal norms that support gender equality as well as economic opportunities for women often change the power dynamics within immigrant families. Being threatened by the perceived or actual loss of power, but not familiar with the prohibition of domestic violence in the United States, often facilitates immigrant men's use of violence against their wives or female partners.

### **Crime in the Second Generation**

Research evidence suggests that although immigrants do not disproportionately engage in criminal activity, the crime problem is associated with the second generation (i.e., U.S.-born children of foreign-born immigrants), whose members have higher rates of arrest, charge, and incarceration than those among foreign-born immigrants. Sometimes, the levels of criminality among members of the second generation are even higher than those among the native-born of native parentage (third and higher generations). Patterns of offense committed by members of the second generation also shift away from those found among their foreign-born parents toward those among the native-born. Early studies indicated that public intoxication was the most common offense among foreign-born whites, but sons of the foreign-born were arrested and charged with serious crime against persons and property (e.g., homicide and fraud) very much more frequently than their foreign-born parents. In regard to robbery, arrest rates among members of the second generation were 4 times

greater than those among their foreign-born parents and even surpassed arrest rates among U.S.-born whites of U.S.-born parents. In regard to incarceration, U.S.-born whites of foreign-born parents (the second generation) had an imprisonment rate that was 3 times greater than the rate among U.S.-born whites of U.S.-born parents. Questions about organized crime among immigrants also emerged during the Prohibition era. Limited data showed that comparatively few of the gangsters were foreign-born, but a high proportion of them were the sons of foreign-born parents reared in the slums of American cities. Recent research also shows that members of the second and third generations were much more likely than their first-generation counterparts to engage in substance use and to commit property and violent crimes, including homicide.

Although the second generation has an overall higher level of criminality than individuals among their foreign-born parents, the gap in criminality between the first and second generations varies across racial groups, locations, and types of offense. Recent research indicates that second-generation immigrants living in communities with high immigration concentrations tended to have lower levels of crime than those living in communities with low concentrations of immigrants. Crime rates among the second generation were also higher in areas with higher levels of poverty and unemployment. However, among white and Asian American adolescents, substance use increased in the second and third generations, but there was little change for violent and property delinquency across generations. On the other hand, among black adolescents, violent and property delinquency increased in the second and third generations, but substance use remained the same across three generations.

The overall high level of criminality among the second generation appears to be consistent with self-selection theory. The children of immigrants are not self-selected, and many are unable to overcome the challenges they encounter in their new homeland, including the lack of education and economic opportunities as well as culture conflicts, alienation, and exposure to deviant subculture. On the other hand, variations in the changing patterns of delinquency across locations and generations for different racial groups suggest the effects of acculturation and segmented assimilation on crime and delinquency. Increased levels of substance use among second-generation Asian and white youth suggest the result of acculturation and the integration of these youth into the mainstream society and the American middle class. Alcohol, which technically is a drug, has become a part of American culture, and moderate drinking is positively associated with incomes and education, which are higher among non-Hispanic whites and Asians than among blacks and Hispanics. On the contrary, the pattern of increasing violent and property delinquency among blacks and Hispanics in the second and third generations reflects the assimilation and integration of these youth into the adversarial subculture of disorganized and

deprived neighborhoods. Blacks and Hispanics experience higher levels of poverty and residential segregation than their white and Asian counterparts. As the protective effects of traditional families, ethnic cultures, and ethnic identity diminish in the second and later generations, living in the slum facilitates the assimilation of second-generation black and Hispanic youth into the neighborhoods' deviant subculture and increases their involvement in property and violent delinquency.

### Crime Among Non-Citizens

The term *non-citizens* used in crime reports compiled by the U.S. Bureau of Justice Statistics refers to permanent residents, alien immigrants who are not naturalized or who do not have permanent resident status, foreign nationals who are in the country temporarily, and illegal immigrants (or undocumented immigrants). Crime committed by alien immigrants was included for the first time in the report titled "Report on Crime and the Foreign-Born," issued by the National Commission on Law Observance and Enforcement (1931). Although not all alien immigrants entered the United States illegally, they were considered a different group from immigrants who had the legal status of permanent residents. The report indicated a considerable number of homicides (12%–25% of all offenses) committed by alien immigrants incarcerated in U.S. penal institutions. Although it was not possible for the investigation to compare homicide rates among aliens, naturalized immigrants, and native-born groups, the commission was concerned with the fact that a large proportion of incarcerated alien immigrants committed these serious crimes shortly after their arrival in the United States.

In recent years, confusions between legal immigrants and illegal immigrants often exist in debates about immigration and crime. There has been a tendency to lump these two groups into the general term *immigrants*. When illegal immigrants are distinguished from legal immigrants, the first group is often thought of being responsible for a large proportion of criminal behaviors committed in the United States. It has been argued that because of the risk of deportation, illegal immigrants are afraid to report crimes committed against them to the police, making official estimates of crime in the illegal immigrant community artificially low. No evidence exists, however, that reporting biases seriously affect estimates of the homicide victimization rates because, unlike other crimes, homicide cases need to have a body. In fact, at the national level, the homicides committed by illegal immigrants in the United States are reflected in the data just like homicides in other social groups. The view that illegal immigrants disproportionately engage in serious criminal behavior is not consistent with the fact that from 1994 to 2001, violent crime rates in the United States declined 34.2% and property crime declined 26.4%, while in the same period of time, the illegal immigrant population doubled to 12 million.

Available statistics from the Department of Justice indicate that the number of non-citizens in the federal criminal justice system increased for the period of 10 years from 1994 to 2003, but most non-citizens in federal prisons were foreign nationals who had been in the country temporarily. These non-citizen offenders were overwhelmingly charged with immigration offenses, including unlawful entry and reentry as well as smuggling, transporting, or harboring unlawful aliens. A smaller proportion of non-citizen offenders were charged with drug-related offenses. Because of their short period of time in the United States, they were less likely than their U.S.-citizen counterparts to have a known criminal history. Non-citizens have also been found to disproportionately engage in organized crime. According to Perry (2000), new immigrants from Latin America, Africa, Asia, and eastern Europe, particularly Russia, are all represented in organized-crime groups, but a substantial proportion of organized crime groups include foreign nationals who came to the United States with the explicit intent of expanding the domain and market of the organizations that already exist in their home countries. Asian syndicates tend to control much of the drug smuggling, prostitution, and other vice markets on the West Coast as well as parts of New York and New Jersey. Caribbean cartels dominate the drug trade in the southeast United States. Fraud, extortion, and burglary by Russian mafia are less localized but spread across the nation. Nigerians, operating in small cells, engage in some heroin smuggling, but they are more commonly specialized in massive fraud schemes. These criminal groups are able to exploit their bonds with current immigrants on the basis of their common place of origin as well as their cultural and social desire to reproduce the structures of hierarchy, complicity, and conspiracy of silence similar to those in their homelands.

### Victimization Experienced by Immigrants

Crime committed by immigrants has been a topic for research for more than a century, but little attention has been paid to victimization experienced by immigrants. In recent years, research has begun to explore the extent and nature of crime against immigrants. Overall, immigrants tend to have a higher level of victimization and fear of crime as compared with the native-born, but there are differences across types of victimization.

#### Property Crime Victimization

Limited research suggests that immigrants do not experience higher property victimization rates than native-born individuals, except theft. Factors related to the risk of victimization, including being young and single, living in public housing, and living in an urbanized environment, are the same for immigrants and native-born persons. There is speculation, however, that the rates of property victimization

experienced by immigrants may be much higher than what has been reported and that many crimes against immigrants go unreported because they are reluctant to come forward. Another reason is that many new immigrants are poor and live in high-crime neighborhoods, and they do not understand the environment risks in the United States.

### **Violent Crime Victimization**

Most studies on victimization among immigrants have tended to focus on homicide. These studies have found that immigrants were at higher risk of becoming a homicide victim than native-born people. According to Martinez and Lee (2000), the rate of homicide victimization among the foreign-born was 23 per 100,000, compared with 18 per 100,000 among the native-born. Foreign-born Mariel Cubans in Miami experience a homicide victimization rate that exceeds the average city rate, but their homicide victimization rate was still lower than that among African Americans. Studies conducted by Sorenson and Shen (1996) and Sorenson and Lew (2000) have revealed similar findings. Immigrants in California were overrepresented in homicide victimization statistics. In 1990, immigrants constituted 23% of California's residents and 33% of California's homicide victims. There were variations across ethnic-racial groups, however. Among non-Hispanic whites, Hispanics, and blacks, immigrants had higher homicide rates than their native-born counterparts, but foreign-born Asians and native-born Asians had similar rates. In addition, patterns of victim-offender relationships in homicide victimizations among immigrants and natives also differed. Homicides by non-strangers were more common among the native-born than among the foreign-born, and the suspects of homicides against native-born victims were much more likely to be native-born, but suspects of immigrant homicides were more likely to be unknown. When the suspects were known, offenders of homicide against the foreign-born tended to also be foreign-born.

### **Victimization Among Undocumented Immigrants**

Undocumented immigrants are at a heightened risk of victimization and have few outlets for dealing with crime. Violent acts against undocumented immigrants range from drive-by shootings to assaults and thefts. Among undocumented immigrants, day laborers, who search for work on a daily basis in a public and visible spaces, such as a busy street, sidewalk, storefront, or empty parking lot, encounter violence primarily from other day laborers; police; their employers; and, to a lesser extent, merchants and local residents. According to Valenzuela (2006), day laborers are particularly vulnerable to theft because most of them do not have bank accounts where they can deposit their earnings. Opening a bank account usually requires the provision

of an individual taxpayer identification number, which most day laborers do not possess. As a result, they are usually paid in cash for their work. The fact that they often keep cash on their person, combined with their reluctance to call the police, which is often due to their unfamiliarity with U.S. institutions and their lack of legal documents, makes them an easy target. Day laborers are also exposed to violence at hiring sites that are controversial or particularly volatile as a result of community conflicts. Limited data on anti-immigrant violence indicate that the intensity and frequency of immigrant bashing vary across regions. Perry (2000) indicated that anti-immigrant violence tends to be most prevalent in areas with disproportionate shares of newly arrived immigrants, such as New York, New Jersey, Arizona, California, and Texas. In particular, in California, Arizona, and Texas both legal and illegal immigrants experience border violence, ranging from verbal taunts to rock throwing and shots fired by vigilantes and border patrol agents

### **Conclusion**

Evidence from early and recent studies does not warrant an assertion about the causal effect of immigration on crime, or excessive criminality among any particular national group. Instead, research findings indicate a limited role of immigration in causing the crime problem. Immigrants are considered self-selected individuals who have low levels of criminal propensity; but high rates of arrest, conviction, and imprisonment among certain immigrant groups in certain locations and times are attributed to the large proportion of young males in these immigrant groups, culture conflicts, adverse social and economic conditions of resettlement locations, and negative effects of acculturation and assimilation. Thus, immigration resettlement programs that provide support to new immigrants to ease the process of acculturation, retain positive aspects of immigrants' traditional cultures, and facilitate the integration of immigrants to the mainstream society can reduce crime and delinquency among young immigrants and members of the second generation. Limited research also shows no evidence that illegal immigrants disproportionately contribute to the crime problem in the United States. Most of the non-citizen offenders committed immigration offenses, and only a small proportion of them have crossed the U.S. border without permission. On the other hand, immigrants, especially illegal immigrants, have a higher risk of victimization and fear of crime but less recourse for the problem than do native-born individuals. An illegal status in particular contributes to the risk of victimization among undocumented immigrants. Because most of the studies on victimization among immigrants tend to focus on homicide, and because crime victimization among illegal immigrants has not been thoroughly studied, more research is needed to provide additional understandings of the nature, extent, and social

contexts of victimization experienced by immigrants as well as crime and victimization among illegal immigrants.

## References and Further Readings

- Alaniz, M., Cartmill, R., & Parker, R. (1998). Immigrants and violence: The importance of neighborhood context. *Hispanic Journal of Behavioral Sciences, 20*, 155–174.
- Bui, H. N., & Thongniramol, O. (2005). Immigration and self-reported delinquency: The interplay of immigration status, gender, race and ethnicity. *Journal of Crime and Justice, 28*, 79–100.
- Butcher, K., & Piehl, A. M. (2005). *Why are immigrants' incarceration rates so low? Evidence on selective immigration, deterrence, and deportation*. Working Paper No. 2005–19, Federal Reserve Bank of Chicago.
- Fix, M. E., & Pastel, J. S. (1994). *Immigration and immigrants: Setting the record straight*. Washington, DC: Urban Institute.
- Gordon, M. (1964). *Assimilation in American life: The role of race, religion, and national origin*. New York: Oxford University Press.
- Grogger, J. (1998). Immigration and crime among young black men: Evidence from the National Longitudinal Survey of Youth. In D. Hammermesh & F. Bean (Eds.), *Help or hindrance? The economic implications of immigration for African Americans* (pp. 322–341). New York: Russell Sage Foundation.
- Hagan, J., & Palloni, A. (1998). Immigration and crime in the United States. In J. P. Smith & B. Edmonston (Eds.), *The immigration debate: Studies on the economic, demographic, and fiscal effects of immigration* (pp. 367–387). Washington, DC: National Academy Press.
- Harris, K. (1998). Health status and risk behavior of adolescents in immigrant families. In D. Hernandez (Ed.), *Children of immigrants: Health, adjustment, and public assistance* (pp. 286–374). Washington, DC: National Academy Press.
- Immigration Commission. (1911). *Report of the Immigration Commission* (U.S. Congress, Senate, 61st Congress, S. Doc. 750, Vol. 36). Washington, DC: U.S. Government Printing Office.
- Industrial Commission. (1901). *Special report of general statistics of immigration and the foreign-born population*. Washington, DC: U.S. Government Printing Office.
- Martinez, R., Jr. (2002). *Latino homicide: Immigration, violence, and community*. New York: Routledge.
- Martinez, R., & Lee, M. (2000). On immigration and crime. In G. LaFree (Ed.), *The nature of crime: Continuity and change* (pp. 485–524). Washington, DC: National Institute of Justice.
- Martinez, R., Jr., & Valenzuela, A., Jr. (Eds.). (2006). *Immigration and crime: Race, ethnicity, and violence*. New York: New York University Press.
- Mateu-Gelabert, P. (2001). *Dreams, gangs, and guns: The interplay between adolescent violence and immigration in a New York City neighborhood*. New York: Vera Institute of Justice.
- Merton, R. (1938). Social structure and anomie. *American Sociological Review, 3*, 672–682.
- National Commission on Law Observance and Enforcement. (1931–1932). *Report on crime and the foreign-born*. Washington, DC: U.S. Government Printing Office.
- Perry, B. (2000). Exclusion, inclusion, and violence: Immigrants and criminal justice. In The Criminal Justice Collectives of Northern Arizona University, *Investigating differences: Human and cultural relations in criminal justice* (pp. 59–70). Boston: Allyn & Bacon.
- Portes, A., & Zhou, M. (1993). The new second generation: Segmented assimilation and its variants. *Annals of the American Academy of Political and Social Sciences, 530*, 74–96.
- Rumbaut, R., & Ewing, W. (2007). *The myth of immigrant criminality and the paradox of assimilation: Incarceration rates among native and foreign-born men*. Washington, DC: Immigration Policy Center.
- Sellin, T. (1938). *Culture conflict and crime*. New York: Social Research Council.
- Shaw, C., & McKay, H. (1942). *Juvenile delinquency in urban areas*. Chicago: University of Chicago Press.
- Sorenson, S. B., & Lew, V. (2000). Homicide and nativity. *Homicide Studies, 4*, 162–184.
- Sorenson, S. B., & Shen, H. (1996). Homicide risk among immigrants in California, 1970 through 1992. *American Journal of Public Health, 86*, 97–100.
- Valenzuela, A., Jr. (2006). New immigrants and day labor: The potential for violence. In R. Martinez, Jr., & A. Venezuela, Jr. (Eds.), *Immigration and crime: Race, ethnicity, and violence* (pp. 189–211). New York: New York University Press.
- Wolfgang, M., & Ferracuti, F. (1967). *The subculture of violence: Towards an integrated theory of criminology*. London: Tavistock.



## PART III

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### THEORIES OF CRIME AND JUSTICE

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## BIOLOGICAL THEORY

ANGELA D. CREWS

*Marshall University*

Biological theories within the field of criminology attempt to explain behaviors contrary to societal expectations through examination of individual characteristics. These theories are categorized within a paradigm called *positivism* (also known as *determinism*), which asserts that behaviors, including law-violating behaviors, are determined by factors largely beyond individual control. Positivist theories contrast with *classical theories*, which argue that people generally choose their behaviors in rational processes of logical decision making, and with *critical theories*, which critique lawmaking, social stratification, and the unequal distribution of power and wealth.

Positivist theories are further classified on the basis of the types of external influences they identify as potentially determinative of individual behavior. For example, psychological and psychiatric theories look at an individual's mental development and functioning; sociological theories evaluate the impact of social structure on individuals (e.g., social disorganization, anomie, subcultural theories, opportunity, strain) and the impact of social function and processes on individuals (e.g., differential association, social learning, social bonds, labeling). Biological theories can be classified into three types: (1) those that attempt to differentiate among individuals on the basis of certain innate (i.e., those with which you are born) outward physical traits or characteristics; (2) those that attempt to trace the source of differences to genetic or hereditary characteristics; and (3) those that attempt to distinguish among individuals on the basis of structural, functional, or chemical differences in the brain or body.

This chapter is organized in rough chronological order and by historical figures associated with an important development. It is difficult to provide an exact chronology, because several important developments and movements happened simultaneously in various parts of the world. For example, although biological theories are considered positivist, the concept of positivism did not evolve until after the evolution of some early biological perspectives. In addition, biological theories of behavior that involve some aspect of evolution, genetics, or heredity are discussed in terms of those scientific developments, although physical trait theories still continued to be popular.

The following sections discuss some of the more important and relevant considerations in scientific developments that impacted biological theories of behavior. A brief history of positivism also is provided, tracing the development and use of the biological theories from early (largely discredited) beliefs, to the most current theories on the relationship of biology to behavior. This section also provides a conclusion that discusses the role of biological theories in the future of criminological thought.

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### Classical and Positivist Views of Behavior

Biological theories are a subtype of positivist theory. Positivism evolved as instrumental in explaining law-violating behaviors during the latter part of the 19th century as a response to the perceived harshness of classical school



philosophies. Classical thought, which emerged during the Age of Enlightenment (mid-1600s to late 1700s), asserted that man operated on the basis of free will and rational thought, choosing which courses of action to take. According to classical theorists, individuals would engage in behaviors that were pleasurable and avoid behaviors that were painful. Punishment (of the right type and in the right amounts) would deter an individual from committing an act if that punishment resulted in pain that outweighed the pleasure. Classical theorists, for the most part, denounced torture as a type of punishment because it was more punishment than was necessary to prevent a future occurrence of the act; they believed that punishment should be proportionate to the crime to be effective as a deterrent.

Classical views were not very concerned about the causes of behavior. Behaviors were seen as the result of choice rather than as the result of inherent or external factors largely uncontrollable by the individual. The significant progression of scientific thought and method, however, led to the application of science in the study of human and social behavior. The central focus of these new ideas was that the aim of any social action toward individuals who violated law should be curing them, not punishing them.

Positivist criminology is distinguished by three main elements: (1) the search for the causes of crime, whether biological, psychological, or sociological; (2) the use of the scientific method to test theories against observations of the world; and (3) the rejection of punishment as a response to law-violating or deviant behavior, replaced with treatment based on the medical (rehabilitation) model. Positivism rejects free will and replaces it with scientific determinism. Finally, it rejects focus on criminal law and replaces it with a study of the individual.

## The Scientific Method

The scientific method is important to positivism and to biological theories of crime because it provides a systematic way to examine a particular problem or issue, rather than relying on spiritual or mystical explanations or haphazard guesswork. The development of the modern scientific method is credited primarily to Ibn al-Haytham (965–1039), an Iraqi-born scientist who wrote *The Book of Optics* between 1011 and 1021. It consists of the following seven steps:

1. Observation: Visual examination of a problem or issue, noticing characteristics and patterns.
2. Statement of the problem: A verbal description of the problem or issue, noting how it impacts and relates to other events or factors. An explanation of why and how the issue or problem is a problem.
3. Formulation of hypotheses: Development of potential explanations or solutions, educated and informed statements about the expected nature of the problem and relationships among the various components of the problem, specification of variables involved in the problem so that the potential explanation can be tested.
4. Testing of the hypotheses using controlled experimentation: controlled manipulation of the variables to determine whether the hypotheses are supported.
5. Analyses of experimental results; this usually involves examination of statistics.
6. Interpretation of data obtained from the testing and analyses and the formulation of a conclusion: Taking into account all the factors, the researcher makes a conclusion about the nature of the problem or issue.
7. Publication or dissemination of findings to inform interested populations and future research: providing information to the scientific community about your findings to help future researchers or to inform policy and practice.

Although some variation of the scientific method has been used since ancient times to evaluate and solve many problems, its use to explain social problems, such as crime and criminality, developed more recently. Early types of biological theories of crime were among the first efforts. Given the use of the scientific method in the “hard” or “natural” sciences, early researchers of the causes of crime attempted to explain criminal behaviors by applying the scientific method. The most obvious place to look for differences between criminals and other individuals was on the outside, by studying physical traits.

## Physical Trait Theories

The belief that one can determine a person’s character, moral disposition, or behavior by observing his or her physical characteristics is ancient. Pythagoras, a philosopher, mathematician, and scientist who lived during the period around 500 BCE, may have been one of the first to advocate this practice, known as *physiognomy*.

### Physiognomy

The term *physiognomy* comes from the Greek words *physis*, meaning “nature,” and *gnomon*, meaning “to judge or to interpret.” It refers to the evaluation of a person’s personality or character (i.e., his or her nature) through an examination of that person’s outward appearance. Early physiognomy concentrated on characteristics of the face through which to judge the person’s nature. Aristotle, a Greek philosopher who lived from 384 to 322 BCE, was a proponent of physiognomy, as were many other ancient Greeks. The practice flourished in many areas of the world and was taught in universities throughout England until it was banned by Henry VIII in 1531.

*Giambattista della Porta (1535–1615)*

The publication of *On Physiognomy* in 1586 by Italian scholar Giambattista della Porta once again brought renewed focus to this belief and practice of the ancient Greeks. Della Porta, often considered the first criminologist,

examined patients during his medical practice and concluded that appearance and character were related. He approached the study of this relationship from a magico-spiritualistic metaphysical perspective instead of a scientific one, classifying humans on the basis of their resemblance to animals. For example, men who look like donkeys are similar to donkeys in their laziness and stupidity; men who resemble pigs behave like pigs.

*Johann Kaspar Lavater (1741–1801)*

Della Porta's ideas were extremely influential to Johann Kaspar Lavater, a Swiss pastor who published his painstakingly detailed study of facial fragments in 1783. He concluded that one could determine criminal behavior through an examination of a person's eyes, ears, nose, chin, and facial shape.

### Phrenology

*Phrenology*, from the Greek words *phren*, meaning "mind," and *logos*, meaning "knowledge," is based on the belief that human behavior originated in the brain. This was a major departure from earlier beliefs that focused on the four humors as the source of emotions and behaviors: (1) sanguine (blood), seated in the liver and associated with courage and love; (2) choleric (yellow bile), seated in the gall bladder and associated with anger and bad temper; (3) melancholic (black bile), seated in the spleen and associated with depression, sadness, and irritability; and (4) phlegmatic (phlegm), seated in the brain and lungs and associated with calmness and lack of excitability. Theoretically and practically relocating responsibility for behavior from various organs to the brain represented a major step in the development of the scientific study of behavior and in the development of biological explanations of crime and criminality.

*Franz Joseph Gall (1758–1828)*

Around 1800, Franz Joseph Gall, a German neuroanatomist and physiologist who pioneered study of the human brain as the source of mental faculties, developed the practice of *craniology*, a technique by which to infer behaviors and characteristics from external examination of the skull (cranium). According to Gall, a person's strengths, weaknesses, morals, proclivities, character, and personality could be determined by physical characteristics of his or her skull.

Gall mapped out the location of 27 "brain organs" on the human skull. A bump or depression in a particular area of the skull would indicate a strength or weakness in that particular area. For example, several areas of Gall's map of the skull were believed to correspond to that person's tendencies to engage in criminal or deviant acts. One area corresponded to the tendency to commit murder; another area corresponded to the tendency to steal. Although not widely

accepted in Europe, the English elite (and others) used Gall's ideas to justify the oppression of individuals whose skulls had bumps or depressions in the wrong areas. The practice also was widely accepted in America between 1820 and 1850. Although crude, and somewhat ridiculous by today's standards, Gall's efforts had significant impact on subsequent research that attempted to identify the brain as the origin of behavior. Although similar to physiognomy in that it tried to make inferences about character and behavior from outward characteristics, craniology attempted to correlate those outward physical characteristics to internal physical characteristics (i.e., brain shape), which was a significant advance.

*Johann Spurzheim (1776–1832)*

Spurzheim, a German physician and student of Gall's, actually coined the term *phrenology* to replace *craniology*. Spurzheim also expanded the map of the brain organs, developed a hierarchical system of the organs, and created a model "phrenology bust" that depicted the location of the brain organs.

While the German scientists were focusing attention on the brain as an important determinant of individual behavior, various other scholars were theorizing about the development of man as a biological organism; about the nature of social and political organizations; and about the place of man, as an individual, within those organizations. The synthesis of these ideas would significantly advance the progress of research related to biological perspectives of behavior.

### The Origins of Humanity and the Mechanisms of Inheritance

Since the beginning of time, humans have questioned their origins. Earliest explanations focused on mystical/magical and spiritual forces, often centered on creationism, the theory that life originated from a divine source. The power of the organized religions in shaping man's social, political, economic, and legal systems is testament to their immense influence. For example, religious perspectives dominated philosophical thought until the Scientific Revolution began in the mid-16th century, when advances in theory and practice provided explanations alternative to those promulgated by the church. Galileo Galilei (1564–1642), Johannes Kepler (1571–1630), René Descartes (1596–1650), and Isaac Newton (1643–1727) all made significant contributions that brought scientific reasoning to the forefront of thought as a competitor to spiritual explanations. Although usurping the philosophies of the church were not their main goals, their revolutionary ideas (that natural events and human behaviors may be explained by the development and application of certain scientific principles) had just that effect. Needless to say, secular science was not very popular with the church and organized religion. However, these changes were vital in advancing understanding of human and societal behavior.

## Persistence of Human Traits and Characteristics

In addition to having been the potential source of physiognomy, ancient Greek philosophers also were among the first to recognize and attempt to explain the persistence of traits and characteristics from one generation to the next. Plato and Aristotle used the concept of *association* to explain how current mental processes (especially memories) generate from prior mental processes. These beliefs broadened to include all mental processes in the hands of philosophers such as Hume, Mill, and Locke.

Given that memories and other, possibly undesirable, characteristics and traits could potentially persist through generations, Plato advocated the control of reproduction by the state (government). Infanticide was practiced as a form of population control in ancient Rome, Athens, and Sparta. Many of the ancient societies also engaged in practices to weed out weak, diseased, malformed, or otherwise unfit members, such as exposing young children to the elements to see which ones had the strength, intelligence, and wit to survive.

Scientists began studying the nature of persistent traits in plants and animals prior to the application of these ideals to humans. Once established, however, it took relatively little time and relatively little effort to explain human patterns with these principles. As readers will note, the mid- to late 18th century was characterized by rapid progress in the natural sciences, which positively impacted biologically oriented research in the social sciences.

*Carolus (Carl) Linnaeus (1707–1778)*

Linnaeus, a Swedish botanist, zoologist, and physician, was among the first to document traits, patterns, and characteristics among plants and animals, creating hierarchical taxonomies (systems of classification). In *Systema Naturae* (System of Nature), published in 1735, Linnaeus grouped humans with other primates, becoming one of the first to recognize similar characteristics across species, hinting at an evolutionary progression.

*Pierre-Louis Moreau de Maupertuis (1698–1759)*

In 1745, French philosopher and mathematician Maupertuis published *Venus Physique* (Physical Venus), in which he proposed a theory of reproduction in which organic materials contained mechanisms to naturally organize. He subsequently discussed his views on heredity and examined the contributions of both sexes to reproduction, examining variations through statistics. Whether Maupertuis can be credited with being among the first to attempt to elucidate a theory of evolution is actively debated. He is generally credited with outlining the basic principles of evolutionary thought, along with his contemporary, James Burnett (see *James Burnett, Lord Monboddo* [1714–1799] section).

*David Hartley (1705–1757)*  
*and the Associationist School*

Hartley (borrowing somewhat from philosopher John Locke) published his most influential work—*Observations on Man, His Frame, His Duty, and His Expectations*—in 1749. In it, he attempted to explain memory and thought, in general, through the doctrine of association. This was significant, because he attempted to link the processes of the body to the processes of the brain. He explained that actions and thoughts that do not result immediately from an external stimulus are influenced by the constant activity of the brain because of man's past experiences, mediated by the current circumstances, causing man to act in one way or another. This brain activities that Hartley called *sensations* are often associated together and become associated with other ideas and sensations, forming new ideas. Hartley's work was important in that it brought scientific focus to the process of thought, the origin of emotions, and the impact of feelings on the creation of voluntary action. This is a positivist philosophy in that action is not viewed as being the direct result of strict free will.

*George-Louis Leclerc,*  
*Comte de Buffon (1707–1788)*

From 1749 to 1778, Leclerc published his most famous and influential work in 36 volumes, with an additional 8 volumes published postmortem. It was a study of natural history, from the general to the specific. In this work, he proposed the idea that species, including humans, change (i.e., evolve) throughout generations. Following in the footsteps of Linnaeus, he also proposed the radical idea of a relationship between humans and apes.

In another controversial publication, *The Eras of Nature* (1778), Leclerc questioned the long-standing and sacred belief that the universe was created by a divine power, instead suggesting that our solar system was created by celestial collisions. Finally, he contradicted the notion that seemingly useless body parts on animals were spontaneously generated but instead were vestigial, remnants of evolutionary progress.

Leclerc's influence was widespread and impacted subsequent beliefs about the transmission of traits from one generation to the next (inheritance, heredity) as well as about changes that occur over time with each passing generation (evolution). These ideas significantly impacted biological theories of behavior. Charles Darwin, in fact, credited Leclerc with being the first modern author of the time to treat evolution as a scientific principle.

*James Burnett, Lord Monboddo (1714–1799)*

Burnett, a Scottish judge, is credited with being another of the first to promote evolutionary ideas, in particular, the idea of natural selection. In *The Origin and Progress of Language* (1773), Burnett analyzed the development of

language as an evolutionary process; he clearly was familiar with the ideas of natural selection, although he differed with Leclerc in his support of the notion that humans were related to apes.

*Erasmus Darwin (1731–1802)*

One individual who took Leclerc's ideas to heart was Erasmus Darwin, grandfather of Charles Darwin and Francis Galton (see subsequent sections on Charles Darwin and Galton). Darwin also integrated ideas from Linnaeus, translating Linnaeus's works from Latin to English and publishing his own book of poetry about plants, *The Botanic Garden* (1791). Between 1794 and 1796, Darwin published *Zönomia*, which discussed the concept of generation (reproduction) and used Hartley's theory of association (and possibly Linnaeus's taxonomies). Many scholars believe Darwin's propositions were the forerunners of a more well-defined theory of inheritance later argued by Jean-Baptiste Lamarck (see *Jean-Baptiste Lamarck [1744–1829]* section).

*Thomas Robert Malthus (1766–1834)*

In 1798, Malthus, an English demographer and political economist, published *An Essay on the Principle of Population*, in which he proposed that populations struggle for existence in competition over resources. His main premise was that increases in population result in increased competition for scarce resources, primarily food. As a society becomes overpopulated, those at the bottom of the socioeconomic strata suffer the most (and often die). He explained that some natural events and conditions serve to control population growth (e.g., war, disease, famine) and that moral restraint (e.g., abstinence, late marriage) could serve the same function.

Contrary to many economists of the time who believed that increasing fertility rates and populations would provide more workers and would increase the productivity of a society, Malthus argued that the provision of resources could often not keep pace with population growth and would result in more poverty among the lower classes. This depiction of a struggle for existence was applied by subsequent scientists to plants and animals and was instrumental to Charles Darwin (and others) in arguments about "natural selection" and "survival of the fittest" (a phrase coined by Herbert Spencer; see *Herbert Spencer [1820–1903]* section).

*Jean-Baptiste Lamarck (1744–1829)*

Lamarck was a French naturalist, mentored by Leclerc (see preceding section on Leclerc), who published *Recherches sur l'Organisation des Corps Vivans* (Research on the Organization of Living Things) in 1802. Lamarck was among the first to attempt to classify invertebrates and was among the first to use the term *biology*. He primarily

is known for promoting and advocating a theory of *soft inheritance*, or *inheritance of acquired characters*, in which characteristics developed during the lifetime of an organism (e.g., larger or stronger muscles) are passed along to subsequent generations, making them better suited for survival (or better adapted).

Lamarck is considered the first to articulate a coherent theory of evolution, although he believed that organisms came into being through spontaneous generation instead of sharing a common source. His theory was characterized by two main arguments: (1) that organisms progress from simpler to more complex through generations and (2) that organisms develop adaptations because of their environments or because of the necessity (or lack thereof) of particular characteristics (the use-it-or-lose-it aspect).

### The Impact of Positivism

In the early 1800s, following the advancement of arguments, proposals, and theories related to the biological sciences, and during the discussions of Malthus's revolutionary "struggle for existence," groundbreaking ideas also were being propagated about the place and function of man within social groups. These developments were instrumental to the application of biological perspectives to human behavior within social groups.

*Auguste Comte (1798–1857)*

Known as the "Father of Sociology," Comte was a French scholar who published *Plan de Travaux Scientifiques Nécessaires Pour Réorganiser la Société* (Plan of Scientific Studies Necessary for the Reorganization of Society) in 1822. In this work, he argued for a universal *law of three phases*: (1) theological, (2) metaphysical, and (3) scientific, through which all societies have, or will, progress.

The theological stage is the most primitive stage, characterized by supernatural, religious, or animistic explanations for events, situations, and behaviors and a lack of interest in the origins of causes. The metaphysical stage is slightly more advanced and identifies abstract forces (fate, accident) as the origin of causes. The most advanced stage, the scientific stage, is what Comte called the *positive* stage. At this point, there is little concern for the origin of actions, but a focus on the outcomes, which man can control.

Positive stages are characterized by observation, experimentation, and logic and attempt to understand the relationships among components. Comte's positivism attempted to apply scientific principles (i.e., the scientific method) to the behavior of societies and to the behavior of groups within societies and emphasized the connectedness of all the elements involved in behavior. Positivism is one of the first theories of social evolution, attempting to explain how societies progress. Comte claimed that the only real knowledge is knowledge gained through actual sense experience (i.e., observation).

Comte's scientific stage also is exemplified by the use of quantitative, statistical procedures to make logical, rational decisions based on evidence. Statistical procedures had been used for some time in the hard sciences (e.g., math, physics), but a positivist perspective required that the use of such measurement techniques be applied to the social sciences, as well.

### Statistics and the Social Sciences

*Adolphe Quetelet (1796–1894)*  
and *Andre-Michel Guerry (1802–1866)*

Despite the overwhelming complexity of social phenomena, Quetelet and Guerry were convinced that it was possible to apply statistical techniques to the investigation of social behavior. Both men were primarily interested in unraveling the statistical laws underlying social problems such as crime and suicide. This idea was controversial at the time, because it contradicted prevailing belief in free will. Quetelet's most influential publication was *Sur L'Homme et le Développement de ses Facultés, ou Essai de Physique Sociale* (Treatise on Man; 1835), in which he described the "average" man, developed from the calculation of mean values to form a normal distribution. Quetelet called this process *social physics*, a term that Comte had earlier used. Quetelet's appropriation of the phrase *social physics* prompted Comte to adopt the term *sociology* instead.

Guerry is known for developing the idea of *moral statistics* in an 1829 one-page document containing three maps of France, shaded in terms of crimes against property, crimes against persons, and a proxy for education (school instruction). A subsequent publication, *Essay on Moral Statistics of France* (1833), expanded on this technique and developed shaded maps to evaluate crime and suicides by age, sex, region, and season. He found that these rates varied by region but remained remarkably stable across the other factors.

This preliminary work emphasized the possibility that social measurements could provide insight into the regularity of human actions, forming a basis for the development of social laws, similar to the physical laws that govern the behavior of other objects and events in nature. Quetelet and Guerry were instrumental in the development of sociology and criminology, illustrating the possibility of measuring, determining the nature of relationships, and identifying patterns and regularities in social situations.

### Heredity and Evolution

As the search for explanations of individual and social behavior improved through the application of statistical methods and the positivist insistence that the only real knowledge was that obtained through systematic observation (i.e., the scientific method), beliefs about the nature and potential of man within society became more sophisticated

and grounded. Although Lamarck had earlier discussed the passage of certain acquired traits from generation to generation (soft inheritance), theorists in the mid-1800s benefited from Malthus's propositions about the progress of society and from increasingly sophisticated inquiries into the nature and source of biological and behavioral predispositions.

*Herbert Spencer (1820–1903)*

An early English social theorist and philosopher, Spencer articulated a theory of evolution in *Progress: Its Law and Cause* (1857), prior to the publication of Charles Darwin's *On the Origin of Species* in 1859. Spencer proposed that everything in the universe developed from a single source and progressed in complexity with the passing of time and generations, becoming differentiated yet being characterized by increasing integration of the differentiated parts. Spencer also coined the phrase *survival of the fittest*, in 1864, after reading Darwin's *On the Origin of Species*, and he applied the idea of natural selection to society.

*Charles Darwin (1809–1882)*

Although the preceding paragraphs illustrate the development of scientific thought on the concepts of heredity and evolution, most scholars primarily note the impact of Charles Darwin. Darwin described his theories in two main publications: (1) *On the Origin of Species by Means of Natural Selection, or the Preservation of Favored Races in the Struggle for Life* (1859) and (2) *The Descent of Man and Selection in Relation to Sex* (1871).

In *On the Origin of Species*, Darwin detailed the theory that organisms evolve over generations through a process of natural selection. Darwin reached his conclusions and supported his observations through evidence that he collected during a sea voyage on a boat, the *HMS Beagle*, during the 1830s.

*The Descent of Man and Selection in Relation to Sex* applied Darwin's theory to human evolution and described the theory of sexual selection. Although he had earlier hinted that natural selection and evolution could and should be applied to the development of man, others (Thomas Huxley in 1863, Alfred Wallace in 1864) had actually applied his theories to the human animal first.

*Cesare Lombroso (1835–1909)*

Among the first to apply Darwin's findings to criminal behavior and criminals, Lombroso was an Italian criminologist and founder of the Italian School of positivist criminology. Lombroso rejected the established Classical School, which held that crime was a characteristic trait of human nature. Instead, using concepts drawn from earlier perspectives, such as physiognomy, Lombroso argued, in essence, that criminality was inherited and that someone "born criminal" (this phrase was coined by his student,

Enrico Ferri) could be identified by physical defects, which confirmed a criminal as savage, or atavistic.

Lombroso published *Criminal Man* in 1876, helping to establish the newly forming Positive School of criminology. Inspired by Charles Darwin's evolutionary theory, he believed that criminals were not as evolved as people who did not commit crime and that crime is a result of biological differences between criminals and noncriminals.

A central focus of Lombroso's work is the concept of *atavism*. Atavism describes the reappearance in an organism of characteristics of some remote ancestor after several generations of absence. It often refers to one that exhibits atavism, that is, a throwback. It can also mean a reversion to an earlier behavior, outlook, or approach. Lombroso approached this concept believing that criminals were throwbacks on the evolutionary scale. He believed that modern criminals shared physical characteristics (*stigmata*) with primitive humans. In his later years, he eventually thought that social and environmental factors can contribute to criminality.

Lombroso reached his conclusions by studying the cadavers of executed criminals for physical indicators of atavism, developing a typological system (with four main criminal types) to categorize these individuals. Although his methods were flawed, and most of the traits he listed failed to distinguish criminals from matched samples of noncriminals, he was among the first to apply scientific principles to the collection of data and to use statistical techniques in his data analysis. In addition to examining the physical characteristics of the criminal, he also evaluated the conditions under which crime is committed. He also was among the first to study female criminality, speculating that females were more likely to be criminals "by passion."

Lombroso determined that serious offenders inherited their criminal traits and were "born criminals," atavistic throwbacks to earlier evolutionary ancestors. They had strong jaws, big teeth, bulging foreheads, and long arms. These types of offenders constituted about one third of all criminals. The remaining two thirds were "criminaloids" (minor offenders) who only occasionally commit crime.

Although primarily remembered for his claim that criminal behaviors were inherited, Lombroso also argued that environmental factors can play an important role in crime. He speculated that alcoholism, climate changes, and lack of education may contribute to criminality.

Lombroso's work started other researchers on the path to determine a hereditary source for criminal behavior. His student, Enrico Ferri (1856–1929), disagreed with Lombroso's focus on the physiological, preferring instead to examine the interactive effects of physical factors, individual factors, and social factors and to blame criminality on a lack of moral sensibility.

Another Italian contemporary, Raffaele Garofalo (1851–1934), developed a theory of *natural crime*, focusing on those acts that could be prevented or reduced by

punishment. Garofalo also suggested the elimination of individuals who posed a threat to society, to improve the quality of the society and ensure its survival. Like Ferri, he believed crime was more the result of a lack in moral sensibilities rather than a physiological problem.

Lombroso's conclusions were challenged and refuted by Charles Goring (1870–1919), who wrote *The English Convict* in 1913. In a carefully controlled statistical comparison of more than 3,000 criminals and noncriminals, Goring found no significant physical differences between the two populations except height and weight (criminals were slightly smaller). His findings essentially discredited Lombroso's idea of the born criminal, although research into the search for criminal types continued.

### The Criminal Physique

Evaluations and categorizations of a person's body build or physique also became popular as researchers attempted to link crime with some outwardly observable differences. In 1925, Ernst Kretschmer (1888–1964), a German psychiatrist, published *Physique and Character*, in which he described three categories of body type (asthenic, athletic, pyknic) associated with three categories of behaviors (cyclothemic, schizothemic, and displastic). *Cyclothemes* were manic-depressive and typified by soft skin, a round shape, and little muscle development, and tended to commit the less serious offenses that were more intellectual in nature. *Schizothemes* were antisocial and apathetic, committing the more serious violent offenses, and were either asthenic (thin and tall) or athletic (wide and strong). *Displastics* could be any body type but were characterized by highly charged emotional states and unable to control their emotions. Kretschmer associated displastics with sexual offenses. Although Kretschmer attempted to develop a typology that associated behaviors with physique, he did not put much consideration into the complex nature of behavior and its interaction with the environment.

Among those who continued this search was a contemporary of Goring, Harvard anthropologist Ernest Hooten (1887–1954). Dissatisfied with Goring's findings, Hooten spent 12 years conducting research into the criminal nature of man to disprove Goring and to support Lombroso. His first influential publication, *Crime and the Man* (1939), documented his study of 14,000 prisoners and 3,000 non-prisoner controls in 10 states. Hooten was more rigorous than Goring in his methods, differentiating his subjects on the basis of types of crime and by geographic, ethnic, and racial backgrounds.

Hooten agreed with Lombroso's idea of a born criminal and argued that most crime was committed by individuals who were "biologically inferior," "organically inadapt-able," "mentally and physically stunted and warped," and "sociologically debased." He argued that the only way to solve crime was by eliminating people who were morally, mentally, or physically "unfit," or by segregating them in an environment apart from the rest of society.

As Hooten was conducting his research and developing his conclusions, the sociological world was developing an interest in the contribution of social factors and social environments to the development of criminal behavior. Sociological research out of the University of Chicago (i.e., the Chicago School) stressed the impact of the social environment rather than an individual's biology as crucial to the development of crime. Hooten was widely criticized because of his failure to consider social factors and his myopic focus on biological determinism.

#### *Gregor Mendel (1822–1884)*

While scholars debated Darwin's claims and investigated whether criminals were born and were atavistic throwbacks to earlier historical periods, a piece of research on heredity in plants that was largely overlooked at the time it was published in 1866 was being rediscovered. This work provided quantitative evidence that traits were passed on from one generation to the next (or inherited), making it one of the most critical pieces of research related to biological theories of crime.

Mendel, an Austrian scientist, is known as the "father of genetics" (Henig, 2000). Although Mendel's work was largely ignored until after 1900 (in part because of the popularity of Darwin's theories), application of his *laws of inheritance* to individual and social development resulted in significant advances in biological theories of behavior.

Mendel's experiments with plants (in particular, peas) and with animals (in particular, bees) provided scientific support to some of the propositions suggested by Darwin in 1868, although Mendel's research predates that of Darwin. Darwin theorized that *pangenesis* explained the persistence of traits from one generation to the next. He discussed transmission and development in his laws of inheritance, arguing that cells within bodies shed "gemules" that carried specific traits from the parent organism to the subsequent generation. Darwin insightfully proposed that a parent organism's gemules could transmit traits to the following generation even though those traits may not have been present in the parent and that those traits could develop at any later point.

Mendel, however, was the one who developed support for the theory of inheritance through his experiments with the cultivation and breeding of pea plants, and the scientific support for *dominant* and *recessive* characteristics, passed from one generation to the next. His work also led to focus on the study of traits at the cellular level (genotypes) instead of at the observable level (phenotypes).

### **The Implications of Heredity and Evolution: Eugenics and Social Darwinism**

#### *Francis Galton (1822–1911) and Eugenics*

It was in the work of Galton, a cousin of Charles Darwin, that statistics, biology, and sociology reached a

harmonic state. Reading Darwin's theories about variations in the traits of domestic animals set Galton on a path to study variations in humans. In doing so, he developed measurement techniques and analytic techniques to help him make sense of what he was observing. He first was interested in whether human ability was hereditary, and he collected biographical information about numerous prominent men of the time to chart the families' abilities over several generations. He published his results in a book called *Hereditary Genius* (1869), in which he concluded that human ability was inherited. He followed this work with a survey of English scientists (1883) in which he attempted to determine whether their interest and abilities in science were the result of heredity (nature) or encouragement (nurture). Galton stimulated interest in the question of (and coined the phrase) *nature versus nurture*.

Although Galton's work at that point was useful and had resulted in the development of numerous measurement tools (e.g., the questionnaire; fingerprint analysis) and statistical concepts (standard deviation, correlation, regression), it was his work with twins that provided the impetus for future inquiries into the nature-versus-nurture debate. Galton surveyed sets of twins to determine whether twins who were identical exhibited differences if raised in different environments and whether twins who were fraternal exhibited similarities if raised in similar environments. This work was published as "The History of Twins as a Criterion of the Relative Powers of Nature and Nurture" in 1875.

In 1883, Galton developed the concept of *eugenics*, his most controversial and abused philosophy. Eugenics advocated the encouragement, through the distribution of incentives, of "able" couples to reproduce in an effort to improve human hereditary traits. Part of his proposals included manipulating social morals to encourage the reproduction of the "more fit" and discourage reproduction of the "less fit." Galton's proposals were to change social mores and values rather than forcibly manipulating reproduction or eliminating those who were considered less fit. He believed that, without encouragement, it was the natural state of man (and thus of society) to revert to mediocrity, a phrase that came to be clarified as "regression toward the mean," which he viewed as repressive of social and individual progress.

Prevailing thought at the time was receptive to such ideals, in the belief that these policies would reduce or eliminate poverty, disease, genetic deformities, illnesses, and crime. Eugenics was originally conceived as a concept of social responsibility to improve the lives of everyone in society by encouraging individuals to selectively breed good traits in and bad traits out, but many who followed would use Galton's philosophies toward less than desirable ends.

After Galton's efforts, others attempted to document that crime was a family trait. In 1877, Richard Dugdale (1841–1883) published *The Jukes: A Study in Crime, Pauperism, Disease and Heredity*, in which he traced the descendants of matriarch Ada Jukes and found that most of the Jukes

family members (although they were not all biologically related) were criminals, prostitutes, or welfare recipients. Another family study, published in 1912 by Henry H. Goddard (1866–1957), traced 1,000 descendants of a man named Martin Kallikak, comparing his descendants who were conceived within wedlock to a woman of “noble birth” to his descendants who came from the bloodline he conceived out of wedlock with another woman, one of ill repute. Goddard concluded (although he later retracted his conclusions) that the legitimate bloodline was “wholesome,” whereas the illegitimate bloodline was characterized by “feeble-mindedness.”

### Social Darwinism

Developments that ensued after Galton’s propositions of eugenics, and after the rediscovery and replication of Mendel’s work on the heritability of traits, were crucial to the study of man’s behavior, its potential biological roots, and to the study of man’s role and obligation in society. Malthus’s struggle for existence, Comte’s sociology, Quetelet and Guerry’s social physics and moral statistics, and the work of scientists (most notably Darwin) on transmutation, natural selection, survival of the fittest, and evolution resulted in perfect conditions under which scientific principles and statistical analysis could be applied to the human condition and to human behavior. A compilation of these philosophies resulted in the theory of *social Darwinism*, originally applied to the structure and function of social processes and organizations (e.g., government), with the primary belief that competition drives all social progress and only the strongest survive.

Mendel’s contribution was critical to the ideas of social Darwinism, explaining how observable characteristics (phenotypes) were inheritable and how a trait may appear in one generation that had not appeared in many prior generations. These atavisms, or throwbacks to an earlier evolutionary period, could be physical (e.g., vestigial tails, useless appendages) or behavioral (e.g., violence). Social Darwinists became interested in the question of whether social development (progress, evolution) could be engineered or controlled through manipulation of these traits. Other scientists studying the more undesirable behaviors of man (e.g., crime) were interested in whether social problems could be controlled through this type of manipulation. Many, however, such as noted political economist William Graham Sumner (1840–1910), advocated a *laissez-faire* philosophy with respect to the survival and progress of societies, noting that problems like poverty are the natural result of inherent inequalities and that the process of natural selection and survival of the fittest would mean a natural reduction in the problems over time (without social engineering or interference; Hodgson, 2004). Viewing society through the lens of social Darwinism, however, inevitably led to viewing man through the lens of social Darwinism.

During the late 1800s and early 1900s, while Goring, Hooten, and others were debating the role of biology in criminal behavior, others were quietly merging Malthus’s ideas on competition and survival among societies, Spencer’s insistence that individual evolution leads to social evolution, Mendel’s ideas on the heritability of traits, Darwin’s ideas on natural selection and evolution, and Galton’s ideas on eugenics into warped interpretations and applications of eugenics and social Darwinism.

### The Legacy of Eugenics and Social Darwinism

With unprecedented immigration in the late 19th and early 20th centuries, American society struggled with increasing crime, poverty, suicide, and other social problems. Some, such as the theorists of the Chicago School, saw the solution in sociological explanations, whereas others turned to solutions implied in eugenics. Although a complete description of the misapplication of eugenics is beyond the scope of this chapter, it is important for the student of biological theories to understand the impact that eugenics had on the study of biological explanations of behavior.

In theory, eugenics argued for the improvement of human genetic qualities. Positive eugenics aims to increase the reproduction of desirable qualities, and negative eugenics aims to discourage the reproduction of undesirable qualities, to improve humanity and society. The underlying premise is that both positive and negative traits are inherited and passed down through generations. Early eugenicists focused on traits such as intelligence and on hereditary diseases or defects presumed to be genetic (Barrett & Kurzman, 2004). These eugenicists, following Galton’s philosophies, focused on societal changes (the provision of incentives) to encourage reproduction among those with positive traits and to discourage reproduction among those with negative traits.

In practice, however, and following a logical progression of thought, some believed eugenics to mean that persons with undesirable traits should be prevented from reproducing, or even be eliminated.

Although social Darwinists and eugenicists are alike in their goal to improve humanity and society through survival of the fittest, social Darwinists were more likely to assert that this improvement would take place in a natural process, with weak, diseased, undesirable, and unfit individuals being eventually weeded out. It is for this reason that social Darwinists opposed government intervention into problems such as poverty and crime, believing that natural forces would result in the reduction or elimination of these undesirable conditions. Eugenicists, on the other hand, encouraged active intervention.

It is this active intervention that became problematic, although it was not initially viewed as such. Activists promoted the use of contraception to prevent unwanted pregnancies, and state laws were written regulating marriages. Individuals who had ailments thought to be genetic were



prohibited from marrying and forcibly sterilized. This included individuals deemed to be “feeble-minded” or mentally ill.

The popularity of eugenics spread throughout the United States during the late 1800s and early 1900s. Charles Davenport (1866–1944), an influential American biologist, directed the Cold Spring Harbor Laboratory in 1910 and founded the Eugenics Record Office, hiring Harry H. Laughlin (1880–1943) as superintendent (Kevles, 1985).

Between 1907 and 1914, several states had passed sterilization laws. Laughlin, however, perceived these as ineffective and full of holes, prompting him in 1922 to draft a “model” law that was passed by 18 additional states (Lombardo, n.d.). In this model law Laughlin defined the populations that would be targeted by forced sterilization, including criminals, the very poor, epileptics, alcoholics, the blind, the deaf, the insane, and those who had a physical deformity. These practices were upheld as constitutional by the U.S. Supreme Court in 1927 in the case of *Buck v. Bell* and continued until 1981. More than 64,000 individuals in 33 states were forcibly sterilized under these laws.

With increased immigration came increased concerns about the quality and purity of the races. Responding to these concerns, Madison Grant (1865–1937), an American lawyer, wrote one of the first and most influential books about racial integrity, *The Passing of the Great Race* (1916). Grant wrote that the Nordic (i.e., white) racial line was the pinnacle of civilization. He warned against miscegenation (race mixing) and supported legislation against it. He argued for racial hygiene because the Nordic race was superior to any other, and any mixing would taint Nordic bloodlines, making them impure. He also warned that “undesirables” breed in greater numbers and would overrun the superior Nordic population if not controlled. He advocated the eradication of “undesirables” from the human gene pool coupled with the promulgation of more desirable and worthy racial types.

Grant’s work was immensely popular and was instrumental in the drafting and passage of the Immigration Act of 1924, which restricted the numbers of immigrants from the less desirable regions, such as southern and eastern Europe. His book also was translated into several languages. In 1925, it was translated into German, in which *Nordic* was replaced by the word *Aryan*. Adolph Hitler, who read the book shortly after its translation into German, would later call Grant’s work his “bible.”

In 1928, with sterilization laws and immigration restrictions in full swing, E. S. Gosney (1855–1942) founded the Human Betterment Foundation, an entity whose primary purpose was to compile and distribute propaganda about compulsory sterilization. Gosney hired Paul E. Popenoe (1888–1979) to assist him in the study of the impact of these sterilization laws in California. Their collaboration resulted in the publication of *Sterilization for Human Betterment: A Summary of Results of 6,000 Operations in*

*California, 1909–1929* (Gosney & Popenoe, 1929), used by Nazi Germany to support its 1934 Law for the Prevention of Hereditarily Diseased Offspring. Furthermore, these arguments were used to justify policies of racial hygiene and racial cleaning that Nazi Germany enacted against Jews and other “undesirable” or “unfit” persons who did not meet the model of the Aryan ideal. The Nuremberg Laws enacted in 1935 consisted of the Law for the Protection of German Blood and German Honor, and the Reich Citizenship Laws, which prohibited the mixing of Germans with Jews (which really meant anyone not deemed to be German) and stripped so-called undesirables of their citizenship.

Although population control policies based on eugenics enjoyed widespread support in many countries prior to World War II, Nazi use of its philosophies to justify the eradication of approximately 6 million Jews and an additional 3 to 5 million others brought an immediate halt to its proliferation. However, sterilizations, marriage restrictions based on fitness, and prohibitions of racial intermarriage continued for decades. Marriage counseling, ironically developed by Paul Popenoe as a eugenic tactic to ensure marriage between fit individuals, also became a viable area of practice.

Despite the fact that the word *eugenics* is usually avoided, modern efforts to improve humanity’s gene pool persist. The Human Genome Project is one notable scientific effort to understand the genetic makeup and properties of human beings with an eye toward eradicating or preventing inheritable diseases and defects. Advances in science and the development of ethical guidelines provide hope that struggles to better understand the transmission and development of human traits and characteristics are not yet abandoned. This is especially important to the future of biological theories of criminality.

## Post–World War II Research on Biology and Behavior

### Body Physique and Crime

After World War II, research into the biological roots of crime persisted. Following in the footsteps of Lombroso in 1876, Kretschmer in 1925, and Hooten in 1939, William H. Sheldon (1898–1977) attempted to document a direct link between biology (specifically, physique) and personality (specifically, crime) through the development of a classification system of personality patterns and corresponding physical builds (Sheldon, 1940).

Running contrary to prevailing sociological emphases on the environmental correlates of crime, Sheldon chose to instead employ beliefs about Darwin’s survival of the fittest, Lombroso’s criminal man, and Galton’s eugenics. Sheldon argued for an “ideal” type, in which perfectly formed physique joined perfectly formed temperament and disposition. Any combination that deviated from this ideal

was associated with disorders of both personality and behavior. He claimed a physical basis for all variations in personality and body build.

During the 1940s, Sheldon developed and tested his classification system, known as *somatotyping*. He created three classifications: (1) *ectomorphs*, who were thin, delicate, flat, and linear; (2) *endomorphs*, who were heavy or obese, with a round, soft shape; and (3) *mesomorphs*, who were rectangular, muscular, and sturdy.

In subsequent studies of juvenile delinquency, Sheldon argued that mesomorphic types were more likely to engage in crime, ectomorphs were more likely to commit suicide, and endomorphs were more likely to be mentally ill. Although Sheldon linked physical and psychological characteristics and concluded that both were the result of heredity, he failed to support that conclusion with valid statistical methods.

Also during the late 1940s and early 1950s, Sheldon Glueck and Eleanor Glueck conducted longitudinal research into juvenile delinquency using control groups and added to Sheldon's list of somatotypes. They suggested the addition of a fourth type they called *balanced*. In their research, they found support for Sheldon's proposition that mesomorphs are more likely to commit crime. Among the juveniles they studied, the mesomorphic somatotype was disproportionately represented among delinquents by a ratio of nearly two to one as compared with nondelinquent controls. In addition, whereas only about 14% of delinquents could be classified as ectomorphs, nearly 40% of the nondelinquent controls could be placed in this category. Instead of concluding that body type led to delinquency, the Gluecks (1956) concluded that participation in delinquency (for which individuals are more likely to get arrested) may be facilitated by having a mesomorphic body type rather than an ectomorphic, endomorphic, or balanced body type.

Biological explanations for behavior lost much of their popularity during the 1960s with the belief that their inherent implication of inferiority often was misused to justify prejudice and discrimination. In addition, the 1950s and 1960s brought significant advances in the natural sciences and in the social and behavioral sciences. Once again, criminologists and other scientists turned to evaluating the internal components and processes of the human body.

### Genetics in Modern Biological Theories

Efforts to find a genetic explanation for violence and aggression have been met with strong resistance, primarily because of painful memories of how research linking biology and crime were used in the past (eugenics). In 1992, a conference related to the Human Genome Project at the University of Maryland had its federal funding withdrawn for attempting to discuss any particular linkage between genes and violence (Murphy & Lappé, 1994). Objections by groups who believed that any such research would be

used to oppress poor and minority populations overpowered the quest for knowledge.

Although genetic research began with Mendel's laws of inheritance, our understanding of how genes influence our behaviors is still evolving. Discovery of the genetic code in the mid-1950s took us beyond recognizing that genes were involved in heredity to a greater understanding of the process through which hereditary traits are passed from one generation to another. Part of this discovery process was the clarification of the structure and function of chromosomes, which carry human genetic material.

### Chromosomes

Human cells normally have 22 pairs of chromosomes, plus a pair of chromosomes that determines sex, for a total of 46. Sex chromosomes are termed *X* and *Y*. Females carry a combination of *XX*, and males carry a combination of *XY*. During conception, the male's sperm carries genetic material to the female's egg. If the sperm that fertilizes a female egg is carrying a *Y* chromosome, the resulting embryo will develop into a male fetus (*XY*). If the sperm is carrying an *X* chromosome, the resulting embryo will develop into a female fetus (*XX*).

During this process, however, things can develop abnormally. For example, during the process, some men are left with an extra *Y* chromosome (*XYY*). Erroneously termed *XYY syndrome*, a "supermale" carrying this chromosomal pattern usually has a normal appearance and will probably never know that he carries an extra *Y* chromosome, unless he is genetically tested for some other reason. Given the *Y* chromosome's association with the male sex and with increased production in testosterone, many claims have been made in the research literature that *XYY* males are more aggressive and more violent. This supposition has not been supported with scientifically valid research.

Scientific progress made inquiry into genetic correlates of behavior more precise and less speculative. Although scholars are reluctant to associate criminal behavior with any specific gene, researchers continue to investigate the inheritability of behavioral traits. Some of the most promising work involves the study of twins and adoptees.

### Twin Studies

Since Galton's work with twins, twin studies have become more sophisticated and have attempted to respond to methodological criticisms. Distinctions between fraternal (dizygotic [*DZ*]) and identical (monozygotic [*MZ*]) twins have contributed to the sophistication of this type of research. *DZ* twins develop from two eggs and share about half of their genetic material, whereas *MZ* twins develop from a single egg and share all of their genetic material.

Twin studies attempt to control for the impact of the social environment, hypothesizing that these environments are similar for twins. Twins generally are raised in the same

social environment, so the impact of the social environment is considered to be equal and consistent (and thus controlled). Therefore, any greater similarity between identical twins than between fraternal twins would provide evidence for a genetic link.

One of the earlier and simpler twin studies was conducted in the 1920s by Johannes Lange (1929). He studied 30 pairs of twins who were of the same sex. Seventeen of these pairs were DZ twins, and 13 of these pairs were MZ twins. At least one of each twin pair was known to have committed a crime. However, Lange found that both twins in 10 of the 13 MZ twin pairs were known criminals, compared with both twins in only 2 of the 17 DZ pairs.

More sophisticated and extensive studies have followed. In 1974, Karl O. Christiansen evaluated the criminal behavior of 3,586 twin pairs born in Denmark between 1881 and 1910. He found that the chance of one twin engaging in criminal behavior when the other twin was criminal was 50% among the MZ twin pairs but only 20% among the DZ twin pairs. The correlation between the genetic closeness of the biological relationship and crime was especially true for serious violent crime and for more lengthy criminal careers.

These findings were supported by additional work on the self-reported delinquency of twins in the 1980s and 1990s by David C. Rowe and his colleagues. This research found that MZ twins were more likely than DZ twins to both be involved in delinquent activity. Moreover, MZ twins reported more delinquent peers than did DZ twins (Rowe, 1983). The work of Rowe and his colleagues supported a genetic component to delinquency but also provided evidence of a social component.

Although twin studies have provided some support for a genetic component to behavior, it is difficult to separate the influence of genetics from the influence of social factors. There also are theoretical problems with the assumption that twins raised in the same home are subject to the same treatment and the same social environment. Even scholars who study the link between criminal behavior and genetics are cautious with their conclusions, arguing that these types of studies reveal only that the similarities between twins have some impact on behavior. Whether these similarities are genetic, social, or some combination of the two is still open for debate. Studies of adopted individuals constitute one attempt to resolve this issue.

#### *Adoption Studies*

In adoption studies, the behavior of adoptees is compared with the outcomes of their adopted and biological parents. The aim is to separate out the impact of the environment from the influence of heredity. This research asks whether a child will exhibit traits of the adopted parents or of the biological parents.

Research indicates that an adoptee with a biological parent who is criminal is more likely to engage in property

crime than other adoptees and that this effect is stronger for boys. The findings, from a study of 14,427 Danish children adopted between 1924 and 1947, provide evidence that there may be a genetic factor in the predisposition to antisocial behavior (Mednick, Gabrielli, & Hutchins, 1984). Studies in both Sweden and in the United States confirm these conclusions.

A meta-analysis of adoption studies, conducted by Walters and White (1989), reinforced the importance of adoption studies as the best way to determine the impact of both environment and genetics on criminal behavior but also emphasized the theoretical and methodological difficulties inherent to this approach. Knowing, for example, whether an adoptive parent has a criminal history provides no information on the social environment provided in the adoptive parent's home. The definitions of crime and criminality also widely vary in these studies and can be challenged. For example, one study may consider as criminal behaviors perhaps best classified as antisocial (e.g., using bad language, adultery). Furthermore, these studies do not account for the quantity or quality of social interactions experienced within the various settings (adoptive vs. biological). Finally, the determination that someone is a criminal simply on the basis of a conviction or incarceration is problematic and does not consider undetected criminal behaviors.

According to researchers who worked on the Human Genome Project, however, twin and adoption studies are the best source for evaluating individual differences in human behavior. Recent studies have consistently demonstrated that genetic variation substantially contributes to behavioral variation across all types of behavior. Two primary conclusions are derived from these studies: (1) Nearly all of the most frequently studied behaviors, characteristics, and conditions (e.g., cognitive abilities, personality, aggressive behavior) are moderately to highly heritable, and (2) nonshared environments play a more important role than shared environments and tend to make people different from, instead of similar to, their relatives.

Most biological scholars now cautiously conclude that there may be a genetic predisposition toward criminal behavior but that the manifestation of these predispositions is dependent on social and environmental factors. However, belief (or not) in a genetic link to criminality does not preclude other potential biological explanations of crime.

#### **Biochemical Explanations: Hormones, Neurotransmitters, Diet**

Another biological explanation for criminal behavior involves the body's hormones, released by some of the body's cells or organs to regulate activity in other cells or organs. *Androgens* are hormones associated with masculine traits, and *estrogens* are associated with feminine traits. *Progesterone* is another hormone associated primarily with female reproductive processes, such as pregnancy and menstruation.

### *Testosterone*

Testosterone is considered the male sex hormone. Although persons of both sexes secrete testosterone, males secrete it in higher levels. Researchers have found that higher levels of this hormone are associated with increased levels of violence and aggression, both in males and females. Criminal samples have been found to have higher testosterone levels when compared with noncriminal samples, although these levels were still within normal limits.

Problems with attempting to explain criminal behavior by testosterone levels, however, are problematic. Testosterone levels naturally fluctuate throughout the day and in response to various environmental stimuli. For example, levels among athletes increase prior to competitions, perhaps indicating that testosterone is produced to increase aggression instead of as a response to aggression. This makes correlating levels to behavior and controlling for environmental stimuli extremely difficult.

Recent research conducted by Ellis in 2003, however, has added an evolutionary component. In his *evolutionary neuroandrogenic theory*, Ellis argued that increased levels of testosterone reduce the brain's sensitivity to environmental stimuli, making a person act out, with reduced abilities to control emotions. He also speculated that the development of testosterone's "competitive-victimizing" effects is the result of natural selection, as described by Darwin.

Scholars who study the relationship between testosterone levels and crime cite as support the differences between males and females in terms of levels of crime in general and levels of violence in particular. This work has led to the "treatment" of male sex offenders with chemical derivatives from progesterone to reduce male sexual urges through the introduction of female hormones (e.g., Depo-Provera, a brand of birth control for women). This has been effective in reducing some types of sex offenses (e.g., pedophilia, exhibitionism), but it has had little or no impact on other crimes or violence.

### *Premenstrual Syndrome and Premenstrual Dysphoric Disorder*

Researchers also have investigated the impact of female hormones on behavior in women, beginning with two English cases in 1980 in which two women used *premenstrual syndrome* (PMS) as a mitigating factor in violent offenses. These efforts led to female defendants in the United States being able to argue reduced culpability due to PMS.

More recently, a more severe form of PMS has been identified. *Premenstrual dysphoric disorder* (PMDD) is a severe and debilitating form of PMS, distinguished by the level of interference the menstrual process has on the ability of the woman to engage in the functions of everyday life. Interestingly, researchers have established a genetic link to the development of PMDD. Women with a certain genetic structure have increased (abnormal) sensitivity to their own normal hormones, resulting in increased symptoms of emotional and physical stress.

Another phenomenon associated with female hormones is *postpartum depression syndrome*. Although most new mothers experience symptoms of depression in the weeks or months following birth, which is primarily thought to be due to a decrease in progesterone, approximately 1% to 2% of these mothers exhibit severe symptoms, such as hallucinations, suicidal or homicidal thoughts, mental confusion, and panic attacks. As with PMS and PMDD, postpartum depression syndrome has successfully been used as a mitigating factor in the legal defense of women accused of crimes while suffering from its effects. Both PMS and PMDD, however, are controversial concepts, difficult to diagnose as medical conditions, and argued by some to be social constructions and psychiatric problems instead of medical conditions.

### *Neurotransmitters*

In addition to the possibility that human hormones may directly impact behavior, they also may directly impact chemicals that regulate brain activity. *Neurotransmitters* are chemicals that transmit messages between brain cells, called *neurons*, and have a direct impact on the many functions of the brain, including those that affect emotions, learning, mood, and behavior. Although researchers have extensively studied more than 50 of these chemicals, research on the biological bases of crime has focused on three of these: (1) *norepinephrine*, which is associated with the body's fight-or-flight response; (2) *dopamine*, which plays a role in thinking and learning, motivation, sleep, attention, and feelings of pleasure and reward; and (3) *serotonin*, which impacts many functions, such as sleep, sex drive, anger, aggression, appetite, and metabolism.

High levels of norepinephrine, low levels of dopamine, and low levels of serotonin have been associated with aggression. Results from research that has examined the impact of these neurotransmitters are mixed. With all of these chemicals, fluctuations in their levels may result in certain behaviors, and certain behaviors may contribute to fluctuations in their levels (in a reciprocal interaction effect).

Although there is little doubt that there is a direct relationship between levels of various neurotransmitters and behavior, this relationship is extremely complex and nearly impossible to disaggregate. Chemical changes are part of the body's response to environmental conditions (e.g., threats) and to internal processes (e.g., fear, anxiety), and environmental conditions and internal processes produce chemical changes in the body. This creates a chicken-and-egg question about whether our responses and reactions are the result of changes in our chemistry or changes in our chemistry are the result of our responses and reactions.

### *Diet, Food Allergies, Sensitivities, Vitamins, and Minerals*

What one eats impacts one's body chemistry. High-protein foods, such as fish, eggs, meat, and many dairy

products, contain high levels of the amino acid *tryptophan*. Tryptophan produces serotonin (see preceding section). Another amino acid, *tyrosine* (also found in high-protein foods), is related to the production of both dopamine and norepinephrine. These relationships have suggested that many aggressive behaviors may be controlled with a diet higher in protein and lower in refined carbohydrates.

Carbohydrates—specifically, refined carbohydrates, such as white refined flour, white rice, white refined sugar, and any processed foods with high levels of sugar—also are examined as related to problem behavior. Complex carbohydrates are slowly transformed into glucose, which stimulates the production of insulin in the pancreas, which in turn produces energy for the body. Simple or refined carbohydrates are not processed slowly and result in the rapid release of insulin into the bloodstream, causing a sharp decrease in blood sugar, depriving the brain of the glucose necessary for proper functioning. This sharp decline in blood sugar also triggers the release of hormones such as adrenalin and increases in dopamine. This combination has been associated with increased aggression, irritability, and anxiety.

The state of having chronically reduced blood sugar caused by the excessive production of insulin is called *hypoglycemia*. Individuals who are hypoglycemic experience increased levels of irritability, aggression, and difficulty in controlling their emotional expressions. Hypoglycemia has successfully been used to mitigate criminal behavior. The most infamous example occurred during the late 1970s when Dan White killed San Francisco Mayor George Moscone and City Supervisor Harvey Milk after consuming nothing but junk food such as Twinkies and soda for several days. At trial, White's attorney successfully argued that White suffered from "diminished capacity" due to his hypoglycemia. His argument has come to be known as the "Twinkie Defense" (Lilly, Cullen, & Ball, 2007).

Experimentation with the diets of criminal populations have indicated that reducing intake of refined carbohydrates and increasing consumption of fruits and vegetables have significantly decreased behavioral problems and disciplinary write-ups. It is difficult, however, to separate the impact of diet from other potential factors that may affect behavior.

Other potential contributors related to food intake involve food allergies and the consumption (or not) of various vitamins and minerals. Once again, refined carbohydrates may be a culprit. These types of foods contain particularly high levels of cadmium and lead, two minerals known to cause damage to brain tissue and impact the production of neurotransmitters.

Several food components have been associated with reactions that may include aggressive, violent, or criminal behavior. Some people may be allergic to or exhibit increased sensitivity to chemicals contained in chocolate (phenylethylamine), aged cheeses and wine (tyramine), artificial sweeteners (aspartame), and caffeine (xanthines).

Others may react to food additives, such as monosodium glutamate and food dyes. Criminal populations also have been found to lack vitamins B3 and B6 in comparison to noncriminal populations.

### *Environmental Toxins*

The frontal lobe of the brain, an area that has become the focus of biological investigations into criminal behavior, is particularly sensitive to environmental toxins, such as lead and manganese. Behavioral difficulties, such as hyperactivity, impulsivity, aggression, and lack of self-control, have been associated with increased levels of these heavy metals.

Examination of the impact of environmental toxins on human behavior is very promising because it integrates biological with sociological and criminological theories. Facilities that produce, store, treat, and dispose of hazardous wastes are largely to blame for the production of environmental toxins. Research has shown that proximity to these types of facilities increases the impairment of the brain and of the general central nervous system, producing lower IQs; reductions in learning abilities, frustration tolerance, and self-control; and increases in impulsivity, hyperactivity, antisocial behaviors, violence, and crime.

Researchers who study the relationship of environmental toxins to crime argue that our environment is producing crime by producing neurological damage. Scholars emphasize the fact that minority populations and lower-income groups are the ones most likely to live near these facilities and as a result are more likely than white and higher-income groups to be negatively impacted by these toxins. This, according to the researchers, may help explain why minorities and people from the lower classes seem to catch the attention of the criminal justice system in higher rates than others.

### **Brain Structure and Function**

Whereas earlier biological theories considered the brain to be an organ with various areas of specialized function, modern theories recognize that the brain is a complex organism. Some areas of the brain are associated with specific functions (e.g., speech and vision), but all areas of the brain work together, and a problem or event in one area inevitably affects other areas. Although our understanding of the brain's structure and function has significantly advanced, we still know little about the relationship between the brain and many behaviors, such as those related to crime. In addition, we know little about how the environment affects the brain's structure and function.

The *frontal lobe* and the *temporal lobe* are two parts of the brain examined by researchers interested in criminal behavior. The frontal lobe is responsible for regulating and inhibiting behaviors, and the temporal lobe is responsible for emotionality, subjective consciousness, and responses to environmental stimuli.

Tools to evaluate brain structure, brain function, and behavior rely on sophisticated medical equipment and measurements, such as electroencephalography, computed tomography, magnetic resonance imaging, positron emission tomography, and single photon emission computed tomography. These devices have been used by researchers to compare the brain structures and brain functions between criminal and noncriminal populations. In addition to providing images of structure, many of these technologies can track real-time changes in the brain's neural activity before, during, and after exposure to physical or emotional stimuli.

Preliminary studies indicate that the brains of violent offenders and the brains of other individuals differ in both structure and function, but many of the studies have relied on very small sample sizes, which reduces the generalizability of these findings. Moreover, these studies also are plagued by questions of whether the brain causes the violence or whether violence results in changes to the brain. Evidence of structural or functional abnormalities in the brain has, however, resulted in the mitigation of criminal offenses, such as reducing charges of murder to manslaughter.

Studies of brain development have shown that early and chronic exposure to stress (e.g., abuse, neglect, violence) may cause physiological changes in the brain that impact the way a person responds to stress. Human brains under stress produce the hormone *cortisol*, which helps to return body functions to normal after a stressful event. However, repeated exposure to cortisol may result in decreased sensitivity to its effects and either contribute to criminality or contribute to a person's acceptance of being victimized. In addition, this research is supported by studies on the brain development of children raised in high-stress environments (inner city, urban, high-crime areas) that found enhanced fight-or-flight impulses among these children.

A recent study by Diana Fishbein in 2003 concluded that behavioral problems may originate in the *hypothalamic–pituitary–adrenal axis* (HPA) that connects the brain to the adrenal glands, which regulate the production of important hormones. Fishbein claimed that increased levels of cortisol, produced in response to stressors, cause the HPA to shrink and become ineffective. An ineffective HPA depletes cortisol and results in the inability to regulate emotions and behavior. A dysfunctional HPA may be caused by stress in childhood that impedes its development, or it may be caused by damage later in life.

### Biosocial Perspectives

Some scholars who study criminal behavior began to synthesize sociological perspectives with biological perspectives. One of the most influential publications in this area was *Sociobiology: The New Synthesis*, written by E. O. Wilson in 1975. Wilson was among the first criminologists to express disillusion with current sociological and behavioral theories

by emphasizing that an individual was a biological organism operating within social environments. Publications by Dawkins in 1976 (*The Selfish Gene*) and by Ellis in 1977 (“The Decline and Fall of Sociology, 1975–2000”) illustrated criminological disillusion with purely sociological explanations and renewed hope for improved biological perspectives that would not operate under the faulty assumptions of earlier biological research. Major scientific developments from the 1950s to the mid-1970s (e.g., in the study of genetics) also contributed to the resurgence of interest in explanations of behavior with biological bases. Other advances in the mid-1980s led scholars to examine the brain more closely as a potential factor in criminal behavior.

Modern biosocial theories attempt to integrate beliefs about the sociological development of behavior (i.e., social learning, conditioning) with the biological development of the individual who engages in behavior. In contrast to earlier biological theories that imply the heritability of behaviors, biosocial theories suggest there may be a genetic predisposition for certain behaviors.

These predispositions are expressed in terms of biological risk factors associated with increased probabilities of delinquency and crime when paired with certain environmental (social) conditions. Various risk factors that have been evaluated include IQ levels and performance, attention deficit hyperactivity disorder, and conduct disorder. Although low IQ is not directly associated with crime or delinquency, individuals with lower IQs may experience frustration and stress in traditional learning environments, resulting in antisocial, delinquent, or criminal behaviors. A diagnosis of attention deficit hyperactivity disorder also has been associated with increased levels of delinquent and criminal behavior. However, some scholars point out that this is true only for individuals who also are diagnosed with conduct disorder. Both disorders can be traced to abnormalities in the frontal lobe, so it is difficult to disentangle the relationship of each to undesirable behaviors.

In contrast to risk factors that may enhance the probabilities of an individual engaging in delinquency and crime, biological protective factors, such as empathy, may inhibit this development. *Empathy* is the ability of one person to identify with another person and to appreciate another person's feelings and perspectives. Research has indicated that empathy is largely (68%) inherited. This biological tendency may counter the impact of biological risk factors. Research on these inhibiting protective factors is still quite sparse but may help explain why some people who have genetic predispositions toward delinquency and crime refrain from those behaviors.

### Conclusion

Biological theories have evolved significantly with advances in our theoretical understanding of human behavior and in

our technological capabilities of measuring human biological characteristics and processes. Whereas earliest attempts to understand the relationships between biology and behavior focused on the outwardly observable, modern efforts are looking inward, to the chemical and structural foundations of our bodies. Contemporary biological theories also recognize the interactive relationship between internal biological events and external sociological events. Moreover, increasing awareness of the complex interrelationships among our environment, our biology, and our behavior is contributing to the development of a rich and promising epistemology of criminal behavior.

Our scientific advancements, however, still have not reached the level where we can definitively determine that antisocial, deviant, or criminal acts have biological roots or correlations. Increasing awareness of how our genes pass along (or do not pass along) our behavioral characteristics, of how our brain structures and functions are interrelated, of how our body chemistry affects and is affected by our behavior and reacts to environmental stimuli, and of how our development in a social environment impacts all of these biological processes will bring us closer to being able to predict behavior and therefore being able to better control it.

Care must be taken to separate the act from the actor and to avoid the atrocities of the past. As our ability to determine biological correlates of behavior expands, so too does the danger of using such information in unethical and inhumane ways that would stigmatize or punish people on the basis of what prohibited behaviors their biological profiles suggest they might do. It is hoped that progress in these areas of inquiry will parallel corresponding advances in our capabilities to prevent initial undesirable behaviors and to treat individuals who do behave undesirably because of biological or biosocial influences.

## References and Further Readings

- Adler, F., Mueller, G. O. W., & Laufer, W. (2004). *Criminology and the criminal justice system* (5th ed.). New York: McGraw-Hill.
- Barrett, D., & Kurzman, C. (2004). Globalizing social movement theory: The case of eugenics. *Theory and Society*, 33, 505.
- Burnett, J. (1773). *The origin and progress of language*. Edinburgh, Scotland: A Kincaid.
- Christiansen, K. O. (1974). Seriousness of criminality and concordance among Danish twins. In R. Hood (Ed.), *Crime, criminology, and public policy* (pp. 63–77). New York: Free Press.
- Comte, A. (1822). Plan des travaux scientifiques nécessaires pour réorganiser la société [Plan of scientific studies necessary for the reorganization of society]. In *Suite des travaux ayant pour objet de fonder le système industriel, Du Contrat Social*. Paris: Par Saint-Simon.
- Curran, D. J., & Renzetti, C. M. (2001). *Theories of crime* (2nd ed.). Needham Heights, MA: Allyn & Bacon.
- Darwin, C. (1859). *On the origin of species by means of natural selection, or the preservation of favored races in the struggle for life*. Cambridge, MA: Harvard University Press.
- Darwin, C. (1871). *The descent of man and selection in relation to sex*. London: John Murray.
- Darwin, E. (1791). *The botanic garden*. New York: T & J Swords.
- Darwin, E. (1794–1796). *Zöonomia or the laws of organic life*. London: J. Johnson.
- Dawkins, R. (1976). *The selfish gene*. New York: Oxford University Press.
- della Porta, G. (1586). *De humana physiognomonia* [On physiognomy]. Vico Equense, Italy: Apud Iosephum Cacchium.
- de Maupertuis, P. M. (1745). *Venus physique*. Paris: NP.
- Dugdale, R. L. (1877). *The Jukes: A study in crime, pauperism, disease and heredity*. New York: Putnam.
- Ellis, L. (1977). The decline and fall of sociology, 1975–2000. *American Sociologist*, 12, 56–66.
- Ellis, L. (2003). Genes, criminality, and the evolutionary neuroandrogenic theory. In A. Walsh & L. Ellis (Eds.), *Biosocial criminology: Challenging environmentalism's supremacy* (pp. 13–36). Hauppauge, NY: NovaScience.
- Ferri, E. (1896). *Sociologia criminale* [Criminal sociology] (5th ed., 2 vols.). Turin, Italy: UTET.
- Fishbein, D. (2003). *Biobehavioral perspectives in criminology*. Belmont, CA: Wadsworth.
- Galton, F. (1869). *Hereditary genius: An inquiry into its laws and consequences*. London: Macmillan.
- Galton, F. (1875). The history of twins as a criterion of the relative powers of nature and nurture. *Fraser's Magazine*, 12, 566–576.
- Galton, F. (1883). *Inquiries into human faculty and its development*. London: Macmillan.
- Garafalo, R. (1885). *Criminologia* [Criminology]. Naples, Italy: NP.
- Glueck, S., & Glueck, E. (1956). *Physique and delinquency*. New York: Harper.
- Goddard, H. H. (1912). *The Kallikak family*. New York: Macmillan.
- Goring, C. (1913). *The English convict: A statistical study*. London: His Majesty's Stationery Office.
- Gosney, E. S., & Popenoe, P. E. (1929). *Sterilization for human betterment: A summary of results of 6,000 operations in California, 1909–1929*. New York: Macmillan.
- Grant, M. (1916). *The passing of the great race*. New York: Scribner's.
- Guerry, A. M. (1833). *Essay on moral statistics of France*. Paris: Crochard.
- Hartley, D. (1749). *Observations on man, his frame, his duty, and his expectations* (2 vols.). London: Samuel Richardson.
- Henig, R. M. (2000). *Monk in the garden: The lost and found genius of Gregor Mendel, the Father of Genetics*. New York: Houghton Mifflin.
- Hodgson, G. M. (2004). Social Darwinism in Anglophone academic journals: A contribution to the history of the term. *Journal of Historical Sociology*, 17, 428–463.
- Hooten, E. (1939). *Crime and the man*. Cambridge, MA: Harvard University Press.
- Kevles, D. (1985). *In the name of eugenics: Genetics and the uses of human heredity*. New York: Knopf.
- Kretschmer, E. (1925). *Physique and character* (W. J. Sprott, Trans.). New York: Harcourt Brace.
- Lamarck, J.-B. (1802). *Research on the organization of living things*. Paris: Maillard.
- Lange, J. (1929). The importance of twin pathology for psychiatry. *Allgemeine Zeitschrift für Psychiatrie und Psychisch-Gerichtliche*, 90, 122–142.

- Lavater, J. C. (1783). *Essays on physiognomy; for the promotion of the knowledge and love of mankind*. London: T. Holcroft.
- Leclerc, G. (1778). *The eras of nature*. Paris: NP.
- Lilly, J. R., Cullen, F., & Ball, R. A. (2007). *Criminological theory: Context and consequences* (4th ed.). Thousand Oaks, CA: Sage.
- Linnaeus, C. (1735). *Systema naturae* [System of nature]. Holmiae: Laurentii Salvii.
- Lombardo, P. (n.d.). *Eugenic sterilization laws*. Retrieved from <http://www.eugenicsarchive.org/html/eugenics/essay8text.html>.
- Lombroso, C. (1876). *L'uomo delinquent* [Criminal man]. Milan, Italy: Hoepli.
- Malthus, T. R. (1798). *An essay on the principle of population*. London: J. Johnson.
- Mednick, S., Gabrielli, W. F., & Hutchins, B. (1984, May 25). Genetic influences in criminal convictions: Evidence from an adoption cohort. *Science*, 224, 891–894.
- Murphy, T., & Lappé, M. (1994). *Justice and the Human Genome Project*. Berkeley: University of California Press.
- Quetelet, A. (1835). *Treatise on man*. Paris: Bachelier.
- Rowe, D. C. (1983). Biometrical models of self-reported delinquent behavior: A twin study. *Behavior Genetics*, 13, 473–489.
- Sabra, A. (1989). *The optics of Ibn al-Haytham*. London: Warburg Institute.
- Sheldon, W. H. (1940). *The varieties of human physique: An introduction to constitutional psychology*. New York: Harper and Brothers.
- Spencer, H. (1857, April). Progress: Its law and causes. *The Westminster Review*, 67, 445–447, 451, 454–456, 464–65.
- Walters, G. D., & White, T. W. (1989). Heredity and crime: Bad genes or bad research? *Criminology*, 27, 455–485.
- Wilson, E. O. (1975). *Sociobiology: The new synthesis*. Cambridge, MA: Belknap Press.



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## CLASSICAL PERSPECTIVES

ANDY HOCHSTETLER

*Iowa State University*

**C**lassical criminology usually refers to the work of 18th-century philosophers of legal reform, such as Beccaria and Bentham, but its influence extends into contemporary works on crime and economics and on deterrence, as well as into the rational choice perspective. The entire range of social phenomena can be understood more or less accurately using models of economic transactions and the assumption that people make rational choices between opportunities to maximize their own utility. This was a foundational assumption of classical criminology. Sociological theory viewed crime through economic models, and this assumption is called *rational choice theory*. For criminologists, rational choice theory has origins in sociological theoretical thought and in various perspectives on economics and markets, but, more prominently, its influences are found in the classical school of criminology.

### **Rational Choice Theory and Get-Tough Policies**

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Drawing on the classical contention that man is a calculating creature, rational choice criminology begins with the assumption that behaviors of groups and individuals will reflect attempts to maximize pleasure and minimize pain. Theorists in this tradition hypothesize how varying conditions shaping the payoff of an endeavor in combination with varying utilities and desires will contribute to aggregate and

individual levels of crime. Most adherents agree that the utilities, or desirability, of activities are varying and subjective, so that crime may have attraction for some people that is not seen by others. There also is widespread agreement that the strength and quality of individual or group preferences can be taken into account in studying the occurrence of criminal behavior. Therefore, in criminology rational choice theory usually is a variant of expected utility theories and portrays the process of considering (or ignoring) criminal opportunities as part of a rational calculation based in part on subjective assessments wherein the expected costs and benefits of actions are considered.

The fundamental assumptions and methods associated with rational choice theory and its classical predecessor undergird a great deal of modern criminology, but its theoretical proponents and defenders have been in and out of fashion throughout criminology's history. The perspective fell from favor in the eyes of many criminologists in the last several decades in part because of its resonance with audiences prepared to "get tough" on crime through mass imprisonment and in part because it was seen as an attack on sociological, psychological, cultural, and structural explanations. It was often portrayed as a reductionist and simplistic theory due to the fact that proponents often emphasized the most obvious costs and benefits of crime commission, such as monetary payoff versus terms of imprisonment. Moreover, its foundational assumptions sometimes are critiqued for being so broad as to be meaningless. In very

recent years, however, the theory has attracted investigators drawn by its potential for making clear sense of why people commit crime and its ability to communicate the theoretical reasons behind research results to any audience. In contemporary forms, it also can conveniently integrate structural and perceptual models of offending, and the perspective easily makes sense of the use of a wide array of variables from multiple levels of analysis. The rational choice framework has great capacity for incorporating knowledge and techniques garnered from across the social sciences, because its central premises are extremely broad and conflict directly with few extant statements from other perspectives. In broad form, the rational choice perspective has as much potential for integrating knowledge from various spheres of criminology as does any other grand theory. For all its shortcomings, which derive mainly from economic assumptions about human and aggregate decision making and the tendency to focus on the most tangible variables, it makes efficient sense of complex questions.

Accompanying a more even-keeled political approach and more rigorous empiricism in criminology than was prevalent in more ideologically combative times has been a realization that there is nothing necessarily punitive in classical or rational choice theory and that therefore the perspectives should not be faulted when it is misapplied or misunderstood. Articles framed by the perspectives usually examine the possibility that punishment reduces crime, and often that is found to be the case in at least some examined conditions. However, for people who would use the perspectives as ideology to support getting tough on crime, the approach has as many inherent inconsistencies as convergences. Contemporary versions of rational choice specify countless complications of simple postulated relationships between increased punishment and decreased crime, for example. There clearly the rational choice tradition acknowledges that there are limited conditions under which one should expect punishment increases to lead to reductions in rates of crime or to impede individual decisions to commit crime.

Indeed, people who would turn to rational choice and classical theory for endorsement of punitive perspectives should know that they have opened themselves to attack from their desired theoretical bedfellows. This is because rational choice theorists and their classical forebears generally demand consistent and logical economic arguments and real evidence for the practicality and efficacy of state practices. Those who follow the tradition would evaluate the net payoff of punitive programs skeptically before determining them legitimate. Moreover, the tradition is closely coupled historically with utilitarian views of law wherein good laws are only those that can be enforced (which usually requires considerable popular legitimacy) and that lead to the general betterment. The latter, of course, is a difficult philosophical and empirical obstacle to surmount for people who argue that more punishment is needed.

The earliest classical theorists postulated that many punishments were necessarily irrational and excessive simply

because they would inevitably be ineffective in deterring crime. This fact still exerts significant influence in both rational choice and classical theorizing. Laws that are groundless, inefficacious, unprofitable, or needless are not good laws. If any convenient liaison between the classical, rational choice perspective and get-tough policies existed, it seems to have been temporary and probably not all that important for, properly modified, almost any broad ideology can inspire or be used to defend vengeful approaches to criminal justice.

## Classical and Rational Choice Theorists and Their Heirs

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Because the intellectual seeds for classical and rational choice criminology were sown in the 18th-century Enlightenment Age, many of the central questions and biases in the approaches were formed then. When the theories are recapped in textbooks, one is as likely to see reference to Beccaria and Bentham as to lesser sociological thinkers on choice and economics of crime of the last half century. Although the mathematics in contemporary applications sometimes are overwhelming to people who are unaccustomed to reading formulas, the thinking in older and newer versions of classical criminology at least is familiar. Much in the U.S. system of justice rests on the same foundations, and we live with the cultural and intellectual legacy spawned by the scholars who inspired classical criminology. The most important historical fact to keep in mind is that classical theorists were concerned primarily with reforming a primitive, irrational justice system that often was based on privilege and vengeful ritualistic traditions with a justice system that drew legitimacy from reason.

Early classical theorists knew that crime required rational management; they intended to calibrate the law and justice system for the task and generally agreed that the state should do no more than required to protect citizens and their property. The law should be pragmatic and effective. Precise visions of the philosophical underpinnings of rights, the law, and justice varied widely, but there was near-universal agreement among classical and enlightened thinkers of the 18th century that the deterrent value of the law should expend the least possible harm to society and to the individual; that is, the law should operate without undue or unneeded cruelty to offenders. According to this perspective, the costs of committing a given crime usually would slightly outweigh potential benefits, in order to tip the decisional scales toward compliance with the law; however, any punishment beyond that needed to accomplish this task is likely cruel and unnecessary. Classical visions eventually came to reflect the utilitarian ideas that balancing private and individual interests against public interest required optimizing liberty; minimizing harm; and, wherever possible, close correspondence between the two objectives. From inception, theorists contended that implementing rational law and legal measures required dispassionate judgment of what would be most effective and scientific

evaluation of attempted improvements. Crime control should be measured and its effectiveness evaluated objectively to ensure the proper balance of controllable costs and benefits of crime. Therefore, most evaluation research of legal changes and large-scale policy changes in the criminal justice system can be comfortably placed under the classical/rational choice tent.

The battles between those who rigidly adhered to purist sociological theories of crime (which generally focused on what is wrong with societies or other external social forces producing aberrant-thinking criminals) and those who took the side of a purist economics and rigid classical criminology are fading to intellectual history. As the latest generation of seasoned combatant in the fight leaves the field, one finds that their legacy is empirical support for multiple approaches to the problem of crime. It educates about the pitfalls of stringent and egotistical adherence to a single perspective and rigid defense of boundaries as much as it provides support for competing visions. With resulting invigorated faith in integration and cross-disciplinary approaches in criminology, rational choice and classical perspectives are on the cusp of revitalization and the perspective that may lead the way in sophisticated and integrated crime theorizing that is to come. The form of rational choice perspectives of the future will starkly contrast with the depictions of the school of thought that were presented in academic critiques and textbook accounts over the last several decades; these often pointed out that the theory was elementary and that it offered an unrealistic or artificial depiction of criminal choice as a rational/economic outcome.

## Recent Studies

This possibility of reinvigoration of classically inspired thinking via rational choice in the form of a sophisticated, integrated, and formal theory of criminal behavior is signified by a study of high-risk youth in Denver (Matsueda, Kreager, & Huizinga, 2006). Matsueda et al. (2006) drew on longitudinal data to assess how perceived certainty of arrest is affected by individual characteristics (control variables, including age, race, residential stability, poverty) as well as theoretically inspired rational choice variables of experienced certainty (the ratio of experienced arrest or police questioning to crimes committed), unsanctioned offenses (the number of crimes committed by persons not questioned or arrested), and delinquent peers. Lagged perceived risk of arrest and self-reported risk preference (enjoyment of daring things) also were included. Perceived risk of arrest for theft and violence was regressed onto these variables.

Matsueda et al.'s (2006) results revealed that individuals who have not offended or been arrested overestimate the certainty of arrest. Experience of arrest certainty also leads to increased certainty estimates, revealing that offenders learn a desired lesson from being arrested for the crimes

they commit; those who are arrested most regularly resemble the naive in their high assessments of risk. Those who offend but go unsanctioned perceive that the certainty of arrest is low and tend to move farther and farther away from naïve offenders with more criminal successes. Delinquent peers lead to decreased estimates of the certainty of arrest. On the whole, these findings show that assessments of the rewards of crime are acquired by Bayesian learning; individuals begin with a prior subjective probability estimate of an event based on accumulated information and update probability estimates as new information is gained directly or vicariously. Perceptions are formed by experiences and approximate rational outcomes.

In the next part of their article, Matsueda et al. (2006) showed the effects of certainty estimates on offending. They predicted violence and theft commission in one wave of data with previous wave reporting of rational choice/perceptual variables including the positive experiences found in excitement from crime, seeing crime as cool, and committing crime and getting away with it. The downside of the criminal calculation is conceptualized as perceived risk of arrest (measured as perceived certainty by perceived utility) and lost investment in employment and grades. The authors assessed these effects, controlling for the effects of five measures of (1) neighborhood disadvantage, (2) basic individual control variables, (3) police contact, (4) risk preference, and (5) impulsivity. They also controlled prior delinquency to ensure that the temporal specification is clear and that current crime is a function of theoretically important variables instead of stable criminal behavior across waves.

Considerable support was found for a rational choice perspective on offending. This support is seen in significant effects for perceived risk of arrest as a cost and being seen as cool as significant benefits for both theft and violence; excitement from crime predicted theft but not violence. Perceived opportunities to commit theft and violence and get away with it also were significant predictors of both theft and violence in the expected direction.

This litany of findings is presented here only because it instructs on contemporary rational choice criminology and the attractions of the perspective today. The abstract lessons are that rational choice theory can guide the formation of intuitively valid, creative, and testable hypotheses that add to understanding of crime. The prospects for the perspective include understanding how experience and conditions shape thinking that makes some people more likely to offend than others, and this is the most promising line of inquiry for understanding why people commit, persist, or desist from committing crimes. More important for its future is that rational choice theory is completely compatible with dynamic and developmental perspectives that measure movement into, out of, and within criminal careers. Therefore, rational choice theory is commensurate with the core of contemporary criminological research: life course and developmental research. Any reader intrigued by studying crime over the life course or the prospects for

interfering in the sequences of thinking that contribute to higher chances of crime commission can find guidance in rational choice theory as well as in the more commonly used control theories.

As with many theories, however, the features that distinguish rational choice and classical perspectives from other camps can be difficult to see when they are used in integrated pictures of crime. It is safe to say that the degree to which adherents view crime as an outcome of a choice that is subject to general economic principles and that results from maximizing behavior on the part of decision makers distinguishes the camps from other areas of criminology. From this perspective, offending rates result from optimizing individuals' reactions to their estimates of incentives (referred to as *perceptual deterrence*, i.e., the role of an individual's perceptions of costs because these deter crime) and are aggregate results of individuals' assessments of costs and benefits. The offender traditionally is portrayed as a normal person (with no peculiar motives or individual defects that are thought to predispose crime) who responds predictably such that if probable costs exceed the probable benefits, he or she will not commit crime. Reflecting a tradition of methodological individualism, individuals' combined decisions to commit or abstain from crime on the basis of judgments of its net payoff are thought to explain variation in crime rates across space and time.

Gary Becker's work best represents the purist economic camp and thus may best represent a contemporary application of traditional classical thinking; it is grounded on the assumption that offenders are by and large normal and for the most part are responding to measurable incentive structures. Becker has been awarded a Nobel Prize and a Medal of Science, as well as a Presidential Medal of Freedom, and he is Distinguished Professor of Economics, Business and Sociology at the University of Chicago. Becker proposed what is now known as the *subjective expected utility model* of crime, which has proven to be surprisingly controversial. According to this theory, crime will be more likely if the individual's perceived expected utility (expressed in monetary terms) for criminal behavior is greater than the expected utility of some legal alternative. This model is often represented mathematically with the following formula:  $EU = pU(Y - f) + [1 - p]U(Y)$ , where  $EU$  represents the expected utility from the behavior,  $p$  is the probability of punishment, and  $U$  represents the utility (the severity) of costs or benefits. Becker contends also that people who might consider crime calculate the following: (a) practical opportunities of earning legitimate income, (b) amounts of income offered by these opportunities, (c) amounts of income offered by various illegal methods, (d) probabilities of being arrested for illegal acts, and (e) probabilities of punishment if caught. The act or occupation with the highest discounted return is likely to be chosen (Sullivan, 1973). As an economic purist, Becker asserts provocatively that there is little reason for theorizing that treats offenders as if they have a special character that leads them to crime. Becker extends his logic to

conclude that the most prominent theories of motivation in criminology are not needed; basic economics addresses their problem sufficiently. Criminal offenders are normal, reasoning economic actors responding to market forces. This dogma understandably leaves him out of favor with many sociologists of crime who specialize in other criminological theories and, as one might imagine, he is not a favorite of criminal psychologists either. If classical criminology theory as used by Becker is accurate, then one should expect that rates of crime will be stable if the costs and benefits of it remain so; however, in modified versions that are endorsed most often among scholars who claim rational choice as their perspective, allowance is made for the fact that the population of likely criminals and prevalence of criminal thinking might also vary.

### Further Perspectives on Deterrence

Underlying much writing in the classical tradition is the objective of determining what a reasonable system of justice would look like, and this leads to the assessment of the effects of varying policy on criminal behavior. This includes evaluation of what the optimum level of enforcement and sanctions should be and whether deterrent measures have worthwhile prospects. Following the belief that criminal law must minimize the social cost of crime, and that social costs are calculated by adding the harm crime causes and the cost of punishment, researchers who focus on deterrence, which is an offshoot of classical criminology, analyze penalties and their effects.

Research that does not allow for varying perceptions of costs and benefits across types of would-be offenders, places, or time periods are referred to as *objective deterrence* studies. The study of the relationship between imprisonment rates and crime rates, for instance, usually falls within this category. In contrast, *perceptual deterrence* theorists focus on varied perceptions of costs and benefits across types of would-be offenders, places, or time periods. In practice, the distinction between the objective deterrence and perceptual deterrence/rational choice perspectives also rests on the former's focus on aggregate variation and tendency to use macrolevel variables that reflect variation in opportunity for crime and spatial and temporal differences in payoff and punishment. Objective deterrence theorists are likely to use the most general economic variables and predictions that emphasize variation in state policies and economic conditions, whereas perceptual deterrence/rational choice theorists are more likely to focus on individual variation in crime and varying individual criminal propensity. They also are more likely to incorporate a wider array of variables into explanations, often drawing insight from traditional domains of psychology and sociology.

A small but increasing share of the voluminous literature on deterrence reflects emerging interest in modeling formally and testing game theoretic and other exchanges occurring between individuals who would deter crime and

those who would commit it (Fender, 1999). One notion is that aggregate offender (and state) choices reflect the ongoing mouse-and-mousetrap relationship as crime fighters and the people who might consider illegal acts learn and react to changing environments of exchange. There also is increasing theoretical attention to the possibility that lawmakers can use deterrent penalties to shift moral and cultural qualms about crime and change the public's cost-benefit analyses as a result (Dau-Schmidt, 1990). The integration of game theory and other dynamic views on feedback between penalties and assessments of crime into classical criminology is in its infancy, however. Investigating how changes in policies affect the subsequent behavior of population aggregates, such as by examining the effect on drunk driving of stringent enforcement of laws prohibiting drunk driving and accompanying public information campaigns (they worked), or the number of crimes prevented by executions (a highly contested series of findings), remains the thrust of deterrence research.

If there are contingencies in efforts to deter crime by raising its costs, the most apparent is that the point of diminishing return for investing in deterrent efforts varies by crime, probably according to the size and characteristics of the population that remains undeterred when a new policy is imposed. Crimes committed by many people, by non-desperate or lightly motivated people, or by legally informed people and crimes with currently lenient penalties must be easier to reduce with new measures than are crimes committed by a few desperate persons who are capable of ignoring penalties that already are stiff. In the former case, the easy work is yet to be done. Partially because natural consequences and shame are powerful deterrents (Pratt, Cullen, Blevins, Daigle, & Madensen, 2006), relatively rare crimes that have tremendously devastating natural or informal consequences are difficult to deter further by formal means. For some of these reasons, the great classical criminologist Beccaria famously observed that 18th-century laws forbidding suicide necessarily are ineffective. Crimes with already stiff penalties also are unlikely to effect significant additional deterrence by adjusting formal penalties upward; some people do not scare easily. Even those who might be scared should they consider a consequence may not be deterred if, at the moment of decision, that consequence is not recalled, or if they are so intent on committing an act that little else matters.

Only a few criminology scholars use experimental methods to assess whether rewards and punishment affect cheating or risk-taking on assigned tasks (Ward, Stafford, & Gray 2006). There are numerous studies in which participants of varying background have put pen to paper to explain how they would evaluate costs and benefits presented in vignettes and have answered background questions about their own decisions and experiences to see whether they are able to predict costs and benefits. When presented vignettes that contain calculable and finite costs and benefits, respondents usually answer accordingly, leading to the conclusion that the decision to commit crime generally is predicted by

cost-benefit assessments. On the whole, and with many caveats, there can be no doubt, on the basis of the results of this research, that deterrence works when other relevant factors can be controlled and that there is considerable rationality undergirding criminal choice.

Similar survey techniques for examining criminal decisions include exercises in which known offenders, responding to vignettes, describe in detail what they consider when deciding to commit or selecting real crimes. There also have been interviews about rationality in the target selection process and on how offenders sequentially proceed through decisions leading to crime. Here, it has been confirmed what researchers who study target selection and routine activities approaches have already shown by survey and geographic methods: Where crime is easy to commit and the odds of getting away with something are made high by environmental arrangements and circumstance, offending is likely.

## Costs and Benefits: The Economic Model

A case can be made that a general and accurate picture of crime can be presented with grand economic theories containing only the most apparent variables representing the market for crime. This form of theorizing holds most true to the classical tradition. Analyses of aggregate variation tend to smooth out some of the complexities and detail found in decisions; however, such analyses generally attempt to model the effects of only a few variables that might influence the rate of occurrence of crime generally. The trade-off of such a general approach is that it necessarily obscures important details and peculiar thinking that affect decisions in many offenses. This empirical-theoretical divide in rational choice/classical literature is not unique to criminology. Economists might examine how purchasers respond to price changes by graphing the number of purchases by increasing prices, and that approach obviously can provide general knowledge on the subject. However, the microconsiderations of real buyers and their idiosyncrasies are more likely to be found in interviews, captured in surveys, or seen in laboratories by observing would-be consumers. Marketers might be more intrigued by the information gained in the last approach. The analogy reveals that aggregate and bottom-up studies of decision making approach the same phenomena from different angles and levels of analysis.

These divides are revealed in debates among researchers who study crimes as economic decisions. Despite debates, diverse approaches are commensurable, and in some cases each type of analysis might incorporate variables discovered in models done in the other. As is often the case with large numbers, many idiosyncratic influences on decisions cease to exist, but both normal and exceptional psychological patterns can be discovered and modeled in aggregate data. In fact, almost all contemporary economists recognize that there is a complex psychology of markets that incorporates

external variables and logics but that affects the aggregate outcome significantly. It is widely accepted that learning, ignorance, convenience, and the tendency to satisfy (as opposed to maximize) all affect choice.

Some scholars who attempt to model relevant and recurring behavioral components into macrolevel models are at the forefront of the discipline of economics. There are subfields devoted to decision making under uncertainty and prospect theory, which models heuristic shortcuts that depart systematically from principles of probability shaping choice. There have also been advances in theorizing behavioral/economic approaches to law, which attempt to improve models of rational choice by relaxing assumptions that people are only rational optimizers of self-interest and by incorporating complexities of learned strategies for decision making under uncertainty. Criminology has far to go in understanding how even the simplest intersections of psychology, decision-making considerations, and changing markets influence crime and further still before it can incorporate cultural shifts and changing preferences into traditional aggregate economic or classically inspired models.

There is an emerging consensus within the classical camp, especially among legal scholars with an interest in moral shifts, that crime rates probably reflect fluctuation in the size and tastes of a likely customer base as well as in changing estimates of incentives and sanctions by the general population (Cooter, 2000a, 2000b). Crimes with payoff that objectively is stable over time, for example, might ebb and flow in their perceptual attractiveness in part because of the public's multifaceted response to law. This view acknowledges that, if there is a market for crime, there may be limited numbers of participants under normal historical conditions. However, many citizens will ignore completely variation in the factors intended to raise or lower net criminal benefits, for one reason or another. There is almost no reason to think that the size of the likely offender population is stable or contingent only on economic variables, and models of crime that want to increase explained variation probably should take that into account. There is less reason for assuming that individual offenders' thinking is intractable rather than developed over time and contingent on varying ways of thinking, events, and previous outcomes.

Many of the complications of applying the rational choice perspective are due to preferences, commitments, and mental impediments that can influence choice and make crime more or less likely. Preferences, commitments, and mental impediments may be disproportionately characteristic of identifiable groups of persons that are prone to offending. Individuals or categories of people may desire things that are not apparently objective costs or rewards of a given decision for all observers. Advertisers, for example, know that they can play on consumers' irrational preferences by cleverly and expensively packaging goods even when that packaging is thrown away immediately

on purchase; marketers know that some consumers are more enticed than others and how to play to the tastes of particular groups. Preferences affect what is chosen when one is confronting criminal opportunity as much as they determine what persons choose when deciding whether to purchase or walk away from a product in a store. For example, problem gamblers have not only an increased desire for arousal that comes from the activity but also increased expectations that gambling will result in positive and arousing experiences, as has been shown in a sample of criminal offenders (Walters & Contri, 1998). Therefore, rational choice applications that fail to account for varying tastes and sensations related to crime may be neglecting important variables and limiting explanatory power. Despite the admonition that explanations of crime that focus on abnormality are superfluous by advocates of pure economics, it is likely that offenders are drawn to elements of criminal activity in a way that others are not.

Individuals or groups also may have ways of thinking that skew their analysis of costs and benefits, apart from utilities. It is now widely accepted that there are thinking mistakes associated with addiction, for example. These mistakes include a willingness to act without full information, mistaken retention of practiced behaviors in simple tasks, and the discounting of future consequences. If one looks to gamblers, and experiments that emulate gambling, one can see that a great many people are overoptimistic about their ability to calculate outcomes, consider sunk costs errantly, are too loss averse to play rationally, see only the most available options, and misinterpret near-misses as near-wins instead of as losses. Indeed, the earliest statements of classical criminology recognized that the severity of punishment generally is discounted according to the amount of time (celerity) until it will be imposed, implying that the discount might be greater for some than others. There is a long and continuing history of examining whether offenders discount future costs more than nonoffenders and of extrapolating the implications for law (Listokin, 2002, 2007). Discounting potential negative consequences at greater rates than others may be one manifestation of impulsivity, a construct increasingly integrated into individual-level analyses of crime. Many of these analyses are inspired by and designed to improve on earlier versions of rational choice and classical criminology.

### **Crime, Self-Control, and Patterns of Influence**

A currently prominent general theory of crime that claims descent from classical criminology and takes significant inspiration from rational choice perspectives asserts that offenders are likely to have low levels of self-control. They are hyperphysical, self-centered, impulsive, hot-tempered risk-takers who enjoy simple, unchallenging tasks (Gottfredson & Hirschi, 1990). The opposite of these characteristics is termed

*self-control.* For persons with low self-control, crime is a particularly attractive prospect. There is considerable evidence in psychology and criminology that some persons are predisposed by such tastes for offending. The source of the thinking problems may lie in inattentive parenting. In the language of rational choice perspectives, individuals without self-control, which is conceptualized as a stable characteristic, prefer crime and similarly present-oriented activities more so than other individuals. Given equivalent costs and benefits, we should expect people who have exhibited limited self-control to be more likely to choose crime than those who have not. Such impediments, in combination with the fact that many active criminals are intoxicated much of the time and the significant percentage of criminals who are on the lower end of intellectual abilities, might indicate that offenders occupy the high tail of the curve for impediments to reason. In fact, in a recent restatement on the measurement of self-control, Hirschi (2004) suggested that self-control is best measured as the number of costs considered during an offending decision, coupled with the perceived importance of these costs. Clearly, Hirschi is suggesting a correspondence between self-control and rational choice as explanation of crime.

Preferences that lead to crime need not be the ones that lead to stupid decisions, and they need not be especially peculiar. Some are widely shared and can lead to other healthy outcomes. For example, base desires for money and material trappings underlie a great deal of offending but also can lead to hard work. McCarthy and Hagan (2001) showed that a disposition for risk taking and competence interact to raise the rewards of crime, much as the characteristics lead to successful entrepreneurship. This suggests that some people are suited to crime and gaining its returns, just as some are suited to becoming entrepreneurs. It is a small inference to assume that the latter might find crime more attractive than criminals who are destined to achieve low returns. In a study of predictors of white-collar crime, N. L. Piquero, Exum, and Simpson (2005) showed that a desire for control is correlated with such crimes. It is also known that some rewards of crime are interpreted differently by known offenders and others; for example, subcultural dictates lead some offenders to interpret interpersonal confrontations using a particular set of costs and benefits that likely will elude people outside their cultures. People who stand up for themselves might also be rewarded by deference from those who would harass them otherwise.

It might be said that some people have a strong preference for law abidance and some do not. Where one falls on the spectrum of preference for and against illegality can determine attentiveness to rational choice considerations. Likewise, there is considerable reason to think that criminally prone individuals are influenced differently by sanctions (Wright, Caspi, Moffitt, & Paternoster, 2004). Greg Pogarsky's (2002) survey of 412 university students about drinking and driving is illustrative of this point. After reading a vignette about deciding to drive from a bar or

find another means home after drinking too much, students estimated the chances of being caught and the severity of the punishment if they were. They were then provided with the same vignette and asked whether they would drive if they knew there were no chance of being caught. Students were classified into those who would not consider drinking and driving at all (acute conformists), those whose chances of drinking and driving increased when they had knowledge that they would get away with it (deterables), and those who reported that they were more than likely to offend in both the first instance and with no risk of being caught (incorrigibles). Acute conformists were influenced heavily by self- and social disapproval. Predictors were analyzed further by comparing incorrigible and deterable offender categories. It is important to note that incorrigibles' offending likelihood was not subject to certainty or severity estimates of the varied consequences. The effects of severity operated strongly on deterable students. Certainty of being caught and self-disapproval had significant effects in the expected directions. This serves as one of the many sources of evidence for the interaction of rational choice variables with other variables and what should by now be an obvious point: There are patterns of influence for rational choice variables in subcomponents of the population that affect the general population differently.

*Commitments* are externally created considerations that are imported into a discrete decision; they would have little bearing on its outcome and would not shape immediate costs and benefits except for the fact that the people who harbor them assign them importance. These people's behavior often seems irrational to people who are not aware of the outside obligations affecting their decisions. Imagine a rational choice theorist attempting to understand when a loan shark shoots the indebted by looking only at a particular transaction with a deadbeat. An investigator might assume that the loan shark will do what maximizes the chances of financial return. However, it is necessary to understand that the usurer has an image to uphold that allows the work to be done. Apart from the job and best strategy for sustaining a career, if the loan shark has promised that delinquent borrowers will be hurt, the general value of credibility for interpersonal exchange might lead to an unfortunate result. A promise is a promise.

Of course, commitments also can work to impede crime. Travis Hirschi asserts that his control theories of crime are extensions of classical theory and highly compatible with rational choice theories. In calculating the costs of crime, individuals consider their investments in conformity and institutions. Sally Simpson has conducted multiple studies that bear on rational choice and prospects for deterrence among people with differing opinions. In one such study (2002), she administered surveys to business students and corporate executives containing vignettes of white-collar decision-making contexts and possible criminal responses. Estimates of personal benefit predicted intentions to offend, as did risk perceptions.

Respondents who saw opportunity for career advancement and thrills also were more likely to choose crime than others. Scores on an ethical reasoning scale; shame; and the possibility of informal sanctions from family, friends, and business associates affected criminal intention. The threat of being fired or corrected by superiors decreased intent, and being ordered to commit crime increased intent. Most relevant for understanding the place of commitment is that for highly moral “good citizens,” neither threat of sanctions nor other variables made much difference. Respondents who scored low on personal morality (low commitment to a moral code) were another matter; they were deterred by threat. Evidence for similar interaction between morality (self-disapproval, capacity for shame) and perceived opportunity has been reported by many other researchers.

## Conclusion

Perspectives that imagine crime to be the outcome of a deliberative calculation have limitations. They sometimes contain an uncomplicated view of the rational man as *homo economicus*. It is clear that the strengths of classical criminology and rational choice are not found in their sophisticated depiction of the intricacies and diverse workings of human cognition and psychology. The mind and meaning are not where the core of tradition suggests that investigators look for answers about the occurrence and distribution of crime. Moreover, the fact that crime is often a stupid mistake leads many scholars to incorrectly and intuitively believe that rational choice perspectives miss the mark on the basis of the colloquial use of the word *rational* as a synonym for prudent, careful, or cautious. No reasonable rational choice or classical camp scholar has ever contended, however, that deliberating criminals choose their courses of action carefully. All scholars recognize that decisions and options can be constrained and that most daily and significant decisions are not made with ledgers in hand. In fact, recent research in neuropsychology and the decision-making sciences suggests that human decision making is aided, for instance, by the individual being in an optimal state of emotional arousal—that the arousal state is not too “hot” so as to make rash decisions but not so “cold” as to be unmoved by potential consequences (see Damasio, 1994). Similarly, emotional processing of information has been demonstrated to aid decision making by allowing heuristic “shortcuts” in the decision process. However, no perfect knowledge, lightning-fast calculation, or any of the other caricatures of economic theory are required to make efficient sense of crime with economic logic and methods (Becker, 1968).

Even rational choice theories, which typically add complexity not found in traditional classical models, sometimes are criticized for being too general. However, rational choice theory is best seen as a “framework, a rubric or a family of theories” that serves to “organize

findings, link theoretical statements and logically guide theory construction” (Hechter & Kanazawa, 1997, p. 194). In criminology, attempts to dismantle or criticize the general perspective rather than specific hypotheses derived from it might be particularly futile, because rational-choice theorists acknowledge that they support the perspective for its sensitizing principles and because it suggests variables that one ought to examine. Scholars who adhere to even purist, or thin, versions of rational choice and classical depictions of crime are not blinded to the way things really are, or to the complexities of crime and cognition, inasmuch as they have clear notions about where to begin: with a focus on the content and process of individuals’ decisions to engage in criminal behavior as well as the belief that cost–benefit analyses occur on the part of the offender.

## References and Further Readings

- Beccaria, C. (1986). *On crimes and punishments*. Indianapolis, IN: Hackett. (Original work published 1764)
- Becker, G. (1968). Crime and punishment: An economic approach. *Journal of Political Economy*, 76, 169–217.
- Bouffard, J. A. (2007). Predicting differences in the perceived relevance of crime’s costs and benefits in a test of rational choice theory. *International Journal of Offender Therapy and Comparative Criminology*, 51, 461–485.
- Cooter, R. D. (2000a.) Do good laws make good citizens? An economic analysis of internalized norms. *Virginia Law Review*, 86, 1577–1601.
- Cooter, R. D. (2000b.) Three effects of social norms on law: Expression, deterrence, and internalization. *Oregon Law Review*, 79, 1–22.
- Cornish, D. B. (Ed.). (1986). *The reasoning criminal: Rational choice perspectives on offending*. New York: Springer-Verlag.
- Dau-Schmidt, K. G. (1990). An economic analysis of the criminal law as a preference shaping policy. *Duke Law Journal*, 1, 1–38.
- Damasio, A. R. (1994). *Descartes’ error: Emotion, reason and the human brain*. New York: G. P. Putnam’s Sons.
- Ehrlich, I. (1996). Crime, punishment and the market for offenses. *Journal of Economic Perspectives*, 10, 43–67.
- Fender, J. (1999). A general equilibrium model of crime and punishment. *Journal of Economic Behavior and Organization*, 39, 437–453.
- Gottfredson, M., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Grasmick, H. G., & Bursik, R. J. (1990). Conscience, significant others, and rational choice: Extending the deterrence model. *Law & Society Review*, 24, 837–861.
- Hechter, M., & Kanazawa, S. (1997). Sociological rational choice theory. *Annual Review of Sociology*, 23, 191–214.
- Hirschi, T. (2004). Self-control and crime. In R. F. Baumeister & K. D. Vohls (Eds.), *Handbook of self-regulation: Research, theory and applications* (pp. 537–552). New York: Guilford Press.
- Listokin, Y. (2002). Efficient time bars: A new rationale for the existence of statutes of limitations in criminal law. *Journal of Legal Studies*, 31, 99–118.



- Listokin, Y. (2007). Crime and (with a lag) punishment: Equitable sentencing and implications of discounting. *American Criminal Law Review*, 44, 115–145.
- Matsueda, R. L., Kreager, D. A., & Huizinga, D. (2006). Detering delinquents: A rational model of theft and violence. *American Sociological Review*, 71, 95–122.
- McCarthy, B. (2002). The new economics of sociological criminology. *Annual Review of Sociology*, 28, 417–442.
- McCarthy, B., & Hagan, J. (2001). When crime pays: Capital, competence, and criminal success. *Social Forces*, 79, 1035–1060.
- Nagin, D. S., & Pogarsky, G. (2003). An experimental investigation of deterrence: Cheating, self-serving bias, and impulsivity. *Criminology*, 41, 501–527.
- Pezzin, L. E. (1995). Earnings prospects, matching effects, and the decision to terminate a criminal career. *Journal of Quantitative Criminology*, 11, 29–50.
- Piquero, A. R., & Tibbetts, S. G. (Eds.). (2002). *Rational choice and criminal behavior: Recent research and future challenges*. New York: Routledge.
- Piquero, N. L., Exum, M. L., & Simpson, S. S. (2005). Integrating the desire-for-control and rational choice in a corporate crime context. *Justice Quarterly*, 22, 252–280.
- Pogarsky, G. (2002). Identifying deterrable offenders: Implications for deterrence research. *Justice Quarterly*, 19, 431–452.
- Pogarsky, G., Kim, K., & Paternoster, R. (2005). Perceptual change in the National Youth Survey: Lessons for deterrence theory and offender decision making. *Justice Quarterly*, 22, 1–29.
- Posner, R. (1998). Rational choice, behavioral economics, and the law. *Stanford Law Review*, 50, 1551–1575.
- Pratt, T. C., Cullen, F. T., Blevins, K. R., Daigle, L. E., & Madensen, T. D. (2006). The empirical status of deterrence theory: A meta-analysis. In F. T. Cullen, J. P. Wright, & K. R. Blevins (Eds.), *Advances in criminological theory* (Vol. 15, pp. 367–396). Edison, NJ: Transaction.
- Simpson, S. S. (2002). *Corporate crime, law and social control*. New York: Cambridge University Press.
- Sullivan, R. F. (1973). The economics of crime: An introduction to the literature. *Crime & Delinquency*, 19, 138–149.
- Walters, G. D., & Contri, D. (1998). Outcome expectancies for gambling: Empirical modeling of a memory network in Federal prison inmates. *Journal of Gambling Studies*, 14, 173–191.
- Ward, D. A., Stafford, M. C., & Gray, L. N. (2006). Rational choice, deterrence, and theoretical integration. *Journal of Applied Social Psychology*, 26, 571–585.
- Wright, B. R. E., Caspi, A., Moffitt, T. E., & Paternoster, R. (2004). Does the perceived risk of punishment deter criminally prone individuals? Rational choice, self-control, and crime. *Journal of Research in Crime and Delinquency*, 41, 180–213.

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## CRITICAL CRIMINOLOGY

DAVID O. FRIEDRICHS

*University of Scranton*

**C***ritical criminology* is an umbrella term for a variety of criminological theories and perspectives that challenge core assumptions of mainstream (or conventional) criminology in some substantial way and provide alternative approaches to understanding crime and its control. Mainstream criminology is sometimes referred to by critical criminologists as *establishment, administrative, managerial, correctional, or positivistic* criminology. Its focus is regarded as excessively narrow and predominantly directed toward individual offenders, street crime, and social engineering on behalf of the state. The critical criminological perspectives reject the claims of scientific objectivity made on behalf of mainstream criminology as well as the privileged status of the scientific method. Although some critical criminologists apply an empirical approach with the use of quantitative analysis, much critical criminology adopts an interpretive and qualitative approach to the understanding of social reality in the realm of crime and its control. The unequal distribution of power or of material resources within contemporary societies provides a unifying point of departure for all strains of critical criminology.

Critical criminologists tend to advocate some level of direct engagement with the range of social injustices so vividly exposed by their analysis and the application of theory to action, or *praxis*. All the different strains of critical criminology hold forth the possibility of effecting fundamental reforms or transformations within society that promote greater equality and a higher quality of life for the disadvantaged and the disenfranchised, not just the

privileged members of society, and a more humane, authentic society for all. The dominant forms of social control—from policing practices to penal policies—are a common target of criticism as central to perpetuating injustices, as profoundly biased, and as counterproductive in terms of achieving positive changes in individuals as well as social conditions.

Crime and its control are major preoccupations of people everywhere. Public perceptions of crime and its control are in many respects distorted by media representations and the agendas of the governing elites. The immense significance of critical criminology, then, lies in its capacity to expose the conventional myths about crime and its control and to provide an alternative basis for understanding these tremendously consequential dimensions of our social existence.

The historical origins of critical criminology, its principal contemporary strains, and some of its major substantive concerns are identified in the paragraphs that follow. In addition, some speculation is offered regarding the future prospects of critical criminology.

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### Origins of Critical Criminology

Contemporary critical criminology has its roots in a range of theoretical perspectives that have advanced a critique of both the existing conditions in society and the conventional or established theories that claim to explain society, social phenomena, and social behavior. Marxist theory has

been one source of inspiration for some influential strains of critical criminology, although it has been a common error to characterize all critical criminologists as Marxists or neo-Marxists. Karl Marx and his close collaborator Friedrich Engels did not develop a systematic criminological theory, but it is possible to extrapolate a generalized Marxist perspective on crime and criminal law from their work. The ownership class is guilty of the worst crime: the brutal exploitation of the working class. Revolution is a form of counterviolence, then, and is both necessary and morally justified. The state and the law itself ultimately serve the interests of the ownership class. Human beings are not by nature egocentric, greedy, and predatory, but they can become so under certain social conditions. Conventional crime is, in essence, a product of extreme poverty and economic disenfranchisement and of “false needs” and the dehumanizing and demoralizing effects of the capitalist system. However, conventional crime is neither an admirable nor an effective means of revolutionary action, and all too often it pits the poor against the poor. Marx also regarded crime as “productive”—perhaps ironically—insofar as it provides employment and business opportunities for many. In an authentically communist society the state and the law will wither away, with the formal law being replaced by a form of communal justice. Human beings will live in a state of harmony and cooperation, without crime.

For most of the history of criminology, rather few criminologists specifically adopted a Marxist framework. The Dutch criminologist Willem Bongers was an exception to this proposition. Although he rejected dogmatic Marxism, Bongers—especially in *Criminality and Economic Conditions* (1916)—sought to show how a political economy organized around “private property” promoted crime. Some later neo-Marxist or radical criminologists were critical of Bongers for adopting a positivist and empiricist approach to the study of crime and for his attention to the “correction” of lawbreakers, but within the context of his time Bongers was certainly a pioneering figure in recognizing the value of a Marxist framework for the understanding of crime. Georg Rusche and Otto Kirchheimer, in *Punishment and Social Structure* (1939), also drew on a Marxist approach in advancing the thesis that punishment in contemporary society could be viewed as a form of control of the laboring class in a capitalist society. Although Rusche and Kirchheimer were not trained as criminologists, some radical criminologists in a later era drew inspiration from their work. Indeed, some other scholars over the years who were not criminologists have had a significant impact on radical and critical criminologists. For example, the French social historian Michel Foucault, in *Discipline and Punish* (1979), set forth an influential interpretation of the ideological purposes of penal practices that has been quite widely cited by critical criminologists.

Although many sociologists and criminologists continue to recognize the power of some basic dimensions of Marxist theoretical analysis to make sense of the world, it

is also indisputably true that any invocation of “Marxist” carries with it a lot of baggage in the form of association with the immense crimes committed—primarily during the 20th century—in the name of a claimed Marxist or communist society. Accordingly, it is difficult for some criminologists to be receptive to the potent explanatory dimensions of Marxist theory and concepts independent of the perverse applications of Marxist analysis in some historical circumstances.

In the American tradition, there have always been people who have recognized that the law and the criminal justice system it produces reflect disproportionately the interests of the privileged. American versions of critical criminology have drawn on a tradition of populism, anarchist thought, the civil rights movement, contemporary feminism, and other progressive endeavors that have challenged the dominance of white men of means, big business, and the status quo in general. At least some early American criminologists reflected such influences. Edwin H. Sutherland was arguably the single most important American criminologist of the 20th century. Although not a radical in a conventional sense, Sutherland was influenced by the American populism of his native Midwest and was outraged by stock market manipulators who helped bring about the famous 1929 stock market crash and the economic depression that followed. In 1939, Sutherland introduced the notion of white-collar crime into the field of criminology. Criminologists up to that time had focused on conventional crime and, disproportionately, the crimes of the poor. Sutherland recognized that the middle and upper classes of society are also significantly involved in criminal endeavors, and he especially examined crimes carried out on behalf of rich and powerful corporations.

Most of the criminology and criminological theory produced into the 1960s addressed the causes of crime and criminality within a framework that did not challenge the legitimacy of the law and the social order. This began to change in the 1960s. *Labeling theory*, which emerged out of symbolic interactionism, shifted attention away from criminal behavior to the processes whereby some members of society come to be labeled as deviants and criminals and to the consequences of being socially stigmatized. Many critical criminologists were influenced by this approach, although they ultimately criticized it for its focus upon the “microlevel” of social behavior and its relative neglect of the broader societal and political context within which the labeling process occurs.

The 1960s as an era is associated with the intensification of various forms of conflict within society, so it is not surprising that the core theme of conflict received more attention during this era. Thorsten Sellin, a socialist in his youth, produced one early version of a criminological approach that focused on the centrality of conflict in the 1930s, and George Vold subsequently produced a pioneering criminological theory textbook in the 1950s that highlighted the significance of group conflict for the understanding of crime and its control. In the 1960s, Austin Turk, Richard Quinney,

and William J. Chambliss (with Robert T. Seidman) introduced influential versions of conflict theories into the field of criminology. Conflict theory focuses on the unequal distribution of power within society as a fundamental starting point for the understanding of crime and its control, with some groups better positioned than others to advance their interests through law. Conflict criminology provided a basic point of departure for radical criminology and, subsequently, critical criminology. Turk has been a proponent of a “non-partisan” version of conflict theory, which takes the position that the central role of power and authority in defining crime and guiding criminal justice processes can be assessed empirically without identifying with a particular political agenda. Quinney, following the publication of his seminal conflict theory text, *The Social Reality of Crime* (1970), moved through a number of stages of theory development, from radical to critical to beyond. Chambliss also subsequently became more directly identified with radical and critical criminology.

The era of the 1960s (extending from the late 1960s to the early 1970s) was a period of much social turmoil, including, for example, the emergence of black power, feminist and gay rights movements, and consumer and environmentalist movements; the growing opposition to the Vietnam war; the surfacing of a highly visible counterculture and illicit drug use; and the embracing of radical ideology by a conspicuous segment of college and graduate students. By the late 1960s, a full-fledged radical sociology had emerged that challenged premises, methods, principal concerns, and corporate or governmental affiliations of mainstream sociology. C. Wright Mills (who died prematurely in 1964) was one seminal source of inspiration, and parallel radical approaches were developed in many other cognate disciplines, including history, economics, and political science. All these developments both influenced and were reflected within the field of criminology. Criminologists who became disenchanted with the limitations of a dominant liberal response to the problem of crime, with its emphasis on incremental social reforms and rehabilitation programs, were searching for an alternative approach to understanding crime and criminal justice. Some prominent faculty at the University of California (Berkeley) School of Criminology were key figures in the promotion of a radical criminology, which contributed to the school being shut down in 1974. Herman and Julia Schwendinger, affiliated with this school, published an influential article calling for an expansion of the scope of criminological concern beyond the parameters of state-defined crime and increased attention to other identifiable forms of social harm. However, self-identified radical criminologists continued to encounter many forms of resistance and some barriers to professional advancement. Research funding was less available to support the projects of radical criminologists than it was for mainstream criminological research that was perceived as useful in addressing conventional forms of crime.

A distinctive radical criminology—and a Union of Radical Criminologists—emerged in the early 1970s. Journals such as *Crime and Social Justice* and *Contemporary Crises* were important venues for radical criminology scholarship during this time. The Center for Research on Criminal Justice’s *The Iron Fist and the Velvet Glove* (1970) exemplified the radical criminological ideal, insofar as it was an essentially Marxist analysis of the police, collectively written, and oriented toward praxis, with a section on organizing for action. Quinney was surely the best known, most frequently cited, most prolific, and most controversial radical criminologist of this period. In several books published in the 1970s—*Critique of Legal Order* (1974), *Criminology* (1979), and *Class, State and Crime* (1980)—Quinney applied a neo-Marxist interpretation of capitalist society to an understanding of crime and criminal justice. In *Critique of Social Order*, for example, Quinney argued that law in a capitalist society functions to legitimate the system and to facilitate oppression and exploitation. He asked whether we really need law and whether we might be better off without it. In 1982, Quinney coedited (with Piers Beirne) a noteworthy anthology, *Marxism and Law*.

By the end of the 1970s, Quinney had become somewhat disenchanted with the conventional concerns of academic scholars and of criminologists specifically. In the years that followed, he pursued a range of projects, often wholly removed from criminological concerns, including explorations in phenomenology; existentialism; critical philosophy; liberation theology; Buddhism; and autobiographical, reflexive work. However, he also made seminal contributions to the establishment (with Harold Pepinsky) of a major strain of critical criminology called *peacemaking criminology*, and several generations of radical and critical criminologists have drawn inspiration from his work.

Other criminologists during this period also made influential contributions to the establishment of a radical criminology: In the United States they included William J. Chambliss, Tony Platt, Paul Takagi, Elliott Currie, and Raymond J. Michalowski, among others. In many other countries versions of radical criminology surfaced as well. Ian Taylor, Paul Walton, and Jock Young’s *The New Criminology: For a Social Theory of Deviance* (1973), which emerged out of meetings of the National Deviancy Conference in the United Kingdom, was a widely read attempt to expose the limitations of existing theories of crime and to construct a new framework based on a recognition of the capacity of the capitalist state to define criminality in ways compatible with the state’s own ends. The authors of this book called for a form of criminological theory and analysis that operated independently and not as a handmaiden to repressive state policies.

By the end of the 1970s, much of the initial radical political and cultural energy of the earlier part of that decade had disintegrated. A book entitled *Radical Criminology: The Coming Crises* (1980), edited by James Inciardi, was a

controversial collection of critical (and appreciative) interpretations of radical criminology. If the radical criminology that emerged during the 1970s was never a fully unified enterprise, it became even more fragmented during the course of the 1980s. Going forward from that period, the term *critical criminology* increasingly displaced radical criminology, and the emergence of distinctive strains of critical criminology became increasingly evident. Scholars who adhere to these various strains of critical criminology are united in that they draw some basic inspiration from the conflict and neo-Marxist perspectives developed in the 1970s, in their rejection of mainstream positivistic approaches as a means of revealing fundamental truths about crime and criminal justice, and in their commitment to seeking connections between theoretical and empirical work and progressive policy initiatives and action. Although some critical criminologists continue to work within one or the other of the earlier conflict and neo-Marxist perspectives, many others have become more closely identified with critical perspectives that have emerged (or been applied to criminological phenomena) more recently.

The recent era has been regarded as both politically and culturally more conservative than the era of the 1960s, but critical criminology has been a fairly vigorous presence within criminology, despite—or perhaps because of—this less receptive societal environment. The Division on Critical Criminology, which publishes the journal *Critical Criminology*, has been an especially large division within the American Society of Criminology since its establishment in 1988. Every year, the Division on Critical Criminology attracts recruits among new criminology graduate students who recognize that their ideological orientation and research interests are at odds with those of mainstream criminology.

In the sections that follow, the principal strains of critical criminology are identified and described, along with a number of more recent emerging strains.

## Principal Strains of Critical Criminology

### Peacemaking Criminology

The contemporary form of peacemaking criminology is principally the product of two well-known, prolific, and highly original critical criminologists: Richard Quinney and Harold Pepinsky. They have collaborated to put together the premier reader on the subject, *Criminology as Peacemaking* (1991). The basic themes of a peacemaking criminology have been concisely identified as follows: connectedness, caring, and mindfulness. Personal suffering and suffering in the world are taken to be inseparable. We should avoid personalizing evil and constructing false schemes that pigeonhole human beings as honorable citizens or reprehensible criminals. Instead, we should focus

on our common humanity and choose affirmative ways of reaching out to and interacting with others. Responses to the problem of crime must begin with attending to ourselves as human beings; we need to suffer with the criminal rather than making the criminal suffer for us. Altogether, peacemaking criminology calls for a fundamental transformation in our way of thinking about crime and criminal justice.

Peacemaking criminology is by any measure a heretical challenge to the dominant assumptions of mainstream criminological perspectives. It can be criticized as a form of utopianism, but at a minimum it serves as a provocative antidote to the explicit or implicit cynicism or pessimism of other criminological perspectives. Peacemaking criminology has some affinity with an *anarchic* or *abolitionist criminology*, but this latter perspective is more directly associated with the controversial proposition that we would be better off without a formal state (and its laws) and would be better off without prisons and a formal justice system. Peacemaking criminology can also be linked with the expanding *restorative justice movement*, which calls for a shift away from a retributive justice system that focuses on identifying and punishing perpetrators of crimes and toward a system that focuses on repairing harm through a cooperative endeavor involving the accused, the victim, and the community. The restorative justice approach has been embraced by some portion of the mainstream (and even conservative) community, and at least some critical criminologists believe it has been co-opted by the criminal justice system. Others, however, believe that it continues to have progressive potential. The work of peacemaking criminologists has been directed toward sensitizing people to counterproductive, inherently unjust responses to conventional forms of crime.

### Postmodernist Criminology

Although a *postmodernist criminology* has been identified as one strain of critical criminology, postmodern thought itself is by no means necessarily linked with a progressive agenda; on the contrary, much postmodernist thought is viewed as either consciously apolitical or inherently conservative and reactionary.

Any attempt to characterize a postmodernist criminology—or postmodern thought itself—encounters difficulties. It can be best described as a loose collection of themes and tendencies. Postmodernists reject totalizing concepts (e.g., the state), they reject positivism, and they reject the potential of collective action to transform society. Postmodernism contends that modernity is no longer liberating but has become rather a force of subjugation, oppression, and repression. For postmodernism, language plays the central role in the human experience of reality. The postmodernist “deconstruction” of texts exposes the instability and relativity of meaning in the world. Within critical criminology specifically, Stuart Henry and Dragan

Milovanovic have produced a pioneering effort—which they call *constitutive criminology*—to integrate elements of postmodernist thought with the critical criminological project. They are especially concerned with highlighting the role of ideology, discursive practices, symbols, and sense data in the production of meaning in the realm of crime. We must, they contend, understand how those who engage in crime, who seek to control it, and who study it “co-produce” its meaning.

### Feminist Criminology

This perspective has especially focused on exposing the overall patterns of patriarchalism and male dominance in all realms pertaining to crime and the legal system. Whatever their differences, feminists such as Meda Chesney-Lind, Carol Smart, and Kathleen Daly have been quite united in identifying and opposing social arrangements that contribute to the oppression of women. Direct forms of male violence (e.g., rape and spouse abuse) targeting women inevitably have been a major preoccupation of feminist criminology. In addition to those forms of crime that specifically and directly target females, feminist criminologists have also sought to demonstrate the broader vulnerability of females to a range of crimes not in this category, such as the multinational corporate exploitation of labor in sweatshops in developing countries. At least some feminist criminologists have also focused on the nature of female involvement in criminal behavior and the social and cultural forces that have led to a higher level of female involvement in such activity in the most recent era. Some forms of illegal (and deviant) activity have always involved females to a significant degree, with prostitution and sex work as primary examples. Feminist criminologists who have explored female involvement in sex work have not been unified in their characterization of such female offenders—are they exploited victims or liberated women?—and indeed, no single feminist criminological perspective is uniformly adopted. The focus of criminological research historically has been overwhelmingly directed toward male offenders.

The feminist movement, since the 1970s, has had a significant impact on a wide range of cultural attitudes and social policies, and feminist criminologists have played some role in promoting policies, such as the reform of rape laws to diminish the further victimization of rape victims and the recognition of sexual harassment as a significant offense. They have also played a noteworthy role in the evaluation of the actual effects of such policy initiatives.

### Left Realism

This perspective emerged largely in Great Britain and Canada in the period after 1985 as a response to the perceived analytical and practical deficiencies of radical criminology, especially in its neo-Marxist form. Jock Young in

England and Walter DeKeseredy in Canada have been among the primary promoters of this perspective. Left realists realized that right-wingers were able to largely preempt the crime issue, because the fear of street crime is pervasive and intense and typically has more immediacy than fear of elite crime. Radicals who either ignore street crime or, even worse, are seen as romanticizing street criminals lose all credibility in the eyes of their largest potential constituency. Furthermore, traditional radical criminology does not attend to the fact that the principal victims of street crime are disadvantaged members of society and that conventional crime persists in noncapitalist societies. Left realists also reject one-dimensional interpretations of state crackdowns on street crime that characterize it exclusively as repression. However, left realists vehemently deny that their work leads in the same direction as right realists, and they differ from right realists in many ways: They prioritize social justice over order; reject biogenetic, individualistic explanations of criminality and emphasize structural factors; are not positivistic, insofar as they are concerned with social meaning of crime as well as criminal behavior and the links between lawmaking and lawbreaking; and they are acutely aware of the limitations of coercive intervention and are more likely to stress informal control. Left realist criminology insists on attending to the community as well as the state, the victim as well as the offender. It argues that some traditional criminological research methods can be used to generate research that can serve progressive objectives. Some left realists have focused on the crimes of powerful corporations. Here, however, the tendency has been to call for more regulation and tougher sanctions against lawbreakers who cause immense, demonstrable harm but who have been able to shield themselves from criminalization due to their wealth and influence. Altogether, left realists may be said to advocate policies and practices toward both conventional and corporate crime that are realistic as well as progressive.

The preceding sections identified four principal strains of critical criminology that are quite universally recognized as such. In the following sections, several other strains that are increasingly also acknowledged to be significant strains of critical criminology are identified.

## Emerging Strains of Critical Criminology

### Newsmaking Criminology and Public Criminology

Karl Marx famously argued that one should not be content to explain the world; one should change it. It is an enduring complaint about many forms of academic disciplines that they are insular and self-indulgent and make no measurable impact on the “real” world. Certainly they do not contribute to the alleviation of human suffering, in its various manifestations. Critical criminologists may be especially sensitive to

this type of critique and the need for some form of praxis whereby “real-world” differences are effected. Newsmaking criminology, as originally promoted by Gregg Barak, calls for direct engagement by critical criminologists with a broad public constituency through actively seeking out opportunities to put across a critical criminological perspective on issues of crime and criminal justice in mass media outlets. Increasingly, of course, it is recognized that efforts to reach a broader audience—especially a younger audience—must involve the Internet. In a somewhat parallel vein, Elliott Currie, among others, has recently promoted a *public criminology* with a critical dimension. Too much of criminology—including some of critical criminology—is regarded as narrowly focused or adopting terminology and forms of analysis that are comprehensible to only a small number of other (like-minded) criminologists instead of addressing pressing substantive issues such as harmful present criminal justice policies in forms—and forums—capable of reaching a broader public. Such initiatives raise the question of whether newsmaking or public criminologists can realistically expect to inform and engage a public massively resistant to such engagement and largely distracted by a formidable culture of entertainment.

### Cultural Criminology

The recognition of the profoundly stylistic and symbolic dimension of certain forms of lawbreaking and deviant behavior has been a primary focus of cultural criminology. This critical criminological approach, pioneered by Jeff Ferrell, among others, has sought to provide rich or “thick” descriptions of people who live at the margins of the conventional social order, including, among others, drug users, graffiti writers, motorcyclists, and skydivers, drawing on an ethnographic approach that often involves direct participant observation as well as on autobiographical and journalistic accounts. The “crimes of style” that cultural criminology addresses are best understood in relation to the contested political environment within which they occur and as representations of cultural values that challenge, on various levels, the dominant cultural value system of contemporary society. Some critics have complained that cultural criminologists overempathize with the social deviants and “outlaws” about whom they write and that they fail to adequately appreciate the perspective and legitimate concerns of the members of society charged with addressing their activities. However, cultural criminology provides us with a colorful and multilayered appreciation of a range of marginalized members of society.

### Convict Criminology

Prison convicts have been a significant focus of criminological concern from the outset. However, a recently established *convict criminology* puts forth the notion—quite parallel to claims made by gender- and race-focused

criminological perspectives—that the authentic experience of prison convicts often fails to fully emerge from the studies of conventional or *managerial* criminology. Furthermore, people who have served time in prison also offer a unique perspective on correctional reforms. A number of former convicts have become professors of criminology and criminal justice and have published books and articles on the prison experience. At least some of them have become a key part of the development of convict criminology. Their insider knowledge of the world of prisons makes them uniquely qualified to conduct ethnographic studies of prison life. They might also be said to have an extra measure of credibility in claims that existing policies of incarcerating huge numbers of nonviolent offenders, including many low-level drug offenders, and then subjecting them to demeaning and counterproductive conditions, do not work and should be abandoned. Convict criminology accordingly adopts core themes of critical criminology in calling for understanding crime and its control from the bottom up and in exposing the profound limitations of public policies imposed on a profoundly disadvantaged segment of the population.

### Critical Race Criminology

If gender has been one significant variable in relation to crime and criminal justice, race has certainly been another. Accordingly, some critical criminologists have focused on both the historical role of racism in producing discriminatory treatment toward people of color in all aspects of crime and criminal justice as well as the role that enduring (if less manifestly obvious) forms of racism continue to play in promoting images of criminals and policies and practices in processing criminal offenders. It is well-known that racial minorities—and African American men in particular—are greatly overrepresented in the correctional system, and some of the work of critical race criminologists is directed toward demonstrating how this overrepresentation not only reflects embedded racist elements of our criminal law and criminal justice system but also contributes toward supporting a lucrative prison industry.

Beyond the strains of critical criminology discussed earlier, there are some additional emerging strains or proposed strains, although it remains to be seen whether they will be widely embraced and further expanded. *Queer criminology* explores the manifestations of homophobia in the realm of crime and criminal justice. *Green criminology* exposes and analyzes social practices and policies that are environmentally harmful. *Countercultural criminology* calls for addressing the “colonial” issues largely neglected in mainstream criminology and critical criminology. Certainly there is some critical criminological work coming out of developing countries today addressing the crime and crime control issues afflicting these countries and, more typically now, by drawing on indigenous intellectual traditions, as opposed to simply applying Western (Occidental) theories

and frameworks. *Biocritical criminology* is a call for critical criminologists to acknowledge that genes play some role in at least certain forms of criminal behavior, and a cooperative endeavor between criminologists with a biosocial orientation and critical criminologists might disentangle the relative contributions of the political economy, the societal environment, and biogenetic factors in the emergence of criminal behavior. *Species-related critical criminology* calls for recognition that animals (or species other than human) are victims of a broad range of crimes by social institutions and specific human beings.

### Summary

It should be obvious from the preceding discussion that critical criminology is an exceptionally diverse enterprise. It is also characterized by some measurable internal criticism, for example, from those who remain committed to the original utopian project of radical criminology and a fundamental transformation of society and from those who have adopted a more limited, practical approach of exposing limitations of mainstream criminological approaches to crime and criminal justice and promoting piecemeal reforms. Such pluralism is perhaps inevitable in critical criminology, and ideally the diverse strands of this enterprise complement and reinforce each other.

### The Substantive Concerns of Critical Criminology

Critical criminologists have attended to conventional forms of criminal activity—such as street crime and drug trafficking—but when they have done so, they have been especially concerned with demonstrating how these conventional forms of criminality are best understood in relation to the attributes of a capitalist political economy. Accordingly, the approach of critical criminologists to such forms of crime differs from that of mainstream criminology, which is more likely to focus on individual attributes, rational calculations and routine activities, situational factors, and the more immediate environment.

The study of domestic violence and rape, with a range of studies exploring the cultural forces that both promote such violence and that have led to its past marginalization by the criminal justice system, has been a major preoccupation of feminist and left-realist criminologists. The role of “masculinities” in such crimes, as well as in various forms of street crime, has been explored as well. In recognition of the expanded involvement of females in conventional forms of crime—as one outcome of various liberating forces within society—some critical criminologists have addressed such matters as female gang members and their involvement in gang violence, with special emphasis on disparities of power.

Some critical criminologists have focused on newer forms of crime, such as hate crimes, which have a controversial

status within the larger society. The challenge here is to demonstrate why such crimes have demonstrably harmful consequences that warrant recognition of their special character and why they should not be viewed as protected by the traditional liberal commitment to freedom of speech. Ethnic, racial, and sexual minority groups have been among the favored targets of such crime, and immigrant communities remain especially vulnerable.

Critical criminologists have been especially receptive to the claim that the most significant forms of crime are those committed by the powerful, not the powerless. Accordingly, some critical criminologists have taken up Sutherland’s call to attend to white-collar crime, with special emphasis on the crimes of large, powerful corporations. Within capitalist societies, corporations operate in an environment of unequal distribution of market power and relentless pressure to increase profit or growth, and they violate laws when the potential benefits of doing so are regarded as outweighing the potential costs. State regulation of corporate activity is significantly inhibited by the disproportionate influence of corporations in making and administering laws and by the states’ need to foster capital accumulation. Friedrich Engels—the collaborator of Marx—put forth the claim in the 19th century that the ownership class was guilty of murder because it is fully aware that workers in factories and mines will die violent, premature deaths due to unsafe conditions. Some critical criminologists today focus on the persistence of “safety crimes” in the workplace and the ongoing relative neglect of such crimes by most criminologists. Others have addressed environmental crimes carried out in the interest of maximizing profit, and it seems likely that concern over such crimes will intensify in the future. The production and distribution of a wide range of harmful products, from defective transportation vehicles to unsafe pharmaceuticals to genetically modified foods, are ongoing matters of interest in this realm.

Critical criminologists are responsible for introducing the concept of state–corporate crime into the literature, that is, demonstrable (often large-scale) harms that occur as a consequence of cooperative activity between state agencies and corporations. The complicity of various major corporations, such as I. G. Farben with the Nazi state, in relation to the Holocaust, is a classic case of state–corporate crime, but there are many other such cases in the world today.

The term *crimes of globalization* has been applied to the many forms of harm that occur in developing countries as a consequence of the policies and practices of such international financial institutions as the World Bank, the International Monetary Fund, and the World Trade Organization. From 1999 on, major protests in Seattle, Washington; Washington, D.C.; and other places directed at these institutional financial institutions demonstrate that outrage at some of their activities is quite widely diffused.

In 1988, Chambliss, whose work had a significant influence on multiple generations of critical criminologists,



was serving as president of the American Society of Criminology. Radical and critical criminologists have not been elected typically to leadership positions in professional criminological associations, although there have been a few other cases of such leadership. In his presidential address, Chambliss focused on state-organized crime. Just as Sutherland almost 50 years earlier had urged his fellow criminologists to attend to the hitherto-neglected topic of white-collar crime, Chambliss in a similar vein was encouraging more criminological attention to the crimes of states, which had been almost totally ignored by criminologists. In the intervening years a growing number of critical criminologists have addressed a wide range of state-organized forms of crime, including crimes of the nuclear state, crimes of war, and the crime of genocide. A resurgent form of militarism in societies such as the United States has also been a focus of the attention of some critical criminologists.

Some critical criminologists have focused on the many different ways that the principal agents of social control—including the police, the courts, and the prisons—reflect the values and interests of the privileged and powerful strata of society and all too often realized repressive and counterproductive outcomes. Critical criminologists are concerned with identifying forms of social control that are cooperative and constructive. For some critical criminologists, the death penalty—almost uniquely retained by the United States among developed nations—is a worthy focus of attention, insofar as it brings into especially sharp relief the inherent injustices perpetrated by the existing system.

Finally, at least some critical criminologists have directed some attention to matters principally of interest to academics and researchers in relation to their professional activities. Accordingly, they have addressed some of the ethical issues that arise in relation to criminological research, with special attention to the corrupting influence of corporate and governmental funding of such research. Other critical criminologists have addressed challenges that arise in a pedagogical context: on the one hand, exposing students who are often largely either relatively conservative or apolitical in their outlook to a progressive perspective, without alienating or inspiring active hostility from such students, and on the other hand, providing programs such as criminal justice, conforming with expectations that students be prepared for careers as agents of the criminal justice system while at the same time addressing the repressive and inequitable character of such a system.

## Conclusion

Critical criminology has in one sense tended to reflect the dominant focus of mainstream criminology on crime and its control within a particular nation; however, going forward in the 21st century, there is an increasing recognition that many of the most significant forms of crimes occur in the international sphere, cross borders, and can only be properly understood—and controlled—within the context

of the forces of globalization. Accordingly, a growing number of critical criminologists have addressed such matters as collapsed states within a global economy, harms emanating out of the policies of such international financial institutions as the World Bank, the crimes of multinational corporations, trafficking of human beings across borders and sex tourism in a globalized world, the treatment of new waves of immigrants and refugees, international terrorism, the spread of militarism, preemptive wars as a form of state crime, transnational policing, international war crime tribunals, and transitional justice.

Although at least some of these topics have been occasionally addressed by mainstream criminologists, critical criminologists highlight the central role of imbalances of power in all of these realms. Altogether, critical criminologists going forward are increasingly likely to take into account the expanded globalized context, regardless of their specialized interest or focus.

On the one hand, critical criminologists fully recognize the immense power of corporate interests—and other privileged interests and constituencies—to shape public consciousness in a manner that is supportive of a capitalist political economy and the broad popular culture that is one of its key products. The Italian neo-Marxist theorist Antonio Gramsci famously advanced the notion of *hegemony* to capture this capacity of privileged interests to influence public consciousness in fundamental ways. On the other hand, many critical criminologists are also, on some level, both somewhat puzzled and disappointed that the critical perspective on the political economy has failed to gain more traction with a wider public constituency by now. What is the future destiny of critical criminology? The most pessimistic projection would be that conventional and mainstream perspectives will succeed in rendering critical criminology increasingly marginalized. In a more moderate projection, critical criminology will continue to be a conspicuous and measurably influential alternative to dominant forms of criminological theory and analysis, although it will also continue to be overshadowed by mainstream criminology. In the most optimistic projection, the influence and impact of critical criminology will increase exponentially in the years ahead, perhaps at some point even coming to overshadow mainstream forms of analysis. For some version of this last scenario to be realized, perhaps a “perfect storm” of both objective and subjective conditions (to follow Marx’s own celebrated thesis) must take place: On the objective side, one would have the intensification of some fundamental forms of social inequality and injustices, and accordingly of human suffering. On the subjective side, one would have a more enlightened and autonomous “critical mass” of the citizenry that comes to recognize both the failures and the injustices of existing arrangements and policies within the political economy, and the inherent persuasiveness of critical perspectives, including that of critical criminology. In a world where inequalities of power and wealth have intensified recently in certain significant respects, it seems more likely than not that critical criminology will continue

to play a prominent role in making sense of crime and its control and the promotion of alternative policies for addressing the enduring problem of crime.

## References and Further Readings

- Arrigo, B. A. (1999). *Social justice/criminal justice: The maturation of critical theory in law, crime and deviance*. Belmont, CA: West/Wadsworth.
- Bonger, W. (1916). *Criminality and economic conditions*. Bloomington: Indiana University Press.
- Carrington, K., & Hogg, R. (2002). *Critical criminology: Issues, debates, challenges*. Cullompton, UK: Willan.
- DeKeseredy, W. S., & Perry, B. (Eds.). (2006). *Advancing critical criminology: Theory and application*. New York: Lexington Books.
- Foucault, M. (1979). *Discipline and punish: The birth of the prison*. New York: Vintage Books.
- Greenberg, D. F. (Ed.). (1993). *Crime and capitalism: Readings in Marxist criminology* (2nd ed.). Philadelphia: Temple University Press.
- Inciardi, J. A. (Ed.). (1980). *Radical criminology: The coming crises*. Beverly Hills, CA: Sage.
- Lynch, M., & Michalowski, J. M. (2006). *The new primer in radical criminology: Critical perspectives on crime, power, and identity* (4th ed.). Monsey, NY: Critical Justice Press.
- MacLean, B. D., & Milovanovic, D. (1990). *Racism, empiricism, and criminal justice*. Vancouver, British Columbia, Canada: Collective Press.
- MacLean, B. D., & Milovanovic, D. (Eds.). (1997). *Thinking critically about crime*. Vancouver, British Columbia, Canada: Collective Press.
- Quinney, R. (1970). *The social reality of crime*. Boston: Little, Brown.
- Quinney, R. (1974). *Critique of the legal order*. Boston: Little, Brown.
- Quinney, R. (1979). *Class, state, and crime* (1st ed.). New York: Longman.
- Quinney, R. (1980). *Class, state, and crime* (2nd ed.). New York: Longman.
- Quinney, R. (2000). *Bearing witness to crime and social justice*. Albany: State University of New York Press.
- Quinney, R., & Beirne, P. (1982). *Marxist law*. New York: Wiley.
- Quinney, R., & Pepinsky, H. (Eds.). (1991). *Criminology as peacemaking*. Bloomington: University of Indiana Press.
- Reiman, J. (2007). *The rich get richer, and the poor get prison* (8th ed.). Boston: Pearson.
- Rusche, G., & Kirchheimer, O. (1939). *Punishment and social structure*. New York: Columbia University Press.
- Schwartz, M. D., & Hatty, S. E. (Eds.). (2003). *Controversies in critical criminology*. Cincinnati, OH: Anderson.
- Schwartz, M. D., & Milovanovic, D. (Eds.). (1996). *Race, gender, and class in criminology: The intersections*. New York: Garland.
- Taylor, I., Walton, P., & Young, J. (1973). *The new criminology: For a social theory of deviance*. New York: Harper & Row.
- Van Swaaningen, R. (1997). *Critical criminology: Visions from Europe*. Thousand Oaks, CA: Sage.
- Walton, P., & Young, J. (Eds.). (1998). *The new criminology revisited*. London: Macmillan.

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## CULTURAL CRIMINOLOGY

JEFF FERRELL

*Texas Christian University*

Over the past two decades, cultural criminology has emerged as a distinctive perspective on crime and crime control. As the name suggests, *cultural criminology* emphasizes the role of *culture*—that is, shared styles and symbols, subcultures of crime, mass media dynamics, and related factors—in shaping the nature of criminals, criminal actions, and even criminal justice. Cultural criminologists contend that these factors must be considered if we are to understand crime in any of its forms: as a moment of victimization in the street or in the home, as a collective or group activity, or as a social issue of concern to politicians or the public.

Cultural criminologists, for example, study the ways in which criminal subcultures recruit and retain members through secretive shared experiences, distinctive styles of clothing, and exclusive ways of talking. They examine the ways in which police officers display their power and authority through police uniforms and special language and the ways in which the authority of criminal justice is symbolized in the court or the prison. Cultural criminologists often focus on media technology and the mass media and the process by which television shows, popular films, and newspaper reports communicate particular images of crime, criminals, and criminal justice and so affect public perceptions of them. Similarly, they look at the ways in which politicians and lawmakers define some crimes as more important than others and then encode these definitions in

laws and enforcement policies. This broad focus on culture and communication, cultural criminologists argue, allows scholars, students, and the public to develop a deeper and more critical understanding of crime and criminal justice. From this view, the subject matter of criminology cannot simply be criminals and what they do; instead, it must include the ways in which crime is *perceived* by others; the particular *meanings* that crime comes to have for criminals, victims, crime control agents, and everyday citizens; and the consequences of these meanings and perceptions for criminal activities, crime control policies, and even the politics of contemporary society.

It is significant that cultural criminologists intend this perspective to expand the subject matter and analytic approach of conventional criminology—but they also intend for cultural criminology to provide a distinct alternative to conventional criminology and at times to directly confront what they see as its current weaknesses and limitations. As already suggested, this divergence between cultural criminology and more conventional forms of criminology is partly one of subject matter; over the past few decades, conventional criminology has largely dismissed from analysis the very components of social life—media, style, symbolism, meaning—that cultural criminologists argue are essential for a fully developed criminology. In this sense, cultural criminologists push to incorporate these elements—or, as discussed in this chapter, reincorporate them—into criminology.

But, as we will also see, the tension between cultural criminology and conventional criminological perspectives runs deeper than simply subject matter. Cultural criminologists contend that many of the more popular contemporary criminological theories are inadequate for explaining crime precisely because they exclude any understanding of culture, communication, and meaning. They likewise argue that the most widely used research methods in conventional criminology are designed in such a way that they inevitably ignore the most important features of crime, culture, and social life. And they point out that many of these current failings are the result of conventional criminology's overidentification with criminal justice, and its overreliance on governmental grants and legalistic definitions of crime. In this sense, cultural criminology is designed not only to study crime, but to study and critique the taken-for-granted practices of contemporary criminology.

## Theory

Cultural criminology has developed from a synthesis of two primary theoretical orientations, one largely British, the other primarily American. In the 1970s, scholars associated with the Birmingham School of cultural studies, the National Deviancy Conference, and the "new criminology" in Great Britain (S. Cohen, 1972; Taylor, Walton, & Young, 1973) began to explore the distinctive cultural dynamics through which power was exercised and maintained. In this context they also examined the ideological dimensions of crime and crime control—that is, the ways in which crime issues and concerns often tapped into larger political agendas—and they linked all of this to emerging patterns of social and economic inequality. Reconceptualizing the nature of social control and resistance to it, these scholars documented the cultural practices associated with social class, investigated leisure worlds and illicit subcultures as sites of stylized defiance to authority, and recorded the mediated campaigns and ideologies essential to social and legal control. In this way they began to conceptualize some of the many links between cultural and criminal processes.

During roughly this same time, a second starting point for cultural criminology was emerging among American sociologists and criminologists who used symbolic interactionist theory and labeling theory in their study of crime and deviance (Becker, 1963). These scholars argued that the nature and consequences of crime were not inherent to an individual criminal act; instead, they were largely determined by others' reactions to an act or person—that is, by others' perceptions and by the meanings they attributed to the act or individual. Killing another person, for example, can mean many things to many people: murder, self-defense, heroism, or insanity. Likewise, politicians or police officers or the family of the victim can subsequently make the killing into a symbol of something else: the

decline in morality, the dangers of guns, or the need for stronger laws. The social reality of crime—fears about it, models for confronting it, social harms engendered by it, even the visceral experience of it as perpetrator or victim—is therefore seen to be part of an ongoing cultural and political process. Like their counterparts in Great Britain, American symbolic interactionists and labeling theorists were beginning to link crime, culture, and power. Significantly, they were also beginning to document these linkages through ethnographic research inside the worlds of drug users, pool hustlers, and other "outsiders" (Becker, 1963), producing a series of case studies that revealed how criminals and anti-crime crusaders alike constructed meaning and negotiated symbolic communication.

In the following decades, these two orientations co-evolved, with British cultural theorists and "new criminologists" providing American scholars with sophisticated theoretical critiques of ideological control and American interactionists offering ethnographic inspiration to British scholars. In the mid-1990s, the two orientations were synthesized for the first time into a distinct "cultural criminology" (Ferrell & Sanders, 1995) that, while building primarily on these twin foundations, also integrated the work of subcultural researchers, postmodern theorists, cultural geographers, and progressive political theorists. Exploring further the symbolic components of crime, this new cultural criminology focused especially on two dynamics: (1) the ways in which criminal enterprises incorporate cultural components of style, dress, and language and (2) the ways in which cultural enterprises such as art and music are often criminalized by legal authorities and moral entrepreneurs (Becker, 1963). Honoring the informal history of trans-Atlantic co-evolution, this more formalized cultural criminology has also continued to integrate scholarly work from the United States, Great Britain, and beyond.

Cultural criminologists today use a variety of theoretical models that incorporate and expand on these intellectual orientations. Among the more influential of these is the concept of *edgework*, as developed by Steve Lyng (1990, 2005), Jeff Ferrell (1996), and others (Ferrell, Milovanovic, & Lyng, 2001). These theorists argue that acts of extreme and often illegal risk taking—graffiti writing, street racing, BASE (building, antenna, span, earth) jumping (i.e., jumping off a fixed object with a parachute) from cliffs or buildings—can best be understood not as moments of out-of-control self-destruction but as situations in which participants reclaim a sense of self through an exhilarating mix of risk and skill. This sort of edgework allows participants to develop the sort of finely crafted skills that are today often absent from the tedium of daily life and daily work, and it forces them to test these skills in meaningful situations that matter profoundly. This mix of skill and risk in turn spirals participants closer to the edge; after all, the more polished one's skills as a street racer or graffiti writer, the more risk one can take—and the more risk one takes, the more polished those skills must become.

In this way, cultural criminologists attempt to go inside what Jack Katz (1988) called the immediate *seductions of crime*—that is, inside its experiential meaning and allure for participants—while also seeing this edgework experience as a response to larger, dehumanizing social forces. The edgework concept also helps explain another, ironic dynamic between crime and criminal justice. Given that edgework generates a seductive adrenalin rush as participants mix skill and risk, aggressive law enforcement strategies designed to stop illegal edgework often serve only to heighten the risk and so to force the development of further skills—thereby amplifying the very experience that participants seek and legal authorities seek to prevent.

Two other cultural criminological theories likewise address the links among experience, emotion, perception, and larger social conditions. Mike Presdee (2000) posited that contemporary crimes such as drug taking, gang rituals, arson, and joyriding in stolen cars can be understood through a theory of *carnival*. Carnival has in many human societies historically been a time of dangerous excess, ridicule, and ritualized vulgarity; yet since it was ritualized, and so confined to particular periods and places, it also served to contain dangerous desires, to serve as a sort of temporary emotional safety valve after which normalcy was restored. Now, Presdee argued, carnival has been for the most part destroyed, outlawed in some societies and converted into legally regulated and commercialized spectacles in others. As a result, some remnants of carnival are now bought, sold, and consumed in the form of sado-masochistic pornography or degrading reality television shows, but others are enacted as crime, all the more dangerous because now cut loose from their containment within a community ritual.

Jock Young (1999) widened this focus in addressing contemporary economic and cultural dynamics and their connections to criminality. His theory of *exclusion/inclusion* notes that contemporary society is defined by the increasing economic and legal exclusion of large portions of the population from “respectable,” mainstream society. The loss of millions of jobs, the prevalence of low-wage work, the economic decay of many inner cities, the mass incarceration rates in the United States—all serve to exclude many among the poor, ethnic minorities, and even the formerly middle class from the comforts of mainstream society. Yet at the same time, these and other groups tend to be increasingly culturally included; through the power of the mass media and mass advertising, they learn to want the same consumer goods and symbols of lifestyle success as do others. Increasing levels of frustration, resentment, insecurity, and humiliation are the result—and with them, Young pointed out, crimes of retaliation and frustration as well. Echoing Robert K. Merton’s (1938) famous formulation of adaptations to socially induced strain, Young argued that this heightened strain between economic exclusion and cultural inclusion helps us understand all manner of crimes, from those of passion to those of economic gain.

A final theoretical model focuses especially on the interplay of the media, crime, and criminal justice in contemporary society. Ferrell, Hayward, and Young’s (2008) theory of *media loops and spirals* argues that we are now well beyond simple questions of how accurately the media report on crime or whether media images cause copycat crimes. Instead, they argued, everyday life is today so saturated with media technology and media images that a clear distinction between an event and its mediated image seldom exists, and so criminologists are confronted by a looping effect in which crime and the image of crime circle back on one another. When gang members stage violent assaults so as to record them and post them on the Web, when reality television shows entrap their participants in actual assaults and arrest, when police officers alter their street enforcement strategies because of their own police car cameras or the presence of news cameras, then crime and media have become inherently entangled. Moreover, these loops often reproduce themselves over time, spawning an ongoing spiral of crime, criminal justice, and media. Videotapes of police activities, for example, often become the basis for later court cases, which are then covered in local or national media; similarly, images of criminality often function over time as legal evidence, marketed entertainment, and fodder for news reporting. Because of this, cultural criminologists argue, any useful criminology of day-to-day crime and violence must also be a cultural criminology of media and representation.

## Methods

Cultural criminology’s theoretical orientations intertwine with its methods of research. As already seen, cultural criminology and its various theories focus on the meaning of crime, as constructed in particular situations and more generally; on the emotions and experiences that animate crime and criminal justice; and on the role of mediated representation and cultural symbolism in shaping perceptions of crime and criminals. To conduct research that is informed by these theories, then, cultural criminologists need methods that can get them inside particular criminal situations and experiences and that can attune them to emotion, meaning, and symbolism. They also need methods that can penetrate the dynamics of media technology and the mass media and that can catch something of the loops and spirals that entangle crime and its image. Cultural criminologists argue, though, that the research methods conventionally used by criminologists are ill-suited to this task, and so cultural criminologists regularly adopt alternative methods of research.

From the view of cultural criminology, for example, survey research and the statistical analysis of survey results—the most widely used methods in conventional criminology—preclude by their very design any deep engagement with meaning, emotion, and the social processes by which meaning and emotion are generated. Such methods force the

complexities of human experience and emotion into simplistic choices prearranged by the researcher and so reduce research participants to carefully controlled categories of counting and cross-tabulation. Such methods remove the researcher from the people and situations to be studied, creating a sort of abstract, long-distance research that excludes essential dynamics of crime and justice—ambiguity, surprise, anger—from the process of criminological research (Kane, 2004). Worse yet, cultural criminologists argue, such methods are often used precisely because they do produce safe findings and abstract statistics in the service of political agencies or criminal justice organizations, thereby forfeiting the critical, independent scholarship that cultural criminologists see as necessary for good criminological research and analysis.

Instead of relying on such methods, then, cultural criminologists often turn to *ethnography*: long-term, in-depth field research with the people to be studied.

Cultural criminologists who are deeply immersed in the lives of criminals, crime victims, or police officers can become part of the process by which such people make meaning and can witness the ways in which they make sense of their experiences through symbolic codes and shared language. Sharing with them their situations and experiences, and vulnerable to their tragedies and triumphs, cultural criminologists likewise learn something of the emotions that course through their experiences of crime, victimization, and criminal justice.

For cultural criminologists, this goal of gaining deep cultural and emotional knowledge is embodied in the concept of *criminological verstehen*. As developed by sociologist Max Weber, the concept of *verstehen* denotes the subjective or appreciative understanding of others' actions and motivations—a deeply felt understanding essential for fully comprehending their lives. Notice that here the methods of cultural criminology in fact oppose and reverse the methods of conventional criminology. Instead of the “objectivity” of preset surveys and statistical analysis producing accurate research results, as is commonly assumed, it is in fact *emotional subjectivity* that ensures accuracy in research; without it, the researcher may observe an event or elicit information but will gain little understanding of its meaning or consequences for the actors involved.

A similar difference can be seen in cultural criminologists' approach to media research. Conventional criminologists most often study media and crime by using the method of *content analysis*—the measuring of static content categories within media texts. Cultural criminologists argue, though, that the fluid interplay among media, crime, and criminal justice cannot be captured in quantitative summaries of textual word frequency or source type. Numeric summaries of discrete textual categories miss the larger aesthetic within which a text takes shape and ignore the structural frames that shape a text's flow of meaning. Moreover, content analysis is regularly used with the intent of objectively proving the degree of divergence between the

“real” nature of a crime issue and a “biased” media representation of it—but this approach misses the more complex dynamic of media loops and spirals and the multiplicity of audiences and interpretations that will confound the real and the representational as a crime issue runs its course.

In place of traditional content analysis, then, cultural criminologists use two alternative methods. The first is David Altheide's (1987) method of *ethnographic content analysis*, an approach that conceptualizes such analysis as a search for meaning and a process of intellectual give-and-take between researcher and research participant. This method is designed to produce deep involvement with the text, such that the researcher develops a deep account of the text and its meanings. It is also designed to approach the media text not as a single entity but as an emergent cultural process incorporating various media, political, and cultural dynamics. Like conventional content analysis, then, this method allows researchers to identify and analyze textual patterns, but it also taps into the fluid, looping media that increasingly define crime and justice. A second alternative approach goes a step further and in fact returns us to ethnography: field work with criminals, criminal justice workers, or others as they go about interacting with the mass media, developing images of their own lives, or even inventing their own alternative media (Snyder, 2009).

## Applications

The cultural criminological perspective has been applied to a range of subject areas within criminology; put differently, cultural criminologists have investigated the dynamics of symbolism, meaning, and representation amid a variety of criminal and criminal justice situations.

Some of the best-known work in cultural criminology has used ethnographic methods to explore illicit subcultures and their interactions with legal authorities and the media. This close attention to particular subcultural dynamics has allowed cultural criminologists to confront media and criminal justice stereotypes of these subcultures and to deepen scholarly knowledge of them. Ferrell (1996, 2001, 2006), for example, has conducted long-term participatory ethnographies of three urban subcultures: (1) hip hop graffiti writers, (2) street-level political activists, and (3) trash scroungers. In each case, his findings have served to humanize the members of the subcultures, to reveal the ways in which they engage in meaningful collective action, and to challenge the validity of aggressive criminal justice campaigns against them. Alternatively, Mark Hamm's (1997, 2002) long-term ethnographic research among various subcultures associated with extremist, right-wing terrorism has revealed hidden dimensions of their strategies and ideologies and so has helped strengthen legal efforts to contain them. From the perspective of cultural criminologists, then, a deep understanding of a subculture's values and practices can help shape more appropriate public and

legal responses to them, whether those responses eventually become more tolerant or more condemnatory. In a similar fashion, other researchers have used cultural criminological perspectives in the in-depth, ethnographic study of illegal street racers, youthful brawlers, police officers, immigrant communities, drug users, and youth gangs.

As Ferrell's three ethnographies of urban subcultures suggest, cultural criminological models have been found to be especially applicable to the swirl of subcultures, images, and interactions that animate urban life and urban criminality. Keith Hayward (2004) in particular has developed a comprehensive cultural criminological analysis of urban crime and urban social control in the context of consumer culture. Drawing on and revitalizing long-standing traditions of criminological theory and urban scholarship, Hayward has revealed the many ways in which consumer culture has come to penetrate urban life and urban spaces, intertwining with the practice of both legal control and crime and in many ways defining the city itself. With the cultural criminologist's eye for situated meaning and symbolic interaction, he has also documented the existence of two different sorts of city life within large urban areas: on the one hand, the regulated, rationalized city of urban planners and legal authorities, and on the other hand, the ambiguous, spontaneous city of underground economies and illicit urban subcultures.

A variety of cultural criminological studies have explored the interplay of crime, media, and representation. Many of these studies have investigated the complex dynamics by which the mass media construct a particular crime concern or criminal justice issue and the ways in which these media dynamics in turn intertwine with public perceptions and criminal justice policy. In this way, cultural criminologists have studied, for example, mass media campaigns surrounding "three strikes and you're out" sentencing policy and reform-minded "get smart on crime" movements, and they have analyzed media representations of child sexual abuse, regional drug use, female criminals, and popular music controversies. Cultural criminological perspectives have also been applied to a wide range of popular media forms, including heavy metal music, bluegrass music, cartoons and comic books, television shows (e.g., *CSI* [Crime Scene Investigation]), and films on prisons and policing. As suggested by the theory of media loops and spirals, though, cultural criminologists have also explored media and representation outside the conventional boundaries of the mass media, focusing especially on the ways in which mediated representation, crime, and criminal subcultures are increasingly interwoven. Cultural criminologists have, for example, carefully studied the cultural symbolism of the shrines constructed in memory of the September 11, 2001, attacks on the United States and the symbolic reminders offered by roadside shrines to victims of automotive tragedy. They have also documented the ways in which graffiti, corporate advertising, and political messages are confused within shared urban spaces and the ways in

which criminal subcultures are increasingly defined by their ability to invent their own media and so to communicate beyond any one locality.

## Comparisons

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As already noted, cultural criminologists often pose their work as a distinct alternative to the practice of conventional criminology, and even as a direct critique of it. Given this built-in sense that cultural criminology exists in contrast to more mainstream criminological approaches, two comparisons are especially worth exploring: (1) the comparison between cultural criminology and some of the more conventional criminological perspectives and (2) the comparison between cultural criminology and other alternative approaches that, like cultural criminology, seek to distinguish themselves from mainstream criminology.

Regarding the first of these comparisons, one aspect has already been noted: the distinction between conventional criminological research methods such as survey research and statistical analysis and cultural criminological methods of ethnography and in-depth field research. This choice of methodological orientations, though, derives from a still deeper difference. The use of survey research and statistical analysis is based on a general assumption that there exists an external and objective social reality to be studied; this objective reality can therefore be tapped into through survey questions, and its meaning can be *deduced* through statistical analysis and comparison. According to this view, for example, particular rates of crime commission or crime victimization exist in the social world; their frequency can be measured, and their meaning for those involved can be ascertained by compiling survey responses or noting statistical correlations between one act and another. From the view of cultural criminologists, though, the reality of crime and victimization is never objective or self-evident but always in the process of being constructed, interpreted, and contested—and, following the insights of labeling theory, this process is inevitably ongoing. For cultural criminologists, then, the subject matter of criminology is not the objective, "obvious," and measurable reality of crime or criminal justice but rather the complex cultural process by which this reality is constructed and made meaningful. In this sense, for example, the rate of domestic violence is not an objective fact that can be measured but instead a shifting reality affected by how domestic couples define violence and how they choose to report it to the police, police officers' subsequent discretion in responding to domestic violence calls, varying legal statutes regarding domestic violence, the greater or lesser visibility of domestic violence in the media—and, moreover, the interaction among all these factors. Because of this, cultural criminologists must have methods such as ethnography or ethnographic content analysis that can immerse them in ongoing, interactional process by which

criminals and crime victims, police officers, and news reporters collectively make sense of crime.

It is significant that these different assumptions about the nature of social reality show up not only in the original research that criminologists undertake but also in their approach to information produced by governmental agencies or the criminal justice system. Many mainstream criminologists rely on governmental agency statistics as a relatively accurate measurement of objectively knowable facts, such as the distribution of crime occurrences, increases or decreases in crime rates, or the prevalence of particular crimes in particular areas. Cultural criminologists are, on the other hand, more likely to see such statistics as reflecting not the objective, external reality of crime, but rather the internal workings and biases of the governmental agencies themselves. Because of this, another key difference arises: Instead of relying on governmental statistics as the basis for criminological research into crime or victimization, cultural criminologists argue that these statistics should be a *focus* of criminological research—that is, should themselves be studied by criminologists—for what they can tell us about criminal justice and its political and legal limitations.

The issue of gangs and gang crime provides a particularly instructive example. As part of governmental anti-gang policy and the “war on gangs,” the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention conducts a National Youth Gang Survey so as to measure the number of gangs and gang members in the United States, as well as trends in gang membership and activities. The survey seemingly produces precise measurements of gangs numbers and gang members—but in fact the survey, which self-admittedly provides no guidelines or definitions as to what might constitute a gang member or a gang crime, is sent only to law enforcement agencies, where it is then completed on the basis of an unknown mix of personal recollections and/or official records. Cultural criminologists argue that such supposedly “objective” research procedures tell us little or nothing about gangs and their cultures—careful ethnography is needed to gain this knowledge (Kontos, Brotherton, & Barrios, 2003)—but they do tell us much about the inadequate and inherently biased foundations for governmental anti-crime policy.

Cultural criminology’s preferred research methods, and its perspective on more conventional research methods, in this way bolster its critical approach to both mainstream criminology and the criminal justice system. A similar sort of critical stance becomes apparent when cultural criminological theories are compared with some of the more popular theories in mainstream criminology. Recall that cultural criminological theories generally focus on the subtleties of symbolism and representation, on the shared human emotions that animate crime, and on the powerful cultural forces that shape the meaning and importance of crime. In contrast, for example, rational choice theory, which is widely used in mainstream criminology, systematically

denies or ignores these factors in its attempts to explain crime and criminality. According to rational choice theory, criminal events unfold along a linear sequence of rational decision making, with criminal perpetrators inevitably seeking through this rational decision making to maximize their own benefits. Rational choice theorists further argue that this sequence of choices as to preparation, target selection, and escape remains rational even if the perpetrator is drunk, drugged, or in a hurried panic. Cultural criminologists counter that this theoretical model ignores the highly charged emotions that often explode in criminal events and that it also ignores the ambiguous, contentious cultural process by which crime comes to have meaning and significance in society. Given this, cultural criminologists also critique rational choice theory for being more a simplistic justification for particular crime control campaigns (e.g., target hardening, increasing security for a specific location or target) than an explanatory theory of crime.

Another popular mainstream criminological approach—in fact, one of the most politically popular and widely applied in criminal justice—also contrasts dramatically with cultural criminological orientations. The *broken windows model* (Wilson & Kelling, 2003) of crime causation and crime prevention posits that broken windows, graffiti, and similar public displays of neglected property and petty criminality operate as invitations to further criminality. According to the model, such displays suggest to the public and to potential criminals a lack of public concern and a failure of social control; consequently, the public begins to give up hope, criminals see signs of encouragement for further crime, and so a downward spiral of further neglect and accelerated criminality ensues. Widely adopted by politicians and criminal justice officials, the logic of the broken windows model has spawned aggressive police campaigns against small-scale quality-of-life crimes, such as graffiti writing and panhandling, and police enforcement strategies that target marginalized urban populations, such as the homeless.

Cultural criminologists, on the other hand, argue that although the broken windows model may offer a convenient scholarly pretext for such criminal justice campaigns, it is wholly inadequate as a theory of crime—and moreover, that its inadequacy stems directly from its misunderstanding of key cultural criminological notions such as symbolism and meaning. From this critical view, the broken windows model simply assumes the meaning of everyday symbolism and imputes the nature of public perception instead of actually investigating or understanding them. As cultural criminologists have found in their own ethnographic research, the symbolic meanings of phenomena such as broken windows and street graffiti are far more complex than the simple invitations to further criminality or markers of failed social control that broken windows theorists assume. To the extent that the broken windows in a neighborhood building function as symbols, for example, they may symbolize any manner of activities



to any number of audiences, depending on the situation and the context: community resistance to absentee ownership, a long-standing personal grudge, errant baseballs from nearby Little League games, the failure of local code enforcement, or the illicit accommodation of the homeless. Likewise, as field researchers have shown, graffiti may symbolize a neighborhood's intergenerational history, suggest changing patterns of ethnic occupation or conflict, or even enforce a degree of community self-policing. Cultural criminologists argue that the job of the criminologist is to investigate these urban environments and to explore these various meanings and not, as with the broken windows model, to impose assumed perceptions and consequences in the service of a particular political and criminal justice agenda.

In this sort of critique, cultural criminology contrasts clearly with more mainstream criminological approaches, but it also reveals similarities with a variety of other alternative criminological perspectives. The first of these, *subcultural theory*, is widely used by both cultural criminologists and mainstream criminologists. As developed by Al Cohen (1955) and others, subcultural theory argues in general that criminologists must understand many cases of criminal behavior as being rooted in the collective reality of a criminal subculture. Because of this, criminologists must explore the particular cultural dynamics that define that subculture—codes of speech and conduct, styles of dress, shared emotions, common problems—and in turn must investigate the ways in which subcultural criminality may offer subcultural members a collective (if imperfect) solution to their shared problems. This subcultural approach clearly offers many similarities to cultural criminology; it likewise suggests a similar critique of criminological models that would ignore, or simply assume, the subtleties of meaning, symbolism, and style that shape criminal subcultures.

Other criminological approaches more explicitly share cultural criminology's critical stance toward mainstream criminology and criminal justice. *Convict criminology* has emerged primarily from scholars who were themselves once imprisoned and who have transformed their own incarceration into a critique of the criminal justice system; it uses ethnographic research and other approaches to construct a critical, cultural analysis of mass incarceration, the criminal justice policies that have produced it, and the sorts of mainstream prison research and media stereotypes that support it (Richards & Ross, 2001). Feminist criminology likewise shares with cultural criminology an analysis of the sorts of cultural assumptions that tilt both criminology and criminal justice toward privileged groups, as well as a critique of media distortions of female criminals and crime victims (Chesney-Lind & Irwin, 2008). More generally, cultural criminology, convict criminology, and feminist criminology all find common ground in that large subfield of criminology generally labeled *critical criminology*—an approach oriented toward a critical investigation of the

many ways in which power and inequality shape crime, victimization, and criminal justice.

## Future Directions

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Among the current trends in cultural criminology are those that are expanding the substantive range of cultural criminological analysis, especially in the direction of greater diversity and inclusivity. Originally, for example, the cultural criminological concept of edgework developed from the experiences and ethnographic research of male scholars involved in predominantly masculine forms of illicit risk taking. Now, though, the concept is increasingly being explored in the context of women's lives, with a focus on the distinctive ways in which women experience and make sense of high-risk activities. Recent research by female and male scholars has investigated women who lead BASE jumping underground, women who are members of search-and-rescue teams or whitewater rafting expeditions—even women who hone their skills so as to push the dangerous, outer boundaries of anorexia and bulimia. Similarly, cultural criminology has from its origins incorporated in equal part scholarship from both the United States and Great Britain—and now this international sensibility is widening. Cultural criminologists are now studying, for example, illegal street racing in Finland, immigration cultures and criminal law in the Netherlands, violence against Filipino women in Australia, crime discourse in Japan, the culture of Russian prisons, and the international affiliations of urban street gangs.

Cultural criminologists are also developing new methodologies designed to mirror cultural criminology's particular theoretical orientations and to resonate with the particular nature of contemporary social and cultural life. For example, ethnographic research and the quest for criminological *verstehen* have traditionally been defined by the researcher's long-term participation with the individuals being studied, on the assumption that the more time a researcher spends inside a group or situation, the more deeply he or she can understand its cultural dynamics. Although this can certainly still be the case, the rapid-fire pace of contemporary crime and culture—as embodied in virtual crime and communications, instant news and entertainment, and short-term employment—have suggested to cultural criminologists new possibilities for ethnographic research. Their theoretical models have suggested this as well; concepts such as “edgework” and the “seductions of crime,” for example, focus attention on the immediate, situated dynamics that shape criminal experiences and emotions. Consequently, cultural criminologists have developed the notion of *instant ethnography* (Ferrell et al., 2008)—a researcher's immediate and deep immersion in fleeting moments of criminality or transgression—and have begun to use the method in studying BASE jumpers and other groups.

The new notion of *liquid ethnography* (Ferrell et al., 2008) has developed from a similar rethinking of ethnographic research. Ethnography typically has focused on a single, definable group or subculture that occupies a distinct location as well. Today, though, groups and subcultures are often on the move, migrating into new locations or mixing with new groups as global economies and global migration blur distinct boundaries and identities. Moreover, as already seen with the concept of media loops and spirals, social groups are today more and more likely to be confounded with their own image, as representations of the group come to shape the group itself and to flow among alternative media, the mass media, and other institutions. Liquid ethnography, then, is a type of ethnography attuned to these circumstances—that is, it is ethnography sensitive to the dynamics of transitory communities; immersed in the ongoing interplay of images; and aware of the ambiguous, shifting nature of contemporary social life.

Using this sort of approach, cultural criminologists are now beginning to explore, for example, the ways in which urban street gangs move beyond crime to intermingle political resistance, community empowerment, and religious practice in their shifting collective identities. These cultural criminologists (Kontos et al., 2003) are also finding that global forces regularly intersect with local dynamics, with gangs embodying multiethnic identities, responding to the effects of immigration and mediated communication, and forming global alliances with other groups. Likewise, British cultural criminologists are now conducting liquid ethnographies with prostitutes, immigrants, asylum seekers, and others who are pushed to the legal margins of the global economy, and in this research they are using alternative media, such as art, photography, and street performance (O'Neill, Campbell, Hubbard, Pitcher, & Scouler, 2007). Such research allows cultural criminologists to collaborate with even the most transitory and contingent communities in defining their meaning and identity, developing the *verstehen* of shared emotional knowledge, and working toward a holistic sense of social justice.

Appropriately enough for cultural criminology, a final trajectory focuses not so much on subject matter, theory, or methodology but on representation and style. Cultural criminologists argue that issues of crime, violence, and criminal justice lie at the very heart of contemporary society and its challenges and that because of this, criminologists must find ways to disseminate their scholarship, contribute to public debate, and so help to work toward a safer and more just society. Yet conventional, mainstream criminology, they contend, is poorly equipped to meet this challenge; too often, criminologists talk and write only for each other, and they do so through dry and confusing language, needlessly abstract concepts, and impenetrable graphs and tables. As a result of this off-putting and exclusionary style, criminology's potential contribution to the larger society is lost, with criminologists and their scholarship often left on the sidelines of public debate and efforts at social progress.

Aware of this problem, and sensitive to issues of style and representation, cultural criminologists are in response increasingly experimenting with new styles of scholarship and alternative modes of communication, with the intention of making criminology more engaging for students, policymakers, and the public. In place of lengthy reports, they at times issue *manifestos*—short, sharply written texts that can communicate succinctly key ideas and issues. Instead of relying on traditional forms of academic writing, they on occasion write short stories that embody cultural criminological themes, or craft *true fiction*—that is, stories that blend a number of actual, existing crime issues into a narrative form that is more appealing to the reader. Responding to a world awash in media images, they also increasingly turn to the analysis of these images as visual documents, and they produce their own photographs, photographic collections, documentary films (Redmon, 2005), and Web sites as a way of making criminology conversant with this world.

## Conclusion

Cultural criminology emphasizes the essential role of symbolism, meaning, and emotion in shaping the complex reality of crime and crime control for all involved: criminals, victims, crime control agents, politicians, the media, and the public. Cultural criminology is in this way designed to operate as a double challenge: to simplistic public assumptions about crime and criminal justice and to the theories and methods of mainstream criminology that exclude analysis of cultural forces. Today more than ever, cultural criminologists argue, there can be no useful study of crime that is not also the study of culture.

## References and Further Readings

- Altheide, D. (1987). Ethnographic content analysis. *Qualitative Sociology, 10*, 65–77.
- Becker, H. (1963). *Outsiders: Studies in the sociology of deviance*. New York: Free Press.
- Chesney-Lind, M., & Irwin, K. (2008). *Beyond bad girls*. New York: Routledge.
- Cohen, A. (1955). *Delinquent boys*. New York: Free Press.
- Cohen, S. (1972). *Folk devils and moral panics*. London: MacGibbon and Kee.
- Cultural Criminology Team: <http://www.culturalcriminology.org>
- Ferrell, J. (1996). *Crimes of style*. Boston: Northeastern University Press/University Press of New England.
- Ferrell, J. (1999). Cultural criminology. *Annual Review of Sociology, 25*, 395–418.
- Ferrell, J. (2001). *Tearing down the streets*. New York: Palgrave/MacMillan.
- Ferrell, J. (2006). *Empire of scrounge*. New York: New York University Press.
- Ferrell, J., & Hamm, M. (Eds.). (1998). *Ethnography at the edge*. Boston: Northeastern University Press/University Press of New England.

- Ferrell, J., Hayward, K., Morrison, W., & Presdee, M. (Eds.). (2004). *Cultural criminology unleashed*. London: Glasshouse/Routledge.
- Ferrell, J., Hayward, K., & Young, J. (2008). *Cultural criminology: An invitation*. Thousand Oaks, CA: Sage.
- Ferrell, J., Milovanovic, D., & Lyng, S. (2001). Edgework, media practices, and the elongation of meaning. *Theoretical Criminology*, 5, 177–202.
- Ferrell, J., & Sanders, C. (Eds.). (1995). *Cultural criminology*. Boston: Northeastern University Press/University Press of New England.
- Hamm, M. (1997). *Apocalypse in Oklahoma*. Boston: Northeastern University Press/University Press of New England.
- Hamm, M. (2002). *In bad company*. Boston: Northeastern University Press/University Press of New England.
- Hayward, K. (2004). *City limits: Crime, consumer culture and the urban experience*. London: GlassHouse/Routledge.
- Hayward, K., & Young, J. (2004b). Cultural criminology: Some notes on the script. *Theoretical Criminology*, 8, 259–273.
- Hayward, K. J., & Young, J. (Eds.). (2004a). Cultural criminology [Special issue]. *Theoretical Criminology*, 8(3).
- Kane, S. (2004). The unconventional methods of cultural criminology. *Theoretical Criminology*, 8, 303–321.
- Katz, J. (1988). *Seductions of crime*. New York: Basic Books.
- Kontos, L., Brotherton, D., & Barrios, L. (Eds.). (2003). *Gangs and society: Alternative perspectives*. New York: Columbia University Press.
- Lyng, S. (1990). Edgework: A social psychological analysis of voluntary risk taking. *American Journal of Sociology*, 95, 851–886.
- Lyng, S. (Ed.). (2005). *Edgework*. New York: Routledge.
- Merton, R. (1938). Social structure and anomie. *American Sociological Review*, 3, 672–682.
- O’Neill, M., Campbell, R., Hubbard, P., Pitcher J., & Scoular, J. (2007). Living with the Other: Street sex work, contingent communities and degrees of tolerance. *Crime, Media, Culture*, 4, 73–93.
- Presdee, M. (2000). *Cultural criminology and the carnival of crime*. London: Routledge.
- Redmon, D. (Producer/Director). (2005). *Mardi Gras: Made in China* [Motion picture]. New York: Carnavalesque Films.
- Richards, S. C., & Ross, J. I. (2001). The new school of convict criminology. *Social Justice*, 28, 177–190.
- Snyder, G. (2009). *Graffiti lives*. New York: New York University Press.
- Taylor, I., Walton, P., & Young, J. (1973). *The new criminology*. New York: Harper & Row.
- Wilson, J., & Kelling, G. (2003). Broken windows: The police and neighborhood safety. In E. McLaughlin, J. Muncie, & G. Hughes (Eds.), *Criminological perspectives* (pp. 400–411). Thousand Oaks, CA: Sage. (Original work published 1982)
- Young, J. (1999). *The exclusive society*. Thousand Oaks, CA: Sage.

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## CULTURAL TRANSMISSION THEORY

MARK T. BERG

*University of Missouri–St. Louis*

ERIC A. STEWART

*Florida State University*

A core tenet of social science theory holds that normative systems, in part, produce the varied patterns of social behavior evident across and within societies. In essence, *norms* are ideas, and ideas are transmitted in social interaction. The collective manifestation of norms or shared ideas—that assume a semblance of time invariance—is *culture*. Cultural artifacts figure prominently into the logical framework of theories formulated to explain the uneven representation of violence within American society. The point of departure for these works is that neither violent crime rates nor culture are characterized by a homogeneous pattern. Indeed, cultural theories posit that variation in value systems predicts simultaneous variation in the scope and form of violent actions. Systems of shared values that do not conform to conventional culture, known as *subcultures*, explain the spatial concentration of serious and lethal violence in disadvantaged urban areas and in the southern region of the United States. Furthermore, the relative spatial permanence of violence is owed largely to the continued transmission over time of the subcultural values that sanction such behavior.

The acquisition of values favoring law violation, including violence, occurs through repeated exposure not only to unlawful behavior itself but also to the values underlying it that are entrenched in actors' social milieu. Criminologists stress that agents within an individual's social context, such as peers, the family, and neighborhood residents, convey normative protocols regarding illegal conduct. An actor's reaction to verbal threats, his or her strategy of response to

economic distress, and his or her adherence to formal legal mandates are artifacts of the normative complex that blankets the actor's daily life and that is procured through social interaction. Violence-conducive value orientations are thus effectively transmitted throughout local collectivities over time and sustained spatially.

This chapter delineates the leading perspectives in the field of criminology on subcultural processes, namely, cultural transmission. It also highlights the empirical evidence pertaining to these theories and briefly discusses the current state and future of subcultural research.

### **Conceptual Foundation: Representations of Subculture and Cultural Transmission in the Criminological Literature**

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There is not a precise or uniform definition of *subculture* in the criminological literature. For this reason it is vulnerable to critique, and the theories organized around the term are prone to misinterpretation. Subculture is, of course, a deductive artifact of culture, although it is substantively distinctive. An explicit classification of culture holds that it is the meaning humans generate and apply to their environment. This perspective permits culture to take on a variant shape across society, and it permits social consensus on values implying that, although values may differ, they do converge and assemble among groups, providing the empirical possibility of subculture. Some values are more

widespread; those that are less conventional are said to be shared by a subculture. Theoretically speaking, what signifies membership into subcultures is not simply commonality in behavior patterns but a sense of mutual cognitions pertaining to objects and actions (e.g., behaviors). To be part of a subculture necessitates that persons hold a salient and intense degree of identification with others who also make a decision to attribute similar meaning to factors in their social world. Social structural conditions, such as wider patterns of social relations, potentially function as a stimulus for group identification, serving as a salient force in collective organization and ultimately facilitating subculture formations.

By the first half of the 20th century, the study of deviance was situated in a vibrant intellectual environment, setting the stage for the development of what are now regarded as core theories of criminology. Criminologists at the time began to assume the analytical posture of *positivism*, in that they sought to discover the law-like structure governing social actions. Their objective was to develop a science of crime by way of theoretical construction. Scholars in the Chicago School of sociology applied this strategy while investigating the implications of normative shifts on behavioral patterns among rural populations negotiating the transition to urban life. Others contrasted the complex interdependence of urban growth dynamics and human behavior to the notion of symbiotic development found in the study of plant ecology. It is in this vein that the early subcultural theories of delinquency emerged from the Chicago School.

During the 1920s and 1930s, empirical research on social ecology contributed importantly to the conceptual understanding of the symbolic conditions stimulating criminal offending. On the basis of analyses of county juvenile court records, early Chicago School theorists concluded that rates of delinquency decreased precipitously with gains in distance from the city center and that rates tended to remain relatively stable across neighborhoods, despite population turnover. It was believed that such marked stability in the spatial concentration of crime was sustained by ecologically situated value systems espousing criminal behavior. This idea was ultimately incorporated as the *cultural transmission* dimension of ecological theory. It suggests that deviant subcultures act as hosts for the system of nonconventional values and are responsible for disseminating it across generations. Furthermore, structural conditions allegedly erode social control mechanisms, thereby permitting the proliferation of subcultures within neighborhoods.

Individual-level theories of social interaction were also developed around the mid-20th century with the explicit goal of explicating the symbolic aspects underlying unlawful behavior as well as its spatial persistence. The individual-level intellectual approach, which is somewhat consistent with the ecological position of cultural transmission originating in the Chicago School, posited that the stimulus for delinquency was produced in interaction with others.

Stated succinctly, this model, known as *differential association theory*, stipulates that greater exposure to persons who hold values supportive of law violation amplifies the odds that one will engage in this behavior. The propositions of the theory involve both the content of what is learned as well as the process through which it is done so. Most relevant to subcultural theory, in particular the notion of cultural transmission, is the notion that exposure to “definitions” favorable or unfavorable to law violation constitutes the content of acquired knowledge in interaction. Definitions are, in essence, ideas regarding appropriate behavior, and one is exposed to definitions favoring law violation in the same context wherein he or she is exposed to definitions regarding the appropriateness of conventional actions. Absent continued social interaction, exposure to definitions in favor of violence is probable, and hence the transmission of subculture is more likely to be sustained. There is one caveat to this position, however: It leaves little room in the process for agency—that is, the conscious decision by the actor to engage the definitions.

## The Rise of the Subcultural Perspective

By the 1950s and 1960s, theorists in criminology identified limitations of the ecological and symbolic interaction variants of subcultural theory. They also sought to overcome what were perceived as the limitations of these models and to expand on their unique strengths. Where the ecological model emphasized structural sources of behavior and offered ideas about the transmission of cultural orientations, the individual-level interaction model largely overlooked structural factors, opting instead to focus more exclusively on the symbolic dimension of crime causation. During this time frame one scholar, Albert Cohen, who was working in the tradition of strain theory (although within a sub-branch known as the *reaction-formation perspective*), took issue with the fact that strain theory did not focus on the role of the group and that subcultural theories—both the ecological and interactionist brands—neglected to account for the origins of the subculture, in particular its content and its disproportionate presence in the working class.

Cohen argued that the strain model accounts for the perceived limitations of earlier subcultural models in that strain theory implicates the wider conventional culture as the force underlying delinquent behavior. More specifically, he argued that the status configuration of the wider value complex dominates all aspects of American life. By virtue of their socialization into working-class families, youth are poorly equipped to abide by the criteria of a middle-class existence (e.g., self-reliance, worldly asceticism, exercise of forethought, manners and sociability). The structural deficits of the working class also translate into cultural deficits, because the middle-class cultural standards are used by all to evaluate one’s worth. Deficits produce social psychological strain, and a reaction ensues. Similarly situated youth find common ground and ultimately band together to reject middle-class values. They

collectively devise an alternative status system that overturns the tenets of the middle-class existence. In the alternative system, respect is conferred by the subculture to those members who excel at fighting, who are physically aggressive, and who display an all-around disregard for middle-class standards. Because of their repudiation of the conventional culture and deep reliance on their own social milieu for status, members of the delinquent subculture develop a strong dependence to their system for identity. This trait helps to uphold its distinct degree of permanence across contexts.

Sociological theorists maintain that in the wider culture actors rely on substantial educational achievement, occupational advancement, and the acquisition of rare or expensive material items to demonstrate marked success along conventional lines. Success measured in this sense is a constant across time in American society. Cohen argued that marked demonstration of aversion to conventional standards becomes a valued end for the lower class in much the same manner as conventional goals for those who are more advantaged: The lower-class value set is made known through what he considers class-based interaction. Relying on the group as the catalyst for behavior-strain-based subcultural models therefore effectively merges the interactive component of earlier models, addressing the atomistic limitation of strain theory. At the same time, the strain-based model pinpoints the etiology of the contemporary delinquent subculture as a collective and violent reaction formation against conventional culture. It also expands on the work of the Chicago School, positing that the reservoir of identity provided by the subculture incurs its transmission.

Other theorists in the strain-based tradition of subcultural theory, however, take issue with the idea that frustrated individuals reject the American success goals and formulate their own status system. Two theorists, Richard Cloward and Lloyd Ohlin, questioned the notion of the ubiquity of a violent reaction among the lower class. In contrast, they developed a variant of the strain model, labeled the *opportunity theory of subcultures*, in which they posited that youth facing strain seek out illegal solutions (e.g., hustling, robbery) in their own social environment that permit them to attain conventional success. What distinguishes this model from Cohen's subcultural theory is the notion that the circumstances of actors' neighborhood determine the availability of illicit income-generating opportunities and ultimately success by illegitimate means. Thus, norms in favor of success through illegal means are locally situated according to the opportunity model. The transmission of values suggesting crime in an appropriate means is, however, contingent on the extent to which it is an entrenched property in one's neighborhood. So, in this sense, culture is transmitted through social interaction—as others suggest, however, the neighborhood more or less makes available the subcultural protocols. A logical implication implies that as the subcultural complex wanes in intensity over time—if in fact it does—so should the behavior it sanctions.

Conceptual models framed around class position, in the manner as those noted earlier, are often referred to by social scientists as *theories of relative deprivation*. An alternative branch of subcultural theory, in contrast, claims that a subcultural value complex is the symbolic aspect of a given class structure and does not originate from, nor is consciously propagated by, class differences. Instead, the subculture is simply part of the class itself, and to the extent to which this is true the subculture arises from a person's absolute position in the class structure. To reiterate, a central component of both theories is the actors' structural position, yet they take widely different positions on this point. More specifically, theories of absolute position assert that lower-class delinquents are not motivated to violate the law by a referent value complex, but their actions are dominated by the dictates of their *absolute* position as members of the lower class, whereas strain-based models assume that delinquency is produced by the awareness of those in the lower class of their lack of access, relative to the affluent, to the means of attaining socially defined ends.

A prominent subcultural model focusing on the importance of absolute structural position was put forth in the late 1950s by Walter Miller. According to Miller, the lower-class cultural system is distinctive in its symbolic content, or what are referred to as *focal concerns*. Focal concerns are analogous to values in the sense that they represent components of a culture and that each attracts deep emotional involvement. Focal concerns (or values) include trouble, toughness, smartness, excitement, fate, and autonomy. A unique feature of social life among the lower class is the "adolescent street corner group." This single-sex social conglomerate provides a certain degree of affective and material resources unmet in the widespread absence of the two-parent family unit. Participants are socialized to the normative demeanor of the male sex role, an opportunity not otherwise available in their surroundings. Two additional focal concerns—"belonging" and "status"—are critically important to the lower-class peer group. Each is a by-product of adherence to the general array of focal concerns held by the lower class. The concept of belonging implies a preoccupation with in-group membership, and the concern with status refers to the desire of youth to achieve a position of good standing among group members. Personal status or rank is earned by exhibiting skills in the behavioral hallmarks of toughness and smartness. Showing physical prowess in the face of a rival group incurs a reputation for toughness, a quality that engenders a high ranking in one's group. For lower-class youth to closely conform to the normative imperatives of their group is to act in a manner inconsistent with the conventional values of wider society. Therefore, in direct contrast to a strain-based subcultural perspective, Miller's model asserts that criminal involvement by lower-class youth is not motivated by the desire to defy the lofty demands of the middle-class value system. Such a logical configuration is advocated by those who use the middle-class principles as a point of reference.

With regard to the permanence of the lower-class subculture, Miller suggested that lower-class culture is transmitted over time to the extent that lower-class persons aspire for membership into street corner groups. Membership, again, is granted to those who overtly commit to focal concerns; however, here the causal role of the cultural and structural components of Miller's subculture model is imprecise. As explicated earlier, reaction formation models more clearly defined the structural genesis of the subcultural system and described how its continuity arises from members' increased reliance on its cultural precepts. However, the group concept in the model of absolute structural position assumes a more autonomous form; in other words, it exists independent of other class-based systems. In the early strain-based depiction, the group establishes an autonomous norm structure, yet it subsists—at least initially—by virtue of its polarization against middle-class standards. Again, the logical juncture at which the two branches of subcultural theory differ is on the origins of the subculture and its transmission. With regard to the latter point, it is unclear whether in the theory of absolute position the actor is predicted to shed the lower-class preoccupation with focal concerns in favor of more conventional values if he or she were to escape the lower class. Furthermore, the question remains as to whether the reaction of the lower class in the Cohen's account would diminish if they were unable to align themselves with like-minded others.

### Subcultural Theories and Empirical Validity

Empirical researchers have found some support for theorists' claims with regard to the class origins of subcultural values; nonetheless, the evidence is ambiguous at this point. For instance, studies show that middle- and lower-class non-gang and gang members positively value conventional standards, but this same body of findings shows that with a decline in one's social class level the salience of *proscriptive* norms grows increasingly untenable. Lower-class participants' behavior is also less consistent with their values, suggesting that the degree to which they actually conformed to middle-class standards is weaker than that among their higher status counterparts.

In support of subcultural accounts, qualitative evidence indicates that lower-class boys place greater value on displaying a tough-guy reputation and being skilled at fighting. Other researchers who have used nationally representative data in a quantitative approach have discovered that youth of lower socioeconomic status are more apt to commit violence because they have acquired definitions favorable to violence through interactions with members of their social milieu, especially family. Also, studies have revealed that nonconventional attitudes mediate the pathway between actors' class position and violence. What the latter collection of findings conveys is that, indeed, subcultural systems are

structural in origin and produced by key agents of socialization who comprise one's same class position.

Another branch of subcultural theory, developed by Wolfgang and Ferracuti, departs from those already described in that it gives little explanatory power to structural factors in producing patterns of violence. It is considered a pure subcultural theory because it virtually ignores the role of broader structural factors. Wolfgang and Ferracuti interpreted rates of violent crime among groups and collectivities as evidence that the group—for instance, African Americans—holds attitudes that favor violent conduct. Their theory of subcultures bridges racially differentiated patterns of violence with oppositional value orientations, construing social structural factors with a relatively minimal degree of explanatory power. Wolfgang and Ferracuti stressed that a subculture cannot fully differ from the wider culture. According to this view, societies tend to have a common value pattern to the extent that even subcultures remain within the wider culture. The subculture and wider culture are, in essence, cultures in conflict. Wolfgang and Ferracuti further argued that social groups modulate conduct norms, and for conduct norms or values to be salient they must be situationally invariant; if not, they reflect no enduring allegiance. Moreover, normative systems develop around values in that values engender the normative standards relating to proper behavioral responses. Pure subcultural theory, however, allows for values to affect behavior independent of propinquity to like-minded others, unlike strain-based accounts and even those of the Chicago School.

According to Wolfgang and Ferracuti, the extent to which people identified with subcultural values is made obvious to the observer in light of their actions. Their theory focuses largely on understanding the cultural foundation underlying "passionate," or nonpremeditated, acts of homicide. To the perpetrators who commit this category of crimes they impute the subculture of violence. People occupy a subculture of violence by virtue of the fact that they are violent. Many scholars conclude, however, that this approach is tautological. Theorists insist that among groups who display the highest rates of homicide the subculture of violence should be most intense. An actor's integration into the subculture (measured by behavior) reflects his or her degree of adherence to its prescriptions for behavior. Violence does not represent the constant mode of action among subcultural members. Wolfgang and Ferracuti argued that if this were the case, the social system itself would become debilitated. In this regard, their perspective is relatively limited in scope because it illuminates only the value set that translates situations into violence, instead of the entire array of values held by a class position.

With regard to the etiology of subcultural traditions, the pure subcultural theory advocated by Wolfgang and Ferracuti remains intentionally silent. It implies that structural factors may contribute to the genesis of subcultures through the process hypothesized in strain-based accounts.

However, the model suggests that norms favoring violence are perhaps causally related with socioeconomic factors. For instance, it indicates that the concentration of a sub-cultural orientation among African Americans, as reflected by their involvement in homicide and assaultive crimes, may be a product of the urban deterioration and economic disparities affecting this population. However, they made no consistent and precise statement about the linkage between social structural factors and the subcultural tradition they delineated. It is interesting, however, that the theorists appear to contend that it is structural factors such as poverty and deprivation that account for the generational transmission of the subculture. People who are beleaguered by impoverished conditions become frustrated and aggressive. Parents are hypothesized to pass this experience on to their children, in whom it blossoms fully into a subculture of violence. To prevent the continual cycling of the sub-cultural tradition, pure subcultural theory suggests that the persons who carry it should be forcefully dispersed and resocialized into the middle-class system. For some analysts, this programmatic implication of their theory makes it less palatable on the whole.

### Subcultural Theories Today

More recently, scholars of the subcultural tradition have focused on the dynamics of contemporary urban America, including widespread joblessness, high rates of concentrated poverty, and general urban structural decay. An important aspect of a contemporary approach is explicit attention to the experience of urban African American males and their disproportionate involvement in violent crime. Early pure subcultural theories, such as Wolfgang and Ferracuti's, largely circumnavigated the political and social structural dimensions of violence and in the process emphasized the existence of a counterproductive culture among groups who demonstrate extensive involvement in violence—namely, African Americans as well as lower-class persons. Contemporary approaches expand on this tradition and study the symbolic or normative aspects of violent actions among urban blacks. Current models, however, take a step forward by examining the social structural, historical, and political backdrop against which these values subsist.

Violent crime rates climbed in America's cities throughout the 1970s and 1980s. By the early 1990s, rates of homicide involving black youth peaked to an unprecedented level. Sociological studies of the urban economy during the 1980s were crucial to understanding this phenomenon because they systematically unraveled the sheer magnitude of the structural component behind urban violence. This work reveals that urban communities are distinguished by a disproportionate concentration of the most disadvantaged segments of the black population. The coexistence of structural deprivations undermines the formation of dense person-institution networks; as a consequence, the urban poor

are socially isolated from mainstream roles. Urban sociologists propose that alternative behavior protocols emerge in such places. In their view, these *socially structured cultural processes* are less apt to assign negative sanctions to deviant behaviors, and thus the probability of violent actions is magnified.

It was in this intellectual context that ethnographers researched the cultural mechanisms driving violence in contemporary urban America. The contemporary cultural perspective is not unlike urban sociologists' with regard to how structural organization affects the values toward behavioral protocols, and it shares themes found in earlier ethnographies demonstrating the diversity of conduct norms among residents of urban centers. However, current cultural theory differs primarily from urban sociologists' ideas in that the cultural substrate they define purportedly sanctions the use of violence, whereas urban sociologists' conceptualization holds that violent behavior is less condoned or tolerated. More critically, this new branch of cultural theory suggests that for black males (and females) in disadvantaged urban areas, their very identity is constructed early in life according to the standards of the oppositional culture. In fact, Elijah Anderson proposed that the social alienation brought about by economic transformation has spawned an oppositional street culture or street code in inner-city settings. It supplies the rules regarding the proper way to defend oneself, and at the same time it assigns the normative rationale for those seeking to provoke aggressive actions. The code serves as a shared relational script by which both victims and offenders must abide if they are to successfully navigate their precarious social world. The ideas of early and more recent subcultural models are similar in this respect, because advocates of each argue that the nonconventional culture they observed is useful in the ecological context in which it exists.

According to Anderson, the content of the code is composed foremost of the rules to achieve honor. Deference is a valuable commodity in the subculture. Someone who is respected is better equipped to avoid potential threats of violence plus the unwanted situation of being bothered by others. Perhaps more important, however, respect is an end in itself that affords the luxury of self-worth. By displaying a confident demeanor and wearing the appropriate attire, actors communicate a predisposition to violence. The street code requires actors to express their willingness to engage in physical aggression if the situation demands it. When an attack occurs, the code dictates that it should be met with a retaliatory response of like proportion; otherwise, respect is undermined, and the victim invites future attacks. With regard to victimization, how people respond illuminates the broad cultural disparities between the conventional and the oppositional system. In the case of the former, victimized individuals will either contact formal authorities or move on without rectifying the situation despite the degradation they experienced. In contrast, people whose existence is dominated by the imperatives of the



street code actively pursue a strategy for revenge. The former group's status does not hinge on whether its members avenge their aggressor; instead, rank is determined by their merit in conventional avenues.

Contemporary cultural models observe that not everyone accepts the oppositional culture as a legitimate value system; instead, in Anderson's view, the urban landscape is occupied by two coexisting groups of people: (1) those who hold a "decent" orientation and (2) those whose lives conform more closely to standards of the code—a group Anderson refers to as "street". The mechanism by which the street code is transmitted as a cultural system is said to occur not only through public exposure to manifestations of the code but also through socialization into the code that occurs in the street home.

According to Anderson, decent people socialize their children according to mainstream values. They believe that success is earned, in part, by working hard and maintaining a law-abiding lifestyle. Parents in decent families rely on strict methods of discipline to socialize their children according to mainstream values. Cognizant of the hazardous social environment they occupy, decent parents establish curfews and keep a watchful eye on their children's activities.

As opposed to decent families, street families are more devoted to the oppositional orientation embodied in the code, according to Anderson. Their interpretations of their reality as well as their interpersonal behaviors rigidly conform to its standards. Their orientation approximates that held by youth in the subculture envisioned by some strain-based accounts. The cluster of values by which street folks abide are antithetical to the values of middle-class, conventional existence. Street families place less emphasis on work and education, which is underpinned by their deep distrust in the formal structure as a whole. Most are financially impaired; whatever income they earn is misused, spent on other priorities, such as cigarettes and alcohol. Children of street families witness numerous incidents suggesting that violent aggression instead of verbal negotiation is a means to achieve a desired end. For youth reared in street families, their unfavorable early life experiences and the inept, aggressive socialization they receive culminate to shape their strong proclivity toward an orientation consistent with the street code. The cultural standards to which decent and street families adhere are diametric opposites. Because both groups are immersed in the same contextual environment, their orientations are prone to clash, although the aggressive posture of the street orientation generally prevails. Because of this circumstance, decent folks have an incentive to become intimately familiar with the behavioral imperatives of the code; moreover, they must be prepared to momentarily perform them.

With respect to empirical evidence, findings generated from survey data are inconsistent with the postulates of Wolfgang and Ferracuti's subcultural model, suggesting scant evidence of between-group (e.g., race) differences

with regard to support for the dictates of an oppositional subculture. Multilevel research also shows that blacks hold more negative views toward the agents of government authority (e.g., police, courts), but after incorporating neighborhood measures the relationship diminishes, suggesting that blacks' attitudes are strongly influenced by their contextual circumstances. Quantitative studies also examine the purported association between people's adherence to the oppositional subculture and unlawful behavior. The combined result of this work is somewhat ambiguous. Some investigators have explicitly examined the linkage among race, oppositional values, and patterns of violence implied in subcultural theory. Some have found that blacks are more likely to commit violent prison infractions in comparison to their white counterparts, suggesting a contextual invariance of behavior among the black population, which supports early pure subcultural models. Macrolevel research uses census data to investigate the validity of the subculture of violence thesis as it relates to violence across population segments. Using this method, researchers uncover a positive effect of racial composition on violence, net of economic factors.

Other research generates a construct approximating the attitudinal components of the street code. Findings from this work show that youth who reside in disadvantaged neighborhoods and who feel discriminated against are likely to adopt the street code. Results also show that the street code predicts violent delinquency. Similar studies have reported that the street code has a positive effect on individuals' odds of victimization; furthermore, neighborhood disadvantage exacerbates this relationship. Others have found that retaliatory homicides—those reflecting subculture imperatives regarding honor—are more likely to occur in disadvantaged neighborhoods. This finding closely coincides with subcultural theory in general. It also supports more contemporary models that suggest an oppositional culture thrives in places that lack social structural resources, such as poor urban areas, where notions of honor are promulgated as an indispensable ideal.

Empirical evidence thus fails to disconfirm the idea that nonconventional culture plays a powerful role in stimulating violent behavior. However, what appears untenable is the notion that black violence is driven by an inherent subculture. Despite this, research focused on the high rates of violence among the black population has not abandoned cultural explanations entirely. A theory was recently developed that explicates the social ecology of violence, emphasizing both social structural and cultural mechanisms. A point of departure for this model is the inability of early pure subcultural theory to logically account for the uneven distribution of black violence. If pure subculture models are correct in their insistence that blacks adhere to a culture of violence, then rates of black violent crime should be equal across place. This is not the case: Blacks are differentially involved in violence across America's cities. However, this does not render cultural explanations entirely

flawed. Expanding on the Chicago School model, theorists propose that black violence is the outcome of social disorganization as well as cultural social isolation. Both ecological processes arise from structural disadvantage and residential instability. Social disorganization erodes informal regulation, whereas cultural social isolation shapes ecologically structured norms sanctioning forms of conduct. In turn, these mechanisms are hypothesized to jointly impact rates of violence. Such logic assumes that because black communities disproportionately experience structural disadvantage they also disproportionately experience the processes that fuel violent crime. Under the same social structural conditions, blacks and whites should exhibit similar rates of involvement in violent offending. On the basis of these assumptions, nonconventional dictates toward behavior are transmitted as a result of the failure of structural factors to restrain behaviors that represent subcultural preferences. Enabling social organization within a neighborhood would, in theory, diminish the power and the transferability of the nonconventional culture among persons over time.

By the latter part of the 1970s, there was marked level of antipathy toward any notion of a nonconventional culture within criminology. Whether it was a strain-based depiction, one of absolute position or a model of pure subculture, theorists advocating subcultural propositions were targeted by a cohort of scholars who preferred structural accounts. One prominent theorist, Ruth Kornhauser, claimed that the proliferation of oppositional values among groups, in particular those that sanctioned destructive behavior, would cause a society to more or less collapse. On the basis of her reasoning, exchange-based economies are particularly susceptible to violence because it threatens the ability of important resources to flow throughout networks. Kornhauser went on to argue that what other theorists conceived as subcultures are actually collective representations of weakened commitment to conventional culture, a condition produced by social structural patterns, namely, social disorganization. Her interpretation indicates that, were it not for social disorganization, nonconventional protocols would not exist within communities and neither would acts of law violation. Consensus- or control-based studies of crime causation such as Kornhauser's dominated scientific discourse up until the late 1990s. A flurry of published articles centered around the role of social control mechanisms in inhibiting violent behavior. Robert Bursik and Harold Grasmick articulated a systemic model of social organization in the tradition of a social structural position that in essence viewed the persistence of violence as a concomitant product of the persistence of weak social ties and ultimately ineffective public, private, and parochial social controls within communities. Of course, an analogue to their view is that violence is sustained because the cultural conditions underlying it persist. As the tenets of structural accounts became subject to empirical tests, the somewhat limited extent of their explanatory power was revealed.

The trend of antiscultural sentiment within the field has since shown signs of reversal. Indeed, the limits of social structural resources in explaining patterns of crime has forced criminologists to reevaluate the conceptualization of nonconventional culture, its relationship to the reality of structural circumstances in urban America, and the precise nature of the link between normative cultural standards and the commission of violent actions. One fact drives the newfound interest in culture: Certain social settings are persistently beset by extraordinary rates of serious crime, whereas other settings do not experience a high volume of crime even though they lack strong social organization (e.g., suburbs) that is predicted to drive high rates of crime.

A current trend in criminology is to treat culture as an adaptation to the social structure and to consider behavior as endogenous to both factors. Early subcultural models of the Chicago School were in fact criticized for assuming a deterministic order because they implied that the causal chain flows one way, from value systems to action, yet a culture-as-adaptation perspective fails to recognize the independent causal force of cultural symbols. In response to this limitation, researchers have moved away from a subcultural strategy (i.e., values and ends) and have focused on how culture is responded to, mobilized, and re-created through individual choice situated within spatial milieus. The benefit of this perspective is that it recognizes the power of culture to re-create itself through behavioral representation (or modeling) and through cognitive learning. An emerging perspective describes culture metaphorically as a "toolkit" that provides strategies of action enabling actors to navigate their unique social landscape. An assumption of this model is that actions cannot be accomplished without the proper toolkit, and certain actions are more probable if the symbolic means are available. Applied this way, violence is practical to implement as a means if one's toolkit contains the requisite resources, and violent events may be difficult to avoid if repertoires are unavailable that direct one's strategy to do so. Between-person variation in the symbolic resource of the toolkit represents the diversity in socialization experiences between people, part of which is provided by their local ecological setting.

## References and Further Readings

- Anderson, E. (1999). *Code of the streets: Decency, violence, and moral life of the inner-city*. New York: Norton.
- Cloward, R. A., & Ohlin, L. E. (1960). *Delinquency and opportunity*. New York: Free Press.
- Cohen, A. (1955). *Delinquency boys*. Glencoe, IL: Free Press.
- Geertz, C. (1973). *The interpretations of cultures*. New York: Basic Books.
- Kornhauser, R. (1978). *Social sources of delinquency*. Chicago: University of Chicago Press.
- Kubrin, C. E., & Weitzer, R. (2003). Retaliatory homicide: Concentrated disadvantage and neighborhood culture. *Social Problems*, 50, 157–180.

- Matsueda, R. L. (1988). The current state of differential association theory. *Crime & Delinquency*, 34, 277–306.
- Sampson, R. J., & Bartusch, D. J. (1998). Legal cynicism and (sub-culture?) tolerance of deviance: The neighborhood context of racial differences. *Law & Society Review*, 32, 777–804.
- Sampson, R. J., & Bean, L. (2006). Cultural mechanisms and killing fields: A revised theory of community-level racial inequality. In R. Peterson, J. Krivo, & J. Hagan (Eds.), *The many colors of crime: Inequalities of race, ethnicity, and crime in America* (pp. 8–38). New York: New York University Press.
- Shaw, C. R., & McKay, H. D. (1969). *Juvenile delinquency and urban areas* (Rev. ed.). Chicago: University of Chicago Press.
- Short, J. F., Jr., & Stodtbeck, F. I. (1965). *Group process and gang delinquency*. Chicago: University of Chicago Press.
- Sutherland, E. (1947). *Criminology* (4th ed.). Philadelphia: Lippincott.
- Suttles, G. D. (1968). *The social order of the slum*. Chicago: University of Chicago Press.
- Swidler, A. (1986). Culture in action: Symbols and strategies. *American Sociological Review*, 51, 273–286.
- Warner, B. D. (2003). The role of attenuated culture in social disorganization theory. *Criminology*, 41, 73–98.
- Warner, B. D., & Wilcox-Rountree, P. (2000). Implications of ghetto-related behavior for a community and crime model: Defining the process of cultural attenuation. *Sociology of Crime, Law and Deviance*, 2, 39–62.
- Wilson, W. J. (1987). *The truly disadvantaged: The inner-city, the underclass, and public policy*. Chicago: University of Chicago Press.
- Wilson, W. J. (1996). *When work disappears: The world of the new urban poor*. New York: Vintage Books.
- Wolfgang, M. E., & Ferracuti, F. (1967). *The subculture of violence*. London: Tavistock.

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## DETERRENCE AND RATIONAL CHOICE THEORIES

RAYMOND PATERNOSTER

*University of Maryland*

There are many theories about what causes people to begin to commit, continue to commit, and desist from committing crimes (Kubrin, Stucky, & Krohn, 2009). Some of these theories assert that crime is due to a collection of personality traits that incline a person to commit crimes (Wilson & Herrnstein, 1985); some scholars argue that crime occurs when people are led by their culture to want something, such as monetary success, but are denied access to the means to achieve these things (Agnew, 1992); and still others claim that crime occurs when people get socialized into cultures, subcultures, or groups that either actively promote or at least openly tolerate criminal behavior (Nisbett & Cohen, 1996). A deterrence, or *rational choice theory* of crime (let's call it *RCT*), is none of these things, and because deterrence theory can be considered a subtype of *RCT*, this chapter's discussion will mostly focus on the latter.

Deterrence can be thought of as a subtype of *RCT* because they share a great deal of common conceptual ground, with *RCT* being a more general theory than deterrence. Deterrence theory argues that criminal acts are inhibited or deterred because of the punishment that can be associated with crime (Andenaes, 1974; Zimring & Hawkins, 1973). For example, when someone thinks about committing a crime but refrains from doing so because he fears that he might get arrested, that person is said to be deterred by the fear of a sanction or penalty, in this case, an arrest. This is an example of *general deterrence*. General deterrence

occurs when someone who has not yet been punished refrains from committing a crime because of the punishment he or she *may* receive should he or she get caught (Andenaes, 1974). In this case, what deters the would-be offender from committing crime is the fear of a formal or legal punishment. When someone just released from prison contemplates committing another crime but refrains from doing so because she fears going back to prison if she is arrested and convicted, she too is said to be deterred by the fear of a sanction; in this case, the sanction is imprisonment, which is another form of formal or legal punishment. This is an example of what is called *specific deterrence* (Andenaes, 1974). Specific deterrence occurs when a person who has just been punished refrains from committing a crime because he or she fears another dose of punishment. In general deterrence, it is the threat of legal punishment that inhibits criminal offending among people who have not yet been punished, whereas in specific deterrence the inhibiting factor among those who have been punished is the threat of being punished again. Notice that any penalty, such as imprisonment, can act as both a general deterrent when it leads the public to conform because of the threat of prison should they commit a crime and as a specific deterrent when it deters an inmate just released from prison from committing another crime.

Deterrence theory was originally developed in the 18th century by the legal/moral philosophers Jeremy Bentham and Cesare Beccaria, who conceived of it in terms

of the threat of formal legal punishment—the sanctions or penalties that are applied by a state or some legal authority. Within the past 25 years, however, deterrence theory has been expanded to also include nonlegal types of sanction threats, such as the threat of social censure by others should one commit crime (i.e., the fear of embarrassment) or the threat of self-imposed punishment with feelings of guilt and shame (Anderson, Chiricos, & Waldo, 1977; Grasmick & Bursik 1990; Grasmick, Bursik, & Arneklev, 1993). If I refrain from committing crime because I think that others close to me will disapprove and reject me, and that fear keeps me from committing crimes, then I am deterred, but by informal sanction threats, not by formal sanction threats. Modern deterrence theory now considers formal (legal punishments, e.g., arrest, conviction, imprisonment) and informal (social or self-censure) sanction threats as part of the theory.

RCT is much more broad and general than deterrence theory because it includes many other factors besides the risk of formal and informal sanctions. The theories are alike, however, in the assumption that human beings are rational and self-interested beings who are affected by the consequences of their actions. RCT likely finds its modern home in an article written by the Nobel-Prize-winning economist Gary Becker (1968). The position of RCT is that criminal behavior is no different from noncriminal behavior in that it is conduct that persons intentionally choose to undertake (i.e., they are not compelled or forced to do crime), and the reason that they choose to commit crime is that they think it will be more rewarding and less costly for them than noncriminal behavior. Let us break this last statement down carefully. RCT takes the position that offenders are not compelled to commit crime because of some extraordinary motivation: Offenders do not have different personalities than nonoffenders; neither were they socialized into a criminal belief or cultural system whose norms require crime (Cornish & Clarke, 1986; Kubrin et al., 2009). In RCT, criminal offenders are actually no different than noncriminal offenders. Both willingly choose their own behaviors, and both choose those behaviors on the basis of a rational consideration of the costs and benefits of the intended action. The rational choice offender, then, is rational and self-interested and chooses to commit crime on the basis of his assessment that it will be rewarding or profitable or satisfy some need better than a noncriminal behavior. This last sentence contains a great deal of complexity and subtlety, so let us explore it in some detail.

## The Theory

As implied by its title, rational *choice* theory presumes that criminal behavior, like legal behavior, is not determined by biological, psychological, or environmental factors acting on the person, compelling him or her to commit crimes (Cornish & Clarke, 1986; Kubrin et al., 2009). RCT argues

that people voluntarily, willfully choose to commit criminal acts such as burglary, car theft, and assault just like they willfully choose to do other things, such as work in a grocery store, go to college, or use recreational drugs. In this theory, then, criminal acts are the product of choice, which means that people make decisions about whether to commit crimes. Viewed as the product of human choice, RCT (and deterrence theory) gives human beings what is called in the criminology field *agency* (McCarthy, 2002). People with agency act as if they have free choice or free will over which courses of action they can take—they act as agents on their own behalf. The other side of agency might be thought of as *determinism*—people behave in a particular way not because they want to or choose to do so but because some cause has acted on them to compel them to behave in a certain manner. An example of a more deterministic theory might be some forms of biological theories of crime, such as the theory that violent behavior is caused by an extra male, or Y, chromosome. In the XYY theory of violent offending, males unfortunate enough to be given an extra Y chromosome at birth are at greater risk of violent behavior than males with a more common XY complement.

RCT believes that crime is due to people making choices to commit crimes (Nagin, 2007). If this is the case, why do some people commit crime only some of the time? In other words, on what basis is the choice made to commit crime (and, by implication, non-crime)? The answer is that, in deciding whether to commit crime, people are guided by their consideration of the costs and benefits of criminal behavior and the costs and benefits of alternative, noncriminal behavior. Put most simply, criminal activity comes with both costs and benefits (which are discussed momentarily), and the theory presumes that when people are thinking about committing a crime, they consider the related costs and benefits (McCarthy, 2002). However, there are costs and benefits of not committing crime, and theory presumes that, before making a decision, people consider the costs and benefits of non-crime as well. Consider the following simple example. If I have a need for money that I need to satisfy, there are (let's assume for simplicity's sake) two ways I can behave to satisfy that need. One way to get the money that I think I need is to sell drugs. This involves a deliberate decision to sell drugs to get the money I need, and before I decide to do that, I consider the costs and benefits of selling drugs. A second way that I can get the money that I think I need is to get a job in a factory, or driving a taxi, or working at a construction site. This second line of behavior will get me what I need—money—but also involves various costs and benefits. According to RCT, before deciding which of the two behaviors to undertake, I consider the costs and benefits of both the criminal and noncriminal activity. Notice here that RCT is broader and more general than deterrence theory because whereas deterrence theory argues that criminal behavior is affected by the costs of crime (formal and informal punishments), RCT argues that the decision of whether to commit crime is

affected by the expected rewards of crime and the costs and benefits of non-crime as well. There are a few unanswered questions here, such as: What are the costs and benefits of crime and non-crime that have to be considered? What ultimately determines my decision?

In thinking about selling drugs to obtain the money that I need, we now understand that I consider the costs and benefits of drug dealing. The costs of drug dealing would include such things as the risk of getting arrested and convicted for selling drugs and the legal penalty that may befall me if I get convicted, such as jail time or a fine. It would include the cost of personal harm to me should I go to jail. I would have to consider how easy it would be to sell drugs again if I went to jail and were released back into the community and how easy it would be to get a legitimate job once I started drug dealing and was arrested. Other costs would be the personal danger I would face in selling drugs, such as getting robbed, beaten up, or shot by disgruntled buyers or another dealer. Still other costs would include the possible shame and embarrassment I would feel if the people close to me found out that I was a drug dealer. Finally, there are other personal costs of drug dealing, such as the financial uncertainties involved (Where do I find a consistent supply of drugs? How much do I charge?), the poor working hours and conditions, and the lack of any formal benefits for drug dealing (i.e., no pension plan, no paid vacations). In addition to these costs, however, I would consider the various benefits of drug selling. These benefits could include the possibility of making a lot of money but working a limited number of hours; the ability to sample my own wares; and being able to secure the things that might accompany successful drug dealing, such as a fancy car, beautiful companions, and a fast lifestyle. There may even be prestige and status in some circles for being known as a drug dealer. In the RCT model of criminal behavior, the would-be offender would weigh these various costs and benefits, and the weights attached to each would vary from person to person (i.e., what is costly or beneficial to one person might not be for another).

In addition to the costs and benefits of drug dealing, before deciding which course of action to take I would also consider the costs and benefits of non-crime. In this example, assume that the alternative course of action is to drive a taxi in order to make money. There are many benefits to consider in taxi driving to secure money. First, if I am paid a wage in addition to a percentage of my fares and tips, it will be a fairly steady source of income. My taxi company may offer benefits such as a retirement plan, medical coverage, and some paid vacation time. Driving a taxi is also honest work. I may get to meet interesting people, and the job does not involve heavy lifting. There are, however, competing possible costs of driving a taxi that I would have to consider. For example, taxi drivers are dependent on taxi riders, so I might not make a lot of money on a slow shift when I have few customers. It is likely that I would have to work some nights and be away from my family, and going back and forth from day shift to night shift will be physically and mentally grueling. Taxi drivers do not usually

make a lot of money, many people fail to tip, and some even run away without paying their fare, leaving the cost to the driver to cover. In addition, a taxi driver is an easy target to rob or even shoot and rob. Finally, although it is honest work, driving a taxi does not carry a lot of prestige in most social circles. In the RCT model of criminal behavior, before deciding what to do, the person would also weigh the costs and benefits of the noncriminal alternative course of action (McCarthy, 2002; Piliavin, Thornton, Gartner, & Matsueda, 1986).

There are costs and benefits to be weighed for criminal conduct and costs and benefits to be weighed for noncriminal conduct. The decision to commit crime or not is based on a rational weighing of both of these types of costs and benefits. RCT does not presume that people are perfectly rational in their decision making; that is, they do take shortcuts in collecting information about the costs and benefits of each course of action, they may be misinformed about the various costs and benefits, and they may not properly weigh each factor—but they possess sufficient rationality to engage in some information collection, and they do consider and weigh the consequences of their actions before deciding what action to take. People may be poor decision makers, in other words, but they are decision makers nonetheless, and if they do not possess perfect rationality, they do at least possess minimal or limited rationality.

It is also important to understand that these costs and benefits that are weighed by decision makers are the costs and benefits *as they are perceived or understood by the person doing the decision making*. In other words, the costs and benefits are subjective rather than objective (Paternoster, Saltzman, Waldo, & Chiricos, 1983). For example, one of the costs associated with dealing drugs is the possibility that one could get arrested by the police. There is a certain objective likelihood or chance that people are arrested for drug dealing in the area where I want to deal drugs. For example, if last year there were 100 drug deals in the area where I want to sell drugs, and if only one of the dealers was arrested at some point during the year, then the objective probability that I would be arrested would be 1 out of 100, or .01. Objectively speaking, this is a very low risk of arrest. However, chances are I would not know how many drug deals were going on last year, or exactly how many dealers were arrested, but maybe the word on the street and my own understanding of police competence puts my own estimate of the risk of arrest at .25. This is my subjective risk of getting arrested, and it is this subjective risk, not the objective one, that guides my conduct. The same issue of objective versus subjective would hold for the benefits as well. Most important to me are the subjective benefits I think I would acquire by driving a taxi, not what the objective benefits might be. The important thing to remember is that the various costs and benefits that are considered by the would-be offender are the subjective ones.

So, a person contemplating crime rationally considers the costs and benefits of both crime and noncriminal courses of action. These are weighed much like fruit is weighed on a

scale in a grocery store. If the benefits of crime (when considered against the costs of crime) outweigh the benefits of non-crime (when considered against the costs of non-crime), then for a potential offender there is more *utility* in committing crime than in not committing crime. Utility is the combined outcome of the costs and benefits of alternative courses of action that will satisfy a need (in this case, the need for money), and it might be helpful to think of utility as the profit involved in crime and non-crime. So, if I see more overall utility in crime than non-crime I will be more likely to commit a criminal act to satisfy my need; if I see more utility in non-crime, then that is what I would most likely select. Because I am presumed to be a rational person, the prediction is that I will select the behavior with the greatest utility for me. Moreover, because the utility is the gain I expect to get on the basis of my own subjective judgment, RCT is often thought as a *subjective expected utility* theory of offending (Clarke & Cornish, 1985). In a nutshell, RCT can be described with the following simple equation:

Offend If: Utility of Crime > Utility of Non-Crime

It may be that the utility of crime is greater because the expected benefits are greater than non-crime or because the expected costs are less than non-crime. Whichever the case, the rational choice model of offending presumes that, on average, the behavior promising the greater utility will be chosen. It might be helpful at this point to discuss a concrete example of what an RCT theory of offending might have to say about particular kinds of criminal conduct. Let's start with marijuana use.

Strain theory might account for marijuana use by saying that a person who was under great stress or strain because something bad happened to him or her (failed a test, broke up with a boyfriend or girlfriend, or moved to a new school) and that this stress provided sufficient motivation for that person to use marijuana (Agnew, 1992). Differential association theory might explain marijuana use by noting that some people associate in groups in which marijuana use is practiced and where the norms of the group view marijuana use tolerantly (Matsueda, 1988). This group provides fertile ground for the learning of the technique of using the drug, the opportunity to learn how to interpret its effects, and to receive social support and reinforcement rather than condemnation for using it. According to RCT, however, in deciding whether to use marijuana on any given occasion the would-be user would consider and weigh the following factors:

### Costs of Crime

A person who is considering marijuana use might consider the following questions when evaluating the potential cost of the crime:

- *Certainty of formal sanctions*: What is the chance that I would get caught by the police or someone in authority? Could I minimize this risk in some way?

- *Severity of formal sanctions*: If I did get caught by the police or another authority, would something very bad happen to me? Would I have a police record; would I go to jail?
- *Informal certainty of punishment*: What is the chance that I would get caught not by someone in authority but someone whose opinion of me matters and who would disapprove of me using marijuana, such as a parent, teacher, coach, or employer? Would that person be disappointed in me?
- *Informal severity of punishment*: If that person did catch me, would something very bad happen to me as a result?
- *Guilt or shame*: If I were to get caught by anyone, would I think less highly of myself?
- If I were to use marijuana, would I have to admit drug use on any job applications, or if I wanted to join the armed services? Would marijuana use disqualify me?
- Could I successfully fake my way in school, at home, at work, if I got high?
- How much does the marijuana cost?

### Benefits of Crime

- How much pleasure or fun would it be to get high?
- How much would my friends respect me and think I was cool if I got high?
- Would my self-esteem increase if I demonstrated to myself that I could get high and hide it from others?

### Costs of Non-Crime

- Would my friends ridicule me if I just walked away and did not get high?
- Would I not have as much fun if I were not high?

### Benefits of Non-Crime

- Would I be able to do my homework, perform better at my job, if I were straight and not high?
- Would I feel better about myself if I were able to resist this temptation?
- Could I use the money that I would have spent on the marijuana on a better cause?

If, after weighing all of these considerations, the would-be offender determined that the utility of using marijuana was greater than the utility of not using it, then he or she would be at greater risk of marijuana use.

## Empirical Support for Deterrence and Rational Choice Theory

Deterrence and rational choice are simply theories about how we think crime is brought about, and they may or may not provide accurate understandings of crime. One of the important ways that professionals in the field of criminology and

criminal justice determine the worth or value of a theory is by evaluating the extent to which it fits the facts. A good theory is one that enjoys empirical support when a researcher empirically tests in the real world the propositions or hypotheses that can be derived from the theory. For example, if deterrence theory is true, one could make the following hypothesis about homicide rates and subject this hypothesis to empirical testing:

*Deterrence hypothesis:* Because capital punishment is a more severe punishment than life imprisonment, then states that have the death penalty as a possible punishment for murder should have lower murder rates than states that punish murder with life imprisonment.

This hypothesis is consistent with deterrence theory because it argues that would-be offenders are affected by punishments or costs. Because the death penalty is more costly to the offender than life imprisonment, would-be murderers in states with the death penalty face a more severe punishment than would-be murderers in states that administer only life imprisonment. One way to find out if deterrence theory is correct, then, would be to compare homicide rates in states that have the death penalty with states that have life imprisonment. A large number of empirical studies have been undertaken over the past 60 years with this goal in mind (Paternoster, Brame, & Bacon, 2008). Unfortunately, the evidence with respect to this hypothesis is not very convincing. Although the research has generated a great deal of controversy and the findings have been subject to considerable dispute, it seems that the safest conclusion is that there is no unequivocal evidence to date that the death penalty is a more effective deterrent to murder than life imprisonment. Does this mean that deterrence theory is false? Of course not; there are other ways to test the predictions of the theory.

Other empirical tests designed to examine deterrence theory have shown more convincingly that the fear of formal and informal punishment may indeed act as an effective general and specific deterrent to crime. With respect to formal sanctions, there is evidence that, although its effect is not large, the use of imprisonment serves as an effective deterrent and the national increase in the use of imprisonment in the 1990s may have been responsible for some part of the decline in crime (Levitt, 2001). Police studies have shown that when high-crime areas, known as “hot spots,” are saturated with extra police patrols (in light of the fact that increased police presence in a high-crime area increases the certainty of punishment), crime generally goes down (Sherman, 1990). Other kinds of police crackdowns, such as highly publicized roadside sobriety tests, have shown that the incidence of crime—in this case, drinking and driving—goes down, at least in the short term (Ross, 1984).

Over the years, numerous studies have tested whether not only sanctions that are actually imposed deter crime (e.g., arrest, conviction, imprisonment) but also whether both

formal and informal sanctions that people think or *perceive* will be imposed act as a deterrent to crime (Paternoster, 1987; Pratt, Cullen, Blevins, Daigle, & Madensen, 2006). For example, people can be asked the following question to capture how certain they think they will be caught for a given crime: “On a scale of 1 to 10, where 1 is ‘I’d get caught every time’ and 10 is ‘I’d get away with it every time,’ how often do you think you’d get caught by the police if you used marijuana?” This measures the *perceived certainty of formal punishment*; people with low scores have a high certainty of punishment, and those with higher scores have a lower certainty of punishment. If deterrence theory is true, one would expect the former group to be less likely to use marijuana than the latter group, because they have been deterred. If one added the phrase “caught by your parents/dorm advisor/employer,” one would have a measure of the *perceived certainty of informal punishment* and could predict that people who think they will not get caught by another would be at a higher risk of using marijuana than those who think they will more likely get caught. To measure the *perceived severity of informal punishment*, they could also be asked questions that pertain to “how much of a problem it would be” if someone found out about them committing a crime. Research studies that have used this method and various other similar approaches have generally found that the perceived certainty (but not generally the severity) of formal sanctions has a weak deterrent effect, whereas the perceived certainty and severity of informal punishment have a stronger deterrent effect (Pratt et al., 2006). In sum, although there may be some dispute as to how large an effect formal sanctions may have on crime, there is little dispute in the field that formal punishments either by the police, the courts, corrections, or some other criminal justice agency does seem to lower crime. There is also less disputed evidence indicating that the kinds of informal sanctions imposed by others in our lives act as an effective deterrent to crime. These findings from deterrence theory regarding formal and informal sanction threats provide indirect support to RCT as well, because RCT would make the same prediction that a high cost of crime would tend to reduce crime. Furthermore, this implies that people do respond to the expected consequences of their actions and that they are rational enough to be deterred from committing some crime when they think the penalties are certain and perhaps high.

In recent years, numerous attempts to measure the predictions of the rational choice method have been made. One stream of research is policy oriented and examines what is called *situational crime prevention*. In some of this research, active and “retired” criminals are extensively interviewed about what factors entered their decision to commit crime in general and/or a specific offense (Cornish & Clarke, 1986; Kubrin et al., 2009). Supportive of RCT, offenders frequently cite factors related to the costs and benefits of offending, such as the ease with which they can enter and leave a possible crime site, what the expected



payoff for the crime is, the perceived ability to avoid detection, and their capacity to get what they want legally rather than illegally (Clarke & Cornish, 1985). More quantitative research also generally supports the rational choice model of offending. These studies have asked would-be offenders about the expected costs and benefits of criminal activity, and the results indicate that the decision to commit a crime is based at least in part on the expected costs and rewards of offending (Grasmick & Bursik, 1990).

It should also be noted here that whereas it may be intuitive to think that a rational choice view of offending might apply to property or instrumental crime, it might not also apply to crimes of violence, such as armed robbery, murder, or sexual assault; neither would it be able to explain what might be thought of as compulsive kinds of behavior, such as drug addiction. In point of fact, RCT has been used to adequately explain a variety not only of what might be thought of as instrumental crimes, such as robbery, burglary, and shoplifting but also expressive crimes, such as sexual assault and crimes of compulsion (e.g., drug addiction; Cornish & Clarke, 1986). A rational choice model has also been applied to the study of terrorism, and terrorists have been shown to rationally respond to increases in the costs of their crimes (Dugan, LaFree, & Piquero, 2005). RCT is, then, a very broad and general theory of crime that is able to explain property, violent, drug, sexual, and politically motivated offenses (Weisburd, Waring, & Chayet, 1995).

## Applications

Think for a moment about what deterrence theory and RCT say about what causes crime: Crime will occur whenever a would-be offender thinks that the advantages or benefits of crime outweigh both the costs of crime and the benefits and costs of non-crime. This means that there are several different avenues by which to pursue public policy if one wanted to reduce crime through an appeal to RCT. To reduce crime, one or all of the four following general actions could be taken:

1. Increase the cost of crime.
2. Increase the benefits of non-crime.
3. Reduce the benefits of crime.
4. Reduce the costs of non-crime.

Sometimes these policy paths would overlap such that when we increase the cost of crime we may also be increasing the benefits of non-crime. However, with these four general points in mind, we can briefly explore the crime-reduction possibilities of RCT.

### Increase the Cost of Crime

One of the most frequently taken paths of criminal justice policy is to enhance the formal penalties for crime

with the expectation that such an increase will lower the commission of that particular crime (and maybe others, if there is a spillover effect whereby if we punish more severely for Crime X it also inhibits people from committing Crime Y). Readers who think about the major criminal justice response to the increase in crime during the 1990s and early 21st century will discover that most states responded by increasing the number of people in prison and increasing the length of time inmates were spending in prison. A reduced use of probation, “get tough on crime” judges, “three strikes and you’re out” policies, increased use of the death penalty, the end of parole, and greater use of mandatory minimum sentencing guidelines are but a few of the criminal justice “reforms” that have taken place over the past 20 to 25 years. If you ask yourself, “What was the expectation that policymakers had when they created these programs?” you will quickly conclude that the policymakers thought that by increasing the certainty of punishment (the number of people who go to prison) and the severity of punishment (how long people stay there), crime will be reduced. They thought this because they assumed (either implicitly or explicitly) that offenders and would-be offenders are rational beings who take into account the costs and benefits of their behavior, and if a behavior is made more costly with enhanced punishment, then rational people will be disinclined to commit it.

Whether they realize it or not, proponents of a “get tough on crime” stance usually are assuming a rational choice view of crime. In fact, rational choice assumptions permeate the criminal justice system and form its foundation. Former President Bill Clinton made as one of the important supports of his crime control policies the requirement to hire 100,000 new police officers and put them out on the streets. He might not have explicitly said that his policy was based on RCT, but it was. Increased numbers of police officers increase the expected cost of crime by increasing would-be offenders’ perceived certainty of getting caught and arrested (on the assumption that the more police officers there are on the streets, the more eyes there are watching you). Thus, under the assumption that offenders and would-be offenders contemplate the risk of incurring a cost, the idea of putting 100,000 new police officers out on the streets was based on RCT and deterrence theory.

Frequently, then, when there are calls for more police, less plea bargaining in courts, more prison terms and less use of probation, and more certain and longer prison terms, these calls are based on the expectations of RCT that such measures will increase either the objective or expected costs of crime and, other things being equal, will reduce the level of crime.

### Increase the Benefits of Non-Crime

Increasing the costs of crime is only one way under deterrence theory and RCT to reduce the level of crime;

one can also lower crime by increasing the benefits of activities that compete with crime. For example, one of the reasons kids in inner-city neighborhoods get involved with crime and drugs is that they get thrills or some kind of “kick” out of doing it. In other words, crime and drug use supplies them with a rush. One way to inhibit crime would be to get kids involved in other activities that are legal (non-crime) that can provide them with some sort of pleasure/fun/relief from boredom. In the 1990s, there was an effort to get inner-city kids involved in midnight basketball programs, because it makes perfect sense to provide a pleasurable noncriminal activity as an alternative to crime if you believe in the assumptions of RCT. Recall that the theory holds that people consider the costs and benefits of both crime and non-crime before making a rationally based decision as to what to do. This means that when these programs are set up, inner-city youth will weigh the costs and benefits of crime along with those of midnight basketball. Before they choose crime or drug use, then, youth will be in the position of considering the benefits of playing basketball, and this might (together with the lesser cost of a basketball injury vs. an arrest for crime or drug use) be substantial enough to tip the utility balance toward non-crime rather than crime.

A similar example can be used for adults and adult crime. One of the ways to increase the benefits of non-crime would be to provide vocational opportunities and jobs to individuals who are at high risk of committing crimes as well as to make it easier for those who have already committed crimes to turn away from it in favor of more conventional opportunities. The Job Corps, for example, is an educational and vocational training program run by the U.S. Department of Labor for youth 16 through 24 years of age. It targets youth who by most accounts would be considered at high risk for committing crimes—young, mainly minority males, from urban areas—and helps them finish high school, earn a GED, learn a trade, and find a job and keep it. The whole purpose of the Job Corps is to take young people with a bleak future and train and educate them so that they can find well-paying jobs and become productive citizens. The Job Corps program, then, provides a direct alternative to criminal opportunities so that to the extent to which the training and long-term vocational prospects surpass those provided by illegitimate opportunities, the route of job training and education will be selected over crime.

### Reduce the Benefits of Crime

There are a number of ways that the benefits of crime can be reduced. Among the characteristics of crime is that it is generally the easiest way to satisfy one’s needs—so, for example, if I want to have a car, one of the easiest ways to get one would be to steal one or buy a stolen one at a great discount. The benefits of crime can be reduced if

crime is made more difficult in addition to more costly. The benefits of auto theft, for example, would be dramatically reduced if people would not leave their keys in the ignition, if they would lock the car, or if they would purchase an inexpensive car alarm or car location device. These things make stealing a car more difficult and therefore less beneficial. The benefits of burglary can be reduced by making it more difficult for a thief to break into one’s home or apartment. Trimming the bushes around the windows so they can be seen from the street is a good idea; having outside motion-sensitive lights is another. Home burglary alarm systems are another way to make burglary more difficult. We can make it more difficult for thieves to fence stolen goods by etching our names or other type of identification on portable objects in our homes, such as computers, televisions, or stereo systems, which are highly attractive targets for thieves. Heroin use provides an analogy: One of the benefits of heroin use is that it reduces the strong physiological craving for the drug. If there are alternative, legal drugs, such as methadone or LAAM (levo-alpha acetyl methadol), that can, under proper medical supervision, similarly reduce the craving, then the benefits of heroin use and its attraction will be reduced. In sum, any action on the part of society as a whole or individual potential victims to make crime more difficult, more time consuming, less financially lucrative, are ways to reduce the benefits of crime. Under RCT, if the benefits of crime are reduced, then crime will be less likely because it has less utility or is less profitable. Although these kinds of crime prevention practices have been most frequently associated with another criminological theory, *routine activities theory*, the ideas of routine activities are perfectly compatible with a rational choice view of crime.

### Reduce the Costs of Non-Crime

A final way to reduce crime according to RCT is to lower the cost of engaging in conventional behavior. The following is just one example of how the costs of being conventional can be reduced. A consistent finding from criminological research is that about two thirds of inmates released from state prisons return to crime after being released. One of the reasons why so many ex-offenders commit crimes upon release is that we make it difficult or costly for them to become “normal” citizens, to such a degree that crime is easier and has more utility (Petersilia, 2003). If we remove these barriers to or costs of non-crime, chances are they would be more attractive than criminal alternatives. For example, there are barriers that prevent ex-offenders from securing conventional employment that makes traditional, legal work more difficult and costly and crime easier and more attractive. Job applications generally ask the job seeker if he or she has *ever* been convicted of *any* crime; those who respond “yes” are less likely to get the job in the first place and less likely to get promoted if they do get a job. In some states, ex-offenders are legally prevented

from holding a number of jobs, such as in the areas of education, child care, security, and nursing and home health care. The licensing requirements for jobs such as cutting hair or collecting garbage often preclude those who have been arrested or convicted of a crime. Public employment (working for local, state, or federal government) is difficult for ex-convicts to obtain and is outright denied to them in six states. Some unions bar ex-offenders. Even if there are no legal barriers, employers are reluctant to hire individuals with a criminal record because they fear the possible legal liabilities. In addition, there are other barriers to becoming a normal law-abiding citizen that ex-offenders must confront that may make non-crime more difficult and costly and if removed would make non-crime less costly and therefore a more attractive alternative to crime. Felons are barred from voting, and in some states even the conviction for a single felony bars the person from voting for the rest of his or her life. Public housing and welfare benefits are frequently denied people who have been convicted of a felony. For these and other reasons, therefore, it would appear that we have made a life of non-crime so difficult and costly for ex-convicts that even if they wanted to change, the costs are much higher than continuing in crime.

## Conclusion

RCT presumes that there is no strong or compelling motivation to commit criminal acts; instead, crime occurs when someone rationally thinks that a criminal course of action has more benefits and lower costs than a noncriminal alternative course of action. RCT theorists believe, therefore, that offenders are rational enough to calculate the costs and benefits of both criminal behavior and conventional behavior and that they will generally choose the behavior with the highest utility. This does not mean that people collect all necessary information before they make a decision, or that they perfectly weigh the various costs and benefits of offending and not offending. RCT simply assumes that people are rational enough that they are affected by what they think to be the gains and losses of various courses of action. RCT has been used to understand a wide variety of criminal offenses (property, drug, violent, sexual, and white-collar offenses) and is one of the most general theories in criminology. A belief that offenders rationally choose to commit crimes is also a foundation of the criminal justice system and can be easily used as a basis for many crime prevention programs.

## References and Further Readings

- Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology*, 30, 47–88.
- Andenaes, J. (1974). *Punishment and deterrence*. Ann Arbor: University of Michigan Press.
- Anderson, L. S., Chiricos, T. G., & Waldo, G. P. (1977). Formal and informal sanctions: A comparison of deterrent effects. *Social Problems*, 25, 103–112.
- Becker, G. S. (1968). Crime and punishment: An economic approach. *Journal of Political Economy*, 76, 169–217.
- Clarke, R. V., & Cornish, D. B. (1985). Modeling offenders' decisions: A framework for research and policy. In M. Tonry & N. Morris (Eds.), *Crime and justice: An annual review of research* (Vol. 6, pp. 147–185). Chicago: University of Chicago Press.
- Cook, P. J. (1980). Research in criminal deterrence: Laying the groundwork for the second decade. In N. Morris & M. Tonry (Eds.), *Crime and justice: An annual review of research* (Vol. 2, pp. 211–268). Chicago: University of Chicago Press.
- Cornish, D. B., & Clarke, R. V. (1986). *The reasoning criminal: Rational choice perspectives on offending*. New York: Springer-Verlag.
- Dugan, L., LaFree, G., & Piquero, A. (2005). Testing a rational choice model of airline hijackings. *Criminology*, 43, 1031–1065.
- Grasmick, H. G., & Bursik, R. J., Jr. (1990). Conscience, significant others, and rational choice: Extending the deterrence model. *Law & Society Review*, 24, 837–862.
- Grasmick, H. G., Bursik, R. J., Jr., & Arneklev, B. (1993). Reduction in drunk driving as a response to increased threats of shame, embarrassment, and legal sanctions. *Criminology*, 31, 41–67.
- Green, L. (1995). Cleaning up drug hot spots in Oakland, California: The displacement and diffusion effects. *Justice Quarterly*, 12, 737–754.
- Kubrin, C. E., Stucky, T. D., & Krohn, M. D. (2009). *Researching theories of crime and deviance*. New York: Oxford University Press.
- Levitt, S. (2001). Deterrence. In J. Q. Wilson & J. Petersilia (Eds.), *Crime: Public policies for crime control* (pp. 435–450). Oakland, CA: ICS Press.
- Matsueda, R. L. (1988). The current state of differential association. *Crime & Delinquency*, 34, 277–306.
- McCarthy, B. (2002). New economics of sociological criminology. *Annual Review of Sociology*, 28, 417–442.
- Nagin, D. S. (1998). Criminal deterrence research at the outset of the twenty-first century. In N. Morris & M. Tonry (Eds.), *Crime and justice: An annual review of research* (Vol. 23, pp. 1–42). Chicago: University of Chicago Press.
- Nagin, D. S. (2007). Moving choice to center stage in criminological research and theory. *Criminology*, 45, 259–272.
- Nisbett, R. E., & Cohen, D. (1996). *Culture of honor: The psychology of violence in the South*. Boulder, CO: Westview Press.
- Paternoster, R. (1987). The deterrent effect of the perceived certainty and severity of punishment: A review of the evidence and issues. *Justice Quarterly*, 4, 173–217.
- Paternoster, R., Brame, R., & Bacon, S. (2008). *The death penalty: America's experience with capital punishment*. New York: Oxford University Press.
- Paternoster, R., Saltzman, L. E., Waldo, G. P., & Chiricos, T. G. (1983). Perceived risk and social control: Do sanctions really deter? *Law & Society Review*, 17, 457–480.
- Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry*. New York: Oxford University Press.
- Piliavin, I., Thornton, C., Gartner, R., & Matsueda, R. (1986). Crime, deterrence and rational choice. *American Sociological Review*, 51, 101–119.

- Pratt, C. T., Cullen, F. T., Blevins, K. R., Daigle, L. E., & Madensen, T. D. (2006). The empirical status of deterrence theory: A meta-analysis. In F. T. Cullen, J. P. Wright, & K. R. Blevins (Eds.), *Taking stock: The status of criminological theory* (pp. 367–395). New Brunswick, NJ: Transaction.
- Roncek, D. W., & Maier, P. A. (1991). Bars, blocks and crimes revisited: Linking the theory of routine activities to the empiricism of hot spots. *Criminology*, 29, 725–753.
- Ross, L. H. (1984). *Deterring the drunk driver: Legal policy and crime control*. Lexington, MA: Lexington Books.
- Sherman, L. W. (1990). Police crackdowns: Initial and residual deterrence. In N. Morris & M. Tonry (Eds.), *Crime and justice: An annual review of research* (Vol. 12, pp. 1–48). Chicago: University of Chicago Press.
- Sherman, L. W., & Berk, R. A. (1984). The specific deterrent effects of arrest for domestic assault. *American Sociological Review*, 49, 261–272.
- Weisburd, D., Waring, E., & Chayet, E. (1995). Specific deterrence in a sample of offenders convicted of white-collar crimes. *Criminology*, 33, 587–607.
- Weisburd, D., Wycoff, L. A., Ready, J., Eck, J. E., Hinkle, J. C., & Gajewski, H. (2006). Does crime just move around the corner? A controlled study of spatial displacement and diffusion of crime control benefits. *Criminology*, 44, 549–592.
- Wilson, J. Q., & Herrnstein, R. J. (1985). *Crime and human nature*. New York: Simon & Schuster.
- Zimring, F., & Hawkins, G. (1973). *Deterrence*. Chicago: University of Chicago Press.

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## FEMINIST CRIMINOLOGY

SUSAN F. SHARP

*University of Oklahoma*

Criminology has traditionally been one of the most androcentric (male-centered) fields of study in the social sciences. The majority of the research and theory have been based on the study of male criminality and criminal justice system responses to male offenders. Women, when considered at all, have been represented in negative and stereotypical ways, with a focus on their failure to adhere to “traditional” models of appropriate female behavior, as in W. I. Thomas’s (1923) paternalistic view of women. Furthermore, in its quest to be recognized as a scholarly field, criminology has focused on objective empirical research, using official records and large national surveys. The result has been a failure to consider important differences in male and female pathways into crime, types of crime, victimization, and punishments. Feminist criminology seeks to address this limitation by enhancing our understanding of both male and female offending as well as criminal justice system responses to their crimes.

Feminist criminologists seek to place gender at the center of the discourse, bringing women’s ways of understanding the world into the scholarship on crime, criminality, and responses to crime. In the following sections, the focus will be on the emergence of feminist criminology; the range of perspectives and methods used in feminist criminological research; and the maturing of feminist criminology, both in scholarship and in visibility.

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### The Scope of Feminist Criminology

It is readily apparent that males do indeed commit far more offenses, especially those deemed important to criminology, than females do (see Daly & Chesney-Lind, 1988). This focus has been in part due to the relationship of criminology with legislative and corrections systems. The field developed in part to help improve understanding of why people commit crimes so that policies could be enacted to reduce those crimes. Not only do women commit fewer crimes, but also they commit crimes that are of less interest to those concerned about public safety. Thus, women were largely ignored until the 1970s.

Additionally, the Weberian value-free approach to the study of criminology has failed to recognize that the experiences of the researchers themselves shape and formulate their own approaches to their research. This has resulted in an unreflective supposition that data and theories about boys and men would be generalizable to girls and women. Researchers and theorists have assumed that the study of male crime was the generic study of crime and that women who engaged in crime were more of an aberration than a subject to be studied in and of itself. Ultimately, the feminist approach to criminology emerged from the critique of this practice.

It has been only in the last 30 years that feminist criminology has developed into a recognized perspective in

criminology. However, the term *feminist criminology* is somewhat misleading; it might perhaps be better to speak of *feminist criminologies*. Feminist criminology encompasses a wide range of theoretical perspectives and methodologies that place the ways in which gender shapes experience at the center of scholarly inquiry. It focuses on a broad range of issues related to women and crime, including theoretical explanations of crime, responses to female offending, programming in women's prisons, women as workers in the field of corrections, and the special needs of women prisoners. Feminist thought is not a homogeneous approach; it incorporates the liberal feminist focus on equal opportunities for women, the Marxist feminist focus on class relations and capitalism as the source of women's oppression, socialist feminists' blending of male domination with political and economic structures in society as the source of inequality, and the radical feminist focus on patriarchal domination of women, to name the most well-known branches. However, these feminist approaches have in common their focus on the ways in which the gendered structure of society is related to crime.

### Emergence of Feminist Criminology

Until the latter half of the 20th century, most criminological work focused on male offenders and criminal justice system responses to male crime. The lack of attention to female offending stemmed from the fact that most crime was committed by males. However, by the last two decades of the 20th century, female incarceration rates were skyrocketing, leading to a surge in research on girls, women, crime, and the criminal justice system. Many scholars point to the "war on drugs" and the federal sentencing reforms of the 1980s as the primary explanations of the large increase in female prisoners as well as of the emergence of feminist criminological scholarship. Clearly, the war on drugs and federal reforms are the driving forces behind the tremendous increase in the incarceration of women. However, the roots of feminist criminology predate these changes. They are instead found in second-wave feminism as well as in the radical criminology of the 1960s and the 1970s.

### The Gender Equality Argument

In the 1960s, scholars began to argue that women were ignored in criminological theorizing and research. This early interest came not from within the United States but instead from Canada and Great Britain (cf. Bertrand, 1969, and Heidensohn, 1968). According to these scholars, the role of gender had been largely ignored, other than noting that males committed more crime. Thus, theories had been developed that could explain the gender gap in crime but that were sorely lacking in being able to equally well explain female crime. The second-wave feminism of the mid-20th century led to a renewed interest in female offenders. Two important books were published in the early 1970s, derived from second-wave liberal feminism's focus on gender equality: (1) Adler's (1975)

*Sisters in Crime* and (2) Simon's (1975) *Women and Crime*. Although they focused on different aspects of the issue and reached somewhat different conclusions, both argued that the mid-20th-century women's movement changed both female participation in crime and *perceptions of* female participation in crime. Indeed, the central thesis of these two works was that women would engage in more crime as a result of women's liberation. Also, with the focus on equal treatment, the criminal justice response to female offending would become harsher and less "chivalrous."

Both books were important in bringing more attention to female crime and the criminal justice system's response to female crime, but the focus on increased criminal opportunities for women coming out of the push for equality has been critiqued by feminist criminologists. Among the criticisms, two broad themes emerged. First, scholars questioned whether lower-class female offenders were acting out of a desire to achieve equality with male offenders or whether increases in female crime might be due to the "feminization of poverty," because the composition of families in poverty became increasingly dominated by female-headed households. In addition, these scholars pointed out that lower-income female offenders tended to have more traditional and stereotypical views of women's roles, calling into question the idea that these offenders were trying to compete with men in the realm of crime (Daly & Chesney-Lind, 1988). Second, careful analysis of data failed to support the contention that the gap between male and female offending was narrowing (Steffensmeier & Allan, 1996). The focus of feminist criminological thought began shifting to the ways in which social and economic structures shaped women's lives as well as their participation in crime.

### The Influence of Critical Criminology

The second major factor in the rise of feminist criminology during the 1970s was the emergence of the "new criminologies," or the radical, conflict approaches to the study of crime. With intellectual roots grounded in conflict and Marxist theory, these perspectives viewed crime as the result of oppression, especially gender, race, and class oppression. Both radical criminology and feminist criminology emerged during the highly political, socially conscious 1960s and 1970s. In the United States and much of the Western world, this was an era of rapid social change and political unrest. Existing ideologies and power structures were challenged, and social movements emerged, including the anti-war movement, the civil rights movement, and the women's liberation movement.

However, feminist criminologists quickly became somewhat disenchanted with what was perceived as the overly idealistic and still male-centered approach of critical/radical criminology. The "new criminology" view of the offender as a noble warrior engaged in a struggle with a powerful state (Young, 1979) also angered radical feminists working to end intimate violence and rape. Feminist criminology began instead focusing on the ways in which a patriarchal society enabled the abuse of women. Radical feminism, with its

focus on the consequences of patriarchy, contributed to the burgeoning body of feminist criminological scholarship.

### Radical Feminism and Feminist Criminology

During the early 1970s, radical feminist scholars and activists labored to reform the public response to crimes such as rape and intimate violence. Prior to the revision of policies and laws, rape victims were often blamed for their victimization. Two seminal works during the mid-1970s brought the victimization of women by men into the forefront of feminist criminology and were extremely influential in the development of feminist criminological thought. Susan Brownmiller's (1975) *Against Our Will* was a searing analysis of the role of male dominance in the crime of rape. Similarly, Carol Smart (1976) critiqued mainstream criminological theories, not only for their failure to look at crime through a gendered lens but also for their assumption that victimization was a similar experience for all victims. Smart argued that mainstream theories failed to recognize how the patriarchal structure of society contributed to and shaped the victimization of women.

The contribution of radical feminism to the development of feminist criminology is important for two reasons. First, in collaboration with community activists, radical feminist scholars were able to effect social change. Violence against women became a matter of public concern. Shelters for battered women began emerging throughout the country, and rape laws were reformulated to protect the victims from undue scrutiny. Until the mid-1970s, victims of rape were essentially placed on trial themselves. Proof of rape required evidence that the victim had resisted as well as corroborating evidence. Also, the victim's past sexual conduct could be introduced as evidence by the defense. The feminist approach to rape incorporated the perspective of the victim, and ultimately rape shield laws were enacted that barred introduction of the victim's past sexual behavior into evidence.

Second, the feminist scholarship on rape and intimate violence impacted mainstream criminology. This has led to a revised understanding of the complexities of victimization. Statistics support the feminist position that women's victimization is intrinsically and fundamentally different than that of men. For example, women are far more likely to be victimized by someone close to them. From the radical feminist perspective, this is because social institutions and norms facilitate the victimization of women.

Much like the feminist scholarship on sexual violence, feminist criminological research has helped reshape our understanding of violence within the home and between partners. Much of the early research on intimate violence stems from work using the Conflict Tactics Scale developed by Straus and Gelles (1986). Feminist scholars have pointed out that although this scale measures the *incidence* of a wide range of aggressive tactics, it fails to place them in *context*. Stanko's (1990) examination of *everyday violence* provided evidence that women's victimization was frequently unreported. Thus, research conducted by feminist criminologists,

in conjunction with activism, impacted not only laws but also police practices. Eventually, the National Crime Victimization Survey was reformulated to address the experiences of female victims. Questions about rape and sexual assault were added, as were questions about violent victimization in the home (Britton, 2000). By 1994, the Federal Violence Against Women Act was passed. Prevention and intervention programs were developed, aggressive prosecution was pursued, and funding for research became available. More recently, the International Violence Against Women Act has carried this focus on the rights of women to safety into the international arena.

In summary, feminist criminological thought gained prominence during the highly political era of the 1960s and 1970s. At first, the field focused on the missing information on girls and women in criminological scholarship. As the field grew, the focus shifted to include violence against women as well as the development of feminist criminological theories and feminist ways of approaching existing theories. A broad base of scholarship has been amassed from the women's liberation movement, critical theories, and radical feminism. The following section focuses on feminist approaches to theoretical explanations of crime and criminality. This is followed by a summary of the subject matter of feminist scholarship.

### Criminological Theories From a Feminist Perspective

As suggested earlier in this chapter, feminist criminological theorizing is not limited to one approach. Feminist criminologists have adopted many different perspectives, the most noteworthy of which are a feminist approach to mainstream criminological theory, feminist pathways theory, socialist feminist theory, and the most recent development: multiple marginalities/intersectionality theories.

### Mainstream Theories and Feminist Criminology

A major thrust of feminist criminology has been the critique of the development of mainstream theories based on research with boys and men. The "add women and stir" approach of mainstream criminology has meant that gender, if considered at all, has frequently been used only as a control variable. Although this has provided confirmation that males are indeed more criminal than females, virtually no information about female criminality can be garnered through this type of research. There are two unspoken assumptions inherent in this approach with which feminist criminologists take issue. First is the tacit assumption that, because males are far more likely than females to engage in criminal behavior, females are somehow unimportant to the field. Second, mainstream criminology assumes that males and females are alike and that what works to explain male criminality will work equally well to explain female criminality.

In particular, theories like Merton's (1938) *strain theory* have been criticized by feminist criminologists for their focus on economic goals and their failure to consider how personal relationships may contribute to criminality. Merton argued that crime was largely the result of having the American dream as a goal but lacking opportunities to achieve this goal in a legitimate manner. Feminist criminologists argued that Merton's theory was obviously not equally applicable to women. They pointed out that, although women were certainly more financially blocked than men, they committed far less crime (Belknap & Holsinger, 2006). Likewise, social learning and differential association theories, with their focus on peer attitudes and behaviors, have been criticized for the failure to take into account the gendered nature of peer relationships. Whereas male delinquency is strongly linked to having peers with delinquent behaviors and attitudes, this is far less true for females. Actually, females who are intimately involved with older delinquent males may be introduced to crime and delinquency by these intimate partners rather than by their peers. Although this is certainly not an exhaustive list of mainstream theories critiqued by feminist criminologists, it does give an idea of the male-dominated approach taken by purportedly gender-neutral theories.

However, other feminist criminologists have argued that mainstream theories may still be used if they are restructured and operationalized in a manner that is more sensitive to the predictors of crime in both men and women. In particular, Agnew's (1992) *general strain theory* attempts to be gender sensitive. By incorporating a broader range of sources of strain in the theory, he has attempted to address the concerns voiced by feminists. In his theory, he has explicitly focused on relationship strains as well as on negative life experiences, both of which are important predictors of female delinquency. Also, he has pointed out that men and women tend to have different emotional reactions to strain, possess different coping skills and resources, and commit different types of offenses (Broidy & Agnew, 1997). A feminist operationalization of general strain theory could explicitly examine the role of abuse histories in predicting female crime. Agnew has argued that it is not strain per se but rather negative emotional responses to strain that lead to crime. Again, a thoughtful and gendered analysis would focus on how emotional responses and coping resources are gendered and how this would help explicate the different relationships between life experiences of males and females and their subsequent participation in crime. Indeed, general strain theory lends itself more to a gendered analysis than most, if not all, of the mainstream criminological theories.

Likewise, life course theories may offer an opportunity for a gendered exploration of women's criminality. These theories not only look at factors important in the initiation of criminal behavior but also examine occurrences that may change the pathways from criminal to noncriminal, or vice versa. In a broad sense, life course theories suggest that it is the salience of an event or reason that determines the likelihood that someone engaging in criminal behavior will cease. In the case of men, this may be marriage or career. However, for women, it may be important to examine other

reasons. In particular, the birth of a child may provide sufficient motivation for a woman engaging in criminal behaviors to change her trajectory to a noncriminal one.

Overall, the gendered use of mainstream theories is not particularly well received by feminist criminologists. Many argue that these theories fail to explore in detail the ways in which the experiences of girls and women shape their lives. In contrast, feminist pathways theory focuses explicitly on the relationship between life experiences and future criminality, arguing that one must consider the role of patriarchal society if one truly wishes to understand female crime and criminality.

### Feminist Pathways Theory

Perhaps the greatest breakthrough in feminist criminological theory and research has come by means of the feminist pathways model. In the effort to demonstrate how female crime is inextricably linked to the life experiences of women and girls, this theory focuses on the ways in which women's place in society leads them into criminal lifestyles. In numerous articles and books, Meda Chesney-Lind (see Chesney-Lind & Pasko, 2004) has laid out how childhood abuse and a patriarchal juvenile justice system shape the opportunities of girls, ultimately forcing them into criminal lifestyles. She argues that, unlike boys, girls' initial encounters with the juvenile justice system are largely the result of status offenses, such as running away or engaging in sexual activity. The patriarchal double standard means that girls engaging in these behaviors are seen as immoral and in need of "correction." Girls and women have historically faced institutionalization for engaging in behaviors that were at the most mildly frowned on in males. Indeed, girls suspected of sexual "misconduct" have often been treated more harshly than either boys or girls engaging in criminal activity. It is this patriarchal, paternalistic approach to the social control of the behavior of females that pushes them into contact with the juvenile justice system. Furthermore, there has been a failure to recognize that early sexual behaviors, as well as running away from home, are frequently the result of abuse within the home. Instead of intervening in the lives of abused girls, society has reacted with a double standard that labels these girls as incorrigible and/or immoral. By punishing these girls for behaviors that may actually be self-preserving (e.g., running away from abusive or neglectful homes), society may be further limiting their life chances by identifying them as delinquents. This perspective also examines the relationship between abuse and substance abuse, the number one offense leading to women's imprisonment. Substance abuse is seen as a coping mechanism. Girls and women often use alcohol and drugs to self-medicate their trauma that has resulted from abuse they have experienced. This is an important point, because the majority of incarcerated girls and women have substance abuse problems. Likewise, the majority of these "offenders" have histories of physical, sexual, or emotional abuse. Feminist pathways theory seeks to illuminate the connections between the abuse and exploitation of young females and their subsequent



offending. It is arguably the dominant approach in contemporary feminist criminology.

### Socialist Feminist Criminology

It would be remiss in any treatise on feminist criminology to exclude a discussion of how feminist criminology has led to examination of masculinity and crime. As discussed earlier, part of the feminist critique of criminology is the *ungendered* examination of crime. Feminist criminological scholarship has led to efforts to incorporate a clearer understanding of the experiences of both males and females. Messerschmidt (1986) focused on the ways in which patriarchal capitalism structures the experiences of both males and females. He laid out a theory that seeks to explain both male and female crimes of various types and argued that one cannot ignore either economic structures or gender relationships in any true explanation of crime. His theory suggests that marginalized lower class and minority males engage in street crimes because of their blocked opportunities and their roles as males in a patriarchal capitalistic society. In contrast, the structure of gender relations in society tends to relegate women's crime to low-level larceny and fraud.

In keeping with the feminist focus on crimes against women, Messerschmidt (1986) also explored the sexual exploitation of women in the sex trade in third world countries, showing how both patriarchy and capitalism place these women in desperate situations where they submit to exploitation in order to survive. In addition, he drew links between economic inequality and male-dominated family patterns in his discussion of male violence against women. Finally, he provided a masterful blending of theories about male privilege as well as theories about capitalism in his examination of higher level white-collar and corporate crimes, which are committed primarily by males. His work is extremely important to the development of feminist criminology because he directly addresses the feminist criticism that most criminology ignores how gender relations structure crime. His theory illustrates that the feminist approach is cognizant of both men's and women's experiences, seeking to illuminate how gender is intrinsically related to crime.

### Feminist Criminology and Multiple Marginalities

As in many of the social sciences, early feminist criminological scholarship has been criticized for its assumption that the experiences of all women are similar. This has led to scholarship that acknowledges the intertwined effects of gender, race, class, and sexual identity. In many ways, the critical race critique of feminist criminology has been similar to the feminist critique of mainstream criminology. The charge is that feminist criminologists have in many ways essentialized the experiences of women, assuming that all women are alike. Proponents of intersectionality and multiple marginality argue that race, class, and gender are each impacted by the social structure and in turn impact individuals. Furthermore,

these impacts interact. It is not simply being female, being African American, being lesbian, or being poor that matters; neither are the effects cumulative. Instead, there is an interaction that evolves from the intersection of statuses. One's actions and opportunities are structured by one's placement along each of these dimensions. Thus, the experiences of, for example, Hispanic women are different from those of Hispanic men as well as white or African American women (Burgess-Proctor, 2006).

### Methodology in Feminist Criminology

Not only does feminist criminology encompass many topics, but it also uses many methodologies. Like their mainstream counterparts, feminist criminologists use both quantitative and qualitative methods, often triangulating or combining them to draw on the strengths of each. On the quantitative side, they may examine official data and use large-scale surveys to explore both the relationships between women's experiences and their offending and official responses to women and how those may be colored by gender. In qualitative research, feminist scholars use a broad range of methodologies. In particular, focus groups, in-depth interviews, and life histories provide information to help tease out the complexity of relationships between victimization and offending. Often, a combination is used, with information from surveys or official data suggesting questions to be explored qualitatively and qualitative research informing the statistics (cf. Owen, 1998).

One final aspect of feminist scholarship and research should be addressed. We have seen that mainstream criminology places emphasis on the researcher taking a value-free stance, detaching himself or herself from the subject matter of the research. From the feminist perspective, however, this is an impossibility. The argument is that we are never free of our own beliefs and values, that those shape our research. In addition, the feminist criminological approach suggests the need for *praxis* or *participatory action research*. In contrast to the value-neutral approach of much social science research, participatory action research and praxis-driven methodologies stress the importance of research that is geared toward social change. In feminist criminology, this has meant working toward changes in laws, policies, and prisons. In feminist criminology, as in most areas of feminism, activism and scholarship are intrinsically intertwined.

### Feminist Criminological Scholarship

The subject matter of feminist criminology, as in the discipline of criminology overall, includes a broad range of topics. As described earlier, feminist approaches to criminological theorizing have been an important focus. Also, it is evident that violence against women is part of the puzzle. Feminist criminology recognizes that there is not a clear-cut dichotomy of victims and offenders; instead, female offenders are quite likely to also be victims, whether of childhood abuse or abuse as adults (Belknap, 1996).

Furthermore, the motherhood role must be taken into account, and numerous feminist criminologists have explored the effects of large-scale female incarceration on both the women and their children (Sharp, 2003).

Extensive research has examined the offending of women and girls. The bulk of feminist criminological scholarship since the mid-1980s has focused on the criminal justice system's response to female offending. The war on drugs and the federal sentencing guidelines of the 1980s resulted in massive increases in the number of women sent to state and federal prisons. Changes designed to reduce the inequities of indeterminate sentencing resulted in mandatory sentences for lower level female offenders. In particular, aggressive prosecution of drug offenses has impacted women, especially women of color. By the end of 2007, more than 100,000 women were incarcerated for felony convictions on any given day.

This has led to extensive research on the arrest, prosecution, conviction, and incarceration of female offenders. Feminist criminologists also have focused on the conditions in women's prisons and the programs available to female inmates (cf. Sharp, 2003). Two major characteristics of feminist criminological scholarship are evident in the research. First, feminist scholars have consistently argued that the treatment of girls and women in society helps shape their criminal behavior. However, this focus does not end with pointing out the female pathways into crime but instead leads to the second characteristic: Feminist scholars point out that because women and men have essentially different life experiences as well as motivations for crime and types of crime, the criminal justice system should not be designed to treat women the same as men. Thus, considerable recent scholarship has focused on both the problems of incarcerated women and difficulties with how the system is serving them. Some have gone as far as to challenge the gender equity of the corrections systems, arguing that applying the punitive approach designed for men is a form of "vengeful equity," a sort of backlash against women demanding equality. (For a detailed discussion of this argument, see Chesney-Lind 1999, cited in Sharp, 2003.)

This emphasis by feminist criminologists may be better understood by looking at an example. Perhaps a young girl is being physically or sexually abused in the home. Eventually, she may run away, may start using drugs, and may engage in sexual behaviors, perhaps for money or drugs in order to survive. She is eventually caught and remanded back to the custody of her parents. As a result of her behavior, conditions in the home may become worse, with more abuse or unreasonable rules. She again runs away, perhaps getting arrested for drug possession this time. Depending on the location, her status, and perceived resources of her family, she may be placed into a juvenile facility and deemed incorrigible. While there, she experience more abuse. Upon release, returning to her community she finds that she is now labeled as a "bad" girl. She may be behind academically in school; she may have difficulty finding peers with whom she can spend time; and she begins hanging out with an older, tougher crowd. She

meets a young male, several years older, who seems to have ready access to drugs. They eventually become intimate, and she becomes pregnant. By this time, she may be old enough that her parents no longer report her as a runaway. She drops out of school and has the child. The boyfriend leaves, whether through boredom or choice. Now she is a poorly educated single mother, with low self-worth, probably with a drug problem. She has difficulty finding and holding a job. She may steal to support herself, her child, and her drug use. Eventually, she may find another male to help support her. This relationship is likely to be abusive. Her self-esteem becomes even lower, her drug use progresses, and eventually she is charged with felonies and sent to prison. She may or may not have sought drug treatment prior to incarceration. With a dependent child, her options have been limited. She may have been on probation, but her inability to stay off drugs as well as her inability to hold a job and to pay fees makes her a noncompliant probationer. Once she arrives in prison, she finds that there are few programs there to help her with her greatest needs: drug abuse, victimization issues, low self-esteem, education, job training, and planning how to successfully reintegrate into society on her release. Thus, once she is released, she quickly falls into the same behaviors that sent her to prison. She is rearrested, her parole is revoked, and she finds herself in prison again. Her situation is further complicated by the fact that she is a single mother. Her child may be with her family, or social services may have intervened and placed the child in foster care. When men go to prison, the children's mother usually remains with the children, but when women are incarcerated, the majority of the time there is no father present to care for the children, creating hardship for the child as well as the mother. Because women's prisons are often in remote areas, she is rarely if ever able to see her child. If the child is with family members, he or she may be abused, just as the prisoner was as a child. If the child is in state custody, her parental rights may be terminated. Now the woman is more depressed and feels like she has failed at motherhood. The cycle then continues. Without effective interventions that can help her deal with past traumas and resulting mental health issues, the likelihood that she will remain off drugs is low. Without assistance in improving her educational and job skills, building a healthy support network, and finding a safe place to live on release, there is small chance she will be successful when released again.

This scenario illustrates the complexity and interwoven nature of feminist criminology. Theories that illuminate the victimization and experiences of women may help explain their criminal behavior where mainstream theories cannot. Also, the plights of the hypothetical woman just described, and thousands like her, have driven feminist criminologists into the criminal justice system to examine its structure. Awareness of women's pathways into crime points to the need for prisons and prison programs that are geared to the needs of female offenders. Thus, the prison system and programming in women's prisons have become major foci of feminist criminological research as well. Because the

correctional system arose in response to male offending, the needs and abilities of women are often not taken into account. Feminist criminologists demonstrate, through their research on the characteristics of female prisoners, what types of programs would be most beneficial for women as well as which ones might not be effective.

Even substance abuse treatment, vocational rehabilitation, and therapy in prisons are viewed through a gendered lens. During the 1990s, the therapeutic communities and boot camp program became common forms of rehabilitation in U.S. prisons. However, these programs are not equally well suited to males and females. Among other issues, women respond less positively to confrontation, a staple of both types of programs (Marcus-Mendoza, Klein-Saffran, & Lutze, 1998). Also, female prisoners tend to have health problems that may preclude their participation in physically demanding activities (Sharp, 2003). Finally, to increase the likelihood of successful reentry, motherhood must be taken into account. With two thirds of female prisoners mothers to minor children, it is readily apparent that this is a serious social issue.

As the field moved into a focus on the criminal justice system and its response to women, scholarship related to women working within that system began emerging as well. Both the need for more workers and the increasing number of female prisoners have contributed to an increase of women working in law enforcement, as attorneys, and in the corrections industry. The entire field of criminal justice has long been dominated by men, in part because most criminals were men. With the rapid increase in both feminist criminological scholarship and of female prisoners, there is a burgeoning body of work by feminist criminologists that takes a gendered approach to studying policing, corrections, and the law. This approach has primarily focused on two aspects of the gendered nature of criminal justice employment. First, it looks at how women and men differ in the practices of their jobs. Feminist criminology asks what characteristics women working in criminal justice bring to their jobs and how these impact their work. Second, some feminist scholars have examined the ways in which the structure of law enforcement, corrections, and courts continues to lead to gender inequality (Britton, 2000).

### Feminist Criminology in the 21st Century

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Gaining widespread acceptance of feminist criminological scholarship has been a daunting task. Given the fact that the field of criminology has been dominated by scholars who are more wed to mainstream theories and research, approaches challenging the mainstream perspective have met with disdain or simply with disinterest. This has led to considerable difficulty getting feminist scholarship published as well as marginalization of the work that has been published. Indeed, there was not even a session on women and crime at the annual American Criminology Society meetings until 1975.

Publication in criminology journals has also been difficult, and much feminist scholarship was relegated to

smaller, and not very prestigious, criminology journals. In 1989, the journal *Women & Criminal Justice* was launched, specifically devoted to the publication of scholarly research on all aspects of women's and girls' involvement in the criminal justice system. Then, in 1995, *Violence Against Women* was launched to publish peer-reviewed scholarship on gender-based violence and female victims. Since the early 1990s, a wide range of books about women, crime, and criminal justice have been published. In 2006, Sage Publications introduced the first issue of *Feminist Criminology*, the official publication of the Division on Women and Crime of the American Society of Criminology. This journal has taken a broad focus on feminist scholarship, publishing peer-reviewed articles on feminist criminological theories, female offending, victimization of women, and the treatment of women and girls in the justice systems.

### Feminist Criminology From a Global Perspective

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Feminist criminology has arguably had more impact outside of the United States than within. This is because of the focus on violence against women that is a hallmark of feminist criminology as well as a recognized problem internationally. Research has focused on the abuse of women in Muslim countries and in India, female circumcision/genital mutilation, and female infanticide, to name a few topics. Because international attention has been drawn to the plight of women and girls in various parts of the world, research that takes a feminist slant on women's victimization has been welcomed (Maidment, 2006). At the international level, considerable attention has been paid to the exploitation of women and girls in the global sex industry. In addition, feminist criminologists study the ways in which laws and criminal justice policies around the world may victimize women, sanctioning them for violating traditional gender norms, in particular in regard to sexuality. For example, in some Muslim countries, women who are raped may be viewed and treated as offenders instead of as victims because they have violated the expectations regarding women's sexuality.

Some feminist criminologists have recently argued that there has been a global backlash against feminist attempts to improve the situations of girls and women, not only in third world countries but also in the industrialized West. A 2008 issue of *Feminist Criminology* was devoted to articles on how crime and victimization initiatives by feminists have led to a countermovement.

### Conclusion

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Although progress in the publication of feminist scholarship has been made, it remains somewhat marginalized in the overall discipline. Not only do mainstream journals

publish only limited feminist scholarship, but also textbooks give scant attention to feminist criminological theory. Thus, new generations of criminologists are educated and yet given little if any information about feminist criminology. This is reflected in their research as well as in their teaching and mentoring of new scholars. The cycle therefore remains self-perpetuating, with new criminologists receiving scant education on feminist criminology (Renzetti, 1993).

However, feminist criminology remains alive and well. The Division on Women and Crime is one of the largest sections of the American Society of Criminology, several major publishers have book series focusing on women and crime, and new scholars continue to emerge. The Division on Women and Crime, which started with a small group of scholars in the mid-1980s, has now existed almost a quarter of a century, and feminist scholars have been recognized as Fellows by the American Society of Criminology. Current feminist criminological scholarship includes theory building and theory testing, as well as research on violence against women; women's crime; and women in the criminal justice system, both as offenders and workers. The defining characteristics of feminist criminology are the emphasis on how social structures affect men and women differently, the relationship between research and activism, and the interrelatedness between victimization and offending among women.

## References and Further Readings

- Adler, F. (1975). *Sisters in crime: The rise of the new female criminal*. New York: McGraw-Hill.
- Agnew, R. (1992). Foundation for a general theory of crime and delinquency. *Criminology*, 30, 47–87.
- Belknap, J. (1996). *The invisible woman: Gender, crime and justice*. Belmont, CA: Wadsworth.
- Belknap, J., & Holsinger, K. (2006). The gendered nature of risk factors for delinquency. *Feminist Criminology*, 1, 48–71.
- Bertrand, M. A. (1969). Self-image and delinquency: A contribution to the study of female criminality and women's image. *Acta Criminologica*, 2, 71–144.
- Britton, D. M. (2000). Feminism in criminology: Engendering the outlaw. *Annals of the American Academy of Political and Social Science*, 571, 57–76.
- Broidy, L. M., & Agnew, R. (1997). Gender and crime: A general strain theory perspective. *Journal of Research in Crime and Delinquency*, 34, 275–306.
- Brownmiller, S. (1975). *Against our will: Men, women and rape*. New York: Simon & Schuster.
- Burgess-Proctor, A. (2006). Intersections of race, class, gender, and crime: Future directions for feminist criminology. *Feminist Criminology*, 1, 27–47.
- Chesney-Lind, M. (1986). "Women and crime": The female offender. *Signs*, 12, 78–96.
- Chesney-Lind, M., & Pasko, L. (2004). *The female offender: Girls, women and crime* (2nd ed.). Thousand Oaks, CA: Sage.
- Chesney-Lind, M., & Shelden, R. G. (1992). *Girls, delinquency and juvenile justice*. Belmont, CA: Wadsworth.
- Daly, K., & Chesney-Lind, M. (1988). Feminism and criminology. *Justice Quarterly*, 5, 497–538.
- Flavin, J. (2001). Feminism for the mainstream criminologist: An invitation. *Journal of Criminal Justice*, 29, 271–285.
- Goodstein, L. (1992). Feminist perspectives and the criminal justice curriculum. *Journal of Criminal Justice Education*, 3, 165–181.
- Heidensohn, F. (1968). The deviance of women: A critique and an enquiry. *British Journal of Sociology*, 19, 160–176.
- Maidment, M. (2006). Transgressing boundaries: Feminist perspectives in criminology. In W. S. DeKeseredy & B. Perry (Eds.), *Advancing critical criminology: Theory and application* (pp. 43–62). Lanham, MD: Lexington Books.
- Marcus-Mendoza, S., Klein-Saffran, J., & Lutze, F. (1998). A feminist examination of boot camp prison programs for women. *Women & Therapy*, 21, 173–185.
- Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, 3, 672–682.
- Messerschmidt, J. W. (1986). *Capitalism, patriarchy and crime: Toward a socialist feminist criminology*. Totowa, NJ: Rowman & Littlefield.
- Naffire, N. (1996). *Feminism and criminology*. Philadelphia: Temple University Press.
- Owen, B. (1998). *"In the mix": Struggle and survival in a woman's prison*. Albany: State University of New York Press.
- Potter, H. (2006). An argument for black feminist criminology: African American women's experience with intimate partner abuse using an integrated approach. *Feminist Criminology*, 1, 106–124.
- Rafter, N. H. (1985). *Partial justice: Women in state prisons, 1800–1935*. Boston: Northeastern University Press.
- Renzetti, C. M. (1993). On the margins of the malestream (or, they still don't get it, do they?): Feminist analyses in criminal justice education. *Journal of Criminal Justice Education*, 4, 219–234.
- Richie, B. (1996). *Compelled to crime: The gendered entrapment of black battered women*. New York: Routledge.
- Sharp, S. F. (2003). *The incarcerated woman: Rehabilitative programming in women's prisons*. Upper Saddle River, NJ: Prentice Hall.
- Sharp, S. F., & Hefley, K. (2006). This is a man's world . . . or at least that's how it looks in the journals. *Critical Criminology*, 15, 3–18.
- Simon, R. J. (1975). *Women and crime*. Lexington, MA: Lexington Books.
- Smart, C. (1976). *Women, crime and criminology: A feminist critique*. Boston: Routledge and Kegan Paul.
- Smart, C. (1997). Criminological theory: Its ideology and implications concerning women. *British Journal of Sociology*, 28, 89–100.
- Stanko, E. (1990). *Everyday violence*. London: Pandora Press.
- Steffensmeier, D., & Allan, E. (1996). Gender and crime: Toward a gendered theory of female offending. *Annual Review of Sociology*, 22, 459–488.
- Straus, M. A., & Gelles, R. J. (1986). Societal change and change in family violence from 1975 to 1985 as revealed by two national surveys. *Journal of Marriage and the Family*, 48, 465–479.
- Thomas, W. I. (1923). *The unadjusted girl*. Boston: Little, Brown.
- Young, J. (1979). *Capitalism and the rule of law*. London: Hutchinson.

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## LABELING AND SYMBOLIC INTERACTION THEORIES

SEAN MADDAN

*University of Tampa*

INEKE HAEN MARSHALL

*Northeastern University*

It is a fundamental fact that for an action or behavior to be considered a crime, there must be some law in place. For instance, in the Prohibition era it was illegal to possess, manufacture, or distribute alcohol. Up to this time point and after Prohibition had ended, individuals who possessed, manufactured, or distributed alcohol were thus deemed “criminal” by a society attempting to right its moral compass. The example of Prohibition highlights a key aspect of crime that had largely been neglected by criminologists: the reaction to criminal behavior. Although consensus criminology was concerned with the etiology of criminality, it did not confront the role of societal reaction on social control in the criminal process. *Labeling theory* was the first to address both individual criminality and the impact of social reaction on criminal behaviors.

Kobrin (1976, p. 245) wrote that labeling is an intrinsic feature of all human interaction. As such, labeling theorists argue that a complete picture of crime or deviance cannot be attained by merely examining offenders and their characteristics; instead, a complete picture of deviance must also reveal societal reactions to incidents of rule-breaking. In line with symbolic interactionism, labeling theorists state that the reaction of the society, the community, or a social group will affect the rule-breaker in one critical way: A person labeled as a deviant may accept that deviant label by coming to view himself or herself as a deviant (i.e., internalizing the label) and then engaging in further behavior that

is both consistent with the label and the way in which the label was applied. This—the creation of additional deviance and criminality because of the application of a deviant label—is the central proposition of the labeling perspective.

The labeling perspective was developed over many years by a number of different social scientists (Becker, 1963; Cohen, 1995; Kitsuse, 1962; Lemert, 1951, 1967; Tannenbaum, 1938). This chapter examines the evolution of the labeling perspective and its contributions to the field of criminology.

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### The Labeling Perspective

In the early 20th century, the Chicago School of sociology transformed the landscape of sociology and set the standard for future criminologists. Two primary lines of inquiry came from this school: (1) human ecology and (2) symbolic interactionism. The different assumptions that underlie each of these theoretical models and the different focuses of each (the macro vs. the micro, respectively) would lead each theory to grow in its own directions. Human ecology would be applied to crime almost immediately in the form of social disorganization research, but it would not be until the 1960s that research applying symbolic interaction theory to criminality would occur in the form of the labeling theory.

## Symbolic Interaction

The labeling perspective has its origins in the work of Mead and Cooley in the sociological theory of *symbolic interactionism*. Mead (1934) believed that the self arose through social processes, or social experiences, which involved play, game, and the generalized other. A person's self is generated when an individual takes the attitudes of other people in the group around him or her (whom Mead called the *generalized other*) and superimposes those attitudes upon behavioral patterns; thus, a person will generally behave in a manner that is consistent with the way in which that person believes others view him or her. Mead differentiated between the "me" and the "I," and Cooley (1926) referred to this process as the *looking-glass self*, which is a reference to the socially shaped self.

This process is not a static one; instead, it is a dynamic process of the individual "reacting back against society," which in turn is constantly reacting to the individual (Mead, 1977, p. 235). In this way, an individual will behave in a manner that is consistent with others' beliefs and expectations. Human behavior, then, revolves around the meanings of things and situations; the interpretation of these meanings through interactions with others; and the interpretive process an individual undergoes concerning interactions, both present and past (Blumer, 1969). Mead (1977) viewed this role taking as the foundation for social control (formal and informal). This two-way, symbolic interaction between the self and society forms the foundation of labeling theory.

## Labeling Precursors

Although the ideas inherent in symbolic interaction work are at the core of the labeling perspective, it was Tannenbaum (1938) who first suggested their application to criminal behavior. In his discussion of a mostly subcultural theory of crime, Tannenbaum introduced the concept of the "dramatization of evil." As he argued, "The dramatization of the 'evil' which separates the child out of his group for specialized treatment plays a greater role in making the criminal than perhaps any other experience" (p. 19).

When a child commits a deviant or criminal act, this child is segregated from other children. A child who has come to the attention of the neighborhood or the criminal justice system has thus been "tagged." Tannenbaum (1938) provided the following description:

[The entire] process of making the criminal is a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing, and evoking the very traits that are complained of. (p. 19)

The person thus takes on the characteristic of the so-called tag. The "evil" that is trying to be contained by the criminal justice system is then further exacerbated. This was the

first call for the deinstitutionalization of certain types of juvenile offenders.

As mentioned earlier, though, Tannenbaum (1938) was actually presenting his labeling approach through the framework of a subcultural theory of criminality. Tannenbaum noted that the isolation that ensues from a tag would lead an individual "into companionship with other children similarly defined, and the gang becomes his/her means of escape" (p. 20). Goffman (1963) later argued that people who have a "particular stigma tend to have similar learning experiences . . . a similar moral career" (p. 32). Tannenbaum's policy arguments, based on the dramatization of evil, did not focus on individual offenders but instead attacked whole groups of offenders in an effort to change attitudes and ideals.

Lemert (1967) was the next to explore the intricate web of the self, society, and deviance. He introduced the concepts of *societal reaction* (1951) and *primary* and *secondary deviance* (1967). Lemert (1967) used the socio-psychological concepts of primary and secondary deviance to "distinguish between original and effective causes of deviant attributes and actions which are associated with physical defects and incapacity, crime, and mental disorders" (p. 40). He argued that primary deviance arose from a variety of social, psychological, cultural, and physiological processes.

Primary deviance consists of "initial acts of norm violations or crimes that have very little influence on the actor and can be quickly forgotten" (Cao, 2004, p. 135). Primary deviants undergo no change in their psychological makeup or in the way they act as members of society (Beirne & Messerschmidt, 2000, p. 182). When they are apprehended, however, primary deviants suffer a variety of consequences, many of which focus on the application to them of such labels as sick, criminal, insane, and so on (Beirne & Messerschmidt, 2000, p. 182). Thus, secondary deviance is caused by the way in which society reacts to some of the people who engage in primary deviance. *Secondary deviance* "refers to a special class of socially defined responses which people make to problems created by the social reaction to deviance" (Lemert, 1967, p. 40). Secondary deviance occurs when the individual reorganizes his or her personality around the consequences of the deviant act and to persistent forms of deviance around which people organize their lives (Cao, 2004, p. 135).

Secondary deviance is promoted through an internal process of normalization of behavior and a lack of social controls; this process creates, maintains, and intensifies stigmas that include invidious labels, marks, or publicly disseminated information (Goffman, 1963), which are akin to Tannenbaum's (1938) "tags." The drug experimenter becomes an addict; the recreational drinker becomes an alcoholic; the joy rider a car thief. As the society begins to recognize and sanction these behaviors, the application of the labels increases, or *amplifies*, instead of decreases, the act. Lemert's (1967) concept of secondary

deviance goes to the heart of labeling theory: deviance as identity transformation.

In an immediate precursor to Becker's (1963) formulation of the labeling perspective, Kitsuse (1962) proposed a shift in "focus of theory and research from the forms of deviant behavior to the processes by which persons come to be defined as deviants by others" (p. 248). In his examination of homosexuality, Kitsuse collected data that suggested that the critical feature of the "deviant defining process" is not the actual individual's behavior, but rather the interpretations other people have of those behaviors. Kitsuse concluded that criminological theory must contain not only propositions pertaining to behavior but also concepts relating to the reaction to behavior.

### Becker's Labeling Theory

Tannenbaum, Lemert, and Kitsuse had discussed important concepts in labeling and stigmatization, but the labeling approach was more systematically refined with the work of Becker (1963) on societal "outsiders." Becker argued that when a "rule is enforced, the person who is supposed to have broken it may be seen as a special kind of person . . . an outsider" (p. 1). Noticing, as Kitsuse (1962) had, that criminologists had focused primarily on deviant characteristics and had largely ignored the role of societal judgment in the study of deviance, Becker (1963) urged for the inclusion of society's reaction to deviant phenomena:

Social groups create deviance by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an offender. The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label. (p. 9)

This is the central proposition of the labeling perspective. To add to this, Becker (1963) also discussed other concepts of key importance for labeling theorists.

A label, or a stigma (Goffman, 1963), Becker (1963) contended, will vary because of certain theoretical concepts. First, the type of individuals who are labeled as deviant vary over time; for instance, individuals who were arrested for bootlegging in the Prohibition era would not be arrested today. Second, the degree to which an individual is considered deviant also depends on who commits the act and who has been victimized. A prime example is the treatment of white-collar and street-level offenders: Whereas street-level offenders usually will be processed through the criminal justice system if caught, white-collar criminals may be processed through criminal, administrative, or civil channels. Who commits the act and who is hurt will determine the extent and type of formal intervention and of the label. Finally, the term *outsider* may apply to the people who create the rules by individuals who are

breaking those rules. The rule makers can be outsiders to the so-called "deviant" group.

In his discussion of the labeling perspective, Becker (1963) identified four types of deviants: (1) falsely accused, (2) conformist, (3) pure deviant, and (4) secret deviant. The falsely accused deviant is the individual who receives a "bum rap," someone who has not broken any rules and yet is labeled. The conformist is someone who does not break rules and is not labeled. The pure deviant is someone who breaks rules and is so labeled. The secret deviant, which is discussed more later in this chapter, is the individual who engages in rule-breaking but is not labeled.

Because the idea of labeling is intertwined with the idea of secondary deviance (Lemert, 1967), Becker (1963) also discussed the *deviant career*, which begins with the commission of a deviant or criminal act. If a label is applied and is internalized by the individual, secondary deviance may ensue. Becker argued that research should focus on individuals who have engaged in at least one criminal act but have failed to become adult criminals as well as those offenders who continue criminality over time.

Becker (1963) later argued that he never thought he had set down the basis for a formal theory in his book, *Outsiders*; he merely wanted to enlarge the field of study for students of deviance. Becker suggested that secondary deviance should not be the main focus of labeling researchers; instead, the process of action–reaction–counterreaction was the most important aspect of the labeling approach. Becker noted that the labeling perspective was also not as consumed with the label as critics have argued. In a later interview, Becker (quoted in Debro, 1970) argued that the inclusion of societal reactions to deviance stemmed from his sociological past: "If we study a hospital . . . we study doctors, patients, nurses, aides, and so on. We may focus on one category of people, but we know that the actions of the others are important as well" (p. 166). Thus, the focus on only the offender in criminological theory is an incomplete picture of the entire criminal event; society's views and opinions must be taken into account.

### Contemporary Labeling Extensions

Since Becker's (1963) original statements on the labeling perspective, others have added to the fragmented conceptualization of this theoretical model. Schur (1971) contributed to the labeling theory by conceptualizing other important ideas, such as the role of *stereotyping*. Schur argued that stereotyping has a dual role in society. First, stereotypes help individuals in complex interactions to classify the expectations of others' behaviors and the actual behavior of others. Second, stereotyping frequently involves the potential for individual reactions based on inaccurate assessments. Just because a stereotype (i.e., a label) is applied incorrectly, that does not mean that it affects the stereotyped individual any less.

*Retrospective interpretation* is another concept key to the study of labeling, according to Schur (1971). Retrospective interpretations involve the “mechanisms by which reactors come to view deviators in a new light” (Schur, 1971, p. 52). Mechanisms can range from something as simple as gossip to something as complex as a criminal trial. Negotiation and bargaining are important concepts in that they are the methods by which moral entrepreneurs and rulemakers assert labels; examples include the plea-bargaining process in criminal trials and lobbyists who influence legislators. Finally, Schur discussed *role engulfment*, or the process by which an individual takes a label and fully internalizes it, thus becoming the individual the label implies. This concept includes accepting the deviant identity or disavowing the deviant identity, or the joining of a deviant subculture by the labeled individual, as in Tannenbaum’s (1938) original formulation of the “dramatization of evil.” Role engulfment is hence the end result of the labeling process resulting in behavior based on internalization of the label.

Cohen (1995) argued that the “student of deviance must question and not take for granted the labeling by society or certain powerful groups in society of certain behaviors as deviant or problematic” (p. 211). Cohen’s contribution to labeling theory was in regard to the concept of the amplification of deviance by deviants and deviant groups. Amplification was not only mediated by face-to-face contact of individuals or by gossip but also was related to media depictions of deviance, because the mass media are a prime source of information about the normative contours of society. Cohen argued that society reacts to episodes of deviance on the basis of “information about that particular class of phenomenon, individual tolerance levels of an indicated behavior, and direct experience” (p. 215). So, amplification of deviance can occur from either the labeled or the labeler’s point of view.

In 1989, Paternoster and Iovanni explicitly formulated the propositions of the labeling perspective. In an effort to stimulate a new era of inquiry under the labeling perspective, they identified the four conceptual areas that must be evaluated to support a successful labeling theory: (1) the role of political/economic power in creating delinquency statuses; (2) the influence of extralegal attributes in determining who is labeled; (3) the contribution of social and physical attributes in determining face-to-face encounters; and (4) the possibility that the experience of being labeled by social control agencies may result in an alteration of personal identity, an exclusion from the normal routines of everyday life, and greater involvement with delinquency (p. 363).

A new focus for the labeling perspective in the 1990s was the change from studying formal labels to studying labels that are applied informally. *Formal labels* come from the reactions by officials of the criminal justice system to the behaviors of individuals (Triplett & Jarjoura, 1994, p. 243). *Informal labels*, on the other hand, are an attempt to “characterize a person as a given ‘type’ . . . by persons who are not acting as official social control agents,

and in social situations that are not formal social control ‘ceremonies’ ” (Paternoster & Triplett, 1988, p. 597). The informal label is associated with the concept of stereotype.

Although the *sociopsychological* effects of being labeled remain a central tenet of the labeling perspective, there is a growing interest in the effects that a formal criminal label may have on the legitimate *opportunities* (i.e., education, jobs, marriage) available to a formally labeled individual. Becker (1963) already hinted at this when he discussed the importance of the deviant subculture (i.e., once a person is submerged in a deviant subculture, associations and contacts with the nondeviant world diminish or are closed completely). More recently, the effect of a criminal conviction (or prison sentence) on an individual’s subsequent life course has become a focus of study. So, it seems that the sociopsychological effect on later life opportunities has become less crucial to study than the detrimental effect of a formal label (conviction or prison sentence) on later life opportunities.

The labeling theoretical model was generated over a large part of the 20th century. The way in which it was constructed, by myriad different sociologists, criminologists, and empirical researchers, has resulted in a fragmented theoretical model, with concepts added here and there or propositions being elaborated upon, here and there. The fragmented tapestry that is the labeling perspective, as well as the inherent attack on offender-oriented criminological theory by labeling theorists, has exposed it to a great deal of criticism and counterattack. The next section explores the primary lines of criticism that have been leveled against the labeling perspective.

## Criticisms of the Labeling Perspective

Many criticisms have been leveled against the labeling perspective by criminologists who looked at labeling as an attack on prior theoretical thought. Labeling theory has been criticized as being too simplistic: The label affects self-concept, which leads to a change in self-concept, and this change in self-concept leads to a change in behavior (Wellford, 1975, p. 342). The labeling perspective has been argued to be nothing more than a small part of a much larger overall theory. This section explores both the theoretical and empirical shortcomings of the labeling perspective that have pervaded the area.

### Early Theoretical Critiques

One of the first criticisms of the labeling perspective was presented by Gibbs (1966), who argued that there were several flaws in the labeling theory at that time, the most critical being that labeling theory puts the focus on the reaction to a type of behavior. This means that the deviant act is external to the actor and the act. In essence, it does not matter that the individual engaged in some deviant or criminal activity, only that there was some kind of reaction



from society. Only when a reaction is of a certain kind or level will there exist a deviant act. This is problematic for labeling theory in that clearly there has to be a rule-breaking act for a public or a criminal justice system response to occur in most cases. The response of labeling theorists to this critique has been simply to argue that they do not necessarily deny the significance of understanding the causes of initial deviance or rule-breaking but that their main interest happens to be on the role of the social responses to rule-breaking.

Akers (1967) outlined a different problem with the labeling perspective. According to Akers, "We still do not know very much about even the official distribution and variations in rates of some kinds of deviance and are practically ignorant of the true distribution of nearly every type of deviant behavior" (p. 459). In terms of the labeling approach, we still do not know very much about the true extent of rule-breaking. Because we do not know a lot about rule-breaking, how can we expect to be able to study the social response to rule-breaking, or so the critique goes.

Lemert (1974), one of the foremost labeling theorists, argued that the labeling perspective lacked discussion on the amount of consensus or dissent that exists in societal reactions, which makes it extremely difficult to study the societal reaction to deviance. In other words, different people will react differently to different types of crime. Rules of reaction and labeling appear to be automatically agreed on in the literature, especially in terms of personal, violent crime. In terms of lesser crimes, especially victimless crimes, people will behave differently in their reactions based on personal experience and beliefs.

A second line of criticism deals with the nature of societal reaction across different societies. According to Gibbs (1966), it was unclear whether Becker (1963) was pursuing a theory of deviant behavior or a theory about reactions to deviance. If the reaction is the key to deviant behavior, the implication is that deviance would not change across different societies in the world; that is, definitions of criminal activity (both social and legal) would be constant across all countries and societies. However, this is not the case. Many examples of this can be seen in a comparison of different countries' legal statutes; one example would be the fact that marijuana is illegal in America but legal in Amsterdam (Becker, 1963). Hence, there is a difference in the societal reactions between these two countries in their definition of marijuana use as a deviant/criminal behavior. Lemert (1974, p. 12) observed that the labeling perspective does not fully explain the process in which a society engages when reacting to behavior; a reaction may identify a deviant act, but it does not explain why the behavior is considered deviant.

Akers (1967) wrote that another problem with the labeling perspective was that labels do not explain the first deviant act, or the rule-breaking. Some rule-breaking has to precede deviant labels: Social definitions do not occur in a vacuum; they are mutually interactive. This could be, as Wellford (1975) contended, that the first assumption of the labeling perspective indicates that no act is intrinsically

criminal. Although there is a great deal of difference across countries and societies in how criminal behaviors are viewed and treated, most societies have found it important to control certain kinds of behavior; for instance, across countries and cultures, murder, robbery, burglary, and larceny have been found to be important crimes to control (Wellford, 1975, p. 335).

Another theoretical criticism of the labeling perspective has come from criminologists who recognize the link between labeling and deterrence. Tittle (1975) argued that the labeling perspective does not address instances in which labeling will actually deter the deviant career by inhibiting deviance. Thorsell and Klemke (1972) contended that it is difficult to study the labeling approach without giving thought to the deterrence model. Deterrence implies that sanctions will deter offenders from engaging in further criminal behavior through a process of rational choice, whereby an offender will weigh the cost and benefits of any future offending through the lens of the previous punishment (Bowers & Salem, 1972, p. 428). According to Thomas and Bishop (1984, p. 1223), both models adopt a social psychological level of analysis, apply to the way sanctions affect offenders, are concerned with formal and informal sanctions, and have ramifications for social policy. Indeed, one of the most intriguing questions remains whether the person on whom the label "criminal" is conferred is likely to be propelled into more crime or deterred from future criminal behavior (Paternoster & Iovanni, 1989).

Finally, Gibbs (1966) presented a purely semantic theoretical argument against the labeling perspective. According to Gibbs, Becker's (1963) discussion of the secret deviant is a contradiction in terms; if deviance is the end result of a reaction, the secret deviant could not be a deviant at all. This secret deviant would never be labeled at all and hence would never be a deviant.

### Early Empirical Critiques

In his examination of the assumptions of the labeling perspective, Hagan (1973) focused on the assumption that pertained to another's reaction leading to an intensification of a behavior (i.e., secondary deviance). Hagan argued that there was a large empirical gulf between the society that reacts to a behavior (labelers) and the individual who is labeled; in the research, there is only a focus on one or the other in specific studies: either the labeled individual or the society/group that is labeling. Hagan concluded that these two concepts should be studied in concert.

Tittle (1975) noted another empirical shortcoming with the labeling perspective: There are very few available data sources capable of capturing labeling and its effects on criminality. The data that are available, recidivism data in most cases, are difficult to obtain and do not allow a straightforward assessment. Because of the nature of recidivism data (i.e., they apply only to offenders who have been rearrested, reconvicted, reincarcerated, or some combination of these three), they are inappropriate to study the full effects of

labeling. Offenders could still be recidivating (the dark figure of crime). The key in this argument is that only individuals who are rearrested are captured in these data; thus, anyone who is reoffending and does not again come under the purview of the criminal justice system would appear as nonrecidivating. Although recidivism data are difficult to marshal in labeling research, Tittle argued that the findings from studies that have used these types of data indicate weak results for the labeling perspective. Because of the combination of the lack of available data and the persistent weak findings of recidivism data, Tittle concluded that this method of testing the labeling perspective was not a clear-cut resolution.

Mankoff (1971) argued that labeling theorists have failed to conceptually or empirically specify which sanctions lead to continued deviance and what severity of sanction is required to produce career deviance. A great deal of the research on labeling has examined individuals with mental impairments and other physical impairments/stigmas (ascriptive rule-breaking). Criminology is more concerned with *achieved rule-breaking*, which is an activity on the part of the rule-breaker. Mankoff's analysis suggests that the labeling perspective is not as useful in evaluating achieved rule-breaking as it is in examining ascriptive rule-breaking. As well, Mankoff urged criminologists to conceptualize adequately self-labels and the effects inherent in such labeling processes.

Another empirical criticism was presented by Hirschi (1975), who contended that much research actually refutes propositions of the labeling approach. One primary policy initiative that has come from the labeling literature is the deinstitutionalization of juvenile offenders. Hirschi argued that the majority of the research on the treatment of juvenile delinquents generally indicates either minor effects or no effects on future criminality one way or the other; instead, the results indicate a spontaneous remission in the majority of the cases. These empirical results are in contrast to labeling theory propositions.

Gibbs's (1966) assertions—that labeling theorists have failed to stipulate what kind of reaction identifies, or promulgates, deviant behavior and that they have not fully conceptualized all of the components of a full labeling theory—are still true today. Although this section has explored problems with the labeling approach in terms of both theoretical development and methodological questions, there still is a good deal of research that has explored the links between labeling and deviance that indicates that labeling does indeed have some effect. This suggests that the labeling perspective does have some merit. The next section examines research that has evaluated the labeling perspective.

## Labeling Research

Although there has been a great deal of academic bantering over the merits of the labeling perspective, criminologists

have managed to amass much evidence to support the effect of labels on criminality. Although they acknowledge that some of this research has suffered from methodological and conceptual shortcomings, the majority of the findings indicate that individual labels have moderate to strong effects on an individual's engagement in secondary deviance or crime. Although the effect of labeling on an individual varies across studies, what is not in question is that labels do account for some of the variance in predicting continued criminality. This review of labeling research focuses on empiricism that examines the effects of labeling on secondary deviance only.

Foster, Dinitz, and Reckless (1972) argued that it is very difficult to measure all the variables associated with deviant behavior as well as all of the variables associated with the societal reactions to such behavior. In their longitudinal study, Foster et al. found that, according to the perceptions of the 196 boys in the study, "the extent of perceived stigmatization and social liability that follows police or court intervention seems to be overestimated in the labeling hypothesis" (p. 62). Thus, at the time of intervention the boys in this sample did not perceive a stigma. Boys with previous experience with the criminal justice system will perceive more of a stigma than first-time offenders; Foster et al. referred to this as a *cumulative effect*. On the whole, though, Foster et al. found little support for the labeling perspective.

Farrington (1977) examined the effects of public labeling. Hypothesizing that individuals who are publicly labeled will increase their deviant behavior, Farrington examined data from the Cambridge Study in Delinquent Development. Public labeling was defined as court convictions. Deviant behavior and labels were measured through self-report data. This research had two significant findings. First, public labeling did lead to increased deviance; second, repeated labeling of an individual led to greater deviance amplification. Thus, Farrington's findings were consistent with the labeling perspective.

Link and colleagues (Link, Cullen, Struening, Shrout, & Dohrenwend, 1989) examined the effect of labels on individuals with mental disorders and the social support networks of such individuals. Studying 164 patients and 429 community residents through surveys, these researchers found that, primarily because of their stigmatized status, individuals with mental disorders are devalued and discriminated against. Link et al. (1989) contended that in "the course of being socialized, individuals develop negative conceptions of what it means to be a mental patient and thus form beliefs about how others will view and then treat someone in that status" (p. 419). Treatment and time spent in mental clinics help to solidify labels, helping individuals to more readily internalize the label. Labels appeared to affect mental patients even independent of psychopathology and biological variables.

Link et al.'s (1989) research is consistent with Hirschi's (1969) *social bond theory*, according to which individuals who are more attached to a social network are more likely

to be concerned with the stigma. Through this concern with stigma, these individuals will be less likely to engage in activities characteristic of emotional disturbance, such as obsessive-compulsive behaviors and manic-depressive behaviors. The stigma of mental health patients does not affect support networks, either positively or negatively. This could suggest that the effects of labeling decrease over time. Link et al.'s findings with regard to mental illness show general support for the labeling perspective.

Kaplan and Johnson (1991) argued that labeling theorists are particularly interested in the relationship between negative social sanctions for deviant behavior and the escalation of that deviant behavior. They argued that this relationship might be mediated by deviant peer associations. In their survey analysis of students in 36 junior high schools in Houston, Texas, Kaplan and Johnson estimated a structural equation model to examine the effects of negative sanctions (suspension, expulsion, contact with the criminal justice system, and any office punishment) on the escalation of deviant behavior. Their results illustrated not only that there was a direct effect of negative sanctions on later deviance but also that the presence of a deviant peer group played a mediating role for individuals who had been negatively sanctioned. Although Kaplan and Johnson concluded that labeling is an integral part of further criminality, they argued that this is only one of the many factors that had significant effects in the model (they found support for the deterrence hypothesis as well).

Ward and Tittle (1993) examined the relationship between the deterrence and labeling hypotheses. As has been seen in some of the prior research on labeling theory, deterrence and labeling are two interrelated ideas. Sanctions may increase one's perceptions of risk and can help deter the individual from breaking the rules; however, sanctions may lead to more deviance by increasing a commitment to a deviant identity, which is the premise of symbolic interaction and labeling theories (Ward & Tittle, 1993, p. 45). To study the relationship between these two rival ideas, Ward and Tittle analyzed 390 senior and junior students in a university through a telephone survey instrument. Regression analyses indicated that there was no direct effect of labeling on further deviance. Although sanctions had a significant effect on labeling, labeling was directly linked to the formation of a negative self-appraisal; negative self-appraisal did exert a direct influence on secondary deviance. Ward and Tittle concluded that their results supported labeling theory better than deterrence theory. However, labeling is not a necessary condition for secondary deviance, because initial deviance and sanctions had strong direct effects on secondary deviance.

Triplett and Jarjoura (1994) focused on the informal labeling of deviants. Integrating the social control and labeling approaches, they used data from the National Youth Survey to study the effects of informal labeling on both primary and secondary deviance. Triplett and Jarjoura (p. 257) found that labeling theory could play some role in the initiation of deviance; the perception of

being labeled by parents significantly affected a youth's attachment to school. School attachment was heavily related to both peer association and delinquent beliefs by youth. As with Ward and Tittle's (1993) research, labeling had no direct impact on deviance in general but instead was mediated by other variables. One of Triplett and Jarjoura's other significant findings was that negative parental labels lead children to break ties with schools and increase involvement with delinquent peer groups; this involvement led to the adoption of delinquent beliefs by the labeled child.

Heimer and Matsueda (1994) used data from the National Youth Survey to explore the effects of symbolic interaction (role taking and role commitment) on delinquency. The results of their structural equation model in regard to delinquency yielded four key findings. First, structural and neighborhood variables had indirect effects on delinquency through role-taking variables. Second, delinquency is also a result of differential association variables, such as having delinquent peers and learning attitudes about the legal code. Third, their research showed only minimal support for the impact of labels on secondary deviance. Fourth, in line with social disorganization and social control theories, strong ties to conventional institutions affect delinquency as well. In this research, labeling played a very minor role in delinquency.

Following up on previous research of students in 36 high schools in Texas, Kaplan and Damphousse (1997) examined the interconnection of negative social sanctions, self-derogation (the negative affect evoked in individuals associated with personal qualities, achievements, and behavior), and deviance. Their analysis revealed an interaction between negative self-attitudes and negative social sanctions; this interaction directly affected deviance. Kaplan and Damphousse concluded that negative social sanctions have a positive effect on later deviance and that self-derogation moderated this effect. As with the previous research, this study found support for the labeling perspective.

Bernburg and Krohn (2003), in a more recent exploration of the labeling perspective, examined how labels lead to social exclusion and hence blocked access to structured opportunities. According to Bernburg and Krohn, "The social marginalization caused by stigma attached to the deviant label raises the likelihood of subsequent . . . involvement in deviant activity" (p. 1290). On the basis of time series data from the Rochester Youth Development Study, Bernbrug and Krohn examined the effect of police and juvenile justice interventions on 1,000 students' (in the seventh and eighth grades in 1987–1988) criminality in young adulthood in conjunction with other contextual and control variables. Although the overall models yielded small effects, some of the variables showed highly significant results. In particular, Bernburg and Krohn found that official intervention decreased the odds of graduation from high school. The lack of educational attainment had a direct impact on employment, which serves as an intermediary to adult crime. Bernburg and Krohn's research indicates some support for the labeling perspective.

Although much of labeling theory research focuses on the effects of formal labels, some research has analyzed the effects of informal (i.e., parental) labeling, in particular on young people. Matsueda (1992) examined the effects of parental labeling on delinquency in attempting to specify a model of symbolic interaction. Matsueda defined the unit of analysis as the *transaction*, which consists of an interaction between two or more individuals. This transaction is what results in a potential label for deviants. Using data from the National Youth Survey, Matsueda used structural equation modeling to explore the labeling process. Like Triplett and Jarjoura (1994), Matsueda found that negative parental labels were associated (indirectly, through prior delinquency) with delinquents, non-whites, and urban dwellers; that is, labels affected delinquency. Although youth's self-appraisals are strongly influenced by parental appraisals, this relationship is mediated by an individual's delinquent self-appraisal; thus, individuals who view themselves as delinquent are more likely to be affected by parental views of behavior.

Liu (2000) examined whether informal labeling by significant others predicted youth involvement in crime and in which social contexts (with a focus on peer groups and learning theory type variables) the labeling process would lead to criminality or deviance. Liu found that there was a direct effect of parental labeling on a juvenile's propensity to engage in deviance. Liu also found that peer group attitudes and participation in delinquency modified the effects of parental labeling on delinquent acts; peer group activities would lead to delinquency regardless of the label supplied by parents. Liu's accounts thus give more importance to the learning theory variables in explaining criminality and continued delinquency.

Hypotheses have been formed that members of different races experience labels differentially (Paternoster & Iovanni, 1989). Adams, Johnson, and Evans (1998) examined the effects of deviant labels on members of different racial backgrounds. Using data from the National Youth Survey, Adams et al. found that members of ethnic-racial minority groups are more likely to be affected by informal labels (peer networks and community) and that whites are more likely to be affected by formal labels (criminal justice system). Although minorities are affected weakly by formal labeling processes, Adams et al. argued that minorities may not view formal labelers as credible, because formal labels may come from racist attitudes or other beliefs of the labelers. This is consistent with Becker's (1963) arguments that the person who labels can be seen as the outsider.

Current labeling research has been expanded since its inception to include such topics as the role of economic and political power involved with labeling, the influence of extralegal attributes on label application, and the effect of social and physical traits on labeling. The majority of current research on labeling theory focuses on career criminal research and life course theory. In this research, particular attention is paid to the effect of the label on future deviance/criminality. Examinations of societal

reactions to deviance have largely been relegated to studies pertaining to the social construction of social problems. Social construction research takes a particular social problem and applies content analysis to ascertain how the problem became a problem (or how society reacts to certain behaviors).

In sum, the vast majority of research on the labeling perspective indicates some level of support for this approach. The impact of a label on continued deviance and criminality is certain, but the question of the degree to which the label matters still warrants attention. Therefore, research on the labeling perspective will inevitably continue in the future, especially in regard to career criminal research.

## Conclusion

Labeling theory argues that social groups create deviance by agreeing on rules and laws and by applying these laws to individuals. In this perspective, the reaction to criminal behavior is just as crucial to the study of crime as an individual criminal's behavior. The labeling perspective posits a dynamic process whereby an individual is labeled either a deviant or a criminal, internalizes that behavior by coming to view himself or herself as deviant or criminal, and then continues in behavior that is consistent with the applied label.

Labeling theory acts most effectively as a bridge between consensus theories of criminality (rational choice, social learning, social disorganization, strain, subculture, and control theories) and critical theories that examine the impact of social structures on criminality. This is a function that no other criminological theory can serve, and it illustrates the importance of this theory.

## References and Further Readings

- Adams, M. S., Johnson, J. D., & Evans, T. D. (1998). Racial differences in informal labeling effects. *Deviant Behavior, 19*, 157-171.
- Akers, R. (1967). Problems in the sociology of deviance: Social definitions and behavior. *Social Forces, 46*, 455-465.
- Becker, H. S. (1963). *Outsiders: Studies in the sociology of deviance*. New York: Free Press.
- Beirne, P., & Messerschmidt, J. W. (2000). *Criminology* (3rd ed.). Boulder, CO: Westview Press.
- Bernburg, J. G., & Krohn, M. D. (2003). Labeling, life chances, and adult crime: The direct and indirect effects of official intervention in adolescence on crime in early adulthood. *Criminology, 41*, 1287-1318.
- Blumer, H. (1969). *Symbolic interactionism*. Englewood Cliffs, NJ: Prentice Hall.
- Bowers, W. J., & Salem, R. G. (1972). Severity of social sanctions as a repressive response to deviant behavior. *Law & Society Review, 6*, 427-441.
- Cao, L. (2004). *Major criminological theories: Concepts and measures*. Belmont, CA: Wadsworth.

- Cohen, S. (1995). Deviance and moral panics. In S. Caffrey (Ed.), *The sociology of crime and deviance: Selected issues* (pp. 128–156). Kent, UK: Greenwich University Press.
- Cooley, C. H. (1926). *Social process*. New York: Charles Scribner's Sons.
- Cooley, C. H. (1998). *On self and social organization*. Chicago: University of Chicago Press.
- Debro, J. (1970). Dialogue with Howard S. Becker. *Issues in Criminology*, 5, 159–179.
- Farrington, D. P. (1977). The effects of public labeling. *British Journal of Criminology*, 17, 112–125.
- Foster, J. D., Dinitz, S., & Reckless, W. C. (1972). Perceptions of stigma following public interventions for delinquent behavior. *Social Problems*, 20, 202–209.
- Gibbs, J. P. (1966). Conceptions of deviant behavior: The old and the new. *Pacific Sociological Review*, 9, 9–14.
- Goffman, E. (1963). *Stigma: Notes on the management of spoiled identity*. New York: Simon & Schuster.
- Hagan, J. (1973). Labeling and deviance: A case study in the sociology of the interesting. *Social Problems*, 20, 447–458.
- Heimer, K., & Matsueda, R. L. (1994). Role-taking, role commitment, and delinquency: A theory of differential social control. *American Sociological Review*, 59, 365–390.
- Hirschi, T. (1969). *The causes of delinquency*. Berkeley: University of California Press.
- Hirschi, T. (1975). Labeling theory and juvenile delinquency: An assessment of the evidence. In W. R. Gove (Ed.), *The labeling of deviance: Evaluating a perspective* (pp. 157–180). New York: Halstead.
- Kaplan, H. B., & Damphousse, K. R. (1997). Negative social sanctions, self-derogation, and deviant behavior: Main and interactive effects in longitudinal perspective. *Deviant Behavior*, 18, 1–26.
- Kaplan, H. B., & Johnson, R. J. (1991). Negative social sanctions and juvenile delinquency: Effects of labeling in a model of deviant behavior. *Social Science Quarterly*, 72, 98–122.
- Kitsuse, J. I. (1962). Societal reaction to deviant behavior: Problems of theory and method. *Social Problems*, 9, 247–256.
- Kobrin, S. (1976). Labeling approaches: Problems and limits. In J. F. Short (Ed.), *Delinquency, crime, and society* (pp. 1–15). Chicago: University of Chicago Press.
- Lemert, E. M. (1951). *Social pathology*. New York: McGraw-Hill.
- Lemert, E. M. (1967). *Human deviance, social problems, and social control*. Englewood Cliffs, NJ: Prentice Hall.
- Lemert, E. M. (1974). Beyond Mead: The societal reaction to deviance. *Social Problems*, 21, 457–468.
- Link, B. G., Cullen, F. T., Struening, E., Shrout, P. E., & Dohrenwend, B. P. (1989). A modified labeling theory approach to mental assessment. *American Sociological Review*, 54, 400–423.
- Liu, X. (2000). The conditional effect of peer groups on the relationship between parental labeling and youth delinquency. *Sociological Perspectives*, 43, 499–514.
- Mankoff, M. (1971). Societal reaction and career deviance: A critical analysis. *Sociological Quarterly*, 12, 204–218.
- Matsueda, R. L. (1992). Reflected appraisals, parental labeling, and delinquency: Specifying a symbolic interactionist theory. *American Journal of Sociology*, 97, 1577–1611.
- Mead, G. H. (1934). *Mind, self, and society from the standpoint of a social behaviorist*. Chicago: University of Chicago Press.
- Mead, G. H. (1977). *On social psychology*. Chicago: University of Chicago Press.
- Paternoster, R., & Iovanni, L. (1989). The labeling perspective and delinquency: An elaboration of the theory and an assessment of the evidence. *Justice Quarterly*, 6, 359–394.
- Paternoster, R., & Triplett, R. A. (1988). Disaggregating self-reported delinquency and its implications for theory. *Criminology*, 26, 591–625.
- Schur, E. M. (1971). *Labeling deviant behavior: Its sociological implications*. New York: Harper & Row.
- Tannenbaum, F. (1938). *Crime and the community*. Boston: Ginn and Company.
- Thomas, C. W., & Bishop, D. M. (1984). The effect of formal and informal sanctions on delinquency: A longitudinal comparison of labeling and deterrence theories. *Journal of Criminal Law and Criminology*, 75, 1222–1245.
- Thorsell, B. A., & Klemke, L. W. (1972). The labeling process: Reinforcement and deterrent? *Law & Society Review*, 6, 393–403.
- Tittle, C. R. (1975). Deterrents or labeling? *Social Forces*, 53, 399–410.
- Triplett, R. A., & Jarjoura, G. R. (1994). Theoretical and empirical specifications of a model of informal labeling. *Journal of Quantitative Criminology*, 10, 241–276.
- Ward, D. A., & Tittle, C. R. (1993). Deterrence or labeling: The effects of informal sanctions. *Deviant Behavior*, 14, 43–64.
- Wellford, C. (1975). Labeling theory and criminology: An assessment. *Social Problems*, 22, 332–345.

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## LIFE COURSE CRIMINOLOGY

WESLEY G. JENNINGS

*University of Louisville*

ALEX R. PIQUERO

*University of Maryland*

The relationship between age and crime has been among the most researched of all “facts” in criminology (Farrington, 1986a; Hirschi & Gottfredson, 1983). Furthermore, it also has been—and continues to be—one of the most contentious of all issues, with researchers expressing different views about its meaning and interpretation. More specifically, the robust nature of the relationship between age and crime gives rise to the question of whether the degree to which the *aggregate* pattern displayed in the age–crime curve (i.e., with crime rising to a peak in the late teens and then declining more or less in the early 20s) is more similar or different from the pattern of *individual* careers.

Acknowledging the long history of scholarly attention to understanding the age–crime curve, a substantial amount of information has been generated with regard to the onset, persistence, and desistance associated with criminal offending over the life course. In the same vein, this rich research has fostered the development of theories of crime that have been proposed across a number of social science disciplines. The commonality that is evident across these theories is that they seek to explain the fluctuations in criminal activity over the life course as well as offer assumptions as to how and why individuals may vary in their involvement in crime and deviance across key developmental phases of the life course.

The purpose of this chapter is to provide readers with an overview of what has been termed *life course criminology*. The chapter begins with a brief overview of the criminal career framework and provides some empirical evidence on what is known about criminal offending over the life course based on the research findings gleaned from some of the most notable studies in this area. This section is followed by a discussion of the origin of the life course paradigm as we know it today, including its roots in sociology and psychology, which subsequently led to the emergence of the developmental/life course criminology (DLC) paradigm in criminology in particular. Following a review of several key DLC theories, this chapter concludes with a brief presentation of the gaps in the current DLC literature and offers several suggestions of where future research in this area should proceed.

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### Criminal Careers

To understand what crime over the life course actually means for research and practical purposes, it is important to become familiar with the criminal career terminology. In its most rudimentary form, a *criminal career* is the “characterization of the longitudinal sequence of crimes

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committed by an individual offender” (Blumstein, Cohen, Roth, & Visser, 1986, p. 12). As the word *longitudinal* implies, there is an inherent time dimension to criminal careers. Furthermore, this suggests that there are identifiable start and end points that allow researchers to chart out an individual’s criminal career length.

The criminal career paradigm acknowledges that certain individuals start their criminal activity at one particular age, continue to commit various crimes for some period of time, and then essentially quit offending. Considering this assumption, the criminal career framework suggests the need to examine causes and correlates related to why and when individuals start offending (onset), why and how they continue offending (persistence), why and whether offending becomes more frequent or serious (escalation) or specialized, and why and when people stop offending (desistance).

Although one of the earliest criminal career studies was the qualitative depiction of delinquency presented by Clifford Shaw (1930) in *The Jack Roller*, criminal career research soon turned noticeably quantitative. Sheldon Glueck and Eleanor Glueck’s pioneering work, *500 Criminal Careers* (1930), and a follow-up study entitled *Unraveling Juvenile Delinquency* (1950) provided criminologists with the most definitive and detailed source on the correlates of crime and how crime fluctuated over the life course among 500 delinquent and 500 matched control youth growing up in Boston. Not only was the Gluecks’s study unique and rigorous in its methodological design, but also the data provided by the Gluecks were considerably comprehensive. For instance, the Gluecks collected a wealth of information from self-reports (participant, parent, and teacher interviews) and gathered data from official records (police, court, and corrections). Thus, the richness of these data was unprecedented in its time and served as one of the key sources for criminological theorizing for some time. It continues to inform criminological theory today.

Quite some time after the Gluecks’s pioneering efforts, Marvin Wolfgang and his colleagues successfully completed one of the most well-known studies to date of the longitudinal progression of crime over the life course. This research, referred to as the *Philadelphia Birth Cohort Study* (Wolfgang, Figlio, & Sellin, 1972), was a retrospective study of criminal activity among all 9,945 males born in the city of Philadelphia (with continual residence through age 17) in 1945. Although the study was limited in that it contained only basic demographic information and relied solely on official sources of data, two of its key findings were groundbreaking at the time. The first important finding was that nearly one third of the cohort had an official police contact by age 17, and most of these offenders were “one-timers” in that they did not accumulate another police contact after their initial offense. Second, and perhaps more important, Wolfgang et al. discovered that only 6% of the cohort and 18% of the cohort’s offenders were responsible for committing roughly half of all the offenses and about two thirds all of the violent offenses. In a

10-year follow-up study of 10% of the original Philadelphia birth cohort, Wolfgang, Thornberry, and Figlio (1987) found that these chronic offenders had increased the seriousness of their offending into adulthood. In an effort to replicate and extend these research findings, Tracy, Wolfgang, and Figlio (1990) conducted the Second Philadelphia Birth Cohort Study, which was a retrospective study of the official records of more than 27,000 individuals who were born in Philadelphia in 1958 and socialized in the 1960s and 1970s. Although the prevalence of offending in general was similar to that of the first Philadelphia Birth Cohort Study, Tracy et al. found even higher rates of chronic offending among the members of the Second Philadelphia Birth Cohort. More specifically, they found that the chronic offenders represented 7% of the cohort and 23% of the offenders yet were responsible for committing 61% of all the offenses, including 60% of the homicides, 75% of the forcible rapes, 73% of the robberies, and 65% of the aggravated assaults.

The novel and influential findings generated from both the Gluecks’s and Wolfgang et al.’s birth cohort studies stimulated a series of other well-recognized longitudinal studies that have made notable contributions to the criminological literature in recent years. With some exceptions, a number of these studies are relatively recent, and thus not enough time has passed to enable tracking of these individuals into middle/late adulthood. However, there are two such examples of efforts that have been undertaken to follow participants from childhood into middle/late adulthood. Laub and Sampson (2003) are credited with the first of these efforts, wherein they conducted a qualitative and quantitative analysis of a follow-up of the Gluecks’s (1930) study (reviewed earlier) of the criminal careers of the 500 Boston-area male delinquents through age 70. In comparison, Piquero, Farrington, and Blumstein (2007) most recently presented the results of a thorough analysis of the criminal careers of 411 South London males from age 10 to 40 who participated in the Cambridge Study in Delinquent Development (West & Farrington, 1973).

It is important to note that Laub and Sampson’s (2003) follow-up study of the Boston delinquents is the longest longitudinal study of criminal activity in the field. In recognition of this, a series of key findings from their research efforts are worth highlighting. Although the results from a trajectory analysis suggested that there were six groups of individuals who demonstrated unique patterns of involvement in crime over the life course, the trajectory groups for the most part appeared to desist in middle/late adulthood, with virtually no group demonstrating continued involvement in crime at age 70. Although further trajectory analysis results disaggregated by crime type (property, violent, alcohol/drugs) revealed interesting similarities and differences compared with the aggregate trajectory analysis such that property crime trajectories mirrored the aggregate trajectories, violent crime trajectories appeared to peak later, and alcohol/drug trajectories seemed relatively stable throughout young and early/middle

adulthood, subsequent attempts to determine key risk/protective factors that distinguished trajectory groups from one another were not fruitful.

Nevertheless, as mentioned earlier, Laub and Sampson (2003) also incorporated a qualitative element into their research in that they conducted extensive interviews with 52 of the delinquent males. On the basis of the individual interviews, it appeared that criminal justice intervention was a risk factor for some and a deterrent for others—in other words, some of the respondents reported that their criminal justice involvement caused them to stop their offending, whereas others indicated that their criminal justice involvement increased/enhanced their continued participation in offending. Another key finding from Laub and Sampson's interviews of the Gluecks's (1930) participants was in regard to life transitions. Their qualitative analysis appeared to suggest that marriage was a key source of informal social control, or a turning point, in their lives that caused them to give up their involvement in crime.

As a point of comparison, Piquero et al.'s (2007) research represents the second study that involves long-term follow-up of individuals tracked from childhood into middle/late adulthood. In their analysis, Piquero et al. used data from the Cambridge Study in Delinquent Development (West & Farrington, 1973) to investigate and describe the offending patterns of 411 South London males who were first contacted at the ages of 8 through 10 in the early 1960s for participation in the study. The findings that emerged from Piquero et al.'s efforts were based on the official conviction records of the males at age 40 along with a series of self-reports of their involvement in criminal activity in order to gather information related to the progression of their offending over time.

A series of key findings from Piquero et al.'s (2007) analysis relate to each of the respective dimensions of criminal career research and have import for life course criminology. The first of these results is in regard to the prevalence of offending, the peak age of criminal activity, and the stability/variability of crime over the life course. Piquero et al. revealed that nearly 2 out of every 5 of the South London males (e.g., 40%) accumulated an official conviction for a crime at some point in their lives. However, it appeared that the prevalence of offending for the sample peaked in late adolescence, at approximately age 17. Furthermore, the results indicated that for the most part the frequency of offending tended to follow the prevalence (with violence being the exception) and that there was a considerable degree of stability in offending across age.

The next set of significant research findings germane to criminal career dimensions and life course criminology were onset and frequency and severity of offending, offense specialization, and career length. Regarding the relationship between onset age (the age at which an individual commits his or her first offense) and frequency of offending and severity of offending, Piquero et al. (2007) found that an early onset of offending was related to having a

more extensive criminal career as determined by accumulating numerous convictions, having a higher probability of participation in violence, demonstrating a longer criminal career, and displaying involvement in many different types of offenses. Furthermore, there was virtually no evidence of specialization in violence among the offenders from South London. In contrast, the results seem to suggest that involvement in violence was related to offending frequency such that individuals who were committing the greatest number of offenses were also those who were the most likely to have a violence conviction. Thus, violent offenders just tend to roll the dice more often. Turning toward career length, Piquero et al.'s results suggested that the average length of a criminal's career (measured as the time from first offense to the time at last offense) was 10 years and that there was a general decline in age for both residual career length and residual number of offenses.

The last two key findings from Piquero et al.'s (2007) analysis can be directly compared with the early criminal career research on chronic offenders and chronic offending (e.g., Wolfgang et al.'s [1972, 1987] studies) and Laub and Sampson's (2003) trajectory analysis with the Gluecks's (1930) data. Similar to the evidence described earlier in the discussion of Wolfgang et al.'s (1972, 1987) studies, Piquero et al.'s analysis of chronic offenders and chronic offending found that a small group of the males with five or more convictions was responsible for a significant amount of the sample's total convictions. At the same time, their analysis also indicated that the probability of recidivism after the fourth conviction was very similar thereafter, that is, 84.5%. Finally, whereas Laub and Sampson's trajectory analysis with the Gluecks's data revealed six trajectory groups through age 70, Piquero et al.'s trajectory analysis of the conviction records among the South London males suggested the presence of five distinct groups of offenders. Despite this difference, like Laub and Sampson's results, each of the trajectory groups identified in Piquero et al.'s analysis had unique shapes and levels of offending through age 40 and varied on several criminal career dimensions. In addition, Piquero et al. were also able to identify a set of environmental and individual risk factors that were able to distinguish membership in the five distinct trajectory groups.

## The Life Course Paradigm

Running in parallel with these criminal careers studies, the fields of sociology and psychology have outlined a *life course paradigm*. The life course paradigm can be defined as a series of pathways throughout the developmental process in which there are varying age-dependent expectations and available options in an individual's decision-making process. These decisions, along with the natural course of life events, are seen to shape the trajectory of an individual's life and can be influenced by transitions and



turning points (Elder, 1985). Trajectories are viewed as pathways of development over the life span, such as work life, marriage, schooling, or involvement in crime. They are seen as long-term behavioral patterns that are marked by a sequence of life events and transitions. These transitions are then described as distinct life events that occur in shorter intervals that may alter an individual's behavioral trajectory (e.g., first job, first marriage, first child; Elder, 1985, pp. 31–32). According to Elder (1985, p. 32), the interlocking nature of trajectories and transitions may generate turning points or changes in the life course.

More recently, Sampson and Laub (1993) extended this framework by focusing on the strong association between childhood events and adulthood experiences and the idea that transitions can redirect an individual's life course behavioral pathway. They indicated that life course analysis focuses on the length, timing, and the order of significant life events (including crime) and their effect on future social development. Attention to the impact of life events is critical, because research has shown that committing a crime has a considerable behavioral influence on the likelihood of an individual committing crime in the future (for a review, see Nagin & Paternoster, 2000). Furthermore, Sampson and Laub (p. 303) focused on age-graded life transitions and argued that institutions of formal and informal social control matter and vary over the life course. They contended that age-graded informal social control is essential for promoting interpersonal bonds that link individuals to the larger social institutions in which they live (i.e., work, family, school). They also acknowledged that both continuity and within-individual changes do occur over time and that specific life transitions and other factors related to development may intervene in one's pathway of offending (Farrington, 1986b, referred to this as the *stepping-stone approach*). Ultimately, the life course paradigm is best summarized as "pathways through the age-differentiated life span," where age differentiation "is manifested in expectations and options that impinge on decision processes and the course of events that give shape to life stages, transitions, and turning points" (Sampson & Laub 1993, p. 8; see also Elder, 1985).

## Life Course Criminology

In recognition of the robust relationship between age and crime, the importance of early influential criminal career research (Glueck & Glueck's [1930, 1950] and Wolfgang et al.'s [1972, 1987] studies) and the findings generated from recent efforts (Farrington, 2003; Blumstein et al., 1986; Laub & Sampson, 2003; Piquero et al., 2007), and appreciating the life course paradigm developed in sociology and psychology, there has emerged a subfield within criminology known as DLC criminology (Farrington, 2003).

Within criminology, the life course perspective is an effort to offer a comprehensive outlook to the study of

criminal activity because it considers the multitude of factors that affect offending across different time periods and contexts (Thornberry, 1997). One of the core assumptions of DLC theory is that changes with age and delinquency and criminal activity occur in an orderly way (Thornberry, 1997, p. 1), and some of the DLC theories that have begun to emerge from this perspective have in large part made an effort to not only document crime over the life course but also to more readily identify the key risk and protective factors associated with the onset, persistence, and desistance from criminal activity. Furthermore, these DLC theories have made efforts to integrate knowledge from other disciplines outside of criminology into their theoretical frameworks, most notably drawing from psychology, sociology, biology, and public health.

In general, DLC theory concentrates on three main issues: (1) the development of offending and antisocial behavior, (2) the effect of risk and protective factors at different ages on criminal activity at different ages, and (3) the effects of life events on the course of development and criminal activity throughout the life course (Farrington, 2003, p. 221). With regard to the first issue, empirical research has documented the progression of delinquency and criminal involvement over time (see, e.g., Tracy et al., 1990), but there is a general lack of available data that follows individuals from early on in life well into middle and/or late adulthood (for important exceptions, see Laub & Sampson, 2003; see also Piquero et al., 2007). Concerning the second issue, research is beginning to identify key risk and protective factors that have an impact on whether an individual becomes involved in crime in the first place and whether he or she continues to be involved in crime over the life course (see Hawkins & Catalano, 1992; Loeber & Farrington, 1998). Turning toward the final issue (as identified by Farrington, 2003), recent research evidence has suggested that several key life events, such as marriage and steady employment, not only appear to be related to participation in offending but also seem to be particularly important in the reduction of criminal activity and fostering desistance from crime in general (Farrington & West, 1993; Horney, Osgood, & Marshall, 1995; Laub, Nagin, & Sampson, 1998; Piquero, Brame, Mazzerole, & Haapanen, 2002). In contrast, additional research has shown that other life events, such as incarceration, are a risk factor for subsequent and continued involvement in criminal activity (Sampson & Laub, 1997).

In his review of DLC theory and research, Farrington (2003, pp. 223–224) identified 10 widely accepted conclusions about the development of criminal offending:

1. The prevalence of offending peaks in the late teenage years.
2. The peak age of onset of offending is between 8 and 14, and the peak age of desistance from offending is between 20 and 29.

3. An early age of onset predicts a relatively long criminal career duration.
4. There is marked continuity in offending and antisocial behavior from childhood to the teenage years and to adulthood.
5. A small fraction of the population (the chronic offenders) commits a large fraction of all crimes.
6. Offending is versatile rather than specialized.
7. The types of acts defined as offenses are elements of a larger syndrome of antisocial behavior.
8. Most offenses up to the late teenage years are committed with others, whereas most offenses from age 20 onward are committed alone.
9. The reasons given for offending up to the late teenage years are quite variable, including utilitarian reasons, for excitement or enjoyment, or because people get angry.
10. Different types of offenses tend to be first committed at distinctively different ages.

Considering this list of relatively undisputed truths about the development of criminal offending, it is also important to point out that the strength of the evidence for these truths does range considerably from relatively strong evidence to substantially strong evidence. Keeping this in mind, Farrington (2003, pp. 225–227) also described a series of issues in DLC criminology that are still points of contention to which DLC theories and research should attend. For instance, although the evidence is fairly robust with regard to the prevalence of offending peaking during late adolescence, the research is not as clear as to how an individual's frequency of offending fluctuates in any given year and whether seriousness escalates and de-escalates as a function of age. Furthermore, two related issues concern the relationship of early-onset offending with later-onset offending and chronic offending with less frequent offending. More specifically, it is not yet determined whether early-onset offenders are different in degree or kind from late-onset offenders or whether chronic offenders are merely distinguishable from less frequent offenders in the number of offenses committed or if their offense repertoires are in fact distinct from one another.

The last few contentious DLC issues (identified by Farrington, 2003) focus on escalation, risk and protective factors, and intermittency in criminal careers. First, the research is not clear on whether certain types of offenses act as precursor events or gateway offenses (or stepping stones) for other types of offenses. For instance, does burglary lead to later sexual offending? Second, although risk and protective factors for early-onset offending are well-known, the evidence is lacking on whether these factors are in fact causal or whether they are merely indicators of the same underlying construct. Finally, research should incorporate and seek to explain the possibility that intermittency in criminal careers affects their results. For example, all offenders do not necessarily start offending at one particular point in time, continue offending for some duration, completely quit (desist) at another particular point in

time, and never offend again. Instead, some offenders appear to desist for some period of time before restarting some years later, perhaps in response to some adverse life event such as losing a job, getting a divorce, or developing a substance abuse problem.

Acknowledging the current truths and points of contention in DLC research, the following section of this chapter highlights some of the key DLC theories and reviews their basic assumptions and expectations. The chapter concludes by offering some suggestions on where DLC theoretical development and modification and DLC empirical research should perhaps move toward in the future.

## Developmental/Life Course Theory

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As discussed in the previous section, criminology has witnessed a considerable degree of knowledge infused into its theorizing from other social science and related disciplines. This recent growth in interdisciplinary thought has likely had the largest effect on the origins of DLC theories. The following discussion reviews some of criminology's most recognizable DLC theories, with particular attention paid to those that have received a considerable amount of empirical research.

Similar to Moffitt's (1993) developmental taxonomy, Patterson and Yoerger's (1999) theory is also based on a two-group offending model: early-onset offenders and late-onset offenders. As Patterson and Yoerger discussed, poor and inept parenting practices lead to ineffective early childhood socialization, which allows for the development of oppositional/defiant behavior and early-onset offending. Furthermore, this ineffective socialization also causes these youth to be involved with deviant peers, which thereby magnifies their probability and intensity of offending. Patterson and Yoerger went on to suggest that early-onset offenders tend to be aggressive and defiant in their interactions with others and come to be rejected by conventional peers. Thus, these early-onset offenders tend to "find" one another and thereby form their own deviant peer groups, which places them at a high risk for chronic offending and continued offending over the life course.

In contrast, Patterson and Yoerger (1999) suggested that the late-onset offender group is not composed of individuals who suffer from poor and ineffective socialization; instead, the main cause of their offending is their interaction with deviant peers. Considering that the peer social context of adolescence is one of general support/acceptance for deviance, these late-onset offenders engage in delinquency during middle to late adolescence. However, because these youth did not enter into this developmental period suffering from ineffective childhood socialization they are able to confine their offending to this development period and go on to lead prosocial and productive adult lives. Several empirical studies have tested this theory and for the most part have supported the underlying assumptions of Patterson

and Yoerger's theory (see Simons, Johnson, Conger, & Elder, 1998; Simons, Wu, Conger, & Lorenz, 1994).

Loeber and his colleagues (Loeber, Farrington, Stouthamer-Loeber, Moffitt, & Caspi, 1998; Loeber, Wei, Stouthamer-Loeber, Huizinga, & Thornberry, 1999) have proposed a three-pathway model for describing the developmental progression of chronic offending. The first, the *overt pathway*, is believed to begin with minor acts of aggression, followed by physical fighting that ultimately escalates to violence. The second pathway, called the *covert pathway*, consists of a sequence of minor deviant behaviors followed by property damage and then escalates to more serious types of offending. The final pathway, the *authority-conflict pathway*, observed before age 12, consists of a sequence of stubborn behaviors, including defiance and authority avoidance (e.g., running away). Although according to Loeber et al.'s theoretical model individuals' developmental progression of delinquency can cross over the three pathways, the most frequent offenders are expected to be overrepresented among those in multiple pathways, particularly youth who exhibit overt and covert behavior problems.

With attention to the three pathways just described, it is important to mention that a key assumption of Loeber et al.'s (1998, 1999) theoretical model is that behavior takes place in an orderly, not random, fashion. Stated differently, an individual's pathway of offending is expected to progress through the lower-order steps before passing through the higher-order steps. Preliminary support for Loeber et al.'s pathway model was identified in the youngest sample of the Pittsburgh Youth Study and applied better to boys who persisted in delinquency compared with those who experimented in delinquency (Loeber et al., 1998). Furthermore, more recent replications of the pathway model have been provided in the three "Causes and Correlates Study" sites (Denver, Colorado; Pittsburgh, Pennsylvania; and Rochester, New York), although the findings were replicated only for Steps 2 and higher in the overt and covert pathways only (Loeber et al., 1999; although see Nagin & Tremblay, 1999).

One last DLC theory reviewed in this chapter is that of Sampson and Laub's (1993) age-graded theory of informal social control. This theory can best be described with attention to what Sampson and Laub characterized as a series of building blocks. The first building block focuses on the intervening role of informal family and school social bonds. The second building block focuses on the continuity of antisocial behavior that begins early in a child's development and extends throughout adulthood. They also recognized that particular life events and social ties in adulthood can alter an individual's behavioral trajectory, and this viewpoint is central to their third building block: the importance of adult social bonds. They proposed that social bonds developed in adulthood (employment, marriage) can explain involvement/lack of involvement in crime

regardless of any underlying individual criminal propensity. In addition, they emphasized that it is not only the mere exposure of individuals to these bonds that is critical but also the quality and intensity of these bonds. Drawing on the work of Elder (1985), Sampson and Laub also hypothesized that different adaptations to key life events can affect an individual's trajectory, and crucial turning points such as divorce or death of a loved one can redirect life trajectories.

In comparison, *cumulative continuity* (Moffitt, 1993) integrated with the concept of *state dependence* (for a review, see Nagin & Paternoster, 2000) refers to the idea that involvement in delinquency has an incremental effect on the interpersonal social bonds formed in adulthood (i.e., labor force attachment, marital cohesion). For instance, an arrest and subsequent incarceration in adolescence may lead the youth to drop out of school. This practice would logically affect his future job prospects and thus result in his failure to develop strong adulthood bonds to the labor force, which inevitably increases the likelihood of his involvement in crime (Tittle, 1988).

It is important to mention here that Sampson and Laub (1997) extended their age-graded theory of informal social control to incorporate a developmental conceptualization of labeling theory. Sampson and Laub suggested that involvement in delinquency has a "systematic attenuating effect on the social and institutional bonds linking adults to society (e.g., labor force attachment, marital cohesion)" (p. 144). Therefore, the relationship between delinquency and future criminal involvement is indirect in that delinquent participation leads to school failure, incarceration, and the development of weak bonds to the labor market, of which all of these factors are significantly associated with future criminal activity. Furthermore, for Sampson and Laub, this cycle occurs because severe sanctions label and stigmatize offenders, which thereby limits offenders' opportunity for involvement in a conventional lifestyle and participation in mechanisms of informal social control (e.g., legitimate employment). One early test of this theoretical model did in fact provide some preliminary support for Sampson and Laub's assumptions in that, compared with delinquents with a shorter incarceration history, boys who were incarcerated for a longer time had trouble securing stable jobs as they entered young adulthood (Sampson & Laub, 1997).

Although the DLC theories just reviewed are distinct from one another, they certainly share some common theoretical ground. Having said this, there is a clear divide. For example, Sampson and Laub's (1997) theory is dynamic general theory but allows for the possibility that key local life circumstances can alter an individual's criminal trajectory. In comparison, DLC theories such as Moffitt's (1993), Patterson and Yoerger (1999), and Loeber et al.'s (1998, 1999) assume not that causality is general but rather that there are different causal processes that explain different offender types. Furthermore, Moffitt's adolescent-limited offender

and Patterson and Yoerger's late-onset offender typologies are described as a state-dependent effect, whereas the causes of their life-course-persistent offender and early-onset offender counterpart typologies appear to emphasize persistent heterogeneity. Nevertheless, although this difference is important, most of the research has tended to favor taking the theoretical middle ground when studying crime (see Paternoster, Dean, Piquero, Mazerolle, & Brame, 1997), which suggests that explanations of persistent heterogeneity and state dependence are not necessarily incompatible or mutually inconsistent at all times.

## Conclusion: Research Needs and Future Directions

On the basis of a review of the evidence, and with attention to the specific DLC theories covered in this chapter, it appears that there are many more questions than answers from this growing area of research and theorizing. This final section highlights several important research needs and anticipates several future directions for research on DLC criminology.

For instance, although DLC theories tend to express assumptions that have borrowed from research evidence across an array of disciplines, such as biology, public health, and the social sciences in general, there have not been many attempts to test these theories across the disciplines and/or involving cross-disciplinary collaborations among researchers in prior empirical tests. Second, recognizing that this is a relatively new area of criminological research, there have not been many attempts to date to incorporate multilevel models into tests of DLC theories. Studies such as these are likely to be highly beneficial to DLC research, because a number of these theories discuss risk and protective factors that are multilevel in nature (e.g., the importance of the school environment and residing in a disadvantaged neighborhood). Future research should attempt to collect and/or make use of macrolevel risk and protective factors when available and model these effects both independently and simultaneously alongside the individual-level risk and protective factors when empirically assessing DLC theories.

Another underdeveloped area of DLC research is an exploration of how many offender groups there may be. Although certain DLC theories suggest two offender groups (Moffitt, 1993; Patterson & Yoerger, 1999) and others discuss multiple pathways (Loeber et al., 1998, 1999), results from more than 80 studies using trajectory analysis have suggested between three to five offender groups (for a review, see Piquero, 2008). Some of these groups are consistent with notable DLC theories (e.g., adolescent-limited offenders and life-course-persistent offenders), whereas other groups that are not consistent with some DLC typologies, such as low-level chronic offenders and late-onset offenders (who do not begin their

offending until adulthood) have also emerged from this research. Future DLC studies should continue their efforts at replicating prior trajectory-analysis-based research in attempt to shed more light on the consistencies regarding the number of offender groups as well as incorporating risk and protective factors in their research to determine what covariates are significant for distinguishing trajectory group membership.

Last, DLC theories and related empirical research in the future should devote specific attention to race and gender. For the most part, the current DLC theories are relatively quiet on how race and gender may matter, or at the very least there have been only a handful of studies testing the generalizability of these theories across race and gender. Furthermore, a lot of the existing research in this area (similar to criminological research in general) relies either on self-report or official data. Although the limitations of both sources are well-known to criminologists, future DLC research should recognize this issue and attempt, when possible, to use some sort of a triangulation of methods to provide a more definitive conclusion on the progression of delinquency and criminal involvement over the life course. Thus, it is indeed an exciting time to be involved in DLC criminology, and as the subfield moves forward, those interested in this area of research may benefit from the suggestions given in this chapter as they become involved or continue their involvement with DLC criminological theory development and modification and/or empirical testing. This chapter closes by providing the reader with Farrington's (2003, pp. 229–230) excellent list of the key empirical and theoretical issues that need to be addressed by any DLC theory:

1. Why do people start offending?
2. How are onset sequences explained?
3. Why is there continuity in offending from adolescence to adulthood?
4. Why do people stop offending?
5. Why does prevalence peak in the teenage years?
6. Why does an early onset predict a long criminal career?
7. Why is there versatility in offending and antisocial behavior?
8. Why does co-offending decrease from adolescence to adulthood?
9. Why are there between-individual differences in offending?
10. What are the key risk factors for onset and desistance, and how can they be explained?
11. Why are there long-term (over life) and short-term (over time and place) within-individual differences in offending?
12. What are the main motives and reasons for offending?
13. What are the effects of life events on offending?

Key theoretical issues:

1. What is the key construct underlying offending?
2. What factors encourage offending?

3. What factors inhibit offending?
4. Is there a learning process?
5. Is there a decision-making process?
6. What is the structure of the theory?
7. What are operational definitions of theoretical constructs?
8. What does the theory explain?
9. What does the theory not explain?
10. What findings might challenge the theory? (Can the theory be tested?)
11. Crucial tests: How much does the theory make different predictions from another theory?

## References and Further Readings

- Blumstein, A., Cohen, J., Roth, J. A., & Visher, C. A. (Eds.). (1986). *Criminal careers and "career criminals," Vol. 1. Report of the Panel on Criminal Careers, National Research Council*. Washington, DC: National Academy of Sciences.
- Coleman, J. S. (1990). *Foundations of social theory*. Cambridge, MA: Harvard University Press.
- Elder, G. H. (1985). Perspectives on the life course. In G. H. Elder, Jr. (Ed.), *Life course dynamics: Trajectories and transitions, 1968–1980* (pp. 23–49). Ithaca, NY: Cornell University Press.
- Farrington, D. P. (1986a). Age and crime. In M. Tonry & N. Morris (Eds.), *Crime and Justice* (Vol. 7, pp. 189–250). Chicago: University of Chicago Press.
- Farrington, D. P. (1986b). Stepping stones to adult criminal careers. In D. Olweus, J. Block, & M. Radke-Yarrow (Eds.), *Development of antisocial and prosocial behavior* (pp. 359–384). New York: Academic Press.
- Farrington, D. P. (2003). Developmental and life-course criminology: Key theoretical and empirical issues. *Criminology*, 41, 221–255.
- Farrington, D. P., Loeber, R., Elliott, D. S., Hawkins, J. D., Kandel, D. B., Klein, M. W., et al. (1990). Advancing knowledge about the onset of delinquency and crime. In B. B. Lahey & A. E. Kazdin (Eds.), *Advances in clinical child psychology* (pp. 283–342). New York: Plenum Press.
- Farrington, D. P., & West, D. J. (1993). Criminal, penal, and life histories of chronic offenders: Risk and protective factors and early identification. *Criminal Behavior and Mental Health*, 3, 492–523.
- Glueck, S., & Gleuck, E. (1930). *500 criminal careers*. New York: Knopf.
- Glueck, S., & Glueck, E. (1950). *Unraveling juvenile delinquency*. Cambridge, MA: Harvard University Press.
- Hawkins, J. D., & Catalano, R. F. (1992). *Communities that care*. San Francisco: Jossey-Bass.
- Hirschi, T., & Gottfredson, M. (1983). Age and the explanation of crime. *American Journal of Sociology*, 89, 552–584.
- Horney, J., Osgood, D. W., & Marshall, I. H. (1995). Criminal careers in the short-term: Intra-individual variability in crime and its relation to local life circumstances. *American Sociological Review*, 60, 655–673.
- Laub, J. H., Nagin, D. S., & Sampson, R. J. (1998). Trajectories of change in criminal offending: Good marriages and the desistance process. *American Sociological Review*, 63, 225–238.
- Laub, J. H., & Sampson, R. J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA: Harvard University Press.
- Loeber, R., & Farrington, D. P. (Eds.). (1998). *Serious and violent juvenile offenders: Risk factors and successful interventions*. Thousand Oaks, CA: Sage.
- Loeber, R., Farrington, D. P., Stouthamer-Loeber, M., Moffitt, T., & Caspi, A. (1998). The development of male offending: Key findings from the first decade of the Pittsburgh Youth Study. *Studies in Crime and Crime Prevention*, 7, 141–172.
- Loeber, R., Wei, E., Stouthamer-Loeber, M., Huizinga, D., & Thornberry, T. (1999). Behavioral antecedents to serious and violent juvenile offending: Joint analyses from the Denver Youth Study, Pittsburgh Youth Study, and the Rochester Development Study. *Studies in Crime and Crime Prevention*, 8, 245–263.
- Moffitt, T. E. (1993). Adolescent-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 674–701.
- Moffitt, T. E. (2006). Life-course-persistent versus adolescence-limited antisocial behavior. In D. Cicchetti & D. Cohen (Eds.), *Developmental psychopathology* (2nd ed., pp. 570–598). New York: Wiley.
- Nagin, D. S., & Farrington, D. P. (1992). The onset and persistence of offending. *Criminology*, 30, 501–524.
- Nagin, D. S., Farrington, D. P., & Moffitt, T. E. (1995). Life-course trajectories of different types of offenders. *Criminology*, 33, 111–140.
- Nagin, D., & Paternoster, R. (2000). Population heterogeneity and state dependence: State of the evidence and directions for future research. *Journal of Quantitative Criminology*, 16, 117–144.
- Nagin, D. S., & Tremblay, R. E. (1999). Trajectories of boys' physical aggression, opposition, and hyperactivity on the path to physically violent and nonviolent juvenile delinquency. *Child Development*, 70, 1181–1196.
- Paternoster, R., Dean, C. W., Piquero, A. R., Mazerolle, P., & Brame, R. (1997). Generality, continuity, and change in offending. *Journal of Quantitative Criminology*, 13, 231–266.
- Patterson, G. R., & Yoerger, K. (1999). Intraindividual growth in covert antisocial behavior: A necessary precursor to chronic and adult arrests? *Criminal Behaviour and Mental Health*, 9, 86–100.
- Piquero, A. R. (2008). Taking stock of developmental trajectories of criminal activity over the life course. In A. Liberman (Ed.), *Longitudinal research on crime and delinquency* (pp. 23–78). New York: Springer.
- Piquero, A. R., Brame, R., Mazzerole, P., & Haapanen, R. (2002). Crime in emerging adulthood. *Criminology*, 40, 137–169.
- Piquero, A. R., Farrington, D., & Blumstein, A. (2007). *Key issues in criminal career research*. New York: Cambridge University Press.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Sampson, R. J., & Laub, J. H. (1997). A life-course theory of cumulative disadvantage and the stability of delinquency. In T. P. Thornberry (Ed.), *Developmental theories of crime and delinquency* (pp. 131–161). New Brunswick, NJ: Transaction.

- Shaw, C. (1930). *The jack roller: A delinquent boy's own story*. Chicago: University of Chicago Press.
- Simons, R. L., Johnson, C., Conger, R. D., & Elder, G., Jr. (1998). A test of latent trait versus life-course perspectives on the stability of adolescent antisocial behavior. *Criminology*, 36, 217–244.
- Simons, R. L., Wu, C., Conger, R. D., & Lorenz, F. O. (1994). Two routes to delinquency: Differences between early and late starters in the impact of parenting and deviant peers. *Criminology*, 32, 453–480.
- Thornberry, T. P. (Ed.). (1997). *Advances in criminological theory: Vol. 7. Developmental theories of crime and delinquency*. New Brunswick, NJ: Transaction.
- Tittle, C. R. (1988). Two empirical regularities (maybe) in search of an explanation: Commentary on the age/crime debate. *Criminology*, 26, 75–85.
- Tracy, P. E., Wolfgang, M. E., & Figlio, R. M. (1990). *Delinquency in two birth cohorts*. New York: Plenum.
- West, D. J., & Farrington, D. P. (1973). *Who becomes delinquent?* London: Heinemann.
- Wolfgang, M. E., Figlio, R. M., & Sellin, T. (1972). *Delinquency in a birth cohort*. Chicago: University of Chicago Press.
- Wolfgang, M., Thornberry, T. P., & Figlio, R. M. (1987). *From boy to man, from delinquency to crime*. Chicago: University of Chicago Press.

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## PSYCHOLOGICAL THEORIES OF CRIME

JOHN W. CLARK

*Troy University*

**W**hy do individuals commit crimes? At the same time, why is crime present in our society? The criminal justice system is very concerned with these questions, and criminologists are attempting to answer them. In actuality, the question of why crime is committed is very difficult to answer. However, for centuries, people have been searching for answers (Jacoby, 2004). It is important to recognize that there are many different explanations as to why individuals commit crime (Conklin, 2007). One of the main explanations is based on psychological theories, which focus on the association among intelligence, personality, learning, and criminal behavior. Thus, in any discussion concerning crime causation, one must contemplate psychological theories.

When examining psychological theories of crime, one must be cognizant of the three major theories. The first is *psychodynamic theory*, which is centered on the notion that an individual's early childhood experience influences his or her likelihood for committing future crimes. The second is *behavioral theory*. Behavioral theorists have expanded the work of Gabriel Tarde through behavior modeling and social learning. The third is *cognitive theory*, the major premise of which suggests that an individual's perception and how it is manifested (Jacoby, 2004) affect his or her potential to commit crime. In other words, behavioral theory focuses on how an individual's perception of the world influences his or her behavior.

Also germane to psychological theories are personality and intelligence. Combined, these five theories or characteristics (i.e., psychodynamic, cognitive, behavioral,

personality, and intelligence) offer appealing insights into why an individual may commit a crime (Schmallegger, 2008). However, one should not assume this there is only one reason why a person commits crime. Researchers looking for a single explanation should be cautious, because there is no panacea for the problem of crime.

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### Early Research

Charles Goring (1870–1919) discovered a relationship between crime and flawed intelligence. Goring examined more than 3,000 convicts in England. It is important to note that Goring found no physical differences between noncriminals and criminals; however, he did find that criminals are more likely to be insane, to be unintelligent, and to exhibit poor social behavior. A second pioneer is Gabriel Tarde (1843–1904), who maintained that individuals learn from each other and ultimately imitate one another. Interestingly, Tarde thought that out of 100 individuals, only 1 was creative or inventive and the remainder were prone to imitation (Jacoby, 2004).

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### Psychodynamic Theory

Proponents of psychodynamic theory suggest that an individual's personality is controlled by unconscious mental processes that are grounded in early childhood. This theory

was originated by Sigmund Freud (1856–1939), the founder of psychoanalysis. Imperative to this theory are the three elements or structures that make up the human personality: (1) the *id*, (2), the *ego*, and (3) the *superego*. One can think of the *id* as the primitive part of a person's mental makeup that is present at birth. Freud (1933) believed the *id* represents the unconscious biological drives for food, sex, and other necessities over the life span. Most important is the idea that the *id* is concerned with instant pleasure or gratification while disregarding concern for others. This is known as the *pleasure principle*, and it is often paramount when discussing criminal behavior. All too often, one sees news stories and studies about criminal offenders who have no concern for anyone but themselves. Is it possible that these male and female offenders are driven by instant gratification? The second element of the human personality is the *ego*, which is thought to develop early in a person's life. For example, when children learn that their wishes cannot be gratified instantaneously, they often throw a tantrum. Freud (1933) suggested that the *ego* compensates for the demands of the *id* by guiding an individual's actions or behaviors to keep him or her within the boundaries of society. The *ego* is guided by the *reality principle*. The third element of personality, the *superego*, develops as a person incorporates the moral standards and values of the community; parents; and significant others, such as friends and clergy members. The focus of the *superego* is morality. The *superego* serves to pass judgment on the behavior and actions of individuals (Freud, 1933). The *ego* mediates between the *id*'s desire for instant gratification and the strict morality of the *superego*. One can assume that young adults as well as adults understand right from wrong. However, when a crime is committed, advocates of psychodynamic theory would suggest that an individual committed a crime because he or she has an underdeveloped *superego*.

In sum, psychodynamic theory suggests that criminal offenders are frustrated and aggravated. They are constantly drawn to past events that occurred in their early childhood. Because of a negligent, unhappy, or miserable childhood, which is most often characterized by a lack of love and/or nurturing, a criminal offender has a weak (or absent) *ego*. Most important, research suggests that having a weak *ego* is linked with poor or absence of social etiquette, immaturity, and dependence on others. Research further suggests that individuals with weak *egos* may be more likely to engage in drug abuse.

## Mental Disorders and Crime

Within the psychodynamic theory of crime are *mood disorders*. Criminal offenders may have a number of mood disorders that are ultimately manifested as depression, rage, narcissism, and social isolation. One example of a disorder found in children is *conduct disorder*. Children

with conduct disorder have difficulty following rules and behaving in socially acceptable ways (Boccaccini, Murrie, Clark, & Comell, 2008). Conduct disorders are ultimately manifested as a group of behavioral and emotional problems in young adults. It is important to note that children diagnosed with conduct disorder are viewed by adults, other children, and agencies of the state as "trouble," "bad," "delinquent," or even "mentally ill." It is important to inquire as to why some children develop conduct disorder and others do not. There are many possible explanations; some of the most prominent include child abuse, brain damage, genetics, poor school performance, and a traumatic event.

Children with conduct disorder are more likely to exhibit aggressive behaviors toward others (Boccaccini et al., 2008), and they may be cruel to animals. Other manifestations include bullying; intimidation; fear; initiating fights; and using a weapon, such as a gun, a knife, a box cutter, rocks, a broken bottle, a golf club, or a baseball bat. Adolescents with conduct disorder could also force someone into unwanted sexual activity. Property damage may also be a concern; one may observe these children starting fires with the ultimate intent to destruct property or even kill someone. Other unacceptable behaviors associated with conduct disorder include lying and stealing, breaking into an individual's house or an unoccupied building or car, lying to obtain desirable goods, avoiding obligations, and taking possessions from individuals or stores. Last, children with conduct disorder are more likely to violate curfews despite their parents' desires. These children also are more likely to run away from home and to be late for or truant from school. There is no question that children who exhibit the above-mentioned behaviors must receive a medical and psychological examination. It is important to note that many children with conduct disorder could very well have another existing condition, such as anxiety, post-traumatic stress disorder, drug or alcohol abuse, or attention deficit disorder (Siegal, 2008). It is important to recognize that children with conduct disorder are likely to have continuing, long-lasting problems if they do not receive treatment at the earliest onset. Without treatment, these children will not be able to become accustomed to the demands of adulthood and will continue to have problems and issues with a variety of relationships and even with finding and maintaining a job or occupation. Treatment of children with conduct disorder is often considered complex and exigent. It is rarely brief, because establishing new attitudes and behavior patterns takes time. As mentioned previously, early treatment offers a child a greater probability for improvement and for ultimately living a productive and successful life. An important component for the medical doctor or psychological clinician to consider is convincing the child to develop a good attitude, learn to cooperate, trust others, and eliminate fear in their lives. Behavior therapy and psychotherapy may be necessary to help the child learn how to control and express anger. Moreover, special education classes



may be required for children with learning disabilities. In some cases, treatment may include prescribed medication, although medicine would ideally be reserved for children experiencing problems with depression, attention, or spontaneity/impulsivity. (For more information on conduct disorder, see <http://www.aacap.org>.)

A second example of a disorder found in children is *oppositional defiant disorder* (Siegal, 2008). This is most often diagnosed in childhood. Manifestations or characterizations of oppositional defiant disorder include defiance; uncooperativeness; irritability; a very negative attitude; a tendency to lose one's temper; and exhibiting deliberately annoying behaviors toward peers, parents, teachers, and other authority figures, such as police officers (Siegal, 2008). There is no known cause of oppositional defiant disorder; however, there are two primary theories that attempt to explain its development. One theory suggests that problems begin in children as early as the toddler years. It is important to note that adolescents and small children who develop oppositional defiant disorder may have experienced a difficult time developing independent or autonomous skills and learning to separate from their primary caretaker or attachment figure. In essence, the bad attitudes that are characteristic of oppositional defiant disorder are viewed as a continuation of developmental issues that were not resolved during the early toddler years.

The second theory to explain oppositional defiant disorder focuses on learning. This theory suggests the negative characteristics of oppositional defiant disorder are learned attitudes that demonstrate the effects of negative reinforcement used by parents or persons in authority (Siegal, 2009). It is important to recognize that the majority of symptoms observed in adolescents and children with oppositional defiant disorder also occur, at times, in children without this disorder. Relevant examples include a child who is hungry, tired, troubled, or disobeys/argues with his or her parent. It is important to note that adolescents and children with oppositional defiant disorder often exhibit symptoms that hinder the learning process, lead to poor adjustment in school, and most likely hurt the child's relationships with others. Some of the symptoms of oppositional defiant disorder include frequent temper tantrums, excessive arguments with adults, refusal to comply with adult requests, questioning rules, refusing to follow rules, engaging in behavior intended to annoy or upset others, blaming others for one's misbehaviors or mistakes, being easily annoyed by others, frequently having an angry attitude, speaking harshly or unkindly, and deliberately behaving in ways that seek revenge.

In regard to diagnosis, it is often teachers and parents who identify the child or adolescent with oppositional defiant disorder. However, children must be taken to a qualified medical doctor and/or mental health professional who will make an official diagnosis. Doctors will inquire into the history of the child's behavior, which includes the perspective of all interested parties (i.e., parents and teachers) and

will verify the results of any previous clinical observations of the child's behavior. Psychological testing also may assist in assigning a diagnosis. As always, early detection and treatment are desirable. Actually, early treatment can often prevent future problems.

Oppositional defiant disorder may exist alongside other mental health problems, including mood and anxiety disorders, conduct disorder, and attention deficit hyperactivity disorder. Treatment for children and adolescents with oppositional defiant disorder will be determined by a physician who considers the child's age, overall health, and medical history. The physician also considers the extent or totality of a child's symptoms, the child's tolerance for certain medications or therapies, expectations for the course of the condition, and the opinion or preference of the caretaker or parent. Most important, treatment could include psychotherapy that teaches problem-solving skills, communication skills, impulse control, and anger management skills. Treatment may also be in the form of family therapy. Here, the approach is focused on making changes within the family system with the desired goal of improved family interaction and communication skills. Peer group therapy, which is focused on developing social skills and interpersonal skills, also is an option. The last and least desirable treatment option is medication. (For more information on oppositional defiant disorder, see <http://www.aacap.org>.)

## Mental Illness and Crime

The most serious forms of personality disturbance will result in mental disorders. The most serious mental disturbances are referred to as *psychoses* (Siegal, 2008). Examples of mental health disorders include bipolar disorder and schizophrenia. Bipolar disorder is marked by extreme highs and lows; the person alternates between excited, assertive, and loud behavior and lethargic, listless, and melancholic behavior. A second mental health disturbance is schizophrenia. Schizophrenic individuals often exhibit illogical and incoherent thought processes, and they often lack insight into their behavior and do not understand reality. A person with paranoid schizophrenia also experiences complex behavior delusions that involve wrongdoing or persecution (Jacoby, 2004). Individuals with paranoid schizophrenia often believe everyone is out to get them. It is important to note that research shows that female offenders appear to have a higher probability of serious mental health symptoms than male offenders. These include symptoms of schizophrenia, paranoia, and obsessive behaviors. At the same time, studies of males accused of murder have found that three quarters could be classified as having some form of mental illness. Another interesting fact is that individuals who have been diagnosed with a mental illness are more likely to be arrested, and they appear in court at a disproportionate rate. Last, research suggests that delinquent children have a higher

rate of clinical mental disorders compared with adolescents in the general population (Siegal, 2008).

## Behavioral Theory

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The second major psychological theory is *behaviorism*. This theory maintains that human behavior is developed through learning experiences. The hallmark of behavioral theory is the notion that people alter or change their behavior according to the reactions this behavior elicits in other people (Bandura, 1978). In an ideal situation, behavior is supported by rewards and extinguished by negative reactions or punishments. Behaviorists view crimes as learned responses to life's situations. *Social learning theory*, which is a branch of behavior theory, is the most relevant to criminology. The most prominent social learning theorist is Albert Bandura (1978). Bandura maintains that individuals are not born with an innate ability to act violently. He suggested that, in contrast, violence and aggression are learned through a process of behavior modeling (Bandura, 1977). In other words, children learn violence through the observation of others. Aggressive acts are modeled after three primary sources: (1) family interaction, (2) environmental experiences, and (3) the mass media. Research on family interaction demonstrates that children who are aggressive are more likely to have been brought up by parents or caretakers who are aggressive (Jacoby, 2004).

The second source of behavioral problems, environmental experiences, suggests that individuals who reside in areas that are crime prone are more likely to display aggressive behavior than those who reside in low-crime areas (Shelden, 2006). One could argue that high-crime areas are without norms, rules, and customs (Bohm, 2001). Furthermore, there is an absence of conventional behavior. Manifestations of unconventional behavior include the inability to gain employment; drug or alcohol abuse; and failure to obey the local, state, and federal laws. Most important, individuals who adhere to conventional behavior are invested in society and committed to a goal or belief system. They are involved in schools or extracurricular activities, such as football, baseball, or Girl Scouts, and often they have an attachment to family (Kraska, 2004).

The third source of behavioral problems are the mass media. It is difficult to discern the ultimate role of the media in regard to crime. Scholars have suggested that films, video games, and television shows that depict violence are harmful to children. Ultimately, social learning theories beckon us to accept the fact that the mass media are responsible for a great deal of the violence in our society. They hypothesize that children who play violent video games and later inflict physical or psychological damage to someone at school did so because of the influence of the video game. Important to note that in the above-mentioned media outlets (e.g., video games), violence is often acceptable and even celebrated. Moreover, there are no consequences for the actions of the major players. Professional athletes provide an interesting

example of misbehavior without significant consequences. Over the last 50 years, there have been many documented cases of professional athletes who engaged in inappropriate behavior on and off the field. These cases have important implications for the children who observe this behavior. Thus, when a 10-year-old amateur athlete imitates behavior that he has learned by observing professional sports figures, whom does society blame or punish? Substantiating the relationship between the media and violence is the fact that many studies suggest that media violence enables or allows aggressive children or adolescents to justify or rationalize their behavior. Furthermore, consistent media violence desensitizes children and adolescents. A person could argue that viewing 10,000 homicides on television over a 10-year period prevents (i.e., desensitizes) an individual from adjusting to the appropriate psychological response. Thus, when the local news reports about a homicide, does the child or adolescent respond with sorrow or indifference (Jacoby, 2004)? When searching for stimuli that foster violent acts, social learning theorists suggest that an individual is likely to inflict harm when he or she is subject to a violent assault, verbal heckling or insults, disparagement, and the inability to achieve his or her goals and aspirations (Siegal, 2009).

## Cognitive Theory

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A third major psychological theory is *cognitive theory*. In recent years, significant gains have been made in explaining criminal behavior within the cognitive theory framework. Here, psychologists focus on the mental processes of individuals. More important, cognitive theorists attempt to understand how criminal offenders perceive and mentally represent the world around them (Knepper, 2001). Germane to cognitive theory is how individuals solve problems. Two prominent pioneering 19th-century psychologists are Wilhelm Wundt and William James. Two subdisciplines of cognitive theory are worthy of discussion. The first subdiscipline is the *moral development* branch, the focus of which is understanding how people morally represent and reason about the world. The second subdiscipline is *information processing*. Here, researchers focus on the way people acquire, retain, and retrieve information (Siegal, 2009). Ultimately, scholars are concerned with the process of those three stages (i.e., acquisition, retention, and retrieval). One theory within the cognitive framework focuses on moral and intellectual development. Jean Piaget (1896–1980) hypothesized that the individual reasoning process is developed in an orderly fashion. Thus, from birth onward an individual will continue to develop. Another pioneer of cognitive theory is Lawrence Kohlberg (1927–1987), who applied the concept of moral development to criminological theory. Kohlberg (1984) believed that individuals pass through stages of moral development. Most important to his theory is the notion that there are levels, stages, and social orientation. The three levels are Level I, preconventional; Level II, conventional; and Level III,

postconventional. With respect to the different stages, Stages 1 and 2 fall under Level I. Stages 3 and 4 fall under Level II, and Stages 5 and 6 fall under Level III.

Stage 1 is concerned about obedience and punishment. This level is most often found at the grade levels of kindergarten through fifth grade. During this stage, individuals conduct themselves in a manner that is consistent with socially acceptable norms (Kohlberg, 1984). This conforming behavior is attributed to authority figures such as parents, teachers, or the school principal. Ultimately, this obedience is compelled by the threat or application of punishment. Stage 2 is characterized by individualism, instrumentalism, and exchange. Ultimately, the characterization suggests that individuals seek to fulfill their own interests and recognize that others should do the same. This stage maintains that the right behavior means acting in one's own best interests (Kohlberg, 1984).

The conventional level of moral reasoning is often found in young adults or adults. It is believed that individuals who reason in a conventional way are more likely to judge the morality of actions by comparing those actions to societal viewpoints and expectations (Kohlberg, 1984). The third and fourth stages fall under this level of development. In Stage 3, the individual recognizes that he or she is now a member of society. Coinciding with this is the understanding of the roles that one plays. An important concept within this stage is the idea that individuals are interested in whether or not other people approve or disapprove of them (Kohlberg, 1984). For example, if you are an attorney, what role does society expect you to play? Tangentially, what role does the clergy hold in society? It is important to note that perception is germane to this stage as well. Ultimately, the literature suggests this is where a "good" boy and girl attempts to ascertain his or her standing or role within society. With respect to stage four, the premise is based on law and order. In this stage, individuals recognize the importance of laws, rules, and customs. This is important because in order to properly function in society, one must obey and recognize the social pillars of society. Ultimately, individuals must recognize the significance of right and wrong. Obviously, a society without laws and punishments leads to chaos. In contrast, if an individual who breaks the law is punished, others would recognize that and exhibit obedience. Kohlberg (1984) suggested that the majority of individuals in our society remain at this stage, in which morality is driven by outside forces.

Stages 5 and 6 exist at the postconventional level. Stage 5 is referred to as the *social contract*. Here, individuals are concerned with the moral worth of societal rules and values, but only insofar as they are related to or consistent with the basic values of liberty, the welfare of humanity, and human rights. Fundamental terms associated with this stage are *majority decision* and *compromise*. Stage 6 is often termed *principled conscience*. This stage is characterized by universal principles of justice and respect for human autonomy. Most important to criminal justice and criminology is the notion that laws are valid only if they are based

on or grounded in justice. It is important to recognize that justice is subjective. Thus, Kohlberg argued that the quest for justice would ultimately call for disobeying unjust laws. He suggested that individuals could progress through the six stages in a chronological fashion. Important for criminology is that Kohlberg suggested that criminals are significantly lower in their moral judgment development.

The next subdiscipline is the *information-processing* branch. This area is predicated on the notion that people use information to understand their environment. When an individual makes a decision, he or she engages in a sequence of cognitive thought processes. To illustrate, individuals experience an event and encode or store the relevant information so it can be retrieved and interpreted at a later date (Conklin, 2007). Second, these individuals search for the appropriate response, and then they determine the appropriate action. Last, they must act on their decision. There are some vital findings regarding this process. First, individuals who use information properly are more likely to avoid delinquent or criminal behavior (Shelden, 2006). Second, those who are conditioned to make reasoned judgments when faced with emotional events are more likely to avoid antisocial behavioral decisions (Siegal, 2008). Interestingly, an explanation for flawed reasoning is that the individual may be relying on a faulty cognitive process; specifically, he or she may be following a mental script that was learned in childhood (Jacoby, 2004). A second reason that may account for flawed reasoning is prolonged exposure to violence. A third possibility of faulty reasoning is oversensitivity or rejection by parents or peers. Contemplating the consequences of long-lasting rejection or dismissal is likely to produce damage to an individual's self-esteem. Research has demonstrated that individuals who use violence as a coping mechanism are substantially more likely to exhibit other problems, such as alcohol and drug dependency (Piquero & Mazarolle, 2001).

## Personality and Crime

*Personality* can be defined as something that makes us what we are and also that which makes us different from others (Clark, Boccaccini, Caillouet, & Chaplin, 2007). Ideally, personality is stable over time. Examinations of the relationship between personality and crime have often yielded inconsistent results. One of the most well-known theories of personality used to examine this relationship is the Big Five model of personality. This model provides a vigorous structure into which most personality characteristics can be categorized. This model suggests that five domains account for individual differences in personality: (1) Neuroticism, (2) Extraversion, (3) Openness, (4) Agreeableness, and (5) Conscientiousness (Clark et al., 2007). Neuroticism involves emotional stability. Individuals who score high on this domain often demonstrate anger and sadness and have irrational ideas, uncontrollable impulses, and anxiety. In contrast, persons who score low on Neuroticism are often described by others as even tempered, calm, and relaxed.

The second domain, Extraversion, is characterized by sociability, excitement, and stimulation. Individuals who score high on Extraversion (extraverts) are often very active, talkative, and assertive. They also are more optimistic toward the future. In contrast, introverts are often characterized by being reserved, independent, and shy (Clark et al., 2007).

The third domain is Openness, referring to individuals who have an active imagination, find pleasure in beauty, are attentive to their inner feelings, have a preference for variety, and are intellectually curious. Individuals who score high on Openness are willing to entertain unique or novel ideas, maintain unconventional values, and experience positive and negative emotions more so than individuals who are closed-minded. In contrast, persons who score low in Openness often prefer the familiar, behave in conventional manners, and have a conservative viewpoint (Clark et al., 2007).

The fourth domain is Agreeableness. This domain is related to interpersonal tendencies. Individuals who score high on this domain are considered warm, altruistic, soft-hearted, forgiving, sympathetic, and trusting. In contrast, those who are not agreeable are described as hard-hearted, intolerant, impatient, and argumentative.

Conscientiousness, the fifth domain, focuses on a person's ability to control impulses and exercise self-control. Individuals who score high on Conscientiousness are described as organized, thorough, efficient, determined, and strong willed. In addition, those who are conscientious are more likely to achieve high academic and occupational desires. In contrast, people who score low on this domain are thought to be careless, lazy, and more likely assign fault to others than to accept blame themselves (Clark et al., 2007).

One personality study discovered that the personality traits of hostility, impulsivity, and narcissism are correlated with delinquent and criminal behavior. Furthermore, research conducted by Sheldon and Eleanor Glueck during the 1930s and 1940s identified a number of personality traits that were characteristic of antisocial youth (Schmallegger, 2008). Another important figure who examined the criminal personality is Hans Eysenck (1916–1997). Eysenck identified two antisocial personality traits: (1) extraversion and (2) neuroticism. Eysenck suggested that individuals who score at the ends of either domain of extraversion and neuroticism are more likely to be self-destructive and criminal (Eysenck & Eysenck, 1985). Moreover, neuroticism is associated with self-destructive behavior (e.g., abusing drugs and alcohol and committing crimes).

## Psychopathic Personality

*Antisocial personality, psychopathy, or sociopath* are terms used interchangeably (Siegal, 2009). Sociopaths are often a product of a destructive home environment. Psychopaths are a product of a defect or aberration within themselves. The antisocial personality is characterized by low levels of guilt, superficial charm, above-average intelligence, persistent violations of the rights of others, an incapacity to form

enduring relationships, impulsivity, risk taking, egocentricity, manipulateness, forcefulness and cold-heartedness, and shallow emotions (Jacoby, 2004). The origin may include traumatic socialization, neurological disorder, and brain abnormality (Siegal, 2008). Interestingly, if an individual suffers from low levels of arousal as measured by a neurological examination, he or she may engage in thrill seeking or high-risk behaviors such as crime to offset their low arousal level. Other dynamics that may contribute to the psychopathic personality is a parent with pathologic tendencies, childhood traumatic events, or inconsistent discipline. It is important to note that many chronic offenders are sociopaths. Thus, if personality traits can predict crime and violence, then one could assume that the root cause of crime is found in the forces that influence human development at an early stage of life (Siegal, 2008).

## Intelligence and Crime

Criminologists have suggested for centuries that there exists a link between intelligence and crime (Dabney, 2004). Some common beliefs are that criminals and delinquents possess low intelligence and that this low intelligence causes criminality. As criminological research has advanced, scholars have continued to suggest that the Holy Grail is causality. The ability to predict criminals from noncriminals is the ultimate goal. The ideology or concept of IQ and crime has crystallized into the nature-versus-nurture debate (Jacoby, 2004).

The nature-versus-nurture debate is a psychological argument that is related to whether the environment or heredity impacts the psychological development of individuals (Messner & Rosenfield, 2007). Science recognizes that we share our parents' DNA. To illustrate, some people have short fingers like their mother and brown eyes like their father. However, the question remains: Where do individuals get their love of sports, literature, and humor? The nature-versus-nurture debate addresses this issue. With respect to the nature side, research on the prison population has consistently shown that inmates typically score low on IQ tests (Schmallegger, 2008). In the early decades of the 20th century, researchers administered IQ tests to delinquent male children. The results indicated that close to 40% had below-average intelligence (Siegal, 2008). On the basis of these data and other studies, some scholars argue that the role of nature is prevalent. However, can researchers assume a priori that heredity determines IQ, which in turn influences an individual's criminal behavior? One criticism of this perspective is the failure to account for free will. Many individuals in our society believe in the ability to make choices. Last, there are many individuals who have a low IQ but refrain from committing crime.

With respect to nurture theory, advocates ground themselves on the premise that intelligence is not inherited. There is some recognition of the role of heredity; however, emphasis is placed on the role of society (i.e., environment).

To demonstrate, parents are a major influence on their children's behavior. At an early age, parents read books; play music; and engage their children in art, museum, and sporting events. Some parents spend no quality time with their children, and these children are believed to perform poorly on intelligence test. Other groups important in a child's nurturing are friends, relatives, and teachers. Ultimately, the child who has no friends or relatives and drops out of school is destined for difficult times. Research has demonstrated that the more education a person has, the higher his or her IQ.

The nature-versus-nurture debate will continue. The debate has peaks and valleys. For years, the debate subsides, and this is followed by years of scrutiny and a great deal of attention. One of two major studies that highlighted this debate was conducted by Travis Hirschi and Michael Hindelang (1977). These scholars suggested that low IQ increases the likelihood of criminal behavior through its effect on school performance. This argument seems somewhat elementary. Their argument is that a child with a low IQ will perform poorly in school. In turn, this school failure is followed by dropping out. Given the poor school performance, a child is left with very few options (Hirschi & Hindelang, 1977). This ultimately leads to delinquency and adult criminality. Support of this position has been widespread. Furthermore, it is important to note that U.S. prisons and jails are highly populated with inmates who only have an average of eighth-grade education. At the same time, these same inmates at the time of their offense were unemployed.

The second nature-versus-nature study that warrants attention was conducted by Richard Herrnstein and Charles Murray (1994). In their book *The Bell Curve*, these scholars suggested individuals with a lower IQ are more likely to commit crime, get caught, and be sent to prison. Importantly, these authors transport the IQ and crime link to another level. Specifically, they suggested that prisons and jails are highly populated with inmates with low IQs; however, what about those criminals whose actions go undetected? Through self-reported data, the researchers discovered that these individuals have a lower IQ than the general public. Thus, research concludes those criminal offenders who have been caught and those who have not have an IQ lower than the general population (Herrnstein & Murray, 1994).

## Conclusion

The relationship between psychology and criminal behavior is significant. For centuries, scholars have been attempting to explain why someone commits a crime. This chapter examined the role of psychodynamic theory as developed by Sigmund Freud. Included here are the roles of the id, ego, and superego in criminal behavior. This was followed by a discussion of mental disorders and crime. Under examination here were conduct disorder and oppositional defiant disorder. Through both disorders, we learned that children possess many characteristics associated with delinquency and adult criminality, ultimately concluding that treatment is a necessity and early intervention is paramount.

Discussed next was the role of mental illness and crime. Bipolar disorder and schizophrenia are two of the most serious disorders. Research suggests that there is a correlation between individuals with bipolar disorder and schizophrenia and delinquency and/or criminal behavior. The second major psychological theory is behaviorism. As previously mentioned, behavioral theory suggests human behavior is fostered through learning experiences. At the forefront of this theory is the premise that individuals change their behavior according to reactions from others. In the real world, there exists the assumption that behavior is reinforced via rewards and eliminated by a negative reaction or punishment. Social learning theory, which is a branch of behavior theory, is the most relevant to criminology. Moreover, the most prominent social learning theorist is Albert Bandura.

The third psychological theory examined is cognition. Here, an importance of mental processes of individuals is examined. A discussion followed on how individuals perceive and mentally represent the world. Furthermore, how do individuals solve problems? Two important subdisciplines examined were Kohlberg's moral development theory and information-processing theory. Ultimately, we can conclude that criminal offenders are poor at processing information and evaluating the world around them. The next major topics discussed were personality and intelligence. Concerning personality, we learned that personality can be measured via the domains of Neuroticism, Extraversion, Openness, Agreeableness, and Conscientiousness. We learned that Extraversion and Neuroticism are related to criminal behavior. Last, the intelligence debate has existed for centuries, and data demonstrate that individuals with a low IQ are more likely to engage in criminal behavior. Important to the discussion of intelligence and IQ is school performance. Research studies that have examined future delinquency and adult criminality have consistently demonstrated the link between the two. In reality, it is not difficult to understand why a person who fails or drops out of school is limited in his or her career or future options. Occupations that have desirable salaries often require a high school degree as well as a bachelor's or master's degree. In sum, when citizens and scholars attempt to understand why people commit a crime, recognition must be given to psychological theories. Not doing so would be a serious error in judgment.

## References and Further Readings

- Bandura, A. (1977). *Social learning theory*. Englewood Cliffs, NJ: Prentice Hall.
- Bandura, A. (1978). Social learning theory of aggression. *Journal of Communication*, 28, 12–29.
- Bandura, A. (1986). *Social foundations of thought and action*. Englewood Cliffs, NJ: Prentice Hall.
- Boccaccini, M., Murrie, D., Clark, J., & Comell, D. (2008). Describing, diagnosing, and naming psychopathy: How do youth psychopathy labels influence jurors? *Behavioral Sciences & the Law*, 26, 487–510.

- Bohm, R. (2001). *Primer on crime and delinquency theory* (2nd ed.). Belmont, CA: Wadsworth.
- Clark, J., Boccaccini, M., Caillouet, B., & Chaplin, W. (2007). Five factor model of personality traits, jury selection, and case outcomes in criminal and civil cases. *Criminal Justice and Behavior*, 34, 641–660.
- Conklin, J. (2007). *Criminology* (9th ed.). Boston: Allyn & Bacon.
- Dabney, D. (2004). *Crime types: A text/reader*. Belmont, CA: Cengage Learning.
- Eysenck, H., & Eysenck, M. (1985). *Personality and individual differences*. New York: Plenum Press.
- Freud, S. (1933). *New introductory lectures on psycho-analysis*. New York: Norton.
- Herrnstein, R., & Murray, C. (1994). *The bell curve: Intelligence and class structure in American life*. New York: Free Press.
- Hirschi, T., & Hindelang, M. (1977). Intelligence and delinquency: A revisionist review. *American Sociological Review*, 42, 471–741.
- Jacoby, J. (2004). *Classics of criminology* (3rd ed.). Long Grove, IL: Waveland Press.
- Knepper, P. (2001). *Theories and symptoms in criminology*. Durham, NC: Carolina Academic Press.
- Kohlberg, L. (1984). *The psychology of moral development: Essays on moral development*. New York: Harper & Row.
- Kraska, P. (2004). *Theorizing criminal justice*. Long Grove, IL: Waveland Press.
- Messner, S., & Rosenfield, R. (2007). *Crime and the American dream* (4th ed.). Belmont, CA: Wadsworth.
- Piquero, A., & Mazarolle, P. (2001). *Life course criminology: Contemporary and classic readings*. Belmont, CA: Wadsworth.
- Schmallegger, F. (2008). *Criminal justice: A brief introduction* (7th ed.). Englewood Cliffs, NJ: Prentice Hall.
- Shelden, R. (2006). *Delinquency and juvenile justice in American society*. Long Grove, IL: Waveland Press.
- Siegal, L. (2008). *Criminology: The core* (3rd ed.). Belmont, CA: Cengage Learning.
- Siegal, L. (2009). *Criminology* (10th ed.). Belmont, CA: Cengage Learning.
- Silver, E. (2002). Extending social disorganization theory: A multilevel approach to the study of violence among persons with mental illness. *Criminology*, 40, 191–212.
- Tarde, G. (1903). *The laws of imitation*. New York: Holt.

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## ROUTINE ACTIVITIES

MARIE SKUBAK TILLYER

*University of Texas at San Antonio*

JOHN E. ECK

*University of Cincinnati*

**R***outine activities theory* is a theory of crime events. This differs from a majority of criminological theories, which focus on explaining why some people commit crimes—that is, the motivation to commit crime—rather than how criminal events are produced. Although at first glance this distinction may appear inconsequential, it has important implications for the research and prevention of crime. Routine activities theory suggests that the organization of routine activities in society create opportunities for crime. In other words, the daily routine activities of people—including where they work, the routes they travel to and from school, the groups with whom they socialize, the shops they frequent, and so forth—strongly influence when, where, and to whom crime occurs. These routines can make crime easy and low risk, or difficult and risky. Because opportunities vary over time, space, and among people, so too does the likelihood of crime. Therefore, research that stems from routine activities theory generally examines various opportunity structures that facilitate crime; prevention strategies that are informed by routine activities theory attempt to alter these opportunity structures to prevent criminal events.

Routine activities theory was initially used to explain changes in crime trends over time. It has been increasingly used much more broadly to understand and prevent crime problems. Researchers have used various methods to test hypotheses derived from the theory. Since its inception, the theory has become closely aligned with a set of theories and perspectives known as *environmental criminology*, which

focuses on the importance of opportunity in determining the distribution of crime across time and space. Environmental criminology, and routine activities theory in particular, has very practical implications for prevention; therefore, practitioners have applied routine activities theory to inform police practices and prevention strategies. This chapter contains a review of the evolution of routine activities theory; a summary of research informed by the theory; complementary perspectives and current applications; and future directions for theory, research, and prevention.

### Theory

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In 1979, Cohen and Felson questioned why urban crime rates increased during the 1960s, when the factors commonly thought to cause violent crime, such as poor economic conditions, had generally improved during this time. Cohen and Felson (1979) suggested that a *crime* should be thought of as an event that occurs at a specific location and time and involves specific people and/or objects. They argued that crime events required three minimal elements to converge in time and space: (1) an offender who was prepared to commit the offense; (2) a suitable target, such as a human victim to be assaulted or a piece of property to be stolen; and (3) the absence of a guardian capable of preventing the crime. The lack of any of these three elements, they argued, would be sufficient to prevent a crime event from occurring. Drawing from human ecological theories,

Cohen and Felson suggested that structural changes in societal routine activity patterns can influence crime rates by affecting the likelihood of the convergence in time and space of these three necessary elements. As the routine activities of people change, the likelihood of targets converging in time and space with motivated offenders without guardians also changes. In other words, opportunities for crime—and, in turn, crime patterns—are a function of the routine activity patterns in society.

Cohen and Felson (1979) argued that crime rates increased after World War II because the routine activities of society had begun to shift away from the home, thus increasing the likelihood that motivated offenders would converge in time and space with suitable targets in the absence of capable guardianship. Routine activities that take place at or near the home tend to be associated with more guardianship—for both the individual and his or her property—and a lower risk of encountering potential offenders. When people perform routine activities away from the home, they are more likely to encounter potential offenders in the absence of guardians. Furthermore, their belongings in their home are left unguarded, thus creating more opportunities for crime to take place.

One of the greatest contributions of routine activities theory is the idea that criminal opportunities are not spread evenly throughout society; neither are they infinite. Instead, there is some limit on the number of available targets viewed as attractive/suitable by the offender. Cohen and Felson (1979) suggested that suitability is a function of at least four qualities of the target: Value, Inertia, Visibility, and Access, or VIVA. All else being equal, those persons or products that are repeatedly targeted will have the following qualities: perceived value by the offender, either material or symbolic; size and weight that makes the illegal treatment possible; physically visible to potential offenders; and accessible to offenders. Cohen and Felson argued that two additional societal trends—the increase in sales of consumer goods and the design of small durable products—were affecting the crime by means of the supply of suitable targets. These trends in society increased the supply of suitable targets available and, in turn, the likelihood of crime. As the supply of small durable goods continued to rise, the level of suitable targets also rose, thus increasing the number of available criminal opportunities.

Since its inception, routine activities theory has been developed to further specify the necessary elements for a criminal event and those that have the potential to prevent it. The people who prevent crime have been subdivided according to whom or what they are supervising—offender, target, or place—and are now collectively referred to as *controllers*. *Handlers* are people who exert informal social control over potential offenders to prevent them from committing crimes (Felson, 1986). Examples of handlers include parents who chaperone their teenager's social gatherings, a probation officer who supervises probationers, and a school resource officer who keeps an eye on school bullies. Handlers have some sort of personal connection with the potential offenders.

Their principal interest is in keeping the potential offender out of trouble. *Guardians* protect suitable targets from offenders (Cohen & Felson, 1979). Examples of guardians include the owner of a car who locks his vehicle, a child care provider who keeps close watch over the children in public, and a coworker who walks another to his car in the parking garage. The principal interest of guardians is the protection of their potential targets. Finally, *managers* supervise and monitor specific places (Eck, 1994). Place managers might include the owner of a shop who installs surveillance cameras, an apartment landlord who updates the locks on the doors, and park rangers who enforce littering codes. The principal interest of managers is the functioning of places. Eck (2003) depicted this more comprehensive version of routine activities theory as a crime triangle (see Figure 32.1).

The inner triangle represents the necessary elements for a crime to occur: A motivated offender and suitable target must be at the same place at the same time. The outer triangle represents the potential controllers—guardians, handlers, and managers—who must be absent or ineffective for a crime to occur; the presence of one effective controller can prevent the criminal event.

Controllers have been described in greater detail. Felson (1995) indicated who is most likely to successfully control crime as a guardian, handler, or manager. He asserted that individuals' tendency to discourage crime—by supervising targets, offenders, or places—varies with degree of responsibility. He described four varying degrees of responsibility:

1. *Personal*, such as owners, family, and friends
2. *Assigned*, such as employees with a specific assigned responsibility
3. *Diffuse*, such as employees with a general assigned responsibility
4. *General*, such as strangers and other citizens

Controllers who are more closely associated with potential offenders, targets, or places, are more likely to



**Figure 32.1** The Crime Triangle

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successfully take control and prevent crime. As responsibility moves from personal to general, the likelihood that crime will be prevented diminishes. For example, a shop owner will be much more likely to take control and prevent shoplifting in her store compared with a stranger who infrequently comes to the store. Residents will be more likely to prevent crime on their own street block, rather than on the blocks they travel to and from work.

The characteristics of a suitable target have been expanded and applied to products that are frequently targeted for theft. Clarke (1999) extended Cohen and Felson's (1979) work on target suitability to explain the phenomenon of "hot products." Clarke suggested that relatively few hot products account for a large proportion of all thefts. He argues there are six key attributes of hot products that increase the likelihood that they will be targeted by thieves. Specifically, crime is concentrated on products that are CRAVED, that is, Concealable, Removable, Available, Valuable, Enjoyable, and Disposable (Clarke, 1999).

To summarize, routine activities theory is a theory of crime events. Routine activities theory differs from other criminological theories in a fundamental way. Before the advent of routine activities theory, nearly all criminological theory had focused solely on factors that motivate offenders to behave criminally, such as biological, sociological, and economic conditions that might drive individuals to commit crimes. Conversely, routine activities theory focuses on a range of factors that intersect in time and space to produce criminal opportunities and, in turn, criminal events. Although standard criminological theories do not explain how crimes happen to occur at some places (but not others), at some times (but not others), and to some targets (but not others), routine activities theory does not explain why some people commit crimes and others do not. It is important to note that routine activities theory suggests that crime can increase and decline without any change in the number of criminals. Instead, there might be an increase in the availability of suitable targets, a decline in the availability or effectiveness of controllers, or a shift in the routine activities of society that increase the likelihood that these elements will converge in time and space. This notion that the offender is but one contributor to the crime event has both theoretical and practical implications. First, it insinuates that theories that focus only on offender factors are not sufficient to explain crime patterns and trends, only the supply of motivated offenders. Second, it suggests a much broader range of prevention possibilities. Whereas other criminological theories suggest changes to the social, economic, and political institutions of society to alter the factors that motivate people to commit crimes, routine activities theory indicates that shifts in the availability of suitable targets; the characteristics of places; and the presence of capable guardians, place managers, or handlers can produce immediate reductions in crime. Furthermore, changes in the routine activity patterns of society that affect the likelihood that these elements will converge in space and time can also prevent crime events

without directly affecting the supply of motivated offenders. Given these policy implications, researchers have derived various testable hypotheses from routine activities theory to explore its validity.

## Methods

Routine activities theory has guided research designed to understand a range of phenomena, including crime trends over time, distributions of crime across space, and individual differences in victimization. In addition, researchers have considered how opportunities for crime might exist at multiple levels. For example, the characteristics of one's neighborhood and the features of the home might influence the likelihood of burglary victimization. Researchers have used various research methods to meet these different needs. The selection of research reviewed in the following paragraphs illustrates the different methods researchers have used to test hypotheses developed from routine activities theory.

### Using Routine Activity to Predict Crime Trends

Routine activities theory was first used to understand changes in crime trends over time. To do this, researchers examine how crime rates fluctuate over time with changes in macrolevel routine activity trends to determine whether changes in routine activities are associated with changes in crime trends. If they are, this indicates support for the theory. In their initial presentation of the theory, Cohen and Felson (1979) pointed to a shift in the structural routine activities of society to explain why urban crime rates increased during the 1960s, when the factors thought to cause violent crime, such as economic conditions, had generally improved during this time period. They argued that the dispersion in activities away from the family and household caused an increase in target suitability and a decrease in guardianship. In other words, people were leaving their households unoccupied and unguarded more frequently, as well as exposing themselves as targets to potential motivated offenders. To test this hypothesis, Cohen and Felson developed a *household activity ratio* to measure the extent to which households were left unattended.<sup>1</sup> They predicted that changes in the dispersion of activities away from the family and household explained crime rates over time, arguing that nonhousehold activities increase the probability that motivated offenders will converge in time and space in the absence of capable guardians. Using a time series analysis, they found that the household activity ratio was significantly related to burglary, forcible rape, aggravated assault, robbery, and homicide rates from 1947 to 1974 (Cohen & Felson, 1979). Consistent with Cohen and Felson's initial study, subsequent macrolevel studies have demonstrated that variations in society's structural organization of routine activities are related to variations in crime trends over time (e.g., Felson & Cohen, 1980). In other

words, research has generally shown that routine activities that take people away from their home tend to be associated with increases in crime rates.

### Using Routine Activities to Predict the Distribution of Crime Across Space

Routine activities theory has also been used to explain distributions of crime across space. Unlike the research just reviewed, which examined how crime rates changed in the same place over time (i.e., the United States from year to year), this type of research examines how crime rates differ across various places at the same time (i.e., different cities in the United States during a given year). Researchers have used routine activities theory to develop testable hypotheses about why some areas have higher crime rates than others. To do this, they examine whether the routine activities of people living in places with higher levels of crime differ from the routine activities of people living in places with lower levels of crime. For example, Messner and Blau (1987) hypothesized that routine leisure activities that take place in the household will result in lower crime rates, whereas those that take people away from their households will result in higher crime rates. To test these hypotheses, they used data from the 124 largest Standard Metropolitan Statistical Areas in the United States during the time period around 1980. Specifically, they hypothesized that higher levels of aggregate television viewing would be associated with lower city crime rates, because routine leisure activities that take place in the household provide potential targets with a greater level of guardianship. Conversely, they hypothesized that a greater supply of sports and entertainment establishments will be associated with higher city crime rates, because leisure activities that remove people from their homes leave suitable targets unguarded. In general, their analyses support these hypotheses. Higher levels of television viewing were associated with lower rates of forcible rape, robbery, aggravated assault, burglary, larceny, and auto theft. Conversely, a greater supply of sports and entertainment establishments was associated with higher rates of murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, and larceny.

### Using Routine Activities to Predict Differences in Victimization

Routine activities theory has also been used to explain differences in victimization across individuals. Although Cohen and Felson (1979) initially used the theory to explain national-level crime trends, the mechanisms described by the theory are actually microlevel in nature: A victim comes into contact with an offender in the absence of any capable controllers. This has led many researchers to use individual-level victimization data to understand differences in victimization risk given the routine activities of the potential victim. Specifically, researchers compare the routine activities of victims to those of nonvictims to

understand the effect of lifestyle and routine activities on the likelihood of victimization. Victimization survey data have become increasingly available in recent decades, making such methodology more common. Therefore, researchers have examined how the routine activities of individuals affect their likelihood of various forms of victimization, including property crime (e.g., Mustaine & Tewksbury, 1998), violent crime (e.g., Sampson, 1987), and stalking (e.g., Fisher, Cullen, & Turner, 2002)

Miethe, Stafford, and Long (1987) argued that the routine activities of individuals differentially place some people and/or their property in the proximity of motivated offenders, thus leaving them vulnerable to victimization. Using victimization data from the 1975 National Crime Survey, Miethe et al. explored whether individuals' major daily activities and frequency of nighttime activities affected their likelihood of property and violent victimization. Their analyses indicated that individuals who performed their major daily activities outside of the home had relatively higher risks of property victimization compared with those whose daily activities kept them at home. The location of major daily activities, however, was not significantly related to the risk of violent victimization. In terms of the frequency of nighttime activities, Miethe et al. found that individuals with a high frequency of nighttime activities were at an increased risk for property and violent victimization.

### Routine Activities and Multilevel Opportunity

At first, researchers examined macro- and microlevel hypotheses derived from routine activities separately. Macrolevel routine activities have been used to explain crime rates, and the routine activities of individuals have been used to explain victimization risk. In more recent years, researchers have begun to explore whether opportunity factors operate at both individual and neighborhood levels to impact victimization risk (e.g., Sampson & Wooldredge, 1987; Wilcox Rountree, Land, & Miethe, 1994). In other words, do the routine activities of the neighborhood in which an individual resides independently influence his victimization risk beyond the effect of his own characteristics and routine activities that leave him vulnerable to crime? For example, leaving one's door unlocked might contribute to victimization risk; living in a neighborhood where it is common to leave one's door unlocked might also contribute to victimization risk. In the first case, one's house can be easily entered if a burglar should try to enter. In the second case, a burglar knows to try to enter the home given the neighborhood norm of leaving doors unlocked. These two factors may both contribute to the risk of victimization for this individual.

In addition, researchers have questioned whether the effects of individual routine activities on victimization risk vary by neighborhood. For example, does leaving one's door unlocked increase risk for burglary victimization to a particular level, regardless of whether one lives in the suburbs or in

the city, or do the neighborhood characteristics *condition* the effect of individual routine activities on victimization risk? Routine activities theory and these types of research questions have inspired further theoretical developments in the area of multilevel opportunity (Wilcox, Land, & Hunt, 2003).

To answer these questions, researchers use data on both the characteristics of the neighborhood that indicate opportunities for crime, as well as the routine activities and other characteristics of the victim that might put him at risk for victimization. To analyze such data, researchers rely on sophisticated multilevel modeling techniques that allow them to determine the effects of individual- and neighborhood-level factors at the same time, as well as the extent to which neighborhood characteristics might condition the effects of individual routine activities on victimization risk.

### Complementary Theories, Perspectives, and Applications

Routine activities theory is closely linked to and shares similar assumptions with several other theories and perspectives that are collectively referred to as *environmental criminology*. Unlike traditional criminology, environmental criminology has focused primarily on the proximate environmental and situational factors that facilitate or prevent criminal events. While not discounting individual differences in motivation to commit crime, the primary focus of this area of theory and research has been on understanding the opportunity structures that produce temporal and spatial patterns of crime. In addition to routine activities theory, environmental criminology encompasses the rational choice perspective (e.g., Clarke & Cornish, 1985), situational crime prevention (Cornish & Clarke, 2003), and crime pattern theory (P. J. Brantingham & Brantingham, 1981, 1993; P. L. Brantingham & Brantingham, 1995). Each of these four theories/perspectives provides a unique contribution to the understanding of the criminal event. Their shared assumptions make them complementary, rather than competing, explanations of crime. In addition, a policing approach called *problem-oriented policing* draws heavily from routine activities theory to help understand and interrupt the opportunity structures that produce specific crime problems.

The theories and perspectives reviewed here all point to opportunity blocking for prevention. Environmental criminology and other criminological theories make different predictions about how offenders will respond to blocked opportunities. *Displacement* and *diffusion of benefits*, described later, are two possible offender adaptations to blocked criminal opportunities for crime.

#### The Rational Choice Perspective

Whereas routine activities theory describes the necessary elements of a criminal event and the controllers who can disrupt that event, the rational choice perspective addresses the

processes by which offenders make decisions. Clarke and Cornish (1985) argued that the decision to offend actually comprises two important decision points: (1) an involvement decision and (2) an event decision. The *involvement decision* refers to an individual's recognition of his or her readiness to commit a crime (Clarke & Cornish, 1985). The offender has contemplated this form of crime and other potential options for meeting his or her needs and concluded that he or she would commit this type of crime under certain circumstances. This involvement decision process, according to Clarke and Cornish, is influenced by the individual's prior learning and experiences. The second decision point—the *event decision*—is highly influenced by situational factors. Situations, however, are not perceived the same way by all people; instead, the person views them through the lens of previous experience and assesses them using his or her information-processing abilities (Clarke & Cornish, 1985). At times, the information used to make decisions is inaccurate, with judgment being clouded by situational changes, drugs, and/or alcohol. Although this model describes involvement and event decisions as two discrete choices, in reality the two may happen almost simultaneously.

Over time, the involvement decision continues to be shaped by experience. Positive reinforcement from criminal events can lead to increased frequency of offending. The individual's personal circumstances might change to further reflect his or her readiness to commit crime. For example, Clarke and Cornish (1985) pointed to increased professionalism in offending, changes in lifestyle, and changes in network of peers and associates as personal conditions that change over time to solidify one's continual involvement decision. Conversely, an offender may choose to desist in response to reevaluating alternatives to crime. This decision could be influenced by an aversive experience during a criminal event, a change to one's personal circumstances, or changes in the larger opportunity context (Clarke & Cornish, 1985). Both the involvement and event decisions can be viewed as rational in that they are shaped by the effort, risks, rewards, and excuses associated with the behavior.

#### Situational Crime Prevention

*Situational crime prevention* is grounded in the rational choice perspective in that it manipulates one or more elements to change the opportunities for crime and in turn change the decision making of potential offenders. In terms of routine activities theory, situational crime prevention can be viewed as the mechanisms by which controllers (i.e., guardians, place managers, and handlers) discourage crime. Over the past few decades, researchers and criminal justice practitioners alike have used the techniques of situational crime prevention to understand crime problems, develop interventions, and evaluate the effectiveness of those interventions. Situational crime prevention was designed to address highly specific forms of crime by systematically manipulating or managing the immediate environment in as permanent a way as possible, with the purpose of reducing

opportunities for crime as perceived by a wide range of offenders (Clarke, 1997). Situational crime prevention techniques focus on effectively altering opportunity structures of a particular crime by increasing the efforts, increasing the risks, reducing the rewards, reducing provocations, and removing excuses (Cornish & Clarke, 2003). On its face, situational crime prevention techniques change the event decision by altering the offender's perceptions of a specific criminal opportunity. However, it should be noted that an offender's experience during a criminal event directly affects his or her continual involvement decision over time. Blocked opportunities not only prevent an impending criminal event but might also nudge the offender in the direction of abandoning crime.

### Crime Pattern Theory

*Crime pattern theory* provides a framework of environmental characteristics, offender perceptions, and offender movements to explain the spatially patterned nature of crime. It is compatible with routine activities theory because it describes the process by which offenders search for or come across suitable targets. P. J. Brantingham and Brantingham (1981) began with the premise that there are individuals who are motivated to commit crime. As these individuals engage in their target selection process, the environment emits cues that indicate the cultural, legal, economic, political, temporal, and spatial characteristics/features of the area. These elements of the environmental backcloth are then perceived by the offender, and he or she interprets the area as being either favorable or unfavorable for crime. Over time, offenders will form templates of these cues on which they will rely to interpret the environment during target selection.

P. J. Brantingham and Brantingham (1993) argued that one common way offenders encounter their targets is through overlapping or shared activity spaces; in other words, offenders come across their targets during the course of their own routine activities, and therefore the locations of these activities, as well as the routes traveled to these locations, will determine the patterning of crime across space. Brantingham and Brantingham referred to the offender's home, work, school, and places of recreation as *nodes*. The routes traveled between these nodes are referred to as the *paths* of the offender. Finally, *edges* are those physical and mental barriers along the locations of where people live, work, or play. The offender is most likely to search for and/or encounter targets at the nodes, along paths, and at the edges, with the exception of a buffer zone around each node that the offender avoids out of fear of being recognized. Brantingham and Brantingham argued that crime events will thus be clustered along major nodes and paths of activity, as well as constrained by edges of landscapes. The spatial patterns of crime will reflect these two features: the environmental backcloth and the heavily patterned activity paths, nodes, and edges. In addition, Brantingham and Brantingham noted that some places have particularly high levels of crime because of the characteristics of the activity and people associated with it.

Specifically, they suggested that some places are *crime generators*, in that people travel to these locations for reasons other than crime, but the routine activities at these places provide criminal opportunities. Conversely, other places are *crime attractors* in that their characteristics draw offenders there for the purpose of committing crimes.

### Problem-Oriented Policing and Problem Analysis

Police agencies use routine activities theory as part of problem-oriented policing. In addition, researchers, city planners, nonprofit organizations, and private citizens follow the same problem analysis process used in problem-oriented policing to understand and prevent crime problems. Problem-oriented policing (Goldstein, 1979) is a proactive policing approach that focuses on systematically addressing problems that produce numerous crime incidents and calls for service to the police, instead of reacting to and treating each call for service in isolation. The problem, rather than the individual crime incident, becomes the unit of work for the police. Problems are a form of crime pattern. Within problem-oriented policing, police work to define, understand, and prevent problems that generate numerous crime incidents and citizen calls to the police.

Problem-oriented policing is implemented through the use of the SARA process—Scanning, Analysis, Response, and Assessment. The police *scan* crime data and calls for service to identify crime patterns that are produced by a problem. A problem should be narrowly defined; that is, instead of broadly identifying a “theft problem,” it is important to be specific and identify the problem as “theft of shoes from unsecured lockers at the roller rink during after-school hours.” The police then *analyze* the problem to understand its characteristics and causes. The crime triangle depicted in Figure 32.1 is often used to organize the analysis; police collect information on all sides of the triangle, not just on offenders. On the basis of this analysis, the police develop *responses* to prevent future crimes. These responses go beyond traditional police tools of arrest and citation to include less traditional tools that may help disrupt the causes of the problem. These less traditional approaches involve one or more of the three types of controllers discussed earlier. Finally, police *assess* the overall impact of the response and alter the process accordingly, depending on the results.

It is during the SARA process that routine activities theory can be applied for prevention. Problem-oriented policing complements research that indicates that crime is not randomly distributed (e.g., Eck, Clarke, & Guerette, 2007); instead, some people are repeatedly victimized, some places are repeatedly the sites of crime, and some people repeatedly offend. Eck (2001) suggested that not only does routine activities theory describe the six elements of a crime event but also that specific types of repeat crime and disorder problems can be connected to these elements. Using the terms *wolf*, *duck*, and *den*, problems of repeat victimization, repeat places, and repeat offending can be seen as a function

of both the routine activities of potential offenders, victims, and/or places as well as the absence or ineffectiveness of potential handlers, guardians, and/or managers. This in turn sheds light on what steps should be taken to prevent future crimes stemming from the same problem. A “wolf” problem reflects the repeated actions of an offender or group of offenders, with absent or ineffective handlers. A “duck” problem is one in which the same individual or group is repeatedly victimized; this repeat victimization can be attributed to both the routine activities and characteristics of the victims as well as the absence of capable guardians. A “den” problem is one in which a place is both attractive to targets and offenders while also having weak or absent place managers. The repeat-place problem in which an apartment building is consistently the site of police calls for service might indicate that place managers, such as the landlord or building manager, need to be encouraged or coerced to take control of the problem. In other words, using routine activities theory during problem analysis reveals the absent or ineffective controller who needs to be empowered or held responsible. Furthermore, it might also reveal the activity patterns that systematically produce the opportunity for the crime and suggest points of intervention.

### Displacement and Diffusion of Benefits

One common concern when implementing opportunity blocking crime prevention strategies is that crime will simply be *displaced*. In other words, a particular crime event that appears to be prevented is inevitably displaced to another time, place, and/or victim. Different theories of crime make different predictions about the likelihood of displacement in response to blocked criminal opportunities (Clarke, 1997). Traditional criminological theories of offenders suggest that displacement is inevitable when an opportunity for crime is blocked. This prediction is consistent with the assumptions that (a) only offenders matter because (b) crime opportunities are infinite and evenly spread across time, space, and people. These theories suggest that motivated offenders will adapt and simply move on to another available opportunity. Conversely, opportunity theories such as routine activities theory suggest that displacement is possible, but only to the extent that other available criminal opportunities have similar rewards without an increase in costs to the offender (Clarke, 1997). This prediction is consistent with routine activities theory’s focus on opportunity. Opportunities are not assumed to be infinite and equally gratifying to the offender. The likelihood of displacement, therefore, is tied to the relative costs and benefits of alternative crime opportunities. If an offender is unaware of alternative crime opportunities or these alternatives are very unattractive (i.e., they are difficult, risky, or less rewarding), then displacement is unlikely.

There is another possible offender adaptation to crime prevention strategies. Not only might displacement not occur, but also it is possible that the gains from a strategy

might extend beyond those crimes that were directly targeted by the strategy. One explanation for this *diffusion of benefits* is that offenders, uncertain of the actual scope of a particular strategy, refrain from offending in situations beyond the scope of the strategy (Clarke & Weisburd, 1994). Opportunity theories, such as routine activities theory, predict that there may be a diffusion of benefits in response to opportunity blocking if other crimes share similar opportunity structures with those crimes targeted by the strategy. Conversely, dispositional theories of crime generally cannot account for diffusion of benefits.

Environmental criminologists have dedicated considerable attention to the issue of displacement, producing a body of research on displacement that suggests that displacement is not inevitable, nor is it complete when it does occur. Furthermore, there is evidence to suggest that there is sometimes a diffusion of benefits in response to crime prevention strategies. Hesselting (1994) reviewed 55 published articles and reports suggesting that displacement does not appear to be inevitable. When it does occur, it tends to be limited. Of the 55 studies Hesselting reviewed, 22 found no sign of displacement. Six of these studies reported some diffusion of benefits to crimes beyond those directly targeted. Of the 33 studies that reported displacement, no study found complete displacement. The displacement that did occur generally reflected a shift in time, place, target, or tactic for the offender.

### Future Directions

Although routine activities theory has informed a wealth of research to date, there are still many avenues of research yet to be exhausted. Several areas of research informed by routine activities theory are in their early stages. Guardianship is one of the earliest concepts within routine activities theory, yet there is relatively little understanding of the various forms of guardianship, when and where these forms are effective, and the means by which guardianship reduces crime. On a superficial level, guardianship appears to deter offending by increasing the likelihood the offender will be detected and sanctioned. As many guardians have limited authority, skills, or means to detect and sanction offenders, one may wonder whether (a) guardianship can be based on some other mechanism other than deterrence or (b) many of the examples of guardianship we assume are effective are really guarding; perhaps other things are preventing crime. More research needs to examine this topic.

Another area for research is the concepts of place manager and management. Recently, the Madensen ORCA model of management unpacks these concepts. It states that place management consists of four activities: (1) the Organization of physical space, (2) the Regulation of conduct, (3) the Control of access, and (4) the Acquisition of resources. The study of management and its influence on crime will have to address all four activities and merge crime science with business and management science.

Handlers have received very little attention by routine activity researchers, relative to guardians and managers, yet recent evidence suggests that they may have powerful influences on crime and crime patterns. Tillyer (2008) showed how the concept of handling can be used to reduce a wide variety of crime, from minor juvenile delinquency to group-related homicide.

Crime concentrations appear when none of the controllers is present or effective and offenders meet targets, but why is these controllers absent or ineffective? One answer might be that the controllers whom Rana Sampson (1987), a consultant on problem-oriented policing, calls *super controllers* are not exerting sufficient or the right influence on the controllers. Super controllers are people and institutions that control controllers. For example, a bartender and bar owner are managers, and the state liquor regulatory agency is one of their super controllers. Foster parents are handlers of children put in their care. Child welfare agencies act as their super controllers. A security guard is a guardian, and the company that hired the guard is a super controller. There is almost no research in this area, although it holds great promise for understanding crime and developing prevention.

Routine activities theory focuses on offenders making contact with targets at places. Some crimes, however, involve “crime at a distance.” Mail bombers, for example, do not come close to their targets. Internet fraudsters are able to steal from victims from anywhere in the world. Either routine activities theory is limited to place-based crimes or it needs revision. Eck and Clarke (2003) suggested that substituting *system* for *place* solves the problem. Systems connect people, and they are governed by managers. The mail bomber uses the postal system to contact his victim, and the Internet fraudster uses a system of networked computers. Research on routine activities in systems is in its infancy.

Although it is possible to study the contribution of elements of routine activities theory to the study of crime, it is impossible to empirically study all the elements interacting to create crime patterns. That is because even our best sources of information contain data on only one or two of the actors involved: offenders, targets, handlers, guardians, and managers. Also, the best data available are often highly aggregated and rife with errors. Computer simulations of crime patterns, however, provide a method for exploring how these parts interact in a dynamical system. This is a very new area of research that has spawned simulations of a wide variety of crime types: drug dealing, burglary, robbery, welfare fraud, and others (Liu & Eck, 2008).

## Conclusion

To summarize, routine activities theory is a theory of crime events, which distinguishes it from a majority of criminological theories that focus on explaining why some people commit crimes. Although routine activities theory was initially

used to explain changes in crime trends over time, it has been increasingly used much more broadly to understand and prevent crime problems. Routine activities theory has guided research designed to understand a range of phenomena, including crime trends over time, distributions of crime across space, and individual differences in victimization. It also has been used in conjunction with many crime control strategies, including problem-oriented policing and problem analysis. Despite the broad applicability of the theory to date, there are numerous directions for future research. Examples include further research on the controllers of crime as well as the super controllers.

## Note

1. Cohen and Felson (1979) calculated their household activity ratio by summing the number of married, husband-present female labor force participant households and the number of non-husband-wife households and then dividing by the total number of households in the United States.

## References and Further Readings

- Brantingham, P. J., & Brantingham, P. L. (1981). Notes on the geometry of crime. In P. L. Brantingham & P. J. Brantingham (Eds.), *Environmental criminology* (pp. 27–54). Beverly Hills, CA: Sage.
- Brantingham, P. J., & Brantingham, P. L. (1993). Nodes, paths, and edges: Consideration on the complexity of crime and the physical environment. *Journal of Environmental Psychology, 13*, 3–28.
- Brantingham, P. L., & Brantingham, P. J. (1995). Criminality of place: Crime generators and crime attractors. *European Journal on Criminal Policy and Research, 3*, 5–26.
- Clarke, R. V. (1997). Introduction. In R. V. Clarke (Ed.), *Situational crime prevention: Successful case studies* (pp. 3–36). Guilderland, NY: Harrow & Heston.
- Clarke, R. V. (1999). *Hot products: Understanding, anticipating and reducing demand for stolen goods* (Paper 112, B. Webb Ed.). London: Home Office, Research Development and Statistics Directorate.
- Clarke, R. V., & Cornish, D. B. (1985). Modeling offenders' decisions: A framework for research and policy. In M. Tonry & N. Morris (Eds.), *Crime and justice: A review of research* (Vol. 6, pp. 147–185). Chicago: University of Chicago Press.
- Clarke, R. V., & Weisburd, D. (1994). Diffusion of crime control benefits: Observations on the reverse of displacement. In R. V. Clarke (Ed.), *Crime prevention studies* (Vol. 2, pp. 165–183). Monsey, NY: Criminal Justice Press.
- Cohen, L. E., & Felson, M. (1979). Social change and crime rate trends: A routine activities approach. *American Sociological Review, 44*, 88–100.
- Cornish, D. B., & Clarke, R. V. (2003). Opportunities, precipitators and criminal decisions: A reply to Wortley's critique of situation crime prevention. In M. J. Smith & D. B. Cornish (Eds.), *Crime prevention studies: Vol. 16. Theory for practice in situational crime prevention* (pp. 41–96). Monsey, NY: Criminal Justice Press.

- Eck, J. E. (1994). *Drug markets and drug places: A case-control study of the spatial structure of illicit drug dealing*. Baltimore: University of Maryland Press.
- Eck, J. E. (2001). Policing and crime event concentration. In R. Meier, L. Kennedy, & V. Sacco (Eds.), *The process and structure of crime: Criminal events and crime analysis, theoretical advances in criminology* (pp. 249–276). New Brunswick, NJ: Transaction.
- Eck, J. E. (2003). Police problems: The complexity of problem theory, research and evaluation. In J. Knutsson (Ed.), *Crime prevention studies: Vol. 15. Problem-oriented policing: From innovation to mainstream* (pp. 79–113). Monsey, NY: Criminal Justice Press.
- Eck, J. E., & Clarke, R. V. (2003). Classifying common police problems: A routine activity approach. In M. J. Smith & D. B. Cornish (Eds.), *Crime prevention studies: Vol. 16. Theory for practice in situational crime prevention* (pp. 7–39). Monsey, NY: Criminal Justice Press.
- Eck, J. E., Clarke, R. V., & Guerette, R. T. (2007). Risky facilities: Crime concentration in homogeneous sets of establishments and facilities. In G. Farrell, K. Bowers, K. D. Johnson, & M. Townsley (Eds.), *Crime prevention studies: Vol. 21. Imagination for crime prevention* (pp. 225–264). Monsey, NY: Criminal Justice Press.
- Felson, M. (1986). Routine activities, social controls, rational decisions, and criminal outcomes. In D. Cornish & R. V. Clarke (Eds.), *The reasoning criminal* (pp. 119–128). New York: Springer-Verlag.
- Felson, M. (1995). Those who discourage crime. In J. E. Eck & D. Weisburd (Eds.), *Crime prevention studies: Vol. 4. Crime and place* (pp. 53–66). Monsey, NY: Criminal Justice Press.
- Felson, M., & Cohen, L. E. (1980). Human ecology and crime: A routine activity approach. *Human Ecology*, 8, 389–405.
- Fisher, B. S., Cullen, F. T., & Turner, M. G. (2002). Being pursued: A national-level study of stalking among college women. *Criminology and Public Policy*, 1, 257–308.
- Goldstein, H. (1979). Improving policing: A problem-oriented approach. *Crime & Delinquency*, 25, 236–258.
- Hesseling, R. B. P. (1994). Displacement: A review of the empirical literature. In R. Clarke (Ed.), *Crime prevention studies* (Vol. 3, pp. 197–230). Monsey, NY: Criminal Justice Press.
- Liu, L., & Eck, J. E. (2008). *Artificial crime analysis systems: Using computer simulations and geographic information systems*. Hershey, PA: IGI Global.
- Messner, S. F., & Blau, J. R. (1987). Routine leisure activities and rates of crime: A macro-level analysis. *Social Forces*, 65, 1035–1052.
- Miethe, T. D., Stafford, M. C., & Long, J. S. (1987). Social differentiation in criminal victimization: A test of routine activities/lifestyle theories. *American Sociological Review*, 52, 184–194.
- Mustaine, E. E., & Tewksbury, R. (1998). Predicting risks of larceny theft victimization: A routine activity analysis using refined lifestyles measures. *Criminology*, 36, 829–858.
- Sampson, R. J. (1987). Personal violence by stranger: An extension and test of the opportunity model. *Journal of Criminal Law and Criminology*, 78, 327–356.
- Sampson, R. J., & Wooldredge, J. (1987). Linking the micro- and macro-level dimensions of lifestyle-routine activity and opportunity models of predatory victimizations. *Journal of Quantitative Criminology*, 3, 371–393.
- Tillyer, M. S. (2008). *Getting a handle on street violence: Using environmental criminology to understand and prevent repeat offender problems*. Unpublished doctoral dissertation, University of Cincinnati.
- Wilcox, P., Land, K. C., & Hunt, S. A. (2003). *Criminal circumstance: A dynamic, multi-contextual criminal opportunity theory*. New York: Aldine de Gruyter.
- Wilcox Rountree, P., Land, K. C., & Miethe, T. D. (1994). Macro-micro integration in the study of victimization: A hierarchical logistic model analysis across Seattle neighborhoods. *Criminology*, 32, 387–414.

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## SELF-CONTROL THEORY

TRAVIS C. PRATT AND JONATHON A. COOPER

*Arizona State University*

Self-control theory—often referred to as *the general theory of crime*—has emerged as one of the major theoretical paradigms in the field of criminology. This is no small feat, given the diversity of criminological perspectives that exist in general and the ever-growing roster of recently sprouted control theories in particular. To be sure, scholars have developed models of formal social control (e.g., rational choice/deterrence theories), informal social control (e.g., social disorganization, collective efficacy), indirect control (e.g., social bond theories), power control, and so on, yet self-control theory has arguably become the most influential member of the control theory family since its publication by M. R. Gottfredson and Hirschi in 1990. Accordingly, the purpose of this chapter is fourfold: (1) to provide an overview of the core theoretical propositions specified by self-control theory (i.e., what causes crime, according to this perspective?); (2) to critically assess its empirical status (i.e., what does the body of studies testing this theory have to say about the degree to which Gottfredson and Hirschi were right?); (3) to highlight the criticisms leveled against it (i.e., where do there appear to be “holes” in the theory?); and, finally, (4) to specify directions for future research within the self-control tradition.

### Self-Control as a General Theory of Crime

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Gottfredson and Hirschi (1990) sought to accomplish a number of goals when they formulated their theory of self-control

and crime. At the most fundamental level, they reinterpreted and reintroduced the classical school of thought in combination with a positivistic methodological orientation. More specifically, they intended to create a theory on the basis of what was known from research about criminal events and criminals rather than to rehash empirically vague sociological theories. Finally, they sought to develop a theory that would explain crime generally, that is, across times, persons, and situations.

To these ends, their general theory constituted a reassertion of the classical school’s initial contention that individuals seek personal pleasure while avoiding pain (Beccaria, 1764/1963). In short, people are motivated by self-interest. Furthermore, positivism attempts to understand human behavior through the scientific method. In its use of the scientific method, however, Gottfredson and Hirschi (1990) claimed that positivism went too far in creating needless disciplinary fissures, redundant theories, and contrived typologies. Moreover, positivist criminology confounds crime, delinquency, and other antisocial behavior. Gottfredson and Hirschi suggested that, by combining the methodological approaches handed down from positivist science, but in using the classical school as an overriding framework, criminologists could arrive at a general theory of crime.

Doing this, however, would require a good look at criminal acts and criminals, something that Gottfredson and Hirschi (1990) claimed criminologists had not really done. They suggested that criminologists have instead focused their efforts on explaining crime in light of artificial statutory



definitions and a rejection of individual choice. Accordingly, this has led to an abundance of theories that have succeeded in accounting for only a small proportion of the variance in crime; blindness to deviant behaviors that are analogous to crime; and misapprehension of criminals as being specialists, as opposed to generalists. Thus, to develop the general theory, Gottfredson and Hirschi started by looking at what criminologists *do* know about crime and criminals. Their research revealed that criminal events are generally based on immediate gratification or removal of an irritant, are easy, and are varied. Similarly, they found that criminals displayed characteristics similar to crime events: Criminals were found among individuals seeking immediate and easy gratification and whose behavior included numerous types of crime and other deviant behaviors. Gottfredson and Hirschi therefore claimed that the crime and the criminal were contiguous elements.

At the heart of criminal events and criminals was one stable construct: low self-control. This, Gottfredson and Hirschi (1990) claimed, explained criminal acts and behavior across time, gender, ethnicity, and crime types. Beyond crime, low self-control was further evident in behavior analogous to criminal acts, such as antisocial (but not illegal), deviant, and risk-taking behavior (e.g., smoking, excessive drinking, riding a bike without a helmet, skydiving). This, according to Gottfredson and Hirschi, constituted a general theory of crime: Low self-control was the general, antecedent cause of forceful/fraudulent acts “undertaken in pursuit of self-interest” (p. 15).

### The Context of the 1980s

Lilly, Cullen, and Ball (2007) declared that Gottfredson and Hirschi’s (1990) theory has remained a robustly empirically supported criminological theory throughout the almost two decades since *A General Theory of Crime* was published. Lilly and colleagues ascribed such popularity to the theory’s parsimonious nature; the combative stance it takes against structural theories, which draws attention from the academy; and the fact that it is elegantly testable. The theory’s popularity can also be explained in light of the context in which it was developed: the 1980s, which witnessed a renewed interest in individual-level explanations of criminal behavior (Pratt & Cullen, 2005). This renewal coincided with a conservative takeover of criminal justice policy throughout the United States, owing much to the reaction/response to the prior two decades of secularism, hedonism, and social welfare programs (Pratt, 2009). During the 1960s and 1970s, it was common within the university environment to question the status quo and social order. Race, class, and gender inequalities were increasingly being discussed and debated, and crime became linked to such inequalities, as well as to inequalities associated with legitimate social and economic opportunities. Crime was also explained in terms of the state’s response to criminals. It was during this time that labeling and Marxist theories were popular among criminologists (Lilly et al., 2007).

The ideological pendulum swung most forcefully at the beginning of the 1980s, with the election of Ronald Reagan and the institutionalization of the “silent majority’s” agenda. This movement was characterized by patriotism, hard work, religion, and the role of the individual in directing his or her affairs. This time was also characterized by a mistrust of secular culture and a lack of patience with social welfare programs and policies (Murray, 1984). In this environment, several conservative values-based criminological theories proliferated that emphasized choice and agency among individuals in the commission of criminal acts and that shifted the focus of the criminal justice system toward a punitive orientation. Furthermore, emphasis was placed on the role of families as agents of social control. It was in this context that Gottfredson and Hirschi (1990) proclaimed that they “have for some time been unhappy with the ability of academic criminology to provide believable explanations of criminal behavior” (p. xiii).

### The Nature of Low Self-Control

Gottfredson and Hirschi (1990) defined *self-control* as “the tendency of people to avoid criminal acts whatever the circumstances in which they find themselves” (p. 87). Thus, low self-control can essentially be defined as a lack of that tendency. Individuals with low self-control are characterized as impulsive, insensitive, physical, “risk-taking, short-sighted, and nonverbal” (p. 91). In short, these are “factors affecting calculation of the consequence of one’s acts” (p. 95). Gottfredson and Hirschi further elaborated on the behavior and attitudes of individuals with low self-control, stating that such individuals have a here-and-now orientation; they lack diligence, tenacity, and persistence; and they are self-centered, indifferent, and insensitive. Furthermore, people who lack self-control tend to exhibit adventuresomeness and are active and physical; they also generally have unstable families, friendships, and professional lives. Finally, individuals with low self-control can be characterized as having a minimal tolerance for frustration; they tend to respond to conflict physically rather than verbally; and they do not necessarily possess or value verbal, academic, cognitive, or even manual skills. Because of these characteristics, individuals with low self-control may not only be involved in crime, but they may also be involved in various other risky behaviors, such as smoking, doing drugs, and engaging in illicit sex. According to Gottfredson and Hirschi, low self-control is the stable construct that ties all of these characteristics, attitudes, and behaviors together. It is a construct that is recognizable in childhood, prior to the age of accountability, and is stable throughout the life course.

### The “Development” of Low Self-Control

Gottfredson and Hirschi (1990) contended that, ultimately, one does not develop low self-control. Instead, possessing low self-control is more a matter of having not

developed self-control as a young child. Accordingly, low self-control manifests itself in the “absence of nurturance, discipline, or training” (p. 95). Stated otherwise, “The causes of low self-control are negative rather than positive; self-control is unlikely in the absence of effort, intended or unintended, to create it” (p. 95). Here Gottfredson and Hirschi are stating that if a person does not develop self-control, the default is low self-control. Acquiring self-control is a matter of socialization.

Gottfredson and Hirschi (1990) placed the onus of this socialization primarily on parents. A child with low self-control then becomes the product of “ineffective child-rearing” (p. 97). Specifically, the authors stated that consistent supervision and discipline, coupled with affection, results in the proper development of self-control. They noted that several things may impede this socialization process, however, including parents who may not feel affection toward their children or who lack the time or energy to devote to supervision, and parents who may not see problem behavior for what it is and who may, having witnessed and processed their child’s inappropriate behavior, not be so inclined to punish them. Such situations may become exacerbated when parents engage in behavior indicative of low self-control themselves.

It is important to note that this perspective differs in a fundamental way from Hirschi’s (1969) social bond theory. Specifically, Hirschi’s original social bond theory held that, once social bonds were formed between a child and parents, parents would then be able to indirectly control the behavior of their children. Put differently, once the bond was established—even if the child was quite young—the child would voluntarily control his behavior even in the absence of a parent watching over him, because he would feel the psychological presence of the parental guardian, who would be disappointed in the child should he misbehave. For Gottfredson and Hirschi (1990), however, the faith in indirect control was abandoned in favor of a model that emphasized the importance of direct parental control; that is, parents should not expect children to control themselves (at least not prior to the formation of self-control, which should happen by around age 8–10), but instead it is only through direct supervision and control that self-control may be instilled. In the end, Gottfredson and Hirschi conceived of self-control as a singly unitary factor that is formed early in life through effective parenting, fixed by a relatively young age, stable over the life course, and solely responsible for explaining the variation in criminal/deviant behavior across individuals.

### Self-Control and Crime

Classical theories of crime did not assume that some individuals were more predisposed to criminal conduct than others; instead, such theories assumed that it was one’s location in the social system, or whether one understood the nature of sanctions, that determined whether one was a criminal. Criminals and noncriminals alike had one

purpose in mind: to enhance their exposure to pleasure and to reduce their exposure to pain. Therefore, classical criminologists sought to combat crime by increasing painful sanctions through the legal and moral systems of the time. Gottfredson and Hirschi (1990, p. 85) therefore referred to classical theories as *theories of social control*.

On the other hand, positivism did assume differential propensities to commit crime; that is, that criminals and noncriminals were different in some fundamental respect (be it biological, psychological, economic, or sociological). Early positivists, however, denied the impact of social location, assuming that criminal propensities remained stable regardless of social location. Gottfredson and Hirschi’s (1990) answer to these opposing views was to join them under the category of low self-control; that is, they explained crimes in terms of both individual propensity (positivist theory) and in terms of the desire to enhance pleasure while reducing pain (classical theory). One’s ability to avoid criminal acts (keeping in mind Gottfredson and Hirschi’s expansive definition of crime) and analogous behaviors are dependent on his or her level of self-control in light of environmental contingencies. Crime, and its analogous behavior, is simply a manifestation of low self-control.

To illustrate, Gottfredson and Hirschi (1990, pp. 89–90) sifted through a number of attitudes, behaviors, and characteristics of individuals with low self-control and demonstrated how each relates to crime. First, low self-control is associated with having a present orientation, as opposed to being able to defer gratification. Accordingly, individuals with low self-control are likely to commit crimes because such acts amount to the immediate gratification of one’s desires. Similarly, those with low self-control tend to lack diligence, tenacity, and persistence. Again, crime events are easy and represent a simple means of gratifying one’s appetites while not requiring pesky or inconvenient long-term planning or commitment. Low self-control is also associated with adventurous, physical activities, making such individuals especially prone to crime. Individuals with low self-control generally have shaky marriages, unstable friendships, and spotty job histories. This demonstrates an inability on their part to form long-term plans, which is equally amenable to the short-term nature of crime and analogous conduct. Similarly, the fact that individuals with low self-control are more likely to engage in such analogous behavior indicates a preference for immediate pleasure and an inability to defer gratification. Finally, low self-control is associated with minimal tolerance thresholds and a self-centered, indifferent attitude, which allows criminals to remove themselves from the harm they do to their victims and gives them the justifications for committing crimes (i.e., in an effort to remove frustrations and pains).

Gottfredson and Hirschi (1990) noted that the criminological literature demonstrates that, for the most part, offenders are generalists, not specialists (Blumstein, Cohen, Roth, & Visher, 1986; see also Sullivan, McGloin, Pratt, & Piquero, 2006). This makes sense in light of the concept of

low self-control: Individuals with low self-control are unable to focus to the extent required to specialize in one area, even within crime. This is evident in the fact that individuals with low self-control do not maintain marriages, jobs, and other activities that require commitment and diligence. Furthermore, Gottfredson and Hirschi considered crime to be simple and easy in general, begging the question as to why one would specialize when it is easier and quicker to generalize in one's offending preferences. Finally, that offenders generalize is evidenced by Gottfredson and Hirschi's contention that individuals with low self-control engage in criminal, risky, and antisocial behavior because opportunities to engage in such behavior are constantly present. Furthermore, according to Gottfredson and Hirschi, low self-control predates and predicts all other correlates of criminal behavior. Moreover, Gottfredson and Hirschi maintained that their theory can robustly predict criminal behavior across gender, time, sex, and ethnicity. They ultimately claimed that their theory succeeds in revitalizing the classical assertion that pleasure and harm avoidance guide human behavior, including criminal behavior.

### Empirical Status of the General Theory of Crime

Gottfredson and Hirschi's (1990) theory makes many testable claims, some of which have weathered the storm of empirical criticism, others of which remain wanting. In general, however, the general theory of crime has remained robustly supported across multiple types of samples, methodologies, and variations in measurement, in terms of its central claim that low self-control predicts criminal and analogous behaviors. In Gottfredson's (2006) most recent review of the literature, he concluded that low self-control has remained predictive across gender, location, age, race, offense type, offenders, analogous behavior, and time. Lilly et al. (2007) further noted that the theory has received extensive support across individual studies, a comprehensive meta-analysis, and a full narrative literature review. Akers and Sellers's (2004) review also found substantial support for self-control theory across cultures, explaining anywhere from 3.0% to 19.0% of the variation in criminal behavior.

The most quantitatively sound review of the general theory of crime was conducted by Pratt and Cullen (2000), who used meta-analytic techniques to ascertain the empirical status of self-control theory. The authors' data came from 21 peer-reviewed published articles, for a total of 126 effect size estimates, across 17 individual data sets, and a total of 49,727 individual cases. To control for measurement effects, the researchers coded for whether studies had used behavioral versus attitudinal measures of self-control; when attitudinal measurements were used, the studies were further coded to control for whether the researchers used Grasmick, Tittle, Bursik, and Arneklev's (1993) extremely popular self-control scale. Finally, Pratt and Cullen controlled for whether studies had used longitudinal versus cross-sectional

research designs. In terms of the predictive value of low self-control as it relates to crime, they found that the effect size of low self-control regularly exceeded 0.20, net of variables specified by other theories and methodological considerations. Furthermore, the meta-analysis results supported the theory's contention that crime and analogous behavior can be predicted from a single source (low self-control) across race, sex, age, and community. It is important to note that Pratt and Cullen found that similar effect sizes were found across behavioral and attitudinal scales of self-control and regardless of whether attitudinal scales invoked Grasmick et al.'s indicators of low self-control. These findings go a long way toward responding to the criticism that self-control studies that use behavioral measurements are inherently tautological (i.e., that the use of behavioral indicators of low self-control—in short, deviant yet legal behaviors—to predict other deviant yet illegal behaviors merely amounts to bad behavior being related to bad behavior, a finding of little interest to criminologists).

Beyond the low self-control–criminal behavior link, Pratt and Cullen's (2000) meta-analysis failed to support at least two of Gottfredson and Hirschi's (1990) contentions, namely, (1) that the self-control–crime relationship would hold across both cross-sectional and longitudinal studies and (2) that low self-control represents a general explanation of behavior. Gottfredson and Hirschi argued that because self-control is invariant across the life course, cross-sectional research designs (which represent the bulk of social science research) were adequate for testing self-control theory. Pratt and Cullen, however, found that the effect sizes for self-control were significantly weaker in longitudinal studies compared to those from cross-sectional studies. Further, Gottfredson and Hirschi explicitly stated the irrelevance of other criminological theories because of their assumption that self-control was a precursor to all other criminogenic factors. Even so, Pratt and Cullen found that variables specified by social learning theory—in particular, deviant peer influences and antisocial attitudes—not only had an impact on crime independent of self-control but also increased the explanatory power of each study's overall statistical models. This strongly suggests that Gottfredson and Hirschi's general theory of crime may not be so general.

Indeed, much of the research reviewed by Akers and Sellers (2004) and by Lilly et al. (2007) found Gottfredson and Hirschi's (1990) claims beyond the low self-control–criminal behavior connection wanting. For example, Akers and Sellers found mixed results for the hypothesis concerning the relative stability of self-control over the life course, with some research suggesting its relative stability, others indicating its variability, and yet others finding it to be at once both stable and variable. They found similar results among the research exploring the extent to which low self-control is a unidimensional factor. Furthermore, they found research suggesting that, in regard to low self-control's causes, those proposed by Gottfredson and Hirschi were predictive, but not independent other factors, such as fair discipline and parental acceptance. Similarly, Lilly et al.

found support for sources of low self-control outside of the family, including neighborhood-level factors as well neurobiological factors—findings that are reviewed at length later in this chapter.

Ultimately, the central proposition of the general theory of crime—that low self-control predicts criminal, delinquent, antisocial, and analogous behaviors—holds across several studies, methodologies, samples, and measurements. Research has not, however, supported Gottfredson and Hirschi's (1990) claim to having authored a “general” theory. Instead, it appears that their theory of criminal behavior, based on levels of low self-control, specifies a vital predictor of criminal behavior that is necessary for criminological models so as to avoid misspecification but is nevertheless far from the sole predictor of criminal and deviant behavior.

### Critiques of Self-Control Theory

Scholars have taken issue with a number of tenets of Gottfredson and Hirschi's (1990) theory, from its seeming inability to explain white-collar offending to problems with how researchers should go about measuring self-control. Others have called attention to the potential problem of rectifying the explanation of crime—that such behavior is due to a single latent trait that is stable over time—with the well-known age-crime curve (the observed empirical pattern in which adults tend to reduce their rate of criminal behavior following a peak in their late teens). Although these debates are certainly important in their own right and will most definitely continue into the future, Gottfredson and Hirschi face their most serious challenges with regard to the following: (a) the influence of adult social bonds in the criminal desistance process, (b) the enduring importance of deviant peer influences on one's criminal behavior, and (c) the sources of self-control.

#### Adult Social Bonds and Life Course Criminology

Gottfredson and Hirschi (1990) were clear in their assertion that changes in one's social circumstances from childhood, to adolescence, to early adulthood and beyond are irrelevant to the explanation of crime. In particular, according to Gottfredson and Hirschi, the age-crime curve cannot be predicted by traditional sociological variables, such as marriage and work. Instead, the authors claimed that the attachments to employment and spouses are merely consequences of self-control; that is, people with higher levels of self-control are more likely to self-select into healthier relationships with work and family. That such factors are, in turn, associated with reductions in criminal behavior therefore comes as no surprise to Gottfredson and Hirschi. Indeed, one would expect relationships to exist between an adult's bonds to social conventions (e.g., marriage and work) and criminal behavior, because both emerge from the common source of self-control.

Recent developments in life course theory and research, however, paint a much different picture. To be sure, the work conducted by Sampson and Laub (1993; see also Laub & Sampson, 2003) has taken levels of self-control into account in an assessment of the role that adult social bonds play in the criminal desistance process. Specifically, their study of men's criminal behavior up to age 70 revealed that, independent of one's level of self-control, attachment and involvement with prosocial activities through employment and marriage significantly reduce levels of offending. Thus, although it is certainly true that individuals with lower levels of self-control find it more difficult to form the kinds of social relationships necessary for a stable work and family life, those who do nonetheless do a better job of controlling whatever criminal impulses they were previously in the habit of letting loose. These findings are particularly challenging of Gottfredson and Hirschi (1990) because they indicate that the explanation of criminal behavior over the life course clearly requires more than the specification of a single variable that is assumed to be fixed within individuals by age 10.

#### The Enduring Importance of Deviant Peers

In extending the importance of understanding the context in which people (both children and adults) live their lives, scholars have also taken issue with Gottfredson and Hirschi's (1990) rather bold assertion that deviant peer influences—a staple of criminology for years—are also irrelevant to the explanation of crime. Like the influence of adult social bonds, Gottfredson and Hirschi argued that individuals with low self-control will seek each other out because of their common interests in engaging in risky behaviors that provide immediate gratification. Thus, the concept of the deviant peer group, which has been a mainstay in the social learning tradition in criminology for at least six decades, is merely the consequence of self-control, according to Gottfredson and Hirschi.

The problem again, however, comes when the empirical evidence is examined. In particular, Pratt and Cullen's (2000) meta-analysis of the self-control literature found that the relationship between deviant peers and one's own criminal behavior was every bit as strong as that between self-control and crime. These peer effects stood up even in studies that included statistical controls for self-control. Thus, Gottfredson and Hirschi's (1990) claim that peer influences should not matter once self-control is taken into account is inconsistent with the social scientific evidence. Instead, the research indicates that both self-control and deviant peer influences are important to the explanation of criminal behavior.

#### Sources of Self-Control

Although the link between self-control and crime/deviance has been consistently demonstrated empirically, what is less

clear at this point is how self-control is established within individuals. As stated earlier, the primary explanation regarding the “cause” of self-control according to Gottfredson and Hirschi’s (1990) involves a parenting thesis. In short, Gottfredson and Hirschi contended that self-control will develop in children through effective parenting, whereby parents who monitor their kids’ behavior, recognize deviant behavior when it happens, and punish such behavior consistently will produce in their children the internal control mechanisms necessary for resisting the temptations that criminal and deviant behavior provide. Support for this proposition is certainly present (see, e.g., Hay, 2001; McGloin, Pratt, & Maahs, 2004; Perrone, Sullivan, Pratt, & Margaryan, 2004); nevertheless, empirical evidence has emerged indicating that the processes that establish individuals’ levels of self-control are more complex than those specified by Gottfredson and Hirschi. This problem is beginning to emerge as perhaps the most serious challenge to the validity of Gottfredson and Hirschi’s theory, and research related to this question comes from multiple fronts.

First, Gottfredson and Hirschi (1990) downplayed the possibility that low self-control has a genetic or biological component. For example, following their analysis of adoption studies, they argued that this research provides “strong evidence that the inheritance of criminality is *minimal*. . . . we conclude that the ‘genetic effect’ . . . is near zero” (p. 60). They also noted that “obviously, we do not suggest that people are born criminals, inherit a gene from criminality, or anything of that sort. In fact, we explicitly deny such notions” (p. 96). Gottfredson and Hirschi nevertheless raised the possibility that “individual differences may have an impact on the prospects for effective socialization (or adequate control)” (p. 96), yet they quickly countered that such differences would be important only if they resulted in problematic responses from parenting, once again echoing the importance of parental efficacy in the development of self-control.

A number of criminologists, however, fundamentally disagree with this position and have instead adopted a more interdisciplinary (as opposed to strictly sociological) view of the sources of self-control—one that recognizes the intellectual contributions of psychology and biology to the understanding of human behavior (see, e.g., Pratt, Cullen, Blevins, Daigle, & Unnever, 2002; Pratt, McGloin, & Fearn, 2006). Accordingly, despite the evidence of a parenting–self-control link, these scholars have noted a potential model misspecification problem with this line of research. In particular, much of this work has failed to consider potential biological and neuropsychological sources of self-control independent of (and in conjunction with) parental sources.

To that end, research has begun to emerge that examines these alternative sources of low self-control (Pratt, 2009). As such, two primary conclusions can be reached from this body of work. First, indicators of biological predisposition (e.g., attention deficit hyperactivity disorder; indicators of neuropsychological deficits, such as low birth weight and

low cognitive ability) are significantly related to levels of self-control independent of measures of effective parenting (McGloin, Pratt, & Piquero, 2006; Unnever, Cullen, & Pratt, 2003; Walsh, 2002). Second, controls for such biological and neuropsychological factors tend to partially mediate—and in some cases fully mediate—the effect of parenting on the development of self-control (see, e.g., Wright & Beaver, 2005). Taken together, this research indicates that certain biological and neuropsychological risk factors need to be considered in the formation of self-control.

Another line of research into the sources of self-control highlights the interrelationships among community context, parenting, and the development of self-control. Specifically, to the extent that communities act “as a complex system of friendship and kinship networks and formal and informal associational ties rooted in family life and ongoing socialization processes” (Kasarda & Janowitz, 1974, p. 329), it seems particularly important to focus on how different types of neighborhoods influence parenting behavior and, in turn, the development of self-control in children. Researchers have begun to do just that. The first study in this tradition was Pratt, Turner, and Piquero’s (2004) analysis of data drawn from the National Longitudinal Survey of Youth, which found that conditions of neighborhood deprivation significantly influenced measures of parental monitoring and socialization. Furthermore, such neighborhood conditions directly affected the development of self-control in children independent of the measures of parental efficacy. A subsequent study by Hay, Fortson, Hollist, Altheimer, and Schaible (2006) went a step further and found a significant interaction between neighborhood conditions and parental efficacy on the development of self-control. This work clearly indicates that community context is yet another factor that must be seriously considered by scholars with regard to the development of self-control in children.

Furthermore, although attributing the main sources of self-control to parental socialization, Gottfredson and Hirschi (1990) also acknowledged that school has certain advantages to socializing children. First, schools, and teachers in particular, have the ability to monitor several students at one time. Second, because of their interest in maintaining a healthy educational environment, teachers are in a good position to recognize antisocial behavior when children are exhibiting it. Third, many schools and teachers are given the authority to maintain order and to implement effective discipline. Therefore, Gottfredson and Hirschi suggested that “like the family, the school in theory has the authority and the means to punish lapses in self-control” (p. 105). Also, as Denise Gottfredson (2001) observed, “Schools have the potential to teach self-control and to engage informal social controls to hold youthful behavior in check” (p. 48).

Empirical work has recently emerged that has tested these various propositions. Turner, Piquero, and Pratt’s (2005) analysis of the National Longitudinal Survey of Youth data revealed two conclusions along these lines. First, indicators of *school socialization* (which closely

resembled typical parenting measures associated with the monitoring and supervision of children) were significantly related to the development of self-control, independent of parental efficacy. Second, the effects of school socialization on youth's levels of self-control varied according to (i.e., interacted with) levels of parental efficacy as well as conditions of neighborhood deprivation. In particular, the effect of school socialization on children's development of self-control was strongest when parental efficacy was low and when neighborhood conditions were criminogenic. These results therefore highlight the ability of social institutions—in this case, the school—to pick up the slack for instilling self-control in children when other mechanisms, such as parents and the community, break down.

### Future Directions

For the continued vitality of the self-control tradition, there are a number of directions future research should take. First, future empirical work should continue to focus on the complex relationships surrounding parenting and the development of self-control in children. In particular, the literature examining the influence of structural/community characteristics on parental efficacy, although certainly important, is still in its infancy. In addition, there is still a need to systematically assess the causal mechanisms underlying the relationship between ineffective parenting and self-control in children. Specifically, some scholars have highlighted the potential for “child effects” on parenting, whereby children with early temperament and behavioral problems may be more likely to elicit problematic responses from parents (e.g., overly lenient or inconsistently harsh parenting practices; see Moffitt, 1993). Nevertheless, whether these effects exist independent of parents' levels of self-control is still unclear (see Nofziger, 2008); that is, do difficult children elicit bad parenting, or do the parents of such children simply lack self-control themselves and therefore the capacity to exert vigilant and consistent control over their children? Either way, the problem is that the comparative validity of these two explanations for the parenting–self-control relationship has yet to be assessed.

Second, it would be particularly useful for future studies to continue to assess systematically the interaction effects surrounding parenting, biological and neuropsychological deficits, and community and institutional efficacy on self-control. As such, three questions are immediately salient: (1) Is the effect of neuropsychological deficit on self-control more pronounced for children with low parental efficacy? (2) Is the effect of neuropsychological deficit on self-control more pronounced for children in environments with low community or institutional efficacy? and (3) Are child effects on parental efficacy more pronounced for parents with low self-control? Answering each of these questions would help to flesh out the complexity of the causes of self-control in critically important ways.

Finally, future studies should continue the recent work of Baumeister and colleagues regarding self-control depletion (see, e.g., Baumeister, 2002). In essence, this perspective focuses on the consequences to individuals when they exercise self-control; namely, because self-control may be a limited resource within any given person, using it in one situation may partially consume it so that it may be less available in future situations. This prospect may be particularly important for individuals with relatively high levels of self-control who reside in neighborhoods plagued by multiple criminogenic risk factors (e.g., limited opportunities for legitimate participation in the labor market; constantly having to resist cultural pressures to engage in “code of the street” behavior; see Anderson, 1999). Indeed, because such individuals will inevitably be forced to exercise their self-control on a regular basis should they want to resist the criminal opportunities and temptations surrounding them, they are most likely to be susceptible to self-control depletion. Furthermore, because replenishing one's reserves of self-control takes time and distance away from the kinds of social pressures that cause depletion in the first place, individuals residing in harsh neighborhood conditions will find it more difficult to restock their levels of self-control. If this is the case, it may be that variations in the degree to which individuals' self-control becomes depleted—not merely variations in the distribution of individuals' levels of self-control—help to explain the spatial distribution of crime across communities.

### Conclusion

Along with the anomie/strain and social learning traditions, Gottfredson and Hirschi's (1990) self-control theory has emerged in the last couple of decades as one of the major criminological paradigms in the field. Although a virtual empirical consensus has been reached with regard to the *consequences* of self-control (i.e., its effect on criminal and analogous behaviors), there is considerably less agreement among criminologists concerning the *causes* of self-control. What is clear, however, is that self-control as an explanation of criminal and deviant behavior is here to stay. What remains to be seen is how diligent scholars will continue to be in integrating it with other theories and how committed the self-control purists will be in resisting such a movement.

### References and Further Readings

- Akers, R. L., & Sellers, C. S. (2004). *Criminological theories: Introduction, evaluation, and application* (4th ed.). Los Angeles: Roxbury.
- Anderson, E. (1999). *Code of the street*. New York: Norton.
- Baumeister, R. F. (2002). Ego depletion and self-control failure: An energy model of the self's regulatory function. *Self Identity, 1*, 129–136.

- Beccaria, C. (1963). *On crimes and punishments*. Indianapolis, IN: Bobbs-Merrill. (Original work published 1764)
- Blumstein, A., Cohen, J., Roth, J. A., & Visher, C. (1986). *Criminal careers and "career criminals"* (Vol. 1). Washington, DC: National Academy Press.
- Gottfredson, D. C. (2001). *Schools and delinquency*. New York: Cambridge University Press.
- Gottfredson, M. R. (2006). The empirical status of control theory in criminology. In *Taking stock* (pp. 77–100). New Brunswick, NJ: Transaction.
- Gottfredson, M. R., & Hirschi T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Grasmick, H. G., Tittle, C.R., Bursik, R. J., & Arneklev, B. K. (1993). Testing the core empirical implications of Gottfredson and Hirschi's general theory of crime. *Journal of Research in Crime and Delinquency*, 30, 5–29.
- Hay, C. (2001). Parenting, self-control, and delinquency: A test of self-control theory. *Criminology*, 39, 707–736.
- Hay C., Fortson, E. N., Hollist, D. R., Altheimer, I., & Schaible, L. A. (2006). The impact of community disadvantage on the relationship between the family and juvenile crime. *Journal of Research in Crime and Delinquency*, 43, 326–356.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Kasarda, J. D., & Janowitz, M. (1974). Community attachment in mass society. *American Sociological Review*, 39, 328–339.
- Laub, J. H., & Sampson, R. J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA: Harvard University Press.
- Lilly, J. R., Cullen, F. T., & Ball, R. A. (2007). *Criminological theory: Context and consequences*. Thousand Oaks, CA: Sage.
- McGloin, J. M., Pratt, T. C., & Maahs, J. (2004). Re-thinking the IQ–delinquency relationship: A longitudinal analysis of multiple theoretical models. *Justice Quarterly*, 21, 601–631.
- McGloin, J. M., Pratt, T. C., & Piquero, A. (2006). A life-course analysis of the criminogenic effects of maternal cigarette smoking during pregnancy: A research note on the mediating impact of neuropsychological deficit. *Journal of Research in Crime and Delinquency*, 43, 412–426.
- Moffitt, T. E. (1993). Adolescent-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 674–701.
- Murray, C. A. (1984). *Losing ground: American social policy, 1950–1980*. New York: Basic Books.
- Nofziger, S. (2008). The “cause” of low self-control: The influence of maternal self-control. *Journal of Research in Crime and Delinquency*, 45, 191–224.
- Perrone, D., Sullivan, C., Pratt, T. C., & Margaryan, S. (2004). Parental efficacy, self-control, and delinquent behavior: A test of a general theory of crime on a nationally-representative sample. *International Journal of Offender Therapy and Comparative Criminology*, 48, 298–312.
- Pratt, T. C. (2009). *Addicted to incarceration: Corrections policy and the politics of misinformation in the United States*. Thousand Oaks, CA: Sage.
- Pratt, T. C., & Cullen, F. T. (2000). The empirical status of Gottfredson and Hirschi's general theory of crime: A meta-analysis. *Criminology*, 38, 931–964.
- Pratt, T. C., & Cullen, F. T. (2005). Assessing macro-level predictors and theories of crime: A meta-analysis. *Crime and Justice: A Review of Research*, 32, 373–450.
- Pratt, T. C., Cullen, F. T., Blevins, K. R., Daigle, L., & Unnever, J. D. (2002). The relationship of attention deficit hyperactivity disorder to crime and delinquency: A meta-analysis. *International Journal of Police Science and Management*, 4, 344–360.
- Pratt, T. C., McGloin, J. M., & Fearn, N. E. (2006). Maternal cigarette smoking during pregnancy and criminal/deviant behavior: A meta-analysis. *International Journal of Offender Therapy and Comparative Criminology*, 50, 672–690.
- Pratt, T. C., Turner, M. G., & Piquero, A. R. (2004). Parental socialization and community context: A longitudinal analysis of the structural sources of low self-control. *Journal of Research in Crime and Delinquency*, 41, 219–243.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Sullivan, C., McGloin, J. M., Pratt, T. C., & Piquero, A. R. (2006). Rethinking the “norm” of offender generality: Investigating specialization in the short-term. *Criminology*, 44, 199–234.
- Turner, M. G., Piquero, A. R., & Pratt, T. C. (2005). The school context as a source of self-control. *Journal of Criminal Justice*, 33, 327–339.
- Unnever, J. D., Cullen, F. T., & Pratt, T. C. (2003). Parental management, ADHD, and delinquent involvement: Reassessing Gottfredson and Hirschi's general theory. *Justice Quarterly*, 20, 471–500.
- Walsh, A. (2002). *Biosocial criminology: Introduction and integration*. Cincinnati, OH: Anderson.
- Wright, J. P., & Beaver, K. (2005). Do parents matter in creating self-control in their children? A genetically informed test of Gottfredson and Hirschi's theory of low self-control. *Criminology*, 43, 1169–1202.

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## SOCIAL CONSTRUCTION OF CRIME

STUART HENRY

*San Diego State University*

According to social constructionists, what counts as crime varies depending on who is defining it: “There are no purely objective definitions; all definitions are value laden and biased to some degree,” and what is defined as crime by law “is somewhat arbitrary, and represents a highly selective process” (Barak, 1998, p. 21). This social constructionist challenge to the fact of crime as defined by law is rooted in a history of critical theory.

### The Concept of Social Construction

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*Social construction* is a theoretical position that cuts across a number of disciplinary and interdisciplinary fields, including sociology, psychology, psychotherapy, women’s studies, queer studies, the history and philosophy of science, narrative philosophy, and literary theory, among others. As Stam (2001) noted, social constructionism has not only permeated many fields of study but also has become part of popular culture (for overviews, see Burr, 1995; Gergen, 1999; Potter, 1996). Advocates of social constructionism argue that the social world has an existence only, or largely, through humans’ routine interaction. By identifying some features of social life as significant, distinguishing those features from others, and acting as though they have a real, concrete existence, humans create social reality.

In its extreme form, social constructionism draws on the idealist/nominalist philosophical tradition that social reality has no independent existence outside the human

mind. Humans interpret the world and make summary representations (images in their mind) that they believe reflect an underlying reality; at issue is whether there is any independent objective existence to the reality that these representations appear to reflect. Most social constructionists, however, are not total relativists but are more moderate. They believe that some fundamental reality exists; they also believe that even social constructions, once created, have a degree of reality in that they recognize that if humans define situations as real, then they are real in their consequences. Therefore, if we categorize behavior, events, and experiences as similar, and name or label them in specific ways, they appear before us as representations of object-like realities with real effects that can be experienced positively or negatively.

Although we create the realities that shape our social world, and are impacted by the actions of those who put energy into sustaining them as realities, we are also capable of changing these realities by recognizing our role in their construction. Crime is seen as one such social reality, one that we collectively construct and, by implication, can collectively deconstruct and replace with a less harmful reality.

There are different versions of social constructionist theory, depending on the extent to which theorists attribute independence to reality existing outside of the human mind and whether this attributed reality is seen a result of personal cognitive meaning creation (*personal construct theory*) or the result of shared symbolic social processes (*social constructionist theory*). There are also differences



in regard to whether theorists believe that social reality can be changed depending on how far they believe humans can free themselves from their own social constructions.

### Definition and Significance

From the social constructionist perspective, *crime* is a classification of behavior defined by individuals with the power and authority to make laws that identify some behavior as offensive and render its perpetrators subject to punishment. In Western societies, legislators and courts, enforced by state agencies, have the power and authority to define crime and administer punishment. What behavior they define as crime reflects both their own values and interests and the collective norms and values of the society, or at least the most vociferous segments of it.

The extent to which the norms and values of a society represent those of the whole society or some universal human values is questionable, because what counts as crime in different societies varies in content, with a few exceptions. However, as anthropologists Alfred Kroeber and Clyde Kluckhohn (1952) pointed out in their study of many cultures, there do seem to be some universals. Kroeber and Kluckhohn claimed that among its own in-group members, no culture could be found that accepts (a) indiscriminate lying, suggesting that all societies value honesty; (b) stealing, such that all societies value rights of property ownership; (c) violence and suffering, suggesting that all societies value peaceful coexistence; and (d) incest, such that all societies restrict sexual intercourse to nonfamilial adults.

However, what counts as acceptable or unacceptable behavior in these categories varies, not only culturally and subculturally but also historically. For example, in Western industrial societies, in spite of its enormous economic cost to victims, perpetrators of corporate and white-collar crimes were, until the late 20th century, rarely subject to punishment, because the crimes of business, and white-collar crimes in particular, were not considered “real” crimes, even though they typically produced multiple victims who each suffered economic losses of up to 100 times the cost of street offenses (the typical average robbery in the United States nets \$1,200, and the typical bank robbery loss is \$4,300, compared with the typical embezzlement, which is \$17,000, and the typical corporate crime, which ranges from \$5 million–\$300 million). Whereas a bank robber typically receives a 20- to 30-year prison sentence, a bank embezzler can receive as little as 5 years’ probation. The influence of juries in deciding whether to indict or convict a person for crime can also reflect local rather than national values, as in the case of a Texas man who shot to death burglars in his next-door neighbor’s house who was not indicted by the grand jury for homicide.

Moreover, the ability of some interest groups to mobilize mass communications to influence the values of others through moral crusades targeted toward certain behaviors, such as drug use, homosexual relations, assisted suicide, smoking in public places, and so on, can significantly affect

what kinds of behavior are defined as acceptable or criminal. This stands in comparison to the human attempt to create a moral social order in which some behavior is defined as acceptable and other behavior is defined as unacceptable or deviant, through the creation of rules that ban some behaviors and subject rule violators to sanctions. Whereas deviance is taken to be a violation of social norms, crime is seen as a violation of criminal law, and whereas deviance is behavior perceived as different and negatively evaluated as threatening and morally offensive, crime is seen as harmful—physically, economically, socially, and psychologically—resulting in victims who suffer some loss, reduction, and repression of what they were prior to the offense (Henry & Lanier, 2001; Henry & Milovanovic, 1996).

However, like the social reaction to deviance, the criminal justice reaction to crime can result in labeling effects that amplify the significance of the original law violation. This process can entrench the delinquent in a career trajectory that leads to greater rather than less involvement in the offensive behavior, not least because options to engage in nonoffensive behaviors are closed off, while attributes, qualities, and skills in relation to the law violating behavior are enhanced.

Thus, the social construction of crime, through its amplification by social reaction, can produce the real consequence of *career criminals* as the offender becomes engulfed in coping with the stigma of a criminal identity that ultimately might lead to his or her embrace of that socially constructed identity through identity transformation. No longer are these just persons who broke the law by, for example, being tempted to shoplift; instead they have become “shoplifters.” Clearly the significance of the social construction process can be that more crime, rather than less, is the outcome of the attempts to control the original offensive behavior.

The actions of moral entrepreneurs to whip up public sentiment through the mass media into what has been called a *moral panic* about certain offenses is capable of producing the appearance of “crime waves” and can demonize certain categories of people. Social constructionists have focused on the practices of criminal justice agencies and moral entrepreneurs in creating moral panics through claims about the threats posed by some groups to the population as a whole.

A consequence of the social construction of crime and the creation of moral panics is that a society’s crime rate, in particular increases in certain types of crimes, can be viewed less as a consequence of a real increase in crime and more the effect of the amplification of a problem through its public discussion in the media. Furthermore, it can reflect increased public awareness of behaviors that are then defined as problematic, resulting in more reports of crimes to the police and more arrests of alleged offenders by the police. Thus, real rises and falls in crime may reflect a combination of the following: (a) actual increases in the activity, (b) the socially constructed fear of its presence, and (c) a willingness of authorities to reclassify other activities as potential crimes. Because of crime’s socially constructed nature, real trends in crime are difficult to establish.

## Historical and Theoretical Roots of Social Constructionist Theory

### Husserl's Transcendental Phenomenology

The roots of social constructionism can be attributed to nominalist philosophy. Although the nominalist philosophical tradition can be traced back to the 11th century and can be found in the 18th-century philosophy of Immanuel Kant and the 19th-century philosophy of Friedrich Nietzsche, it is Edmund Husserl's 20th-century *transcendental phenomenology* that laid the foundation for social constructionist theory. Husserl combined insights from philosophy, mathematics, and early psychology. He developed a method for suspending, or "bracketing," what was taken for granted as objects in the natural attitude (a commonsense, mundane approach to the world) in order to see how these are constituted in the human consciousness. The *natural attitude* is the taken-for-granted assumption that objects have material-like qualities. Husserl's phenomenological inquiry revealed how our acting toward objects as though they are real constitutes them as real; their apparent material qualities are, in part, a result of the ways in which we act intentionally toward them as real.

### Schutz's Sociological Phenomenology

Husserl's transcendental phenomenology was a major influence on the work of sociologist Alfred Schutz. In his *Phenomenology of the Social World* (1932/1967), Schutz integrated Husserl's phenomenology with Max Weber's sociology, in particular with Weber's concepts of interpretive understanding and ideal-type construction, which are generalized types of behavior. Schutz saw that in their day-to-day mundane existence in the social world, humans experience both an objective and subjective existence. Humans both take this world for granted as a reality yet also see it as shared with others intersubjectively, while also interpreting it differently, depending on their past experience. Because human action is purposive, based on human interpretation and shaped as a project by past biography and social position, a socially constructed shared experience by people having different experiences produces multiple views of social reality, which leads to a position of moral relativity.

### Berger and Luckmann's Social Construction of Reality

In the 1960s, during a time when Western industrial societies were undergoing significant social and political change and when protest against establishment institutions was rampant, from anti-Vietnam war protests to civil rights and women's movement protests, a social climate emerged that resonated with the intellectual view that social structures and their institutions need not be what they had always been and that they could be changed. Peter Berger and Thomas Luckmann's (1966) classic book, *The Social Construction of Reality*, captured the historical moment of

liberation from our self-made social order by building on the insights of Schutz. In this work, they showed that although society and its institutions appear to be real, having an independent and object-like existence, its reality is the outcome of a series of social processes through which humans interactively create institutionalized social phenomena but in the process lose sight of the fact that they created those phenomena. The resultant reification leaves the created social world appearing through types and patterns of behavior as an object-like entity, acting outside and independent of the humans who created it. Berger and Luckmann said that reification involves three interrelated processes: (1) externalization, (2) objectification, and (3) internalization. *Externalization* occurs through communication whereby people create categories that define and classify the events that they experience, eventually becoming patterns that are institutionalized, formalized, and codified to stand objectified apart from those who created them, who then develop "recipe knowledge" about them and how to relate to them. The process of *objectification* and explaining the existence of these object-like social entities serves to further legitimate their independent existence. The process of *internalization* occurs when knowledge about these social institutions and structures is communicated back to members of society, who embody it as part of their knowledge of social reality. Not only do humans lose sight of their role in the creation of social reality but, importantly, they also lose sight of their ability to change the world.

### Garfinkel's Ethnomethodology

Harold Garfinkel's (1967) *Studies in Ethnomethodology* contributed to the development of social constructionist thinking in that, like Berger and Luckmann, Garfinkel and colleagues, such as Harvey Sacks, David Sudnow, Don Zimmerman, and Melvin Pollner, focused on how social order, social institutions, and social structure emerged from shared mundane interactions among ordinary people in their everyday lives. In defining their world and acting toward its boundaries through routine practices of interpretation, people create and negotiate categories of behavior that are deemed acceptable and categories that are unacceptable or deviant. Exploring the ways or the methods, rather than the shared meaning, by which this everyday interpretive process produces realities is the contribution made by ethnomethodology. For ethnomethodologists it is the routine practices (called *methods*) that people use to classify other people as deviants or offenders that are important in considering what is and what becomes a crime, rather than the content of the activities of people whose behavior is classified as deviant or criminal.

In studying humans in the process of coconstructing their world through conversation, language, making distinctions, and taken-for-granted assumptions, ethnomethodologists are engaged in a form of radical social constructionism (discussed further in a subsequent section of this chapter), although some scholars maintain

that the two are theoretically different (Bogen & Lynch, 1993). It is important to note that ethnomethodologists do not assume the constructions that they study exist independently of the discourse used by humans interacting; neither do they exclude their own analysis from the constitutive process.

### The Social Interactionism of Mead and Blumer

Whereas ethnomethodologists were concerned with the ways of interpretation was accomplished through routine practices, Herbert Blumer, a student of social psychologist George Herbert Mead and influenced by pragmatic philosopher John Dewey's ideas about human's interaction with the environment, had been working on developing an interactionist perspective. His *Symbolic Interactionism* (1969) demonstrated that, instead of being fixed to objective roles, statuses, and structures in an interrelated system, as functionalist theorists had argued, social meaning was created through interaction and subjective interpretation with others. Mead, in his 1934 work *Mind, Self and Society*, showed that human identity was the outcome of both people's own emergent sense of self, derived from their individualized self-concept he called the *I*, and an internalized sense of the social self he called the *me*, which was derived from generalized views that others held of them that they perceived through "taking the role of the other." Blumer (1969) argued that people act toward others and the world around them on the basis of the meaning that they attributed to people, events, and structures. The meanings were not fixed but negotiated through a social process of symbolic communication both with one's self and with others, during which items were named or labeled.

From the interactionist perspective, crime is defined as a social event, involving many players, actors, and agencies. Thus, crimes can be characterized the following way:

[Crimes] involve not only the actions of individual offenders, but the actions of other persons as well. In particular, they involve the actions of such persons as victims, bystanders and witnesses, law enforcement officers, and members of political society at large. A crime, from this perspective, is a particular set of interactions among offender(s), crime target(s), agent(s) of social control and society. (Gould, Kleck, & Gertz, 1992, p. 4)

### Labeling Perspective in the Sociology of Deviance

During this same period, there emerged a perspective on deviance, later applied to crime, that drew on these concepts of the social process of meaning construction through interaction and the routine ways these were accomplished. The fundamental idea was that what became designated as crime and deviance was, as Howard Becker (1963) argued, not a quality of an act a person commits but a quality of the reaction of the audience who interprets it as deviant or not. In other words, deviance was not just the result of actions by a

human actor; it depended on the audience, who signified a behavior as an act of importance and judged the act positively or negatively, labeling it good or bad. Labeling theorists argued that whether an issue becomes a public harm and/or ultimately a crime depends on a group's ability to turn private concerns into public issues or their skills at moral entrepreneurship (Becker, 1963). Creating a public harm from a private issue involves identifying and signifying offensive behavior and then attempting to influence legislators to ban it officially. Becker argued that behavior that is unacceptable in society depends on what people first label unacceptable and whether they can successfully apply the label to those designated as offenders. For example, prior to the 1930s, smoking marijuana in the United States was generally acceptable. Intensive government agency efforts, in particular by the federal Bureau of Narcotics, demonized marijuana smokers as "dope fiends," a campaign that culminated in the passage of the Marihuana Tax Act of 1937. As a result, marijuana smoking was labeled unacceptable and illegal, and those who engaged in it were stigmatized as outsiders.

Edwin Lemert (1967) made a distinction between *primary deviance* and *secondary deviance*, arguing that many people engage in minor rule violations, but only some of those people are selected to be labeled as "problems." When this occurs repeatedly, people may internalize the definitions that others have of them and undergo an identity transformation, coming to view themselves as deviants. Lemert and others, such as Erving Goffman (1963), argued that the result of this labeling could be secondary deviance, such that people who were stigmatized by the original label now act deviant because this is part of their deviant identity.

In this sense then, deviance—and, ultimately, crime—is a social construction, first because of the original process of labeling people and second as a result of the amplification of those people's deviant behavior and the interactive effects of others' actions toward them. People become deviant or criminal as a result of the iterative process between their own actions and the reactions of others to them.

### Core Features of Social Constructionism

As precursors to social constructionist thought, the ideas discussed in the preceding sections formed into a theoretical perspective that some consider transcendent as a perspective across disciplines, in particular of sociology, psychology, psychotherapy, and feminism. Ten core elements have been identified as being more or less shared by scholars who take a social constructionist perspective (Henry, 2007):

1. Because of the way it is negotiated and created, "truth" about the social world or social categories in it, such as crime, should be challenged and seen as "truth claims" rather than as having any real or concrete status. Concepts such as what the real crime rate is, trends in crime, and who commits crime and why are claims about the truth rather than facts about reality.

2. Collective claims by groups about understanding social phenomena in the same ways, such as common views about what counts as crime or justice, should not be seen as evidence of an underlying reality; for example, if terrorism is a crime, then why do many nations think that U.S. foreign policy displays elements of terrorism? Does that mean that U.S. foreign policy is criminal?
3. The use of labels to classify social phenomena such as murder, theft, robbery, and rape need not reflect an underlying reality, even though the outcomes of these actions can be harmful to the victims; rape may be more an act of violence than a sex act, and food poisoning caused by systemically unhygienic restaurants may be more an act of robbery than a street mugging is.
4. What counts as reality—say, of crime, harm, and consequences—may be different across time, space, and cultures. Some examples include smoking, cocaine distribution, and environmental pollution over time and in different cultures.
5. Because of the process involved in its production, neither experts nor nonexperts have a privileged claim to reveal the truth about social phenomena such as crime; for example, the identification of a suicide or homicide depends on circumstantial evidence that coroners may know less well than relatives.
6. All knowledge is the result of social processes that are based on interaction and shared subjective meaning attached to a situation that are negotiated by the participants. These participants include, for example, robbers and their victims, as well as criminologists and their students.
7. Meaning is produced in an ongoing fashion and gains significance from the people who are attributing qualities to acts and events, as well as from the occasions when it is produced, performed, or acted toward. For example, occasional drug users may become “junkies” not through their use of drugs alone but by the way that others act toward them, label them, and limit them from normal behavior.
8. People who produce knowledge, such as criminologists, government statisticians, and professional practitioners, are no less subject to critique, and their claims are no more privileged than those of others.
9. Knowledge production about social phenomena such as crime is a political process, shaped by concentrated interests that are seeking a social or political outcome; consider, for example, claims for example that abortion is murder, homosexuality is a sin, and consumer fraud is a simply a sharp business practice.
10. Knowledge and meaning about social phenomena such as crime are not fixed but multiple, variable, and changeable through reconstructing the language and symbolic process and by altering the discursive methods that accomplish it.

## Types of Social Constructionism

Although it is possible to identify the core themes that social constructionists share, there are a variety of different approaches to constructionism depending on the extent to

which advocates accept or reject realism as well as the extent to which they subject their own analysis to a constructivist critique. Gergen (1994), in *Toward Transformation in Social Knowledge*, distinguished between the psychological version of constructionism rooted in Kelly’s (1955) personal construct theory, which is concerned with how individuals cognitively construct their world by making sense of their own experiences of their environment, and the other view of social constructionism, which is rooted in the sociological interactionist–phenomenological tradition of the shared construction of meaning shaped by situational and social context, culture, and history. It is this second, social constructionist approach that has been adopted by scholars who examine crime and deviance. Within social constructionism there are three major positions: (1) radical, (2) contextual, and (3) postmodernist.

### Radical Constructionists

Social constructionists such as Woolgar and Pawluch (1985), who completely reject the idea of an objective reality, are known variously as “extreme,” “radical,” “strict,” “vulgar,” or “strong” social constructionists. They see everything as socially constructed and reject the existence of an independent objective reality. Such perceived reality is seen as nothing more than the agreed-on assumptions of the specialized community that created the assumptions. Advocates of the radical version of social construction also reflexively consider their own theory as a social construction. They believe that people observe the world from different communities and make “truth claims” about constructions of the world but are not able to objectively verify the existence of the reality they perceive.

Radical constructionists also differ among themselves, with some seeing knowledge constituted by an individual’s mental process as being closed to outside influence. Such radical individual constructionists see the world as composed of collections of individual worldviews, or *multiverses*. Other radical constructionists see the world as coconstructed or coproduced, whereby the social interaction of human agents through discourse—talking, language, gestures, and other communications—coproduces shared meaning about the world. This shared meaning depends not on qualities of the individual mind but on continual construction and reconstruction in the company of others, or *recursivity*. As a result, there is a relationship between the human agent and the social world such that each constitutes and is constituted by the other (Henry & Milovanovic, 1996).

### Contextual Constructionists

In contrast, some scholars, such as Spector and Kitsuse (1977/1987) and Best (1993), take what is called a “contextual,” “minimalist,” “moderate,” or “weak” view of social constructionism, believing that some underlying reality exists and that not everything is a social construction. They believe that by selecting from, interpreting, and classifying

this underlying reality, humans build social constructions that have different appearances depending on the social and cultural context. Contextual constructionists accuse radical constructionists of relativism and nihilism (Best, 1989) and, according to Best (1993), the radicals misunderstand the task of analysis, which is to locate social constructions in real cultural–structural contexts; to avoid being exclusively reflexive; and to focus on the substance of issues, evaluating false claims, and even creating new claims. However, they also acknowledge that any underlying qualities that exist do not define an event, person, or action; instead, drawing on the symbolic interactionist tradition, they argue that humans do this through a social process of definition, based on what is relevant to their purposes, shaped by their past biographical positioning, in particular by social and cultural matrices. From these social contexts humans come to agree that some categorizations are more valid than others. In other words, constructions are meaningful only when they are placed in a particular social and situational context, one that specifies the criteria of definition, relevance, and classification. As a result, the concern of contextual constructionists is to understand social problems such as crime and deviance:

[How they] are generated, sustained, taken seriously, and acted upon; and how certain claims of seriousness are advanced by specific agents and reacted to, or ignored, by different audiences. Their argument is that *by themselves* [italics added], conditions do not constitute social problems; what *makes* them social problems is how they are defined and reacted to by various segments of society. (Goode, 1997, pp. 60–61)

In contextual constructionists' opinion, to make changes for the better, people need to examine the generation and sustenance of social phenomena such as crime, describing how these phenomena are defined, defended, and reacted to. Those who take the contextual position are able to make judgments about which approach is better able to discern the nature of the construction process, how far it distorts any underlying reality, the extent of the discrepancies between objective reality and subjective experience, how realities can appear to exist and be sustained, and how changes may be made in the process to produce less harmful constructions.

Although this difference between radical and contextual constructionists is important insofar as it allows contextualists to use empirical evidence to support their claims that others are making fallacious claims (thus privileging their method of claims-making), commentators have argued that there is neither one constructionism nor many, but a cluster of core themes (as identified earlier) engaged in differently depending on the authors' aims and intent. In other words, social constructionism is itself seen as a politically framed claims-making process.

### Postmodern Constructionists

In both the sociological and psychological literature, social constructionism resonates with postmodernism, discourse

analysis, and narrative theory, in particular with the affirmative or reconstructive offshoots of postmodernism, such as constitutive theory in criminology with its emphasis on “replacement discourse” (Henry & Milovanovic, 1996).

Postmodernism involves a process of deconstruction of the truth claims of others, which is designed to expose their assumptions and their arbitrariness to prevent closure and certainty. It challenges all power and authority that is based on claims to superior or privileged knowledge. The deconstructive critique is designed to resurrect and celebrate silenced voices of the marginalized to reveal the presence of multiple realities, voices, and worlds as part of a multiplicity of resistances to the hegemony of others' claims to truth.

Affirmative postmodernism is based on the assumptions of social constructionism in that reconstruction is also possible through replacement discourse (Henry & Milovanovic, 1996). Such postmodernist constructionism believes that viewing a socially constructed world through deconstruction affords the possibility of reconstructing that world. Interestingly, this perspective has developed in applied disciplines such as psychotherapy (Parry & Doan, 1994; Rosen & Kuehlwein, 1996) and criminology (Henry & Milovanovic, 1996, 1999), where some form of intervention has been deemed necessary to transform the present harmful social constructions. Indeed, in criminology, Henry and Milovanovic's (1996, 1999) *constitutive theory* seeks to deconstruct harmful discourses of domination through the reconstructive process of *replacement discourse*, not least by actively engaging the mass media's construction of what constitutes crime and harm and what counts as the criminal justice system's response.

Postmodernist constructionism emphasizes contingency rather than certainty (Butler, 1992), and it takes into account the reflexivity issue raised by ethnomethodology. As Kegan (1994) wrote, what emerges is “a theory that is mindful of the tendency of any intellectual system to reify itself” and instead “to assume its incompleteness and to seek out contradiction by which to nourish the ongoing process of its reconstruction” (pp. 329–330). For Rosen (1996), “Reconstructive postmodernism goes beyond the differentiation of the anti-modernists' stance toward the reintegration of modernism into a transformative way of knowing” (p. 42). Thus, postmodernist constructionism is a humanistic form of social science that seeks not only to reflexively understand the way humans constitute their world and are constituted by it but also to use that knowledge to help them transform it into a better place.

### Crime and Deviance as Social Constructions: The Importance of Claims-Making

From the social constructionist perspective, criminal behavior is a joint human enterprise between actors and audiences.

Crime and deviance are created by human agents making distinctions, perceiving differences, engaging in behaviors, interpreting their effects, and passing judgments about the desirability or unacceptability of the behaviors or people labeled as criminal, as though those behaviors and people possessed object-like qualities. Since Spector and Kitsuse's (1977/1987) original examination of the social construction of social problems, social constructionists have tended to examine the agencies involved in the claims-making process that produces the panic rather than individuals designated as deviant or their behavior.

Most constructionist work focuses on how people in authoritative positions create moral panics around the perceived fear of certain designated behaviors, regardless of whether these behaviors exist and whether there were persons actually engaged in them. Pavarini (1994) pointed out that what becomes defined as crime depends on the power to define and the power to resist definitions. This in turn depends on who has access to the media and how skilled moral entrepreneurs are at using such access to their advantage (Pfuhl & Henry, 1993).

### Crime as Moral Panic

The original concept of moral panic was used by British sociologist Stanley Cohen (1972) in his book *Folk Devils and Moral Panics*. Cohen described the demonization through the mass media around the 1960s "mods" and "rockers" teenage rebel groups whose behavior threatened valued British cultural norms. In *Moral Panics: The Social Construction of Deviance*, Erich Goode and Norman Ben-Yehuda (1994) argued that moral panics are societal reactions to perceived threat characterized by (a) volatility seen in their sudden appearance and rapid spread among large sections of the population through the mass media and other means of communications, followed by a rapid decline in further instances of the problem; (b) the growth of experts who are claimed to be authorities in discerning cases of the said feared behavior; (c) an increased identification of cases of the behavior that build into a wave; (d) hostility and persecution of the accused as enemies of society; (e) measurement of society's concern through attitude surveys; (f) consensus about the seriousness of the threat; (g) disproportional fear relative to investigations of the actual harm; (h) a backlash against the persecution; and (i) exposure of the flaws in identifying the problem. An excellent illustration is found in Jeffrey Victor's study of satanic ritualistic child abuse in his book *Satanic Panic* (1993); others include Philip Jenkins's (1998) book *Moral Panic: Changing Concepts of the Child Molester in Modern America*.

Goode and Ben-Yehuda (1994) explained the social construction of crime and deviance through moral panics by one of three models. The *grassroots model* proposes that displaced anxiety from societal stress among members of a population results in a spontaneous moral panic that

scapegoats new categories of criminals and deviants. Here, control agencies reflect opinion rather than create it. The *elite domination model* holds that people in positions of power, whether government, industry, or religious leaders, are responsible for promoting moral panic as a diversion from problems whose solution would undermine their own positions of power. Finally, the *interest group conflict model* sees the creation of moral panics as the outcome of moral entrepreneurs seeking to gain greater influence over society by defining its moral domain.

Research conducted by Victor (1998), for example, pointed out that moral panics claiming crime or deviance need not be based in reality but in imaginary offenders whose existence gains credibility in the eyes of the public when authorities and those who claim expert knowledge (in particular, science or medicine) legitimize the accusations. These panics are likely to occur when bureaucratic interest, such as competing agencies, are vying for jurisdiction of authority; when methods of detection result in errors; and as Victor claimed, when there is a symbolic resonance with a perceived threat identified in a prevailing demonology—which serves as a master cognitive frame that organizes problems, gives meaning to them, explains them, and offers solutions. A key component of moral panics is the process of claims-making.

Social constructionists of crime, deviance, and social problems examine how interest groups, moral entrepreneurs, and social movements create claims about behavior. Claims-making involves four elements in a process: (1) assembling and diagnosing claims about behavior or conditions seen as morally problematic; (2) presenting to significant audiences, such as the news media, that the claims are legitimate; (3) providing a prognosis of how to address the problem to bring about a desired outcome by defining strategies, tactics, and policy; and (4) contesting counterclaims and mobilizing the support of key groups.

### Crime as a Social Construction

Social constructionist views of crime reveal that there are multiple definitions, each of which suggests a different set of criteria as constituting the phenomenon.

### Legal Constructions of Crime

The starting point of the social constructionist critique is to challenge the veracity of the legal definition of crime as "an intentional act or omission in violation of criminal law (statutory and case law), committed without defense or justification, and sanctioned by the state as a felony or misdemeanor" (Tappan, 1947, p. 100). Sutherland (1949) argued that existing crime categories are constructions that distort the reality of harm. He argued that a strict legal definition excludes white-collar crime. Others have pointed out that the strict legal definition of crime also ignores the

cultural and historical context of law, such as laws on gambling and prostitution that vary by state and nation.

### Powerful Interests and the Construction of Crime

Conflict between groups with different and competing interests can result in different constructions of crime such that groups in positions of power criminalize others' behavior depending on whether they threaten the interests of the powerful. The result is that powerless groups are generally the victims of oppressive laws:

Crime is a definition of human conduct created by authorized agents in a politically organized society. . . . [It describes] behaviors that conflict with the interests of the segments of society that have the power to shape public policy. (Quinney, 1970, pp. 15–16)

Groups in society form around wealth, culture, prestige, status, morality, ethics, religion, ethnicity, gender, race, ideology, human rights, the right to own guns, and so on. Each group may fight to dominate others on these issues. Ethnic or cultural conflict is a good example: What is taken for granted as acceptable behavior by one subculture is defined as criminal by another, or by mainstream culture.

When the basis of power is wealth, the conflict is considered class based. Actions defined as crime are rooted in the vast differences of wealth and power associated with class divisions. Groups that acquire power through political or economic manipulation and exploitation place legal constraints on those without power. A definition of crime based on economic interests emphasizes that “crime and deviance are the inevitable consequences of fundamental contradictions within society’s economic infrastructure” (Farrell & Swigert, 1988, p. 3). Crime is defined as the activities of those who threaten the powerful. Such a view explains why serious crimes are those of street offenders, whereas those of corporate or white-collar “suite” offenders are considered less serious. Theorists who challenge the social construction of crime through laws based on powerful interests argue that *any* behavior that causes harm is crime (Reiman, 1995). Michalowski (1985) for example, argued that we should include as crime “analogous social injury,” which is harm caused by acts or conditions that are legal. For example, promoting and selling alcoholic beverages and cigarettes (described as “drug delivery systems”), although legal, produce considerable social, health, and psychological problems.

Perhaps the most dramatic call from social constructionist-oriented critics to expand the definition of crime comes from Larry Tifft and Dennis Sullivan (2001), who argued that the hierarchical structure and social arrangements of society produce harm that evades the legal definition. They believe that these acts should be criminalized, which will render criminal many contemporary legal production and

distribution activities. It may also criminalize many of the criminal justice system’s response to crime, because these also produce additional harms.

### Conclusion: Evaluation of the Social Construction of Crime

In general, social constructionists have been criticized depending on how realist or nominalist their core assumptions are. Pro-realists accuse constructionists of being nihilistic and unscientific; anti-realists ridicule any attempt at science as just another truth claim that is using scientific ideology to claim legitimacy for its own political ends (Woolgar & Pawluch, 1985). Anti-realists argue that claiming to be able to observe and document the variability in claims about a condition assumes the objectivity (i.e., reality) of the condition without reflexively subjecting one’s own analysis to the same questioning. Contextual constructionists counter that a strict anti-realist reading is an illusion that cannot be transcended by developing new language and discourse, because language is embedded in society (Best, 1995). Best (1995) called for a “weak reading” of the constructionist position, pointing out (a) that it is actually useful to locate social constructions in real cultural–structural contexts; (b) it is unavoidable and not helpful to be exclusively reflexive; and (c) that focusing on theory rather than the substance of problems may undermine and paralyze the critical edge of their constructionist position, inhibit their evaluation of false claims, and even prevent their creation of new claims.

More broadly, pure or strict social constructionism has been criticized for implying that problems of crime and deviance are merely fabrications, which is protested by the individuals suffering their consequences, even though constructionists argue that there are often real consequences of acting toward constructions as though they are real. The point of constructionism is that revealing how what is taken to be real can be deconstructed enables the possibility of it being reconstructed differently through replacement discourse; when social problems, deviance, and crime are subject to a deconstructionist analysis, they can be reframed in ways that enable their reproduction to be slowed and even reversed such that they become differently and less harmfully constituted (Henry & Milovanovic, 1996). The question—indeed, the challenge—for constructionists is how to demonstrate the value of this kind of analysis in bringing about changes in objective conditions while maintaining that these conditions are only as real as we allow them to be. The value of social constructionism is that it seeks not only to understand the way humans constitute their world and are constituted by it but also to use that knowledge to help them transform the world into a more comfortable place.

## References and Further Readings

- Barak, G. (1998). *Integrating criminologies*. Boston: Allyn & Bacon.
- Becker, H. (1963). *Outsiders*. New York: Free Press.
- Berger, P., & Luckmann, T. (1966). *The social construction of reality*. New York: Doubleday.
- Best, J. (1989). Extending the constructionist perspective: A conclusion and an introduction. In J. Best (Ed.), *Images of issues: Typifying contemporary problems* (pp. 243–253). New York: Aldine de Gruyter.
- Best, J. (1993). But seriously folks: The limitations of the strict constructionist interpretation of social problems. In G. Miller & J. A. Holstein (Eds.), *Reconsidering social constructionism* (pp. 129–147). New York: Aldine de Gruyter.
- Best, J. (Ed.). (1995). *Images of issues: Typifying contemporary problems* (2nd ed.). New York: Aldine de Gruyter.
- Blumer, H. (1969). *Symbolic interactionism: Perspective and method*. Englewood Cliffs, NJ: Prentice Hall.
- Bogen, D., & Lynch, M. (1993). Do we need a general theory of social problems? In G. Miller & J. Holstein (Eds.), *Reconsidering social constructionism* (pp. 213–239). New York: Aldine de Gruyter.
- Burr, V. (1995). *An introduction to social constructionism*. London: Routledge.
- Butler, J. (1992). Contingent foundations: Feminism and the question of “postmodernism.” In J. Butler & J. W. Scott (Eds.), *Feminists theorize the political* (pp. 3–21). London: Routledge.
- Cohen, S. (1972). *Folk devils and moral panics*. London: MacGibbon and Kee.
- Farrell, R. A., & Swigert, V. L. (1988). *Social deviance* (3rd ed.). Belmont, CA: Wadsworth.
- Garfinkel, H. (1967). *Studies in ethnomethodology*. Englewood Cliffs, NJ: Prentice Hall.
- Gergen, K. J. (1985). The social constructionist movement in modern psychology. *American Psychologist*, 40, 266–275.
- Gergen, K. J. (1994). *Toward transformation in social knowledge*. Thousand Oaks, CA: Sage.
- Gergen, K. J. (1999). *An invitation to social construction*. London: Sage.
- Goffman, E. (1963). *Stigma: Notes on the management of spoiled identity*. Englewood Cliffs, NJ: Prentice Hall.
- Goode, E. (1997). *Deviant behavior* (5th ed.). Upper Saddle River, NJ: Prentice Hall.
- Goode, E., & Ben-Yehuda, N. (1994). *Moral panics: The social construction of deviance*. Oxford, UK: Blackwell.
- Gould, L., Kleck, G., & Gertz, M. (1992). The concept of “crime” in criminological theory and practice. *The Criminologist*, 17, 1–6.
- Henry S. (2007). Deviance: Constructionist perspectives. In G. Ritzer (Ed.), *The Blackwell encyclopedia of sociology* (pp. 145–163). Oxford, UK: Blackwell.
- Henry, S., & Lanier, M. (2001). *What is crime?* Lanham, MD: Rowman & Littlefield.
- Henry, S., & Milovanovic, D. (1996). *Constitutive criminology: Beyond postmodernism*. London: Sage.
- Henry, S., & Milovanovic, D. (Eds.). (1999). *Constitutive criminology at work: Applications to crime and justice*. Albany: State University of New York Press.
- Jenkins, P. (1998). *Moral panic: Changing concepts of the child molester in modern America*. New Haven, CT: Yale University Press.
- Kegan, R. (1994). *In over our heads: The mental demands of modern life*. Cambridge, MA: Harvard University Press.
- Kelly, G. A. (1955). *The psychology of personal constructs*. New York: W.W. Norton.
- Kroeber, A. L., & Kluckhohn, C. (1952). *Culture: A critical review of concepts and definitions*. Cambridge, MA: Peabody Museum.
- Lemert, E. M. (1967). *Human deviance, social problems and social control*. Englewood Cliffs, NJ: Prentice Hall.
- Mead, G. H. (1934). *Mind, self and society* (C. W. Morris, Ed.). Chicago: University of Chicago Press.
- Michalowski, R. (1985). *Order, law and crime*. New York: Random House.
- Parry, A., & Doan, R. (1994). *Story re-visions: Narrative therapy in the postmodern world*. New York: Guilford Press.
- Pavarini, M. (1994). Is criminology worth saving? In D. Nelken (Ed.), *The futures of criminology* (pp. 43–62). London: Sage.
- Pfuhl, E. H., & Henry, S. (1993). *The deviance process* (3rd ed.). New York: Aldine de Gruyter.
- Potter, J. (1996). *Representing reality: Discourse, rhetoric, and social constructionism*. London: Sage.
- Quinney, R. (1970). *The problem of crime*. New York: Dodd, Mead.
- Reiman, J. (1995). *The rich get richer and the poor get prison*. New York: Wiley.
- Rosen, H. (1996). Meaning-making narratives: Foundations for constructivist and social constructionist psychotherapies. In H. Rosen & K. T. Kuehlwein (Eds.), *Constructing realities: Meaning-making perspectives for psychotherapists* (pp. 3–53). San Francisco: Jossey-Bass.
- Rosen, H., & Kuehlwein, K. T. (Eds.). (1996). *Constructing realities: Meaning-making perspectives for psychotherapists*. San Francisco: Jossey-Bass.
- Schutz, A. (1967). *The phenomenology of the social world*. Evanston, IL: Northwestern University Press. (Original work published 1932)
- Spector, M., & Kitsuse, J. I. (1987). *Constructing social problems*. New York: Aldine de Gruyter. (Original work published 1977)
- Stam, H. (2001). Introduction: Social construction and its critics. *Theory and Psychology*, 11, 291–296.
- Sutherland, E. H. (1949). *White collar crime?* New York: Holt, Rinehart & Winston.
- Tappan, P. (1947). Who is the Criminal? *American Sociological Review*, 12, 96–102.
- Tift, L., & Sullivan, D. (2001). A needs-based social harms approach to defining crime. In S. Henry & M. Lanier (Eds.), *What is crime?* (pp. 179–203). Lanham, MD: Rowman & Littlefield.
- Victor, J. S. (1993). *Satanic panic: The creation of a contemporary legend*. Chicago: Open Court.
- Victor, J. S. (1998). Moral panics and the social construction of deviant behavior: Theory and application to the case of ritual child abuse. *Sociological Perspectives*, 41, 541–565.
- Woolgar, S., & Pawluch, D. (1985). Ontological gerrymandering. *Social Problems*, 32, 214–227.



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## SOCIAL CONTROL THEORY

CHRISTOPHER J. SCHRECK

*Rochester Institute of Technology*

TRAVIS HIRSCHI

*University of Arizona*

The *social control* approach to understanding crime is one of the three major sociological perspectives in contemporary criminology. Control theorists believe that conformity to the rules of society is produced by socialization and maintained by ties to people and institutions—to family members, friends, schools, and jobs. Put briefly, crime and delinquency result when the individual's bond to society is weak or broken. As social bonds increase in strength, the costs of crime to the individual increase as well.

The intellectual roots of social control theory reach back several centuries, but it was not until the middle of the 20th century that this theory began to generate broad interest among crime researchers. Since then, it has been among the most frequently tested in the scientific literature and has garnered substantial empirical support. Its research and policy implications have generated perhaps the most debate of any modern theory of crime. The influence of social control theory on actual crime control policy has been less impressive. Social control theories do not support expansion of the criminal justice system. They do not favor larger police forces or lengthy incarceration as crime control policies. They favor instead policies designed to establish stronger bonds between individuals and society.

The first task of the control theorist is to identify the important elements of the bond to society. The second task is to say what is meant by *society*—to locate the persons and institutions important in the control of delinquent and criminal behavior. The following list of elements of the bond—attachment, commitment, involvement, and belief—has

proved useful in explaining the logic of the theory and in summarizing relevant research. It has also provided guidelines for evaluation of delinquency prevention programs.

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### Attachment

Social control theory assumes that people can see the advantages of crime and are capable of inventing and executing all sorts of criminal acts on the spot—without special motivation or prior training. It assumes that the impulse to commit crime is resisted because of the costs associated with such behavior. It assumes further that a primary cost of crime is the disapproval of the people about whom the potential offender cares. To the extent that the potential offender cares about no one, he or she is free to commit the crime in question. Sociologists often explain conformity as the result of such sensitivity. Psychologists as often explain deviation as the result of insensitivity to the concerns of others. Together, they tell us that sensitivity is a continuum and that some people have more than others and some have less than others. This is the position adopted by control theorists. They focus on the extent to which people are sensitive to the opinion of others and predict that this variable will predict rates of crime and delinquency.

*Sensitivity* suggests feeling or emotion, and this element of the social bond indeed attempts to capture the emotions (or lack thereof) involved in conformity and deviance. The words are many: *affection, love, concern, care, and respect,*

to name only some. Social control theorists use *attachment* as an abstract summary of these concepts.

The evidence is clear that family attachments are strongly correlated with (non)delinquency. In their famous book *Unraveling Juvenile Delinquency*, Sheldon and Eleanor Glueck (1950) indicated that, according to their research, affection of the father and the mother for the child were two of the best five predictors of delinquency. They found, too, that in the other direction, the emotional ties of the child to the parent tended to be weaker among delinquents. From this, we may conclude that family attachments play a role in the socialization of the child as well as in maintaining his or her subsequent conformity to the rules of society. Researchers have reported that family attachments may account for the apparent effects of other variables. For example, the item “Do your parents know where you are (and what you are doing) when you are away from home?” has been often found to predict levels of self-reported delinquency. These correlations are of course taken as evidence of the importance of parental supervision. They are better seen as evidence of the importance of communication between parent and child. Scandinavian scholars have shown that parents know where their children are to the extent that their children inform them of their whereabouts. In other words, well-supervised children are those who supervise themselves, those who in effect take their parents with them wherever they happen to go.

Attachment to school is also a well-established predictor of delinquency. Students who report liking school and caring about the opinion of teachers are far less likely to be delinquent regardless of how delinquency is measured. Indeed, it is practically a truism that “delinquents don’t like school.” The general principle would seem to be that withdrawal of favorable sentiments toward controlling institutions neutralizes their moral force. Rebels and revolutionaries may dispute this principle, but that says nothing about the element of truth it contains (and they prove it by their actions).

## Commitment

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Everyone seems to understand the paraphrased song lyric that freedom is another way of saying that one has nothing left to lose. Control theory captures this idea in the concept of *commitment*, the idea that conforming behavior protects and preserves capital, whereas crime and delinquency put it at risk. The potential delinquent calculates the costs and benefits of crime. The more he or she has to lose, the greater the potential costs of the crime and the less likely it is to be committed. What does one lose or risk losing from crime? The short answer is life, liberty, and property. The long answer, attachments aside, is that it depends on one’s assets and prospects, on one’s accomplishments and aspirations.

For young people in American society, the main arena for the display of accomplishment or achievement is the school. Athletics aside, and however diverse the curriculum, the currency of this realm is academic achievement. Also, truancy aside, of the available measures of school-related activities,

grade point average appears to be the best predictor of delinquency. Good students are likely to aspire to further education and are unlikely to commit delinquent acts or to get into difficulties with the police. Grade point average accounts for the correlation between IQ test scores and delinquency. Put another way, IQ affects delinquency through its effect of grades. It has no direct effect on delinquency. This means that the ancient idea that, other things equal, intelligent people are better able to appreciate the consequences of their acts is not supported by the data; instead, the data suggest that the correspondence between achievement and prospects on one side and delinquency on the other is just what one would expect from rational actors, whatever their level of intelligence.

## Involvement

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In television courtrooms, one task of the prosecutor is to establish that the defendant had the opportunity to commit the crime of which he or she is accused. Crimes are events that take place at a given point in time. Conditions necessary for their accomplishment may or may not be present. Control theorists, like most other theorists, have seized on this fact and tried to incorporate the notion of opportunity into their explanation of crime. They do so through the concept of *involvement*, which is short for “involvement in conventional activities.” The idea is that people doing conventional things—working, playing games, watching sporting events or television, doing homework, engaging in hobbies, or talking to parents—are to that extent unable to commit delinquent acts, whatever their delinquent tendencies may be.

Despite its firm place in the common sense of criminology, the idea of involvement/limited opportunity has not fared well when put to the test. More than one researcher has found that adolescents with jobs are *more* rather than less likely to be delinquent. Also, counts of the hours of the day the adolescent is doing an activity that is inconsistent with delinquent acts have proved disappointing.

There are two problems with the concept of involvement. First, it is based on a misconception of the nature of crime. Most criminal acts, perhaps especially those available to adolescents, require only seconds or minutes for their completion—the pull of the trigger, a swing of the fist, a barked command, a jimmied door, a grab from a rack or showcase. This fact allows the commission of large numbers of criminal acts by a single offender in a short period of time. (It also makes ridiculous attempts to estimate the average number of offenses committed by individual offenders in an extended period of time.) Because opportunities for crimes are ubiquitous, the hope of preventing them by otherwise occupying the potential offender has proved vain.

A second problem with this concept is that it neglects the fact that opportunities for crime reside to a large extent in the eye of the beholder. Objective conditions matter, but so do the perceptions of actors. Control theory claims that people differ in the strength of their bonds to society. It therefore predicts that people who are strongly bonded are less

likely to engage in activities that provide opportunities for delinquency and are less likely to see them should they arise.

## Belief

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The role of *beliefs* in the causation of delinquency is a matter of considerable dispute. Some social scientists argue that they are of central importance. Others ignore them, suggesting that they are nothing more than words that reflect (and justify) past behavior but are in no way responsible for it. Control theory rejects the view that beliefs are positive causes of delinquency, that offenders are somehow living up to their beliefs when they commit delinquent acts. Control theory is, however, compatible with the view that some beliefs prevent delinquency while others allow it.

Perhaps the principal benefit of the study of beliefs is that they help us understand how the other bonds work to prevent delinquency. For example, responses to the statement “People who break the law are almost always caught and punished” are related to delinquency in the expected direction. Individuals who disagree are more likely to report delinquent acts. What can be said about the factual accuracy of this belief? Do delinquents know the truth while nondelinquents have been systematically misinformed? The answer appears to be that both delinquents and nondelinquents are correct, at least from their point of view. In the short term, “getting away with it” may well be the rule. In the long term, offenders are typically caught and, in various ways, punished. A short-term orientation reflects a lack of commitment and is therefore conducive to delinquency. A long-term orientation is indicative of commitment and prevents delinquency. All of this teaches two lessons: (1) Manipulating beliefs without changing the reality on which they are based is unlikely to reduce the level of delinquency, and (2) changing actual levels of law enforcement efficiency is unlikely to change the beliefs that allow and disallow criminal conduct.

## Historical Development

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The intellectual underpinnings of social control theory may be seen in the 17th-century work of Thomas Hobbes. In his famous book *Leviathan* Hobbes described a set of basic assumptions about human nature and the origins of civil society. Hobbes believed that humans naturally seek personal advantage without regard for the rights or concerns of others. In the absence of external restraints, in a state of nature, crime is a rational choice, a “war of all against all” naturally follows, and the life of everyone is “nasty, poor, brutish, and short.” Fortunately, in Hobbes’s view, a second choice presents itself to individuals capable of calculating the costs and benefits of their actions. They can continue in a state of war, or they can establish a system of laws and a government empowered to punish those who resort to force and fraud in pursuit of their private interests. Given the choice between war and peace, rational

people choose to submit to government authority in return for the safety of their persons and property.

Hobbes’s theory of crime is a *choice* theory. People consider the costs and benefits of crime and act accordingly. The important costs of crime are those exacted by the state—which has the power to deprive citizens of life, liberty, and property. The content of the criminal law is not problematic. There is consensus that the use of force and fraud for private purposes is illegitimate. Crime is real. It is not a matter of definition; it is not a social construction that may vary from time to time and place to place.

As we have seen, social control theory accepts *choice* and *consensus*. People are not forced by unusual needs or desires to commit criminal acts. Belief in the validity of the core of the criminal law is shared by everyone. Control theory nevertheless rejects Hobbes’s view (which is still a popular view among economists and political scientists) that the important costs of crime are the penalties imposed by the state. It can reject this view because of the assumption (and fact) of consensus. Everyone agrees that theft, robbery, and murder are crimes. As a result, victims and witnesses report offenses to interested parties, and their perpetrators embarrass and shame those who know them. Shame and the penalties that follow from it are, according to social control theory, major costs of crime.

Hobbes’s view of human nature does not imply that people are inherently criminal or that they prefer crime; it suggests only that self-interest underlies whatever they do. They harm others because it gives them pleasure or advantage. They steal because stealing provides goods or money. They hit or threaten to hit others because such acts may bring status, a feeling of justice, or control of their behavior. They do good things for self-interested reasons as well. They are trustworthy and helpful because being so brings such rewards as trust and gratitude. From the point of view of their motives, there is thus no difference between offenders and nonoffenders, between criminal and noncriminal acts; all reflect the same basic desires. Thus, working from the Hobbesian view of human nature, social control theories do not ask why people commit criminal acts. They ask instead why, given the plentiful opportunities for criminal acts and their obvious benefits, people do not commit more of them.

Sociology is the dominant discipline in the study of crime. Sociologists reject Hobbes’s perspective. They see human behavior as caused rather than chosen. They tend to reject the idea of consensus, preferring the idea of cultural diversity or even culture conflict. Nevertheless, in the early years of the 20th century, sociologists in the United States often talked about *social disorganization*, the breakdown of society they saw occurring in immigrant communities and the slums of large cities. The high rates of crime and delinquency in these areas were seen as symptoms of this breakdown. In disorganized areas, unemployment is high and families, schools, and neighborhoods are too weak to control the behavior of their residents. The theory of crime implicit in the concept of social disorganization is a variety of social control theory. In the absence of the usual social restraints imposed by jobs, families, schools, churches, and

neighborhoods, delinquency flourishes. In other words, delinquency is natural, as Hobbes suggested and, worse—but contrary to Hobbes—the penalties of the criminal justice system are insufficient to contain it.

By the middle of the 20th century, the concept of social disorganization was no longer fashionable. Sociological theories had come to focus primarily on the impact of social class and culture on law-violating behavior. Lower-class adolescents were said to be forced into delinquency in their efforts to realize the American Dream or they were socialized into a lower-class culture that justifies or requires delinquent behavior. As an explanatory factor, the family had fallen from favor and the school was rarely mentioned except as an important source of strain and subsequent malicious delinquency among lower-class boys.

Sociology, however, is more than a theoretical perspective that is brought to bear in efforts to explain criminal and delinquent behavior. It is also a research discipline that attempts to locate the causes and correlates of such behavior. While sociological theories of delinquency were painting one picture of delinquency, research was painting a very different picture, and sociological researchers were forced to use or invent a sociologically incorrect language to describe it.

By the mid-20th century, hundreds of studies of delinquency had been published, and the number was growing at an ever-increasing rate. With respect to its findings, perhaps the most important was the work of a Harvard University couple, Sheldon and Eleanor Glueck. Their book *Unraveling Juvenile Delinquency* (1950), discussed earlier in this chapter, is unrivaled in the scope and complexity of its results. The Gluecks compared 500 delinquent boys with 500 nondelinquent boys on a large number of carefully measured variables: family structure and relations, school attitudes and performance, physical and mental characteristics, and attitudes and behavior. The Gluecks reported that the five best predictors of delinquency were “family” variables: (1) discipline of the boy by his father, (2) supervision of the boy by his mother, (3) affection of the father (and [4], separately, the mother) for the boy, and (5) cohesiveness of the family.

The Gluecks’s research was said to be atheoretical, and they did not advertise themselves as theorists, but there could be no doubt that their findings supported social control theory. There also could be no doubt that their characterization of their findings reflected acceptance of a control theory perspective—and rejection of then-popular sociological theories. (For example, whereas popular sociological theories assumed that delinquents tend to be eager to succeed in school, the Gluecks reported that truancy and “lack of interest in school work” were from an early age one of their defining characteristics.) In one fell swoop, then, the Gluecks put control theory back on the table.

The Gluecks were not alone; other researchers were reporting results consistent with control theory and using the language of the theory to interpret them. Albert Reiss resurrected the distinction found in the social disorganization literature between personal and social controls. Walter Reckless and colleagues advanced a *containment* theory of

delinquency that was said to account for the behavior of “good” as well as “bad” boys. Jackson Toby introduced the idea of *stakes in conformity*—the costs of delinquency to people with good reputations and bright prospects—as an important factor in the control of delinquent behavior.

During the same mid-20th century period, social control theory benefited from introduction of an innovative technique of research, what came to be known as the *self-report method*. Prior to the invention of this method, researchers had been forced to rely on official measures of delinquency, basically police and court records. The new method allowed them to ask juveniles about their delinquent activities regardless of whether they had official records. It allowed researchers at the same time to ask young people about their relationships with parents, their attitudes toward school, and much else of interest to those wishing to explain delinquent behavior. Indeed, this research technique put the explanation of delinquency in a new light. For example, whereas the Gluecks stressed the affection of the parent for the child, it now became apparent—because it could be measured—that the affection of the child for the parent should be equally, if not more, important.

Relying on the terms and assumptions of the social disorganization perspective, F. Ivan Nye (1958) undertook the first major self-report study of delinquency, distinguishing between internal control and direct and indirect forms of social control. Nye’s particular focus was on the family. He showed how parents limit access of their children to opportunities for delinquency (an example of a direct control) and how adolescents refrain from delinquency out of concern that their parents might disapprove of such actions (an indirect control). He illustrated internal control with the concept of *conscience*, which acts to prevent one from committing acts that are harmful to others.

The various strands of thought and research on social control were brought together in Travis Hirschi’s *Causes of Delinquency*, published in 1969. This book reports in a study of a large sample of junior and senior high school students using self-report and official measures of delinquency. The theory guiding the study, as well as some of the study’s findings, are summarized at the beginning of this chapter. Hirschi’s study was a small part of a larger study based on ideas compatible with alternative theories of delinquency. Hirschi was therefore able to compare and contrast the predictions of social control theory with those stemming from its major competitors. These comparisons and contrasts have proved useful in providing structure to subsequent research.

### Similarities and Differences Between Social Control Theories and Other Major Theories of Crime

As we have seen, the underlying assumptions of social control theory are in many respects similar to those of classical theories of crime, theories that have come down to us under such names as *deterrence theory* and *rational choice*

*theory*. The differences among them are often differences in emphasis. Deterrence theory claims that the key to crime control is found in the swiftness, severity, and certainty of the punishments administered by the legal system. Rational choice theory focuses on the costs and benefits of crime. Control theorists accept the importance of punishment, but they ignore the punishments of the legal system and thereby question their role in the control of crime. They do the same with benefits of crime—that is, they ignore them on the grounds that the benefits of crime are the same as the benefits of noncrime.

The assumptions of control theories contrast sharply with those of other sociological explanations of crime. Cultural deviance or social learning theories assume that there is no natural capacity for crime. In their view, all human action, whether crime or conformity, is the product of a combination of socializing influences. Peers exert influence on the individual, as does the family and, more broadly, the prevailing culture. Where the sum total of influences directs the individual in particular instances to engage in crime, then that person will do so. Where these influences are absent, crime cannot occur. The offender is thus a conformist, albeit not to the rules of the dominant society.

*Strain theories* (sometimes called *anomie theories*) assume that an individual is naturally inclined to conform to standard cultural values but can be pushed into crime when the social structure fails to provide legitimate opportunities to succeed. These theorists emphasize the influence of the American Dream, which produces aspirations and desires that often (all too often, scholars say) cannot be satisfied within the limits of the law. These sociological perspectives have proved popular and adaptable. They continue to provide a foundation for critiques of social control theory.

## A Critical Issue

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One question that social control theory has faced from its inception relates to the role of delinquent peers. Walter Reckless (1961), a prominent theorist whose work is usually associated with control theory, concluded from the Gluecks's (1950) data that "companionship is unquestionably the most telling force in male delinquency and crime" (p. 10). If this conclusion were allowed to stand unquestioned, whatever debate there might be between social control theory and social learning theory would be settled in favor of the latter. From the beginning, control theorists have questioned the meaning of the admittedly strong correlation between one's own delinquency and the delinquency of one's friends. Their major counterhypothesis was that advanced by the Gluecks, who interpreted their own data as showing that birds of a feather flock together, so to speak. In control theory terms, this argument is that weak bonds to society lead to association with delinquents and to delinquent behavior. Companionship and delinquency thus have a common cause. The limits of this argument were readily apparent. The correlation between companionship and delinquency was so strong that no combination of its

supposed causes could possibly account for it. Social learning theorists naturally saw this as evidence against social control theory and in favor of their own theory. A compromise solution was to integrate the two theories, the idea being that lack of social control frees the adolescent to be taught crime and delinquency by his or her peers.

Hirschi resisted this compromise, observing that the two theories, if combined, would contain fatal internal contradictions. Social control theories assume that crime is natural. Social learning theories assume crime must be learned. The two assumptions cannot peacefully coexist, because one assumption must necessarily negate the other. Yet the delinquent-peer effect would not go away. Its presence forced social control theorists to confront a fact seemingly in contradiction to the theory's internal logic. Attempts were then made to explain the role of delinquent peers without violating the assumptions of control theory. Perhaps peers do not teach delinquency, but they make it easier or less risky, thus increasing the temptation to crime by lowering its costs. Assaults and robberies and burglaries are, after all, facilitated by the support of others, just as they are facilitated by muscles and guns and agility.

Another tack was to question the validity of the measures of peer delinquency. If the data collection methods were faulty, then the seemingly strong evidence supporting the delinquent peers–delinquency correlation could also be faulty. Most studies of the delinquency of peers ask the respondents to describe their friends. The results, some researchers argued, could reflect the phenomenon of *projection*, whereby study respondents, apparently describing their friends, are in fact describing themselves. Dana Haynie and Wayne Osgood (2005) tested this hypothesis. They reported that standard data do contain a good quantity of projection. Using measures of delinquency collected directly from the peers in question, they found that what was once the strongest known predictor of crime turned out to have only a modest effect, an effect that could be accounted for by alternative theories of crime. This story teaches several lessons. Persistent attention to a theoretical problem may produce unexpected results. The facts that are at the root of the problem may themselves fail to survive, and the end results of criticisms of a criminological theory do not necessarily take the form imagined by its critics.

## Theoretical and Research Extensions

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In its social disorganization form, social control theory was what is now called a *life course theory*. The idea was straightforward: Individuals are controlled by ties to the significant people and institutions in their lives. As they move through the various stages of life, these people and institutions automatically change. Their significance and the strength of the individual's ties to them may change as well. The favorite example was the transition from the family of orientation, with parents and siblings, to the family of procreation, with a spouse and children. In principle, the transition from one family to the other could be a period of deregulation, of

relative freedom from social bonds and a consequent high rate of delinquency. In principle, successful completion of this transition was problematic. The adolescent could end up securely wrapped in the arms of job, church, community, and family, or he or she could end up in a stage of protracted adolescence, with weak and fleeting ties to the central institutions of adulthood. Adolescent delinquents could easily end up as law-abiding adults, and adolescent conformists could easily end up as late-starting adult offenders.

The social control theory described was based on data collected at one point in time. It could not therefore deal directly with questions of change and transition. It was designed, however, with the change and transition problem firmly in mind. If the connection between juvenile delinquency and adult crime depended on events that could not be foreseen, this posed no problem for the theory. It assumed that strong bonds could weaken, or break, that the people and institutions to which one was tied could change their character or cease to exist. It assumed, too, that weak bonds could strengthen, that they could be established where none previously existed. Social control theory was thus seen as the only major theory capable of dealing with variation in levels of crime and delinquency over the life course.

Readily available data suggested, however, that the facts were not so complicated. The data suggested that differences in levels of delinquency were relatively constant across individuals, that the form of the age distribution of crime was the same from one group to another. As a result, in 1983, Hirschi and his colleague Michael Gottfredson explicitly rejected the life course perspective on crime, declaring that criminality, once established in late childhood, stabilized and did not change. Put another way, they said that if a researcher ranks children on their propensity to commit criminal acts at age 8, he or she will find the same rank order when the children are 15 and any age thereafter. They concluded that no criminological theory, including social control theory, could explain the relation between age and crime.

Shortly thereafter, Robert Sampson and John Laub came into possession of the data originally collected by Sheldon and Eleanor Gluecks in the famous study described earlier. After reworking and supplementing these data, they were able to follow the Gluecks's (1950) participants into adulthood and, by so doing, restate and test the life course (or longitudinal) version of social control theory, which they called a *theory of informal social control*. Analyses reported in their book *Crime in the Making* (1993) confirm the Gluecks's findings about the correlates of delinquency and move on to a focus on stability and change in levels of delinquency during adulthood. Their analyses (and subsequent analyses based on even more extensive data) confirm the importance for delinquency involvement of such adult social bonds as income, marriage, attachment to spouse, job stability, and commitment. It should be mentioned that their analyses of full-life histories reveal a substantial decline in crime with age that their bond measures cannot explain.

## Policy Implications

Current crime control policy in the United States emphasizes the value of incarceration on the one side and treatment or rehabilitation on the other. Increased rates of incarceration have been encouraged by renewed academic interest in so-called "career criminals" and by the view that crime control requires swift, certain, and severe punishment by agents of the criminal justice system. The emphasis on punishment is encouraged by politicians, the media, an influential segment of academic criminology, and of course by law enforcement officials themselves. The crime problem is a blessing to all of them, and they do not fail to take advantage of it.

Increased levels of concern and punishment automatically produce greater numbers of potential offenders, probationers, inmates, and parolees—all of whom are thought to benefit from exposure to modern treatment and rehabilitation programs. The emphasis on treatment is encouraged by the belief that it provides a humane alternative to punishment. It is also encouraged by renewed faith in its effectiveness in reducing subsequent involvement in criminal and delinquent behavior. Where it was recently believed that treatment does not work, the question of effectiveness is now answered in advance by advocacy of evidence-based programs. An emphasis on treatment is a blessing for psychologists, social workers, and social service agencies.

Support for neither of these general policies is found in social control theory. Consistent with the theory, potential offenders are not influenced by the threat of legal penalties, and their behavior is not altered by changing the certainty or severity of such penalties. Consistent with the theory, the behavior of people exposed to the criminal justice system is not affected by such exposure. The level of punishment (e.g., the length of sentence) imposed by the system does not affect the likelihood that its wards will be seen again. Put another way, the criminal justice system receives people after they have committed offenses, but it has little or no influence on their prior or subsequent behavior.

Incarceration is sometimes justified on the grounds that it reduces the crime rate by incapacitating offenders. Even if punishment and treatment do not work, the argument goes, people in prison are not committing countable crimes while they are there, though a derivation of this argument from any version of control theory is not supportable.

The idea that crime can be prevented by treating or rehabilitating offenders is contrary to the assumptions of control theory. The theory sees crime as a choice that does not reflect illness or defective judgment but the social circumstances of the actor and the logic of the situation. The renewed enthusiasm for treatment is also not justified by research. As often as not, it seems, the difference between the treatment and control groups is disappointing, or even in the wrong direction. Given the investment in various treatment strategies and the felt need to counterbalance punitive policies, the return of a skeptical view of treatment in the near future is unlikely, but better evidence that treatment works will be required to make it a serious challenge to the control theory perspective.

Crime control strategies that go by such names as *situational crime prevention*, the *routine activity approach*, and *environmental design* are perfectly compatible with control theory. All assume that crimes may be prevented by focusing on the conditions necessary for their occurrence—by reducing their benefits, by making them more hazardous or difficult. Unlike control theory, these approaches focus on one type of crime at a time—burglary, robbery, assault—but they, too, see the potential offender as acting out of choice rather than compulsion. A choosing offender may attack a lone individual but will not consider attacking a member of a group; a choosing offender may enter an unlocked door but refrain from breaking down a door that is securely locked. The beauty of these approaches is that, to the extent they are successful, they eliminate criminals by eliminating crime. Situational crime prevention theorists like to say that “opportunity makes the thief,” but a more direct statement of their position would be that “theft makes the thief.”

Social control theories typically do not provide specific positive guidance about crime control policy. Those who attack their policy implications tend to focus on the odious implications of “control,” suggesting that control theorists favor selective incapacitation and value thoughtless conformity over individual freedom. It may be partly for this reason that control theorists are reluctant to play the policy game, but it may be that the policy implications of control theory are too obvious to bear repeating. If weakened social bonds are the reason crime flourishes, the straightforward way to reduce the crime problem would be to help individuals intensify their relationships with society. How is this to be accomplished? Control theory cannot provide particularly good answers to this question anymore than strain theory can offer unusual insight about how to improve economic conditions among the poor. We do know that stakes in conformity cannot be imposed from without, that society cannot force friends on the friendless. But we know, too, that some conditions are more conducive than others to the creation and maintenance of the natural bonds that make people consider the consequences of their acts for the lives and well-being of others. With such conditions in place, the theory claims, the need for crime control policies is greatly reduced.

## References and Further Readings

- Akers, R. L., & Sellers, C. S. (2004). *Criminological theories: Introduction, evaluation, and application*. Thousand Oaks, CA: Roxbury.
- Demuth, S., & Brown, S. L. (2004). Family structure, family processes, and adolescent delinquency: The significance of parental absence versus parental gender. *Journal of Research in Crime and Delinquency*, 41, 58–81.
- Elliott, D. S., Huizinga, D., & Ageton, S. (1985). *Explaining delinquency and drug use*. Beverly Hills, CA: Sage.
- Feldman, S. S., & Weinberger, D. A. (1994). Self-restraint as a mediator of family influences on boys' delinquent behavior: A longitudinal study. *Child Development*, 65, 195–211.
- Felson, M. (1998). *Crime and everyday life*. Thousand Oaks, CA: Pine Forge.
- Glueck, S., & Glueck, E. (1950). *Unraveling juvenile delinquency*. New York: Commonwealth Fund.
- Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Palo Alto, CA: Stanford University Press.
- Haynie, D., & Osgood, D. W. (2005). Reconsidering peers and delinquency: How do peers matter? *Social Forces*, 84, 1109–1130.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Hirschi, T., & Gottfredson, M. (1983). Age and the explanation of crime. *American Journal of Sociology*, 89, 552–584.
- Hirschi, T., & Gottfredson, M. (1995). Control theory and the life-course perspective. *Studies on Crime and Crime Prevention*, 4, 131–142.
- Kornhauser, R. R. (1978). *Social sources of delinquency*. Chicago: University of Chicago Press.
- Krohn, M. D., & Massey, J. L. (1980). Social control and delinquent behavior: An examination of the elements of the social bond. *Sociological Quarterly*, 21, 529–554.
- Matos, P. M., Barbosa, S., de Almeida, H. M., & Costa, M. E. (1999). Parental attachment and identity in Portuguese late adolescents. *Journal of Adolescence*, 22, 805–813.
- Nakhaie, M. R., Silverman, R. A., & LaGrange, T. C. (2000). Self-control and social control: An examination of gender, ethnicity, class and delinquency. *Canadian Journal of Sociology*, 25, 35–59.
- Nye, F. I. (1958). *Family relationships and delinquent behavior*. Westport, CT: Greenwood Press.
- Reckless, W. (1961). *The crime problem* (3rd ed.). New York: Appleton-Century-Crofts.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Shakib, S., Mouttapa, M., Johnson, C. A., Ritt-Olson, A., Trinidad, D. R., Gallaher, P. E., & Unger, J. B. (2003). Ethnic variation in parenting characteristics and adolescent smoking. *Journal of Adolescent Health*, 33, 88–97.
- Tacón, A. M., & Caldera, Y. M. (2001). Attachment and parental correlates in late adolescent Mexican American women. *Hispanic Journal of Behavioral Sciences*, 23, 71–87.
- Wade, T. J., & Brannigan, A. (1998). The genesis of adolescent risk taking: Pathways through family, school, and peers. *Canadian Journal of Sociology*, 23, 1–19.
- Wright, J. P., & Cullen, F. T. (2001). Parental efficacy and delinquent behavior: Do control and support matter? *Criminology*, 39, 677–705.

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## SOCIAL DISORGANIZATION THEORY

JEFFERY T. WALKER

*University of Arkansas, Little Rock*

A description of the history and current state of social disorganization theory is not a simple undertaking, not because of a lack of information but because of an abundance of it. From its beginnings in the study of urban change and in plant biology, research related to social disorganization theory has spread to many different fields. These areas of concentration range from simple spin-offs of the original studies (Bordua, 1959; Chilton, 1964; Lander, 1954), to the variety of research in environmental criminology (Brantingham & Brantingham 1981), to the growing field related to crime mapping (Chainey & Rafcliffe, 2005), to such far-reaching topics as the behavior of fighting dogs (Stewart, 1974). Given the space limitations, this chapter limits its discussion to studies closely related to the original principles of the theory.

### **Precursors of Social Disorganization Theory**

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The forerunners of social disorganization research are probably more varied than any other area of criminological thought. The ecological study of delinquency is the result of the unlikely combination of the study of change in France, plant biology, and the growth of the urban city.

The direct lineage of social disorganization research is found in the study of plant biology. Warming (1909) proposed that plants live in “communities” with varying states

of symbiosis, or natural interdependence. Communities containing plants predominantly of the same species were more in competition with nature than with each other. Communities with several different species, however, competed for limited resources more among themselves than with the environment. Warming called this relationship a *natural economy* because of the use of resources by the plants. This natural economy was expounded on by Haeckel (1866), who used the German word *oikos*, from which economics was formed to coin the term *ecology*.

One of the first social ecological studies was conducted by Guerry in 1833. Guerry compared the crime rates in 86 departments (counties) in France from 1825 through 1830. His study showed that crime rates had marked variation in different cities in the country. Similar studies compared different regions and cities in England (Mayhew 1862/1983), different countries in the United Kingdom (Rawson, 1839), and England and European countries (Bulwer, 1836).

The relationship between a city’s central district and juvenile delinquency was first explored by Burt in 1925, who proposed that areas in London with the highest rates of delinquency were located adjacent to the central business district, and areas with the lowest rates were located near the periphery of the city.

One of the first ecological studies undertaken in the United States was conducted by Breckinridge and Abbott in 1912. They examined the geographic distribution of the homes of juvenile delinquents in Chicago. A map showing



the location of these delinquents indicated that a disproportionate number of the juveniles' homes were located in a few areas of the city.

Park and Burgess (1928) used the terminology of Haeckel, the concepts of Warming, and the research of Breckenridge and Abbot to develop what they called *human ecology*. Specifically, Park and Burgess used the concept of symbiosis to describe the phenomenon in human communities where people work together for common goals and at the same time compete for resources. They also applied Warming's concepts of dominance and succession to describe a situation in which a stronger group would disrupt the community through change and eventually reestablish order by replacing (succeeding) a previously dominant group.

Park, Burgess, and McKenzie (1969) expanded on Park and Burgess's (1928) work by observing that certain characteristics of the population tended to cluster in rings set at about 1-mile increments from the center of Chicago and that the patterns changed dramatically from one ring to the next. For example, Park et al. found a zone of manufacturing enterprises immediately surrounding the central business district of the city. Outside this factory zone was an area of very low-income housing. In the third concentric ring, the dominant residential characteristic was working-class homes. The fourth and fifth rings from the center of the city were middle- and upper-class homes. Park et al. labeled this pattern the *Burgess zonal hypothesis*.

## Development of the Theory: Shaw and McKay

Shaw and McKay (1942) used the ideas of human ecology to study the association between urban ecological characteristics and juvenile delinquency. On the basis of this research they developed *social disorganization theory*. Their study of social disorganization centered around three sets of variables: (1) physical status, (2) economic status, and (3) population status.

Shaw and McKay (1942) used three variables to measure the physical status of an area: (1) population change, (2) vacant and condemned housing, and (3) proximity to industry. They proposed that areas with high delinquency rates tended to be physically deteriorated, geographically close to areas of heavy industry, and populated with highly transient residents. The primary characteristic Shaw and McKay examined was population change. They found that as population rates increased or decreased there was a corresponding increase in delinquency. They proposed that population shifts influenced delinquency because of the process of *invasion, dominance, and succession*, a term they used for disruption of the social organization of an area because members of one (typically ethnic) group moved into another group's neighborhood. The disruption in order caused a rise in crime that would get progressively worse until the invading group became the majority; then crime

rates would return to near their previous level. To analyze the relationship between proximity to industry and delinquency, Shaw and McKay mapped industrial areas and the home addresses of juvenile delinquents. Borrowing from Park and Burgess (1928), they found that surrounding the central business district was a zone of manufacturing and industry. Surrounding the industrial zone was a ring characterized by high levels of the physical, economic, and population factors they were studying and a corresponding high delinquency rate. Moving toward the outskirts of the city, they found a reduction in the prevalence of these characteristics and the rate of delinquency. The final physical characteristic Shaw and McKay analyzed was the number of vacant and condemned homes in an area. They found that there was an association between the number of vacant and condemned homes in an area and its delinquency rate.

Next, Shaw and McKay (1942) analyzed the association between the economic status of an area and its delinquency rate. They used three variables for this analysis: (1) the number of families receiving social assistance, (2) the median rental price of the area, and (3) the number of homes owned rather than rented. Shaw and McKay found that, as the number of families receiving social assistance increased, there was a corresponding rise in delinquency rates. They concluded that delinquency was higher in areas with low economic status relative to areas with higher economic status. Next, Shaw and McKay analyzed the relationship between the median rental price and delinquency. They found that delinquency rates dropped as the median rental price of the area rose. Finally, Shaw and McKay examined the relationship between the percentage of residents who owned their own homes and the delinquency rate. Their findings revealed a significant negative relationship between home ownership and delinquency. Where home ownership was low, there were high rates of delinquency. As home ownership increased, even in small increments from the lowest level, the level of delinquency dropped, being lowest in areas with the highest levels of home ownership.

In explaining the influence of economic status on delinquency, Shaw and McKay (1942) suggested that economic conditions indirectly influence delinquency rates. They asserted that affluent areas offered an atmosphere of social controls, whereas areas of low affluence produced an environment conducive to delinquency because of the diversity of the residents. This diversity influenced rates of delinquency in the area because of the disparity in social norms. In areas of low delinquency, a substantial majority of people would not tolerate abnormal behavior. In areas of high rates of delinquency, however, some of the residents condoned delinquent acts, thus offering tacit support for these behaviors. Finally, Shaw and McKay proposed that economic status influenced delinquency in the case of owning one's home in that people who could afford to own their homes had a greater stake in the neighborhood where they would be permanent residents, whereas people renting would

expend less effort to maintain the social organization or decrease the delinquency rate of the neighborhood.

The final analysis included in Shaw and McKay's (1942) study was the relationship between the population composition of an area and its rate of delinquency. Shaw and McKay found that areas with the highest delinquency rates contained higher numbers of foreign-born and black heads of household. They cautioned that this finding does not mean that nativity or ethnicity was the cause of crime. Delinquency rates in areas containing foreign-born and minority heads of households remained constant despite the total population shift to another group. Delinquency rates also remained constant in areas where the displaced population moved. Shaw and McKay concluded that the area of study, and not the nativity or ethnicity of its residents, was the factor contributing to delinquency.

On the basis of their findings, Shaw and McKay (1942) concluded that the ecological conditions existing in areas with high delinquency were contributing to a breakdown in the social order of the area, resulting in conditions conducive to delinquency. Shaw and McKay found that conventional norms existed in high-delinquency areas but that delinquency was a highly competitive way of life, such that there was advantage for some people to engage in delinquency and there were fewer consequences. This became the core of social disorganization theory. Shaw and McKay replicated their Chicago findings in at least eight other cities. Their research also spawned a wealth of other research, becoming one of the key theoretical seeds for most of the current criminological theories.

## The Second Wave: Replications of Shaw and McKay

Shaw and McKay's (1942) research generated several replications spanning more than a decade. Each added to the knowledge base of ecological literature by examining the relationships first considered by Shaw and McKay in slightly different ways. None of the replications, however, drew substantially different conclusions from those in the original study.

Lander (1954) correlated 8,464 juvenile delinquents tried in the Baltimore Juvenile Court from 1939 through 1942 with demographic variables taken from the 1940 census. Specifically, Lander analyzed juvenile delinquency in terms of the median years of school completed, median monthly rent, homes with 1.51 or more persons per room, homes needing substantial repairs or having no private bath, foreign-born and non-white residents, and owner-occupied homes.

Lander's (1954) findings followed the concentric ring pattern established by Shaw and McKay (1942). Lander noted, however, that the use of 1-mile increments for the zones oversimplified the spatial distribution of delinquency because it obscured the range of delinquency rates within each zone.

Lander's (1954) findings did not support Shaw and McKay's (1942) correlation between high delinquency rates and close proximity to industry. His results indicated that the delinquency rate in census tracts with less than 50% of the area zoned for industrial purposes was lower than the city average. Lander, however, found a more pronounced relationship in Baltimore in areas zoned for commercial use. He concluded from these findings that Shaw and McKay were correct in identifying areas close to the center of the city as the highest in delinquency but that this was primarily due to ecological factors other than proximity to industry. Lander also found no support for the correlation between population change and delinquency. Lander's conclusions are not wholly contradictory to those of Shaw and McKay, however. His findings showed that the tract with the third-highest delinquency rate had a population increase of 20% and that tracts with population increases of 40% or more and decreases of 20% or more had substantially different delinquency rates than those with little or no population change. Lander found a substantial ( $r = .69$ ) but nonsignificant relationship between delinquency and substandard housing. He added overcrowding as an additional measure of the physical status of the area and found a substantial ( $r = .73$ ) but nonsignificant relationship between overcrowding and delinquency.

In Lander's (1954) analysis, the median rental value of housing units in Baltimore was not significantly related to delinquency. Lander reasoned that economic variables such as rental values were an unreliable predictor because they were merely indicators of where a person might live. Lander did find a significant relationship, however, between homes owned in an area and delinquency. In fact, home ownership was the most highly correlated variable in Lander's analysis.

Lander's (1954) analysis of population status followed Shaw and McKay's (1942). Zero-order correlation of the variables demonstrated that these variables were better predictors of delinquency than physical or economic variables. Although Lander's conclusions generally supported those of Shaw and McKay, there were some differences in the findings. For example, Lander found a statistically significant, inverse relationship between delinquency and number of foreign-born residents. Lander explained this by noting that many of the foreign-born Chicago residents were recent immigrants, whereas in Baltimore most of the foreign-born residents were well integrated into the community, characterized by a high degree of home ownership. Lander also found that in areas with a moderate proportion of blacks there was a high rate of delinquency. As the percentage of blacks rose above 50%, however, the rate of delinquency dropped proportionately.

Bordua (1959) attempted to replicate part of Lander's (1954) study in an effort to clarify some of the issues that had drawn criticism. Bordua's study used delinquency data from the Detroit, Michigan, juvenile court for 1948 through 1952 and census tract data from the 1950 U.S. Census.

Bordua's (1959) physical status analysis only included substandard housing and overcrowding. His findings were generally supportive of Lander's (1954) and contradictory to Shaw and McKay's (1942). Bordua found a weaker but significant relationship between overcrowding and delinquency. Also supporting Lander and counter to the findings of Shaw and McKay, Bordua found a nonsignificant relationship between substandard housing and delinquency.

Bordua's (1959) findings regarding economic status essentially supported those of Lander (1954). Bordua found the median rental value to be nonsignificant and less substantial than Lander did. Bordua also found a significant but less substantial relationship between the percentage of homes owned and delinquency. Bordua added median income to represent economic status in the analysis and found that income was not a statistically significant indicator of delinquency.

Bordua's (1959) analysis of population variables was supportive of Shaw and McKay's (1942) research but contrary to Lander's (1954). Bordua's findings revealed that foreign birth was significantly related to delinquency but that number of black heads of households was nonsignificant. On the basis of these contradictions, Bordua chose the ratio of unrelated individuals to the total number of families as an additional measure of population status. Lander found that unrelated individuals was significantly correlated with delinquency.

Chilton (1964) used juvenile court data from Indianapolis, Indiana, from 1948 through 1950 and data from the 1950 U.S. Census to compare the findings of Lander (1954) and Bordua (1959) with those in Indianapolis. The results of Chilton's analyses of the relationship between physical characteristics and delinquency essentially confirmed the findings of the other replications. Chilton's findings of the relationship between delinquency and substandard housing showed a substantial but nonsignificant correlation with delinquency. Chilton also found a substantial correlation between overcrowded conditions (more than 1.5 persons per room) and delinquency. Unlike the other two studies, though, the degree of overcrowding in Indianapolis was one of two statistically significant indicators of delinquency. Chilton's analyses of economic variables essentially confirmed those of Lander's and Bordua's studies. The relationship between median rental value and delinquency was found to be nonsignificant and similar to Lander's. Chilton's findings concerning home ownership also supported the other replications. His findings related to population characteristics tended to refute both Shaw and McKay (1942) and the other replications. Chilton found both percentage of foreign-born people and percentage of black people to not be significantly related to delinquency in Indianapolis. He concluded that ecological research can identify general conditions associated with delinquency but that differences between cities exist such that they cannot be addressed with traditional social disorganization theory.

The findings of Lander's (1954), Bordua's (1959), and Chilton's (1964) studies suggest that although the relationship between the physical characteristics of an area and delinquency may vary by city there appears to be a sustained relationship at some level. Shaw and McKay's (1942) findings concerning the relationship between economic characteristics and delinquency were supported by the replications, but not completely. Finally, Shaw and McKay's findings concerning population characteristics and delinquency were generally not supported by the replications.

## The Lean Times: Social Disorganization in the 1970s and 1980s

After the replications that followed Shaw and McKay's (1942) research, social disorganization as a theory began to decline. This was primarily a result of attacks on the use of official data in crime studies and growing criticism of theoretical problems with the theory. A few studies, however, continued to follow the principles of social disorganization. The general direction of these studies followed that of Shaw and McKay, but few followed their design closely enough to be considered replications. For example, these studies examined population status through scale measurement and analysis of change in population characteristics rather than single-variable correlations. In analyzing the association between economic status and delinquency, research in this era focused on the economic status of individuals rather than the housing conditions studied by Shaw and McKay. These studies typically measured economic characteristics through educational levels and the occupational status of residents. Because of the contradictory findings of earlier research and the growing contention that foreign birth had little to do with delinquency, these studies began to look to additional measures of population status in an effort to better measure its relationship with delinquency.

Quinney (1964) obtained data from Lexington, Kentucky, in 1960 and analyzed them with *social area analysis*. Quinney's research included three dimensions: (1) economic status, (2) family status, and (3) ethnic status. Quinney's family status was the variable most closely associated with Shaw and McKay's (1942) physical status. Quinney used census data concerning women in the workforce, fertility rates, and single-structure housing. The results of his analysis showed that family status was negatively correlated with juvenile delinquency. These findings were significant even when interaction effects of economic variables were included. Quinney used two variables to examine economic status: (1) number of school grades completed and (2) number of blue-collar workers. The results showed that juvenile delinquency was negatively correlated with economic status. Quinney used the census variable race to examine ethnic status. The racial makeup of a census tract was found to be the most highly correlated with delinquency. Quinney then conducted a second analysis to determine the degree of

delinquency exhibited by each race. This analysis revealed that white delinquency rates were lowest in areas with less than 2% blacks and increased steadily as the proportion of blacks increased, peaking in the 15% to 40% black grouping. Black delinquency, however, was highest in areas with less than 2% black or more than 50% black but was lowest when the racial mix was predominantly, but not completely, white. In a third analysis, census tracts were divided into areas of high and low economic status and high and low family status. In this analysis, delinquency rates varied in relation to economic status; however, the presence of high family status always lowered the rate of delinquency.

In a partial replication of Quinney's (1964) study, and to address the criticism of using official data in social disorganization research, Johnstone (1978) used self-reported data to test social disorganization theory. In this study, Johnstone administered self-reported delinquency questionnaires to 1,124 youth aged 14 through 18 living in Chicago. Johnstone also used a modified Shevsky-Bell social area analysis using "area status measures" and "family status measures." The results of a factor analysis revealed that area-status measures had a positive but nonsignificant relationship with fighting and weapon-related crimes and a negative and nonsignificant relationship with all other delinquency measures. In regard to family status measures, lower-class status was significantly associated with fighting and weapons offenses, burglary-larceny-robbery offenses, Uniform Crime Report Index offenses, and arrests.

An enduring criticism of Shaw and McKay's (1942) research was the assumption of a stable delinquency pattern in the community rather than one experiencing change. Bursik and Webb (1982) attempted to test this hypothesis by examining data from Chicago. They used Shaw and McKay's own data and updated it to the time of their study to facilitate an examination from 1940 to 1970 in 10-year increments. Data were drawn from all male referrals to the Chicago juvenile court in the years of 1940, 1950, 1960, and 1970 and from census data for the corresponding years. A regression analysis revealed that delinquency was not associated with the indicators of change between 1940 and 1950. For the two following periods, however, this trend was reversed. Bursik and Webb also found that communities exhibiting the most rapid change were characterized by the highest increases in delinquency. The analysis showed that communities with the highest rates of population change had an average of 12 more offenses per 1,000 youth than areas with either moderate or slow change. They concluded on the basis of these findings that it was the *nature* of the change, not the *people* involved in the change, that was affecting delinquency. In explaining how their findings differed from Shaw and McKay's, Bursik and Webb concluded that the earlier study was not wrong but that it was conducted "within a specific historical context and grounded . . . in a model of ecological process that [has] changed dramatically since the publication of the 1942 monograph" (p. 36).

Four years later, Schuerman and Kobrin (1986) conducted a study similar to Bursik and Webb's (1982) with a 20-year historical analysis of Los Angeles County. This was accomplished by gathering data from the juvenile court for 1950, 1960, and 1970 and correlating them with measures of land use, population composition, socioeconomic status, and subculture.

Schuerman and Kobrin (1986) proposed that neighborhoods travel through three stages: (1) emerging areas, with very low delinquency rates; (2) transitional areas, with moderate levels of delinquency; and (3) enduring areas, which maintain high levels of delinquency for many years. They also proposed that deterioration preceded a rise in delinquency in early stages of transition (supporting Shaw and McKay, 1942) but that as the city moved to the enduring stage, rises in the delinquency rate preceded deterioration.

In analyzing the relationship between land use (physical status) and delinquency, Schuerman and Kobrin (1986) found that the number of homes owned and land use type was inversely related with delinquency. They also found high mobility levels in persons living in high-delinquency areas. A cross-lagged regression analysis revealed that physical deterioration was most highly associated with increases in delinquency in emerging areas. As the area continued to deteriorate and delinquency rose, however, the most significant factors shifted to economic characteristics. Schuerman and Kobrin argued that the speed of change rather than the change itself that resulted in a neighborhood moving from low to high crime rates.

In analyzing the influence of socioeconomic factors on delinquency, Schuerman and Kobrin (1986) examined the occupation, unemployment, education, and housing characteristics of census tracts. This analysis revealed expected results of a low number of professional and skilled workers and a low percentage of people with advanced education in high-delinquency areas. The trend among housing characteristics in Schuerman and Kobrin's study also supported the findings of Shaw and McKay (1942) and the replications. There was a general trend from owner- to renter-occupied housing and from single to multiple housing units as one moved from low-delinquency to high-delinquency areas. This supported Shaw and McKay's proposal that delinquency was positively correlated with the percentage of people renting and negatively correlated with the percentage of homes owned. There were also significant increases in the degree of overcrowding in high-delinquency areas, which supported the findings of Lander (1954), Bordua (1959), and Chilton (1964). Unlike physical status characteristics, economic variables were not a significant factor of delinquency in emerging areas of Schuerman and Kobrin's study. Socioeconomic status preceded increases in delinquency only in transitional and enduring stages.

Schuerman and Kobrin (1986) examined four population characteristics: (1) white and (2) non-white population

and (3) white and (4) non-white female participation in the labor force. In high-delinquency areas, the percentage of blacks in the population rose slightly from 1950 through 1970, while the percentage of whites decreased dramatically in the same areas. Similar trends occurred in the female labor force participation. From 1950 through 1970, the black female participation in the labor force dropped slightly in high-delinquency areas, but the white female labor force dropped substantially. These findings were even more substantial in the cross-lagged analysis. Schuerman and Kobrin concluded from this analysis that rapid change in population characteristics, along with high rates of deterioration and population turnover, were preceding and greatly influencing the rate of increase in delinquency.

Sampson and Groves (1989) tested social disorganization theory using data from a survey of 10,905 residents in 238 localities in Great Britain. Their rationale was that previous research had relied on census data that were not valid measures of community structure or crime. Sampson and Groves also argued that survey data were superior to Shaw and McKay's (1942) reliance on official crime. They also proposed that "low economic status, ethnic heterogeneity, residential mobility, and family disruption lead to community social disorganization, which in turn, increased crime and delinquency rates" (p. 775). On the basis of their analysis, Sampson and Groves concluded that social disorganization theory was supported, stating that "between-community variations in social disorganization transmit much of the effect of community structural characteristics on rates of both criminal victimization and criminal offending" (p. 774). Furthermore, they argued for expanded support for social disorganization theory in that "Shaw and McKay's model explains crime and delinquency rates in a culture other than the United States" (p. 776).

An ironic major drawback of social disorganization research has been the relative lack of theory to guide or explain the research (Bursik, 1988). Much of the research in this area has paid tribute to social disorganization in the literature review and then simply conducted analyses with little theoretical explanation for the findings. Two authors (Sampson, 1986, and Stark, 1987) attempted to advance the theory itself and to provide a better link between neighborhood-oriented research and the theoretical foundation.

Responding to criticisms that ecological research lacked an intervening factor between the variables and criminality, Sampson (1986) proposed that a breakdown in informal social controls is this link. With this premise in mind, Sampson set out to show the link among ecological characteristics, social disorganization, loss of informal social control, and delinquency. The first link he attempted to make concerned the structural density of a neighborhood. In an earlier work, Sampson (1985) proposed that increases in density reduced the ability of a neighborhood to maintain surveillance and guardianship of youth and strangers. As the number of persons in a given living area

increased, it was more difficult to know who lived in the area. When this occurred, residents were less able to recognize their neighbors or be concerned with their activities, resulting in an increased opportunity for delinquency. Sampson also proposed a link with residential mobility whereby he argued that neighborhoods with a high population turnover had a greater number of new faces, making it difficult to distinguish between new residents and strangers. Sampson proposed that economic status was related to delinquency through the attachment or social bond a person had to the neighborhood and the neighborhood's willingness to maintain informal social control. He also proposed that people who owned their own homes had a greater attachment and commitment to the neighborhood and took steps to maintain neighborhood networks and social control. He examined two-parent versus one-parent families and their relative ability to maintain informal social control. Sampson proposed that two-parent families provided increased supervision and that because of this they were aware of and intervened in predecessors of involvement in more serious delinquent activities.

Stark (1987) furthered Sampson's (1985, 1986) effort to add a theoretical framework to social disorganization research by formalizing some of the more important aspects of Shaw and McKay's (1942) findings in developing a set of 30 propositions. The primary focus of Stark's propositional framework was on Shaw and McKay's physical status variables. The factors Stark used to analyze population status were transience of population, mixed-use neighborhoods, and overcrowding. Stark (1987) proposed that "transience weakens voluntary organizations, thereby directly reducing both informal and formal sources of social control" (p. 900). Stark also sought to provide a basis for understanding how proximity to industry and mixed-use areas influenced delinquency. Stark argued that in areas where residents lived close to commercial or industrial businesses there was more opportunity to commit delinquent acts (e.g., theft) because targets were readily available and close by. In purely residential areas, however, juveniles who wanted to commit such thefts might have to travel a great distance to get to a place where such acts could be committed. Stark proposed that economic status was linked to delinquency in two ways (physical status and population status). First, he proposed that homes in poor areas were typically more crowded; therefore, there was more anonymity and less supervision of children. Stark also linked economic status to delinquency through physical status in his proposition that "poor, dense neighborhoods tend to be mixed-use neighborhoods" (p. 902). In relating population status to delinquency, Stark proposed that physically unattractive areas reduced people's commitment to their neighborhood. This proposition also supported Shaw and McKay's conclusion that physically deteriorated areas in close proximity to industry and with a highly transient population cannot maintain commitment

to the area by the residents and cannot maintain social control of delinquency.

## A Resurgence: Social Disorganization Theory in the 1990s

At least within criminology and criminal justice, the focus on neighborhoods experienced a resurgence in the 1990s. This was largely based on recognition of the increasing decline of American cities, increasing crime rates, and the popularity of community policing. This renewed focus produced a great deal of research on neighborhoods. Most of the research paid homage to social disorganization theory but largely abandoned it as a theoretical basis. Some studies, however (Bursik & Grasmick, 1993; Sampson & Raudenbush, 1999; Sampson, Raudenbush, & Earls, 1997), maintained at least some of the tenets of social disorganization theory. These studies often attempted to further the understanding of neighborhoods and crime with better methodological techniques and more appropriate data.

In one of the more extensive statements of neighborhoods and crime in the 1990s, Bursik and Grasmick (1993) presented a reformulation of social disorganization theory by placing it “within a broader systemic theory of community, which emphasized how neighborhood life is shaped by the structure of formal and informal networks of association” (p. 55). Bursik and Grasmick used as a backdrop to their argument a three-level system of relationships influencing informal social control. The first level, the strength of individual relationships within a neighborhood, formed the base for the next two levels. Bursik and Grasmick argued that strong relationships among residents would result in strong neighborhood networks, which was the second level. Bursik and Grasmick argued that when neighbors know each other, they are more likely to pay attention to events that are influencing the common good of the community. The final level of relationships were those between residents and organizations external to the neighborhood, such as local government officials or the police. This was the level at which a neighborhood would be able to marshal resources to combat invasions into the neighborhood, such as unwanted organizations (e.g., a halfway house) or crime (e.g., drug dealers).

Bursik and Grasmick (1993) found that instability greatly reduced the neighborhood residents’ ability to exert social control. At the level of residents, high population turnover made it difficult to maintain ties to other residents. For example, a tenant in a public housing unit may live there for years and never form a relationship with his or her neighbors. Residents who do not know the children of the area were less likely to intervene when the children displayed unacceptable behavior. Instability also negatively influenced the security of the neighborhood because it reduced informal surveillance. A strong neighborhood network reduced the places crime could hide from surveillance, whereas weak

networks increased the ability of crime to occur in the open without being detected.

A large part of research related to social disorganization in the 1990s began to fragment and examine only portions of social disorganization theory. For example, Elliott et al. (1996) analyzed the ethnic diversity of neighborhoods (measured by the number of different languages spoken) to examine the influence of crime based on differences in values and norms between the ethnic groups. Elliott et al. proposed that when there were a variety of languages being spoken, communication could be difficult, and consensus concerning appropriate values and behaviors for the community might not be reached. There was also considerable research related to a breakdown of the family unit. Much of this research (e.g., McNulty & Bellair, 2003) sought to examine the influence of single-family units (especially related to race) on crime. The research of P.-O. Wikström and Loeber (2000, p. 1135) indicated that youth in public housing were more likely to participate in serious offending. They argued that this could be due to the serious neighborhood disadvantage of public housing and a lack of the residents’ ability to collectively defend against crime (as stated by Bursik & Grasmick, 1993).

By the end of the 1990s, the Project on Human Development in Chicago Neighborhoods (PHDCN) began to change the nature of social disorganization research. This project used social disorganization theory as a basis for a reexamination of neighborhood crime patterns in Chicago. This was easily the most extensive research in criminology since the work of Shaw and McKay (1942) and perhaps in the history of criminology research. It spawned a wealth of publications related to social disorganization theory but that took different conceptual paths. For example, Sampson and Raudenbush (1999, p. 627) took Bursik and Grasmick’s (1993) research on the capacity of neighborhoods to control crime and introduced the concept of *collective efficacy*, defined as “cohesion among neighborhood residents combined with shared expectations for informal social control of public space” (p. 3; see also Sampson & Raudenbush 2001, p. 1).

Sampson et al. (1997) argued that collective efficacy was an intervening variable between structural conditions of neighborhoods (poverty, residential instability) and crime. They examined collective efficacy using data on 343 Chicago neighborhoods and their residents as part of PHDCN. In their analysis, Sampson et al. examined structural characteristics (disadvantage, residential stability, immigrant concentration, etc.), characteristics of residents (race, age, socioeconomic status, etc.), and collective efficacy in relation to violent crime measures. They found that collective efficacy had a statistically significant relationship to violent crime regardless of structural or individual characteristics of neighborhoods. They argued that in low-crime neighborhoods, residents used informal control to regulate the behavior of members by developing rules and collective goals for the neighborhood. For this to occur, residents must

develop relationships and trust among one another. When a neighborhood's residents had a high level of social cohesion and trust among them, informal control was easier to exert, and social disorder and crime were less likely.

In addressing the influence of collective efficacy on crime, Sampson and Raudenbush (1999) followed many of the variables used in early social disorganization research. For example, they argued that a high percentage of immigrants in an area was often associated with high levels of disadvantage. This in turn increased the disorder in the neighborhood, which would lead to high levels of crime. One of the most innovative and extensive parts of the PHDCN research involved driving down selected streets using video equipment to capture measures of physical and social disorder. Sampson and Raudenbush found that both social and physical disorder were observed in neighborhoods characterized by a diverse commercial and residential use of property. They concluded that the level of crime could be explained by collective efficacy, meaning that disadvantage, not race or the ethnic composition of a neighborhood, was responsible for high levels of crime.

## Social Disorganization Theory in the 21st Century

By the turn of the 20th century, social disorganization theory had largely died out in its original form. It was replaced with (a) research paying tribute to the theory but straying from its original intent, (b) research focused on collective efficacy, and (c) research focused on neighborhood characteristics but using a different theoretical base (including the variety of research conducted under the term *environmental criminology*).

A number of studies acknowledged social disorganization but did not use the theory. These studies paid tribute to the theory by using the term *social disorganization* to describe neighborhoods, but they rarely used the tenets of the theory. These studies found that juveniles from socially disorganized neighborhoods were more likely to engage in aggressive and delinquent behaviors (P.-O. Wikström & Loeber, 2000), sexual activity at an early age (Browning, Leventhal, & Brooks-Gunn, 2004), and violence. In addition, juveniles in these neighborhoods were more likely to witness violence and develop mental health problems. P. H. Wikström and Sampson (2003) argued that the development of antisocial and delinquent propensities among children and adolescents was influenced by community socialization and that this relationship was due to the level of collective efficacy present in the neighborhood. Neighborhoods low in collective efficacy produced children who were often unsupervised, and there was little threat of repercussions for negative behaviors.

Sampson and Raudenbush (2001) also indicated allegiance to social disorganization but strayed from its original connotation. They conceded that the ability to understand

social disorganization is crucial to fully understanding urban neighborhoods. In their research, however, social disorganization consisted primarily of visual indications of neighborhood physical deterioration. They proposed that this physical deterioration was an indication of what was happening in the neighborhood, such that "disorder triggers attributions and predictions in the minds of insiders and outsiders alike, changing the calculus of prospective homebuyers, real estate agents, insurance agents, and investors" (p. 1).

Sampson and Raudenbush (2001) proposed that neighborhood structure rather than social disorganization influenced the level of disorder. Where physical and social disorder was low, high levels of collective efficacy were usually found. They proposed, however, that disorder did not produce crime. They found no relationship between disorder and homicide, suggesting that crime and disorder were both influenced by something else. They proposed that the common underlying factor comprised the characteristics of the neighborhood and the cohesiveness and informal social control of its residents (Sampson & Raudenbush, 2001). This would feed into Sampson and others' research on collective efficacy.

Continuing the line of research of Sampson and Raudenbush (2001), Morenoff, Sampson, and Raudenbush (2001) made a connection between social disorganization and what they termed *social capital*. They viewed local communities as complex systems made up of friendships, kinships, and acquaintances. They argued these groups were tied to each other through family life and other aspects of their social lives. Morenoff et al. (2001) used *social capital* to describe the social ties between people and positions. They argued social capital increases the social organization and trust within networks, which helps maintain cooperation. They proposed that neighborhoods devoid of social capital were less able to hold common values and maintain social control. This lack of control led to an inability of the neighborhood to ward off unwanted social problems, including increases in crime. Morenoff et al. did concede that if strong expectations of social control were shared among a community, few ties were necessary among neighbors.

In one of the few articles that refocused on social disorganization, Kubrin and Weitzer (2003) stated that experimental and analytical work on the connection between crime and community characteristics has led to clarification of social disorganization theory. They argued that social disorganization theory was aided in recent research by addressing it as more of a systemic model that included both intra- and extra-neighborhood factors. They argued, however, that substantive and methodological issues remained that needed to be overcome if social disorganization theory were to continue to advance.

The substantive improvements proposed by Kubrin and Weitzer (2003) included advancements in the operationalization of key concepts and the addition of mediating variables between neighborhood structural characteristics and

crime. They argued that the primary variable that has improved the theory is collective efficacy. Kubrin and Weitzer argued that, although social control was not central to social disorganization theory, formal social control (police, code enforcement, etc.) was a critical concept in social disorganization research and should be brought into future research. Finally, Kubrin and Weitzer bemoaned the fact that the culture of the neighborhood has largely been ignored in recent research. They proposed that there should be a return to the neighborhood culture included in Shaw and McKay's (1942) original work.

Kubrin and Weitzer (2003) described recent "methodological innovation" in social disorganization theory that had helped researchers test key propositions and clarify relevant causal models. They identified these innovations as dynamic models, reciprocal effects, contextual effects, and spatial interdependence. They correctly pointed out that one of Shaw and McKay's (1942) principal findings was the changing nature of cities. They decried the research following Shaw and McKay's as dismissing urban dynamics, and they called for a return to including dynamic models of neighborhood change in social disorganization research. Kubrin and Weitzer also indicated that although the reciprocal effects of crime and community were beginning to be addressed, the inclusion of models in which community characteristics could influence crime and crime could then influence community characteristics is still not sufficient. Drawing on the current trend in multilevel modeling, Kubrin and Weitzer proposed that contextual effects addressing the connection between the neighborhood and its effect on individual outcomes should receive greater attention in social disorganization theory research. Finally, Kubrin and Weitzer argued that *spatial interdependence*, whereby spatially adjacent neighborhoods could influence one another's level of disorganization, should be more fully developed in social disorganization theory and research.

Kubrin and Weitzer (2003) concluded that more complete and more rigorous testing of social disorganization theory's propositions was possible because of methodological innovations. They conceded that although researchers continued to be challenged with the proper measurement of central concepts and methodological shortcomings, social disorganization theory could greatly increase the understanding of crime at the neighborhood level with the improvements outlined in their article.

Combining many of the developments from the previous 15 years, Warner (2007) sought to delineate the forms of social control (and collective efficacy) by examining the willingness of residents to directly intervene in a situation rather than relying on formal means of control (typically the police, but also avoidance or tolerance). Like many of the previous studies, Warner paid tribute to social disorganization theory in the introduction and literature review but did little to support the theory in the research, only including disadvantage and residential mobility as classic social

disorganization variables. Other independent variables included by Warner were social ties and faith in the police. Warner found that the relationship between neighborhood disadvantage and social control was nonlinear. She argued that this meant that both highly disadvantaged and highly advantaged people were likely to use indirect methods of control (the police) or to avoid or tolerate the situation, whereas people in the middle were more likely to take direct action. Warner stated this is in opposition to the tenets of social disorganization theory, which would hold a more linear pattern of the most disadvantaged using indirect methods and the likelihood of direct action increasing as the disadvantage of the neighborhood lessened. Warner found similar patterns for residential mobility: Mobility was significantly and positively related with the likelihood of using indirect methods of social control (police, avoidance, etc.), but it was not related to the likelihood of using direct methods. Warner found support for these results in confirming the tenets of social disorganization theory.

Overall, social disorganization theory in the first decade of the 21st century seemed to fare no better than in the last part of the 20th century. The theory still received some support from research on neighborhoods, but most of the research included only parts of the theory, a few of the variables, or simply paid tribute to the theory in the literature review and then conducted neighborhood research that was faintly consistent with the theoretical foundation of social disorganization.

## Future Directions

One could argue that the future of social disorganization theory looks bleak. Although it is likely to still be considered one of the major theories, especially given a continued focus on neighborhood research, it may very well dissipate in its classic form. Other than a few articles likely to be related to dissertation work, it is likely that replications or semireplications of Shaw and McKay's (1942) work will disappear. Two directions do look promising for the vestiges of social disorganization theory, however: (1) studies using data from the PHDCN and its associated collective efficacy theory and (2) work from environmental criminology.

Life course theory and research from the PHDCN has dominated much of the theoretical work over the past 20 years. Sampson and other researchers have produced many publications detailing the intricacies of crime related to neighborhood change in Chicago. The availability of these data for other researchers and its current popularity probably means that research will be using these data for at least another decade. Furthermore, the popularity of Sampson's work on collective efficacy has probably ensured numerous publications in this area for the foreseeable future.

Beginning in the late 1970s with the work of crime prevention through environmental design (Jeffery, 1971), a new area of neighborhood research was formed. This quickly



developed into what is now termed *environmental criminology*. This line of research is typically based more in routine activities theory (among other theoretical foundations) than social disorganization theory, but the tenets of social disorganization theory can easily be found in much of this line of study. A recent development in environmental criminology may signal a larger place for social disorganization theory within environmental criminology. Walker (2007) used complex systems science in an effort to improve the ability of social disorganization theory to explain neighborhood change and crime. Walker termed this new theory *ecodynamics theory* after the various theoretical traditions on which it was based (social disorganization, human ecology, environmental criminology, and complex systems theory). A few conference papers at an annual meeting on environmental criminology gave rise to the argument that social disorganization theory may continue to be tested more in its classic form by these researchers than by others in criminology.

## Conclusion

Social disorganization theory has its roots in some of the oldest research in criminological theory, dating back to the early 1800s. Studies of neighborhoods, including crime characteristics, rose almost simultaneously with the development of the field of sociology. As Park began to build the Department of Sociology at the University of Chicago, he centered on the concept of human ecology. This examination of human behavior, mostly at the neighborhood level, gave rise to Burgess's research and ultimately to the hiring of Clifford R. Shaw and Henry D. McKay, who went on to become the most influential social disorganization researchers in the first half of the 20th century.

Shaw and McKay's (1942) work resulted in the formal development of social disorganization theory as an explanation of the behavior and characteristics of neighborhoods and how changes in those characteristics could influence the level of crime. After this, social disorganization theory enjoyed a time of prominence in criminological thought, producing many replications and research through the early 1960s.

Social disorganization theory fell into disrepute in the 1970s as a result of sharp criticism of Shaw and McKay's (1942) work and because of a move away from official data concerning crime. As a consequence, not much research using social disorganization theory was conducted during this time. The research that was conducted downplayed the theory, foretelling social disorganization theory's future.

Social disorganization theory made a brief resurgence in the 1990s as the deterioration of American neighborhoods and rising crime rates produced a new interest in understanding the characteristics of neighborhoods. Even during this period, however, social disorganization theory was seldom tested in its classic form, and researchers again

downplayed the theory in relation to new methods and theory. By the end of the century, the PHDCN began to produce a new line of theory based on collective efficacy.

After the turn of the 20th century, most research paid tribute to the historical importance of social disorganization theory but did little to bring its tenets into modern research. Research on collective efficacy prevailed, as did research focusing on neighborhoods but doing little to further the theory itself.

The future of social disorganization theory appears close to its current status. A few criminologists are testing the theory close to its original configuration. Most of the research is likely to follow more along the lines of collective efficacy theory or to examine neighborhoods with only parts (or even none) of the tenets of true social disorganization theory.

## References and Further Readings

- Bordua, D. J. (1959). Juvenile delinquency and anomie: An attempt at replication. *Social Problems*, 6, 230–238.
- Brantingham, P. J., & Brantingham, P. L. (1981). *Environmental criminology*. Beverly Hills, CA: Sage.
- Breckinridge, S. P., & Abbott, E. (1912). *The delinquent child and the home*. New York: Russell Sage Foundation.
- Browning, C. R., Leventhal, T., & Brooks-Gunn, J. (2004). Neighborhood context and racial differences in early adolescent sexual activity. *Demography*, 41, 697–720.
- Bulwer, H. L. (1836). *France, social, literary, and political*. London: Richard Bentley.
- Bursik, R. J., Jr. (1988). Social disorganization and theories of crime and delinquency: Problems and prospects. *Criminology*, 26, 519–551.
- Bursik, R. J., Jr., & Grasmick, H. G. (1993). *Neighborhoods and crime: The dimensions of effective community control*. New York: Lexington.
- Bursik, R. J., Jr., & Webb, J. (1982). Community change and patterns of delinquency. *American Journal of Sociology*, 88, 24–42.
- Burt, C. L. (1925). *The young delinquent*. London: University of London Press.
- Chainey, S., & Ratcliffe, J. (2005). *GIS and crime mapping*. West Sussex, UK: Wiley.
- Chilton, R. J. (1964). Continuity in delinquency area research: A comparison of studies for Baltimore, Detroit, and Indianapolis. *American Sociological Review*, 29, 71–83.
- Elliott, D., Wilson, W. J., Huizinga, D., Sampson, R., Elliott, A., & Rankin, B. (1996). The effects of neighborhood disadvantage on adolescent development. *Journal of Research in Crime and Delinquency*, 33, 389–426.
- Guerry, A. M. (1833). *Essai sur la statistique morale de la France*. Paris: Crochard.
- Haeckel, E. (1866). *Generelle morphologie der organismen*. Berlin, Germany: Georg Reimer Verlag.
- Jeffery, C. R. (1971). *Crime prevention through environmental design*. Beverly Hills, CA: Sage.
- Johnstone, J. W. C. (1978). Social class, social areas, and delinquency. *Sociology and Social Research*, 63, 49–72.

- Kubrin, C. E., & Weitzer, R. (2003). New directions in social disorganization theory. *Journal of Research in Crime and Delinquency*, 40, 374–402.
- Lander, B. (1954). *Towards and understanding of juvenile delinquency*. New York: AMS Press.
- Mayhew, H. (1983). *London labor and the London poor* (V. Neuberg, Ed.). Mineola, NY: Dover. (Original work published 1862)
- McNulty, T. L., & Bellair, P. E. (2003). Explaining racial and ethnic differences in adolescent violence: Structural disadvantage, family well-being, and social capital. *Justice Quarterly*, 20, 501–528.
- Morenoff, J. D., Sampson, R. J., & Raudenbush, S. W. (2001). Neighborhood inequality, collective efficacy, and the spatial dynamics of urban violence. *Criminology*, 39, 517–559.
- Park, R. E., & Burgess E. W. (1928). *Introduction to the science of sociology*. Chicago: University of Chicago Press.
- Park, R. E., Burgess, E. W., & McKenzie, R. (1969). *The growth of the city*. Chicago: University of Chicago Press.
- Quinney, R. (1964). Crime, delinquency, and social areas. *Journal of Research in Crime and Delinquency*, 1, 149–154.
- Rawson, W. (1839). An inquiry into the statistics of crime in England and Wales. *Journal of the Statistical Society of London*, 2, 334–344.
- Sampson, R. J. (1985). Neighborhood and crime: The structural determinants of personal victimization. *Journal of Research in Crime and Delinquency*, 22, 7–40.
- Sampson, R. J. (1986). Crime in cities: The effects of formal and informal social control. In A. J. Reiss Jr. & M. Tonry (Eds.), *Communities and crime* (pp. 271–311). Chicago: University of Chicago Press.
- Sampson, R., & Groves, B. W. (1989). Community structure and crime: Testing social disorganization theory. *American Journal of Sociology*, 94, 774–802.
- Sampson, R. J., & Raudenbush, S. W. (1999). Systematic social observation of public spaces: A new look at disorder in urban neighborhoods. *American Journal of Sociology*, 105, 603–651.
- Sampson, R. J., & Raudenbush, S. W. (2001). *Disorder in urban neighborhoods—Does it lead to crime?* Washington, DC: U.S. Department of Justice.
- Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997, August 15). Neighborhoods and violent crime: A multi-level study of collective efficacy. *Science*, 277, 918–924.
- Schuerman, L., & Kobrin, S. (1986). Community careers in crime. In A. J. Reiss Jr. & M. Tonry (Eds.), *Communities and crime* (pp. 67–100). Chicago: University of Chicago Press.
- Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.
- Stark, R. (1987). Deviant places: A theory of the ecology of crime. *Criminology*, 4, 893–909.
- Stewart, J. M. (1974). *Social disorganization and the control of fighting dogs*. Unpublished doctoral dissertation, Bowling Green State University.
- Walker, J. T. (2007). Advancing science and research in criminal justice/criminology: Complex systems theory and non-linear analyses. *Justice Quarterly*, 24, 555–581.
- Warming, E. (1909). *Oecology of plants: An introduction to the study of plant communities*. Oxford, UK: Oxford University Press.
- Warner, B. D. (2007). Directly intervene or call the authorities? A study of forms of neighborhood social control within a social disorganization framework. *Criminology*, 45, 99–130.
- Wikström, P. H., & Sampson, R. J. (2003). Social mechanisms of community influences on crime and pathways in criminality. In B. L. Benjamin, T. E. Moffitt, & A. Caspi (Eds.), *Causes of conduct disorder and serious juvenile delinquency* (pp. 118–148). New York: Guilford Press.
- Wikström, P.-O., & Loeber, R. (2000). Do disadvantaged neighborhoods cause well-adjusted children to become adolescent delinquents? A study of male juvenile serious offending, risk and protective factors, and neighborhood context. *Criminology*, 38, 1109–1142.

## SOCIAL LEARNING THEORY

RONALD L. AKERS

*University of Florida*

WESLEY G. JENNINGS

*University of Louisville*

The purpose of this chapter is to provide an overview of Akers's social learning theory with attention to its theoretical roots in Sutherland's differential association theory and the behavioral psychology of Skinner and Bandura. Empirical research testing the utility of social learning theory for explaining variation in crime or deviance is then reviewed; this is followed by a discussion of recent macrolevel applications of the theory (i.e., social structure and social learning). The chapter concludes with a brief offering of suggestions for future research and a summary of the importance of social learning theory as a general theory in the criminological literature.

### Origin and Overview of Social Learning Theory

Burgess and Akers's (1966) differential association-reinforcement theory was an effort to meld Sutherland's (1947) sociological approach in his differential association theory and principles of behavioral psychology. This was the foundation for Akers's (1968, 1973; Akers, Krohn, Lanza-Kaduce, & Radosevich, 1979) further development of the theory, which he came more often to refer to as *social learning theory*. Sutherland's differential association theory is contained in nine propositions:

1. Criminal behavior is learned.
2. Criminal behavior is learned in interaction with other persons in a process of communication.
3. The principal part of the learning of criminal behavior occurs within intimate personal groups.
4. When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple, and (b) the specific direction of motives, drives, rationalizations, and attitudes.
5. The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.
6. A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of the law.
7. The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning.
8. Although criminal behavior is an expression of general needs and values, it is not explained by those general needs and values, because noncriminal behavior is an expression of the same needs and values.
9. Differential association varies in frequency, duration, priority, and intensity. The most frequent, longest-running, earliest and closest influences will be most efficacious or determinant of learned behavior. (pp. 6–7)

Sutherland (1947) referred to the sixth statement as the *principle of differential association*. According to Sutherland, an individual learns two types of definitions

toward committing a particular behavior. He can either learn favorable definitions from others that would likely increase the probability that he will commit the behavior, or he can learn unfavorable definitions that would likely decrease the probability that he would engage in a particular behavior. Stated in terms of criminal involvement, when an individual learns favorable definitions toward violations of the law in excess of the definitions unfavorable to violations of the law, that individual is more likely to commit the criminal act(s).

Learning favorable versus unfavorable definitions can also be described as a process whereby individuals attempt to balance pro-criminal definitions against prosocial or conforming definitions. It is logical to assume that individuals learn favorable or pro-criminal definitions for committing crime from those involved in crime themselves (i.e., the criminals) and, in contrast, learn unfavorable definitions for committing crime from those individuals who are not involved in crime, and this assumption is supported empirically. It should be remembered, however, that it is possible for law-abiding persons to expose individuals to pro-criminal attitudes and definitions, just as it is possible for an individual to learn conforming definitions from criminals (see Cressey, 1960, p. 49). According to Sutherland's (1947) seventh principle, the theory does not merely state that being associated with criminals leads to crime or that being associated with law-abiding persons leads to conforming behavior. It is the nature, characteristics, and balance of the *differential* association that affect an individual's likelihood of violating the law. More specifically, if a person is exposed to pro-criminal definitions first (priority), and these definitions increase in frequency and strength (intensity) and persist for some time (duration), the individual is more likely to demonstrate involvement in criminal and deviant acts.

Although Sutherland's (1947) differential association theory began to accumulate a rather large amount of attention throughout the sociological and criminological literature in the years after its emergence, Burgess and Akers (1966) noted that the theory had still failed to receive considerable empirical support and had yet to be adequately modified in response to some of its shortcomings and criticisms. Some of these issues included the inconsistency both within and between studies regarding the support for differential association and a common criticism among scholars on the difficulty of operationalizing the theory's concepts. In response to these criticisms and the prior failure of differential association theorists in specifying the learning process of the theory, Burgess and Akers presented their reformulated version of the theory, that is, *differential association-reinforcement theory*.

To describe their revised version in terms of its modifications and derivations from the original theory (as exemplified in Sutherland's [1947] nine principles), Burgess and Akers (1966) offered the following seven principles that illustrate the process wherein learning takes place:

1. Criminal behavior is learned according to the principles of operant conditioning (reformulation of Sutherland's Principles 1 and 8).
2. Criminal behavior is learned both in nonsocial situations that are reinforcing or discriminative and through that social interaction in which the behavior of other persons is reinforcing or discriminative for criminal behavior (reformulation of Sutherland's Principle 2).
3. The principal part of the learning of criminal behavior occurs in those groups which comprise the individual's major source of reinforcements (reformulation of Sutherland's Principle 3).
4. The learning of criminal behavior, including specific techniques, attitudes, and avoidance procedures, is a function of the effective and available reinforcers, and the existing reinforcement contingencies (reformulation of Sutherland's Principle 4).
5. The specific class of behaviors which are learned and their frequency of occurrence are a function of the reinforcers which are effective and available, and the rules or norms by which these reinforcers are applied (reformulation of Sutherland's Principle 5).
6. Criminal behavior is a function of norms which are discriminative for criminal behavior, the learning of which takes place when such behavior is more highly reinforced than noncriminal behavior (reformulation of Sutherland's Principle 6).
7. The strength of criminal behavior is a direct function of the amount, frequency, and probability of its reinforcement (reformulation of Sutherland's Principle 7). (pp. 132–145)<sup>1</sup>

Akers (1973, 1977, 1985, 1998) has since discussed modifications to this original serial list and has further revised the theory in response to criticisms, theoretical and empirical developments in the literature, and to ease the interpretation and explanations of the key assumptions of social learning theory, but the central tenets remain the same. It is important to note here that, contrary to how social learning is often described in the literature, social learning is not a rival or competitor of Sutherland's (1947) theory and his original propositions. Instead, it is offered as a broader theory that modifies and builds on Sutherland's theory and integrates this theoretical perspective with aspects of other scholars' principles explicated in behavioral learning theory, in particular behavioral acquisition, continuation, and cessation (see Akers, 1985, p. 41). Taken together, social learning theory is presented as a more comprehensive explanation for involvement in crime and deviance compared with Sutherland's original theory; thus, any such support that it offered for differential association theory provides support for social learning theory, and findings that support social learning theory do not negate/discredit differential association theory.

The behavioral learning aspect of Akers's social learning theory (as first proposed by Burgess and Akers, 1966) draws from the classical work of B. F. Skinner, yet, more recently, Akers (1998) commented on how his theory is more closely aligned with cognitive learning theories such as those associated with Albert Bandura (1977), among others. According to Burgess and Akers (1996) and, later, Akers (1973, 1977, 1985, 1998), the specific mechanisms by which the learning process takes place are primarily

through operant conditioning or differential reinforcement. Stated more clearly, operant behavior, or voluntary actions taken by an individual, are affected by a system of rewards and punishments. These reinforcers and punishers (described later) ultimately influence an individual's decision of whether to participate in conforming and/or non-conforming behavior.

Burgess and Akers (1966) originally considered the imitation element of the behavioral learning process (or modeling) to be subsumed under the broad umbrella of operant conditioning; that is, imitation was itself seen as simply one kind of behavior that could be shaped through successive approximations and not a separate behavioral mechanism. However, Akers later began to accept the uniqueness of the learning mechanism of imitation from operant or instrumental learning and to discuss it in terms of *observational learning* or *vicarious reinforcement*. Burgess and Akers also recognized the importance of additional behavioral components and principles of learning theory, such as classical conditioning, discriminative stimuli, schedules of reinforcement, and other mechanisms.

Considering the brief overview of social learning theory as described earlier, the central assumption and proposition of social learning theory can be best summarized in the two following statements:

The basic assumption in social learning theory is that the same learning process in a context of social structure, interaction, and situation, produces both conforming and deviant behavior. The difference lies in the direction . . . [of] the balance of influences on behavior.

The probability that persons will engage in criminal and deviant behavior is increased and the probability of their conforming to the norm is decreased when they differentially associate with others who commit criminal behavior and espouse definitions favorable to it, are relatively more exposed in-person or symbolically to salient criminal/deviant models, define it as desirable or justified in a situation discriminative for the behavior, and have received in the past and anticipate in the current or future situation relatively greater reward than punishment for the behavior. (Akers, 1998, p. 50)

It is worth emphasizing that social learning theory is a general theory in that it offers an explanation for why individuals first participate in crime and deviance, why they continue to offend, why they escalate/deescalate, why they specialize/generalize, and why they choose to desist from criminal/deviant involvement. Social learning theory also explains why individuals do not become involved in crime/deviance, instead opting to participate only in conforming behaviors. Thus, considering the generality of the theory as an explanation for an individual's participation in (or lack thereof) prosocial and pro-criminal behaviors, more attention is devoted in the following paragraphs to fleshing out the four central concepts of Akers's social learning theory that have received considerable (yet varying) amounts of attention and empirical support in the criminological literature: differential association, definitions,

differential reinforcement, and imitation (Akers, 1985, 1998; Akers et al., 1979).

## Differential Association

The *differential association* component in Akers's social learning theory is one of primary importance. Although its significance cannot simply be reduced to having "bad" friends, the individuals with whom a person decides to differentially associate and interact (either directly or indirectly) play an integral role in providing the social context wherein social learning occurs. An individual's direct interaction with others who engage in certain kinds of behavior (criminal/deviant or conforming) and expose the individual to the norms, values, and attitudes supportive of these behaviors affects the decision of whether the individual opts to participate in a particular behavior.

Akers has indicated that family and friends (following Sutherland's [1947] emphasis on "intimate face-to-face" groups) are typically the primary groups that are the most salient for exposing an individual to favorable/unfavorable definitions and exhibiting conforming and/or nonconforming behaviors. For the most part, learning through differential association occurs within the family in the early childhood years and by means of the associations formed in school, leisure, recreational, and peer groups during adolescence. In contrast, during young adulthood and later in life, the spouses, work groups, and friendship groups typically assume the status of the primary group that provides the social context for learning. Secondary or reference groups can also indirectly provide the context for learning if an individual differentially associates him- or herself with the behaviors, norms, values, attitudes, and beliefs with groups of individuals, including neighbors, church leaders, schoolteachers, or even what Warr (2002) called *virtual groups*, such as the mass media, the Internet, and so on.

According to the theory, the associations that occur early (priority); last longer or occupy a disproportionate amount of one's time (duration); happen the most frequently; and involve the intimate, closest, or most important partners/peer groups (intensity) will likely exert the greatest effect on an individual's decision to participate in either conforming or nonconforming behavior. Taking these elements into consideration, the theory proposes that individuals are exposed to pro-criminal and prosocial norms, values, and definitions as well as patterns of reinforcement supportive of criminal or prosocial behavior. The more an individual is differentially associated and exposed to deviant behavior and attitudes transmitted by means of his or her primary and secondary peer groups, the greater his or her probability is for engaging in deviant or criminal behavior:

The groups with which one is in differential association provide the major social contexts in which all of the mechanisms of social learning operate. They not only expose one to definitions,

but they also present one with models to imitate and differential reinforcement (source, schedule, value, and amount) for criminal or conforming behavior. (Akers & Sellers, 2004, pp. 85–86)

## Definitions

*Definitions* are one's own orientations and attitudes toward a given behavior. These personal as opposed to peer and other group definitions (i.e., differential association) are influenced by an individual's justifications, excuses, and attitudes that consider the commission of a particular act as being more right or wrong, good or bad, desirable or undesirable, justified or unjustified, appropriate or inappropriate. Akers considered these definitions to be expressed in two types: (1) general and (2) specific. *General beliefs* are one's personal definitions that are based on religious, moral, and other conventional values. In comparison, *specific beliefs* are personal definitions that orient an individual either toward committing or away from participating in certain criminal or deviant acts. For example, an individual may believe that it is morally wrong to assault someone and choose not to partake in or condone this sort of violence. Yet, despite his belief toward violence, this same individual may not see any moral or legal wrong in smoking a little bit of marijuana here and there.

Akers also has discussed personal definitions as comprising either conventional beliefs or positive or neutralizing beliefs. *Conventional beliefs* are definitions that are negative or unfavorable toward committing criminal and deviant acts or favorable toward committing conforming behaviors. In contrast, positive or neutralizing beliefs are those that are supportive or favorable toward crime and deviance. A *positive belief* is a definition an individual holds that committing a criminal or deviant act is morally desirable or wholly permissible. For instance, if an individual believes that it is "cool" and wholly acceptable to get high on marijuana, then this is a positive belief favorable toward smoking marijuana. Not all who hold this attitude will necessarily indulge, but those who adhere to these definitions have a much higher probability of using marijuana than those who hold to conventional or negative definitions. A *neutralizing belief* also favors the commission of a criminal or deviant act, but this type of belief is influenced by an individual's justifications or excuses for why a particular behavior is permissible. For instance, one may have an initially negative attitude toward smoking marijuana but through observation of using models and through associating with users come to accept it as not really bad, or not as harmful as using alcohol, or otherwise come to justify or excuse its use.

Akers's conceptualization of *neutralizing definitions* incorporates notions of verbalizations, techniques of neutralization, and moral disengagement that are apparent in other behavioral and criminological literatures (see Bandura, 1990; Cressey, 1953; Sykes & Matza, 1957). Examples of these neutralizing definitions (i.e., justifications, rationalizations,

etc.) include statements such as "I do not get paid enough, so I am going to take these office supplies"; "The restaurant makes enough money, so they can afford it if I want to give my friends some free drinks"; "I was under the influence of alcohol, so it is not my fault"; and "This individual deserves to get beat up because he is annoying." These types of beliefs have both a cognitive and behavioral effect on an individual's decision to engage in criminal or deviant behavior. Cognitively, these beliefs provide a readily accessible system of justifications that make an individual more likely to commit a criminal or deviant act. Behaviorally, they provide an internal discriminative stimulus that presents an individual with cues as to what kind of behavior is appropriate/justified in a particular situation. For example, if a minimum-wage employee who has been washing dishes full-time at the same restaurant for 5 years suddenly gets his or her hours reduced to part-time because the manager chose to hire another part-time dishwasher, then the long-time employee might decide to steal money from the register or steal food because she believes that she has been treated unjustly and "deserves" it.

Akers and Silverman (2004) went on to argue that some personal definitions are so intense and ingrained into an individual's learned belief system, such as the radical ideologies of militant and/or terrorists groups, that these definitions alone exert a strong effect on an individual's probability of committing a deviant or criminal act. Similarly, Anderson's (1999) "code of the street" can serve as another example of a personal definition that is likely to have a significant role in motivating an individual to participate in crime or deviance. For example, if an urban inner-city youth is walking down the street and observes another youth (who resides in the same area) flaunting nice jewelry, then the urban juvenile might feel justified in "jumping" the kid and taking his jewelry because of the code of the street or the personal belief that "might makes right." Despite these examples, Akers suggested that the majority of criminal and deviant acts are not motivated in this way; they are either weak conventional beliefs that offer little to no restraint for engaging in crime/deviance or they are positive or neutralizing beliefs that motivate an individual to commit the criminal/deviant act when faced with an opportunity or the right set of circumstances.

## Differential Reinforcement

Similar to the mechanism of differential association, whereby an imbalance of norms, values, and attitudes favorable toward committing a deviant or criminal act increases the probability that an individual will engage in such behavior, an imbalance in *differential reinforcement* also increases the likelihood that an individual will commit a given behavior. Furthermore, the past, present, and future anticipated and/or experienced rewards and punishments affect the probability that an individual will participate in a behavior in the first place and whether he or she continues or refrains from the behavior in the future. The differential reinforcement

process operates in four key modes: positive reinforcement, negative reinforcement, positive punishment, and negative punishment.

Consider the following scenario. John is a quiet and shy boy who has difficulty making friends. Two of his classmates approach him on the playground and tell him that they will be his friend if he hits another boy because they do not like this particular child. John may know that hitting others is not right, but he decides to go along with their suggestion in order to gain their friendship. Immediately after he punches the boy, his classmates smile with approval and invite John to come over to their house after school to play with them. This peer approval serves as *positive reinforcement* for the assault. Positive reinforcement can also be provided when a behavior yields an increase in status, money, awards, or pleasant feelings.

*Negative reinforcement* can increase the likelihood that a behavior will be repeated if the act allows the individual to escape or avoid adverse or unpleasant stimuli. For example, Chris hates driving to and home from work because every day he has to drive through the same speed trap on the interstate. One day, Chris decides to come into work 1 hour early so he can in turn leave 1 hour early. Chris realizes that by coming in early and subsequently leaving early, he is able to avoid the speed trap because the officers are not posted on the interstate during his new travel times. He repeats this new travel schedule the following day, and once again he avoids the speed trap. His behavior (coming in an hour early and leaving an hour early) has now been negatively reinforced because he avoids the speed trap (i.e., the negative stimulus).

In contrast to reinforcers (positive and negative), there are positive and negative punishers that serve to increase or decrease the probability of a particular behavior being repeated. For example, Rachel has always had a designated driver when she decides to go out to the bar on Friday nights, but on one particular night she decides to drive herself to and from the local bar. On her way home, she gets pulled over for crossing the yellow line and is arrested for driving under the influence. Her decision and subsequent behavior to drink and drive resulted in a painful and unpleasant consequence: an arrest (a *positive punishment*).

This last scenario is an example of *negative punishment*. Mark's mom decides to buy him a new car but tells him not to smoke cigarettes in the car. Despite his mom's warning, Mark and his friends still decide to smoke cigarettes in the vehicle. His mom smells the odor when she chooses to drive his car to the grocery store one day and decides to take away Mark's driving privileges for 2 months for not following her rules. Mark's behavior (smoking cigarettes in the car) has now been negatively punished (removal of driving privileges).

Similar to differential association, there are modalities for differential reinforcement; more specifically, rewards that are higher in value and/or are greater in number are more likely to increase the chances that a behavior will occur and be repeated. Akers clarified that

the reinforcement process does not necessarily occur in an either-or fashion but instead operates according to a *quantitative law of effect* wherein the behaviors that occur most frequently and are highly reinforced are chosen in favor of alternative behaviors.

## Imitation

*Imitation* is perhaps the least complex of the four dimensions of Akers's social learning theory. Imitation occurs when an individual engages in a behavior that is modeled on or follows his or her observation of another individual's behavior. An individual can observe the behavior of potential models either directly or indirectly (e.g., through the media). Furthermore, the characteristics of the models themselves, the behavior itself, and the observed consequences of the behavior all affect the probability that an individual will imitate the behavior. The process of imitation is often referred to as *vicarious reinforcement* (Bandura, 1977). Baldwin and Baldwin (1981) provided a concise summary of this process:

Observers tend to imitate modeled behavior if they like or respect the model, see the model receive reinforcement, see the model give off signs of pleasure, or are in an environment where imitating the model's performance is reinforced. . . . Inverse imitation is common when an observer does not like the model, sees the model get punished, or is in an environment where conformity is being punished. (p. 187)

Although social learning theory maintains that the process of imitation occurs throughout an individual's life, Akers has argued that imitation is most salient in the initial acquisition and performance of a novel or new behavior. Thus, an individual's decision to engage in crime or deviance after watching a violent television show for the first time or observing his friends attack another peer for the first time provides the key social context in which imitation can occur. Nevertheless, the process of imitation is still assumed to exert an effect in maintaining or desisting from a given behavior.

## Testing Social Learning Theory

Although full empirical tests of all of the dimensions of Akers's social learning theory did not emerge in the literature until the late 1970s, early research, such as Sutherland's (1937) qualitative study of professional theft and Cressey's (1953) well-known research on apprehended embezzlers, provided preliminary support for differential association (e.g., also offering support for social learning). Following these seminal studies, research now spanning more than five decades has continued to demonstrate varying levels of support for the various components of social learning theory, and the evidence is rather robust (see Akers & Jensen, 2006).

There are far too many studies to make an attempt to list or discuss each individually; therefore, the following discussion is limited to noting the findings of some of the most recognizable and comprehensive tests of Akers's social learning theory performed by Akers and his associates.

Akers has tested his own theory with a number of scholars over the years across a variety of samples and on a range of behaviors from minor deviance to serious criminal behavior, and this research can best be summarized in terms of four projects: (1) the Boys Town study, (2) the Iowa study, (3) the elderly drinking study, and (4) the rape and sexual coercion study. The first of these projects, and by far the most well-known and cited, is the Boys Town study (for a review, see Akers & Jensen, 2006). This research project involved primary collection of survey data from approximately 3,000 students in Grades 7 through 12 in eight communities in the Midwest. The majority of the survey questions focused on adolescent substance use and abuse, but it was also the first survey that included questions that permitted Akers and his associates (Akers et al., 1979) to fully test the four components of social learning theory.

The results of the studies relying on the Boys Town data provided overwhelming support for Akers's social learning theory, including each of its four main sets of variables of differential association, definitions, differential reinforcement, and imitation. The multivariate results indicated that greater than half of the total variance in the frequency of drinking alcohol ( $R^2 = .54$ ) and more than two thirds of the variance in marijuana use ( $R^2 = .68$ ) were explained by the social learning variables. The social learning variables also affected the probability that the adolescent who began to use substances would move on to more serious involvement in drugs and alcohol. Not only did the social learning variables yield a large cumulative effect on explaining substance use, but also each of the four elements exerted a substantial independent effect on the dependent variable (with the exception of imitation). The more modest results found for the effect of imitation on substance use was not surprising considering the hypothesized interrelationships among the social learning variables. Also, imitation is expected to play a more important role in initiating use (first use) versus having a strong effect on the frequency or maintenance of use. Lanza-Kaduce, Akers, Krohn, and Radosevich (1984) also demonstrated that the social learning variables were significantly correlated with the termination of alcohol, marijuana, and hard drug use, with cessation being related to a preponderance of nonusing associations, aversive drug experiences, negative social sanctions, exposure to abstinence models, and definitions unfavorable to continued use of each of these substances.

The second research project, the Iowa study, was a 5-year longitudinal examination of smoking among junior and senior high school students in Muscatine, Iowa (for a review, see Akers & Jensen, 2006). Spear and Akers (1988) provided the initial test of social learning theory on the first wave (year) of the Iowa data in an attempt to replicate the

findings of the Boys Town study. The results of the cross-sectional analysis revealed nearly identical results among the youth in the Iowa study as was previously found in the Boys Town study. Once again, the social learning variables explained over half of the variance in self-reported smoking, and each of the social learning variables had a rather strong independent effect on the outcome (with the exception of imitation). Additional evidence provided by Akers (1998) illustrated the substantial influence of the adolescents' parents and peers on their behavior. When neither of the parents or friends smoked, there was a very high probability that the adolescent abstained from smoking, and virtually none of these youth reported being regular smokers. In contrast, when the adolescent's parents and peers smoked, more than 3 out of every 4 of these youth reported having smoked, and nearly half reported being regular smokers.

The longitudinal analysis of the Iowa data also provided support for social learning theory. Path models constructed using the first 3 years of data indicated that the direct and indirect effects of the social learning variables explained approximately 3% of the variance in predicting who would be a smoker in Year 3 if that individual had not reported being a smoker in either of the 2 prior years. Although this evidence was relatively weak, stronger results were found for the ability of the social learning variables to predict the continuation and the cessation of smoking by the third year (approximately 41% explained variance; Krohn, Skinner, Massey, & Akers, 1985). Akers and Lee (1996) also provided longitudinal support for the social learning variables' capacity to predict the frequency of smoking using the complete 5 years of data from the Iowa study and revealed some reciprocal effects for smoking behavior on the social learning variables.

The third project was a 4-year longitudinal study of the frequency of alcohol use and problem drinking among a large sample of elderly respondents in four communities in Florida and New Jersey (for a review, see Akers & Jensen, 2006). Similar to the results of the Boys Town and Iowa studies, which examined substance use among adolescents, the multivariate results in this study of elderly individuals also demonstrated significant effects for the social learning variables as predictors of the frequency of alcohol use and problem drinking. The social learning process accounted for more than 50% of the explained variance in self-reported elderly alcohol use/abuse.

The last project by Akers and his associates reviewed here is a study of rape and sexual coercion among two samples of college men (Boeringer, Shehan, & Akers, 1991). The findings in these studies also mirrored the results of the previous studies by Akers and his associates, with the social learning variables exerting moderate to strong effects on self-reported use of nonphysical coercion in sex in addition to predicting rape and rape proclivity (i.e., the readiness to rape). Although Akers and his associates have continued to test social learning theory to various degrees using dependent variables such as adolescent



alcohol and drug use (Hwang & Akers, 2003), cross-national homicide rates (Akers & Jensen, 2006), and even terrorism (Akers & Silverman, 2004), the findings from the classic studies just reviewed clearly identify the strength of the empirical status of social learning theory.

## Social Structure and Social Learning: Theoretical Assumptions and Preliminary Evidence

Akers's social learning theory has explained a considerable amount of the variation in criminal and deviant behavior at the individual level (see Akers & Jensen, 2006), and Akers (1998) recently extended it to posit an explanation for the variation in crime at the macrolevel. Akers's *social structure and social learning* (SSSL) theory hypothesizes that there are social structural factors that have an indirect effect on individuals' behavior. The *indirect effect hypothesis* is guided by the assumption that the effect of these social structural factors is operating through the social learning variables (i.e., differential association, definitions, differential reinforcement, and imitation) that have a direct effect on individuals' decisions to engage in crime or deviance. Akers (1998; see also Akers & Sellers, 2004, p. 91) identified four specific domains of social structure wherein the social learning process can operate:

1. *Differential social organization* refers to the structural correlates of crime in the community or society that affect the rates of crime and delinquency, including age composition, population density, and other attributes that lean societies, communities, and other social systems "toward relatively high or relatively low crime rates" (Akers, 1998, p. 332).
2. *Differential location in the social structure* refers to sociodemographic characteristics of individuals and social groups that indicate their niches within the larger social structure. Class, gender, race and ethnicity, marital status, and age locate the positions and standing of persons and their roles, groups, or social categories in the overall social structure.
3. *Theoretically defined structural variables* refer to anomie, class oppression, social disorganization, group conflict, patriarchy, and other concepts that have been used in one or more theories to identify criminogenic conditions of societies, communities, or groups.
4. *Differential social location* refers to individuals' membership in and relationship to primary, secondary, and reference groups such as the family, friendship/peer groups, leisure groups, colleagues, and work groups.

With attention to these social structural domains, Akers contended that the differential social organization of society and community and the differential locations of individuals within the social structure (i.e., individuals' gender, race, class, religious affiliation, etc.) provide the context in which learning occurs (Akers & Sellers, 2004, p. 91). Individuals'

decisions to engage in crime/deviance are thus a function of the environment wherein the learning takes place and the individuals' exposure to deviant peers and attitudes, possession of definitions favorable to the commission of criminal or deviant acts, and interactions with deviant models. Stated in terms of a causal process, if the social learning variables mediate social structural effects on crime as hypothesized, then (a) the social structural variables should exhibit direct effects on the social learning variables; (b) the social structural variables should exert direct effects on the dependent variable; and (c) once the social learning variables are included in the model, these variables should demonstrate strong independent effects on the dependent variable, and the social structural variables should no longer exhibit direct effects on the dependent variable, or at least their direct effects should be substantially reduced.

Considering the relative novelty of Akers's proposed social structure and social learning theory, only a handful of studies thus far have attempted to examine its theoretical assumptions and/or its mediation hypothesis. However, the few preliminary studies to date have demonstrated positive findings in support of social structure and social learning for delinquency and substance use, elderly alcohol abuse, rape, violence, binge drinking by college students, and variation in cross-national homicide rates (for a review, see Akers & Jensen, 2006). Yet, despite the consistency of positive preliminary findings in support of Akers's social structure and social learning theory, there are some nonsupportive findings, and it is still too soon to make a definitive statement that social learning is the primary mediating force in the association between social structure and crime/deviance. Nevertheless, these few studies provide a suitable benchmark against which future studies testing the theory can build upon and improve.

## Future Directions

The future of social learning theory lies along three paths. First, there will continue to be further and more accurate tests of social learning at the micro- or process level (i.e., at the level of differences across individuals), including measures of variables from other criminological theories, and these studies will use better measures of all of the central concepts of the theory. Having said this, it is not likely that the empirical findings will be much different from the research so far, but these future studies should continue to include more research on social learning explanations of the most serious and violent criminal behavior as well as white-collar and corporate crime.

Second, there is need for continued development and testing of the SSSL model, again using better measures. A very promising direction that this could take would follow the lead of Jensen and Akers (2003, 2006) to extend the basic social learning principles and the SSSL model "globally" to the most macrolevel. Structural theories at that level

are more apt to be valid the more they reference or incorporate the most valid principles found at the individual level, and those are social learning principles.

Third, social learning principles will continue to be applied in cognitive-behavioral (Cullen, Wright, Gendreau, & Andrews, 2003) prevention, treatment, rehabilitation, and correctional programs and otherwise provide some theoretical underpinning for social policy. Research on the application and evaluations of such programs have thus far found them to be at least moderately effective (and usually more effective than alternative programs), but there are still many unanswered questions about the feasibility and effectiveness of programs designed around social learning theory.

Future research along all of these lines is also more likely to be in the form of longitudinal studies over the life course and to be cross-cultural studies of the empirical validity of the theory in different societies. If social learning is truly a general theory, then it should have applicability to the explanation and control of crime and deviance not only in American and Western societies but also societies around the world. There have already been some cross-cultural studies supporting the social learning theory (see, e.g., Hwang & Akers, 2003; Miller, Jennings, Alvarez-Rivera, & Miller, 2008), but much more research needs to examine both how well the theory holds up in different societies and on how much variation there is in the effects of the social learning variables in different cultures.

## Conclusion

The purpose of this chapter was to provide a historical overview of the theoretical development of Akers's social learning theory, review the seminal research testing the general theory, and discuss the recently proposed macro-level version of social learning theory (i.e., social structure and social learning), as well as offer suggestions of where future research may wish to proceed in order to further advance the status of the theory. What is clear from the research evidence presented in this chapter, along with a number of studies that have not been specifically mentioned or discussed in this chapter (for a review, see Akers & Jensen, 2006), is that social learning has rightfully earned its place as a general theory of crime and deviance. One theorist has referred to it (along with control and strain theories) as constituting the "core" of contemporary criminological theory (Cullen, Wright, & Blevins, 2006). The theory has been rigorously tested a number of times, not only by the theorist himself but also by other influential criminologists and sociologists; it has been widely cited in the scholarly literature and in textbooks; it is a common topic covered in a variety of undergraduate and graduate courses; and it provides a basis for sound policy and practice.

Ultimately, the task levied at any general theory of crime and deviance is that it should be able to explain

crime/deviance across crime/deviance type, time, place, culture, and context. Therefore, if past behavior is the best predictor of future behavior, then the expectation is that social learning theory will continue to demonstrate its generalizability across these various dimensions and that future tests of Akers's SSSL theory will also garner support as a macrolevel explanation of crime. Yet these outcomes are indeed open to debate. No theory can account for all variations in criminal behavior. Only through the process of continuing to subject the theory and its macrolevel version to rigorous and sound empirical tests in sociology and criminology can it be determined how much the theory can account for on its own and in comparison to other theories.

## Note

1. In their reformulation of the theory, Burgess and Akers chose to omit Sutherland's ninth principle.

## References and Further Readings

- Akers, R. L. (1968). Problems in the sociology of deviance: Social definitions and behavior. *Social Forces*, 46, 455–465.
- Akers, R. L. (1973). *Deviant behavior: A social learning approach*. Belmont, CA: Wadsworth.
- Akers, R. L. (1977). *Deviant behavior: A social learning approach* (2nd ed.). Belmont, CA: Wadsworth.
- Akers, R. L. (1985). *Deviant behavior: A social learning approach* (3rd ed.). Belmont, CA: Wadsworth.
- Akers, R. L. (1998). *Social learning and social structure: A general theory of crime and deviance*. Boston: Northeastern University Press.
- Akers, R. L., & Jensen, G. F. (2006). The empirical status of social learning theory of crime and deviance: The past, present, and future. In F. T. Cullen, J. P. Wright, & K. R. Blevins (Eds.), *Taking stock: The status of criminological theory* (pp. 37–76). New Brunswick, NJ: Transaction.
- Akers, R. L., Krohn, M. D., Lanza-Kaduce, L., & Radosevich, M. (1979). Social learning and deviant behavior: A specific test of a general theory. *American Sociological Review*, 44, 636–655.
- Akers, R. L., & Lee, G. (1996). A longitudinal test of social learning theory: Adolescent smoking. *Journal of Drug Issues*, 26, 317–343.
- Akers, R. L., & Sellers, C. S. (2004). *Criminological theories: Introduction, evaluation, and application* (4th ed.). Los Angeles: Roxbury.
- Akers, R. L., & Silverman, A. (2004). Toward a social learning model of violence and terrorism. In M. A. Zahn, H. H. Brownstein, & S. L. Jackson (Eds.), *Violence: From theory to research* (pp. 19–35). Cincinnati, OH: LexisNexis-Anderson.
- Anderson, E. (1999). *Code of the street: Decency, violence, and the moral life of the inner city*. New York: W. W. Norton.
- Baldwin, J. D., & Baldwin, J. I. (1981). *Beyond sociobiology*. New York: Elsevier.
- Bandura, A. (1977). *Social learning theory*. New York: General Learning Press.

- Bandura, A. (1990). Mechanisms of moral disengagement. In W. Reich (Ed.), *Origins of terrorism: Psychologies, ideologies, theologies, and states of mind* (pp. 161–191). Cambridge, UK: Cambridge University Press.
- Boeringer, S., Shehan, C. L., & Akers, R. L. (1991). Social contexts and social learning in sexual coercion and aggression: Assessing the contribution of fraternity membership. *Family Relations, 40*, 558–564.
- Burgess, R. L., & Akers, R. L. (1966). A differential association-reinforcement theory of criminal behavior. *Social Problems, 14*, 128–147.
- Cressey, D. R. (1953). *Other people's money*. Glencoe, IL: Free Press.
- Cressey, D. R. (1960). Epidemiology and individual conduct: A case from criminology. *Pacific Sociological Review, 3*, 47–58.
- Cullen, F. T., Wright, J. P., & Blevins, K. R. (Eds.). (2006). *Taking stock: The status of criminological theory*. New Brunswick, NJ: Transaction.
- Cullen, F. T., Wright, J. P., Gendreau, P., & Andrews, D. A. (2003). What correctional treatment can tell us about criminological theory: Implications for social learning theory. In R. L. Akers & G. F. Jensen (Eds.), *Advances in criminological theory: Vol. 11. Social learning theory and the explanation of crime: A guide for the new century* (pp. 339–362). New Brunswick, NJ: Transaction.
- Hwang, S., & Akers, R. L. (2003). Substance use by Korean adolescents: A cross-cultural test of social learning, social bonding, and self-control theories. In R. L. Akers & G. F. Jensen (Eds.), *Advances in criminological theory: Vol. 11. Social learning theory and the explanation of crime: A guide for the new century* (pp. 39–64). New Brunswick, NJ: Transaction.
- Jensen, G. F. (2003). Gender variation in delinquency: Self-images, beliefs, and peers as mediating mechanisms. In R. L. Akers & G. F. Jensen (Eds.), *Advances in criminological theory: Vol. 11. Social learning theory and the explanation of crime* (pp. 151–178). New Brunswick, NJ: Transaction.
- Krohn, M. D., Skinner, W. F., Massey, J. L., & Akers, R. L. (1985). Social learning theory and adolescent cigarette smoking. *Social Problems, 32*, 455–473.
- Lanza-Kaduce, L., Akers, R. L., Krohn, M. D., & Radosevich, M. (1984). Cessation of alcohol and drug use among adolescents: A social learning model. *Deviant Behavior, 5*, 79–96.
- Miller, H. V., Jennings, W. G., Alvarez-Rivera, L. L., & Miller, J. M. (2008). Explaining substance use among Puerto Rican adolescents: A partial test of social learning theory. *Journal of Drug Issues, 38*, 261–284.
- Spear, S., & Akers, R. L. (1988). Social learning variables and the risk of habitual smoking among adolescents: The Muscatine study. *American Journal of Preventive Medicine, 4*, 336–348.
- Sutherland, E. H. (1937). *The professional thief*. Chicago: University of Chicago Press.
- Sutherland, E. H. (1947). *Principles of criminology* (4th ed.). Philadelphia: Lippincott.
- Sykes, G., & Matza, D. (1957). Techniques of neutralization: A theory of delinquency. *American Journal of Sociology, 22*, 664–670.
- Warr, M. (2002). *Companions in crime: The social aspects of criminal conduct*. Cambridge, UK: Cambridge University Press.

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## STRAIN THEORIES

ROBERT S. AGNEW

*Emory University*

**S***train theories* state that certain strains or stressors increase the likelihood of crime. These strains involve the inability to achieve one's goals (e.g., monetary or status goals), the loss of positive stimuli (e.g., the death of a friend, the loss of valued possessions), or the presentation of negative stimuli (e.g., verbal and physical abuse). Individuals who experience these strains become upset, and they may turn to crime in an effort to cope. Crime may be a way to reduce or escape from strains. For example, individuals may steal the money they want or run away from the parents who abuse them. Crime may be used to seek revenge against the source of strain or related targets. For example, individuals may assault the peers who harass them. Crime also may be used to alleviate negative emotions; for example, individuals may engage in illicit drug use in an effort to make themselves feel better. Strain theories are among the dominant explanations of crime, and, as discussed in this chapter, certain strain theories have had a major impact on efforts to control crime.

This chapter describes (a) the types of strain most conducive to crime, (b) why strains increase the likelihood of crime, and (c) the factors that increase the likelihood that individuals will cope with strains through crime. All strain theories acknowledge that most individuals cope with strains in a legal manner. For example, most individuals cope with monetary problems by doing such things as cutting back on expenses, borrowing money, or working extra hours. It is therefore critical to explain why some

individuals engage in criminal coping. After presenting a basic overview of strain theories, this chapter describes how strain theories have been used to explain group differences, such as gender differences, in crime. The chapter concludes with a discussion of the policy implications of strain theories.

### **Types of Strain Most Conducive to Crime**

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#### **Inability to Achieve Monetary Success**

Merton (1938) developed the first major strain theory of crime in the 1930s. This theory was developed in the midst of the Great Depression, so it is not surprising that it focused on that type of strain involving the inability to achieve monetary success. According to Merton, everyone in the United States—regardless of class position—is encouraged to strive for monetary success. At the same time, lower-class individuals are frequently prevented from achieving such success through legal channels. In particular, the parents of lower-class children often do not equip them with the skills and attitudes necessary to do well in school. Lower-class individuals often attend inferior schools, and they often lack the funds to obtain college educations or start their own businesses. As a consequence, they more often find themselves unable to achieve their monetary goals through legal channels.

This goal blockage creates much frustration, and individuals may cope by engaging in crime, including income-generating crimes such as theft, drug selling, and prostitution. Merton (1938), however, emphasized that most individuals do not cope with this strain through crime. Some individuals simply endure this strain, others lower their desire for money, and still others turn to the pursuit of other goals. Merton provided some guidance as to why some individuals cope with crime and others do not. One key factor, for example, is whether individuals blame their inability to achieve monetary success on themselves or on others. Crime is more likely when the blame is placed on others.

Cohen (1955) and Cloward and Ohlin (1960) have applied Merton's (1938) theory to the explanation of juvenile gangs. Like Merton, they said that the major type of strain in the United States is the inability to achieve monetary success or, in the case of Cohen, the somewhat broader goal of middle-class status. However, they went on to state that juveniles sometimes cope with this strain by forming or joining delinquent groups, such as gangs. Strained juveniles may form gangs in order to better pursue illicit money-making opportunities, such as drug selling. They may form gangs in an effort to achieve the status or respect they desire. In particular, juveniles sometimes join gangs in an effort to feel important.

### Other Strains Conducive to Crime

Beginning in the 1960s and 1970s, criminologists began to suggest that the inability to achieve monetary success or middle-class status was not the only important type of strain. For example, Greenberg (1977) and Elliott, Huizinga, and Ageton (1979) suggested that juveniles pursue a broad range of goals, including popularity with peers, autonomy from adults, and harmonious relations with parents. They claimed that the inability to achieve any of these goals might result in delinquency. Later, Agnew (1992) drew on the stress literature in psychology and sociology to point to still other types of strain.

According to Agnew (1992), *strain* refers to events and conditions that are disliked by individuals. These events and conditions may involve the inability to achieve one's goals. As indicated earlier in this chapter, however, strains may also involve the loss of positive stimuli and the presentation of negative stimuli. In more simplistic language, strains involve situations in which individuals (a) lose something good, (b) receive something bad, or (c) cannot get what they want. These ideas formed the basis of Agnew's *general strain theory* (GST), now the dominant version of strain theory in criminology.

Literally hundreds of specific strains fall under the three broad categories of strain listed in GST. Not all of these strains are conducive to crime, however. For example, homelessness is a type of strain that is very conducive to crime. Being placed in "time out" by one's parents for misbehaving is a type of strain that is not conducive to crime. GST states that strains are most likely to lead to

crime when they (a) are high in magnitude, (b) are perceived as unjust, (c) are associated with low social control (or with little to lose from crime), and (d) create some pressure or incentive for criminal coping (see Agnew, 2006). Homelessness is clearly conducive to crime: It is high in magnitude, often perceived as unjust, and associated with low social control (individuals who are homeless have little to lose by engaging in crime). Furthermore, being homeless creates much pressure to engage in crime, because one must often steal to meet basic needs and engage in violence to protect oneself (see Baron, 2004). Being placed in time out for misbehavior has none of these characteristics.

GST lists the strains most likely to result in crime. These include the inability to achieve monetary goals as well as a good number of other strains. In particular, the following specific strains are most likely to result in crime:

- *Parental rejection.* Parents do not express love or affection for their children, show little interest in them, and provide little support to them.
- *Harsh/excessive/unfair discipline.* Such discipline involves physical punishment, the use of humiliation and insults, screaming, and threats of injury. Also, such discipline is excessive given the nature of the infraction or when individuals are disciplined when they do not deserve it.
- *Child abuse and neglect.* This includes physical abuse; sexual abuse; emotional abuse; and the failure to provide adequate food, shelter, or medical care.
- *Negative school experiences.* These include low grades, negative relations with teachers (e.g., teachers treat the juvenile unfairly, humiliate or belittle the juvenile), and the experience of school as boring and a waste of time.
- *Abusive peer relations.* Peer abuse includes insults, gossip, threats, attempts to coerce, and physical assaults.
- *Work in "bad" jobs.* Such jobs have low pay, little prestige, few benefits, little opportunity for advancement, coercive control (e.g., threats of being fired), and unpleasant working conditions (e.g., simple, repetitive tasks; little autonomy; physically taxing work).
- *Unemployment,* especially when it is chronic and blamed on others.
- *Marital problems,* including frequent conflicts and verbal and physical abuse.
- *Criminal victimization.*
- *Discrimination* based on race/ethnicity, gender, or religion.
- *Homelessness.*
- *Failure to achieve certain goals,* including thrills/excitement, high levels of autonomy, masculine status, and monetary goals.

### Research on Strains and Crime

Researchers have examined the effect of most of the preceding strains on crime. Their studies suggest that these strains do increase the likelihood of crime, with certain of

them being among the most important causes of crime (see Agnew, 2006, for an overview). For example, parental rejection, harsh discipline, criminal victimization, and homelessness have all been found to have relatively large effects on crime. The following are two examples of recent research in this area. Spano, Riveria, and Bolland (2006) found that juveniles who were violently victimized were much more likely to engage in subsequent violence. This held true even after they took account of such things as the juvenile's sex, age, prior level of violence, level of parental monitoring, and whether the juvenile belonged to a gang. Baron (2004) studied a sample of homeless street youth in a Canadian city and found that crime was much more common among youth who reported that they had been homeless for many months in the prior year. This finding was true even after a broad range of other factors were taken into account, such as age, gender, and criminal peer association.

These findings, however, test only one part of GST. GST not only asserts that certain strains increase the likelihood of crime but also describes *why* these strains increase crime. The next section focuses on this topic.

### Why Strains Increase the Likelihood of Crime

Strains are said to increase the likelihood of crime for several reasons. Most notably, they lead to negative emotions such as anger, frustration, depression, and fear. These emotions create pressure for corrective action; that is, strained individuals feel bad and want to do something about it. Crime is one possible response. As indicated earlier in this chapter, crime may be a means for reducing or escaping from strains, seeking revenge against the source of strain or related targets, or alleviating negative emotions (through illicit drug use). Anger occupies a special place in GST, because it energizes individuals for action, reduces inhibitions, and creates a strong desire for revenge.

Several attempts have attempted to determine whether strains lead to negative emotions and whether these emotions, in turn, lead to crime. Most studies have focused on the emotion of anger, and they tend to find that strains increase anger and that anger explains part of the effect of strains on crime—especially violent crime (Agnew, 2006). For example, Jang and Johnson (2003) asked individuals to indicate the strains or personal problems they had experienced. Many such strains were listed, including different types of financial problems, family problems, and criminal victimizations. Jang and Johnson found that individuals who experienced more strains were more likely to report feeling angry and that this anger had a large effect on crime.

A few studies also suggest that emotions such as depression, frustration, and fear may sometimes explain the effect of strains on crime (see Agnew, 2006). Recently,

researchers have suggested that certain strains may be more likely to lead to some emotions than others. For example, strains that involve unjust treatment by others may be especially likely to lead to anger. Also, strains that one cannot escape from may lead to depression. Furthermore, certain emotions may be more likely to lead to some crimes than others. As suggested earlier, anger may be especially conducive to violence. Depression, however, may be more conducive to drug use. Researchers are now examining these ideas.

Strains may also lead to crime because they reduce one's level of social control (see Chapter 36, this volume). Strains often involve negative treatment by people such as parents, teachers, spouses, and employers. Such negative treatment can reduce the individual's emotional bond to these conventional others. It can also reduce the individual's investment in conventional society, particularly if the negative treatment involves such things as low grades or the termination of employment. Furthermore, negative treatment can reduce the direct control exercised over individuals (i.e., the extent to which conventional others monitor the individual's behavior and sanction rule violations). This may occur if strains such as child abuse cause individuals to retreat from conventional others. Individuals who are low in these types of control are more likely to engage in crime, because they have less to lose by doing so.

Furthermore, strains may foster the social learning of crime; that is, strains may lead individuals to associate with others who reinforce crime, model crime, and teach beliefs favorable to crime (see Chapter 38, this volume). As Cohen (1955) and Cloward and Ohlin (1960) have suggested, strained individuals may associate with other criminals in an effort to cope with their strains. For example, abused or neglected juveniles may join gangs in an effort to find acceptance and support. Individuals who are threatened by others may join gangs for protection. Also, individuals who are subject to those strains conducive to crime may develop beliefs favorable to crime. For example, individuals who are regularly bullied by others may come to believe that violence is a justifiable, or at least excusable, way to cope. Individuals who are chronically unemployed may come to believe that theft is sometimes justifiable or excusable.

Finally, individuals who experience strains over a long period may develop personality traits conducive to crime, including traits such as negative emotionality (see Chapters 31–32 and 34, this volume). Individuals high in negative emotionality are easily upset and become very angry when upset. The continued experience of strains reduces their ability to cope in a legal manner. As a consequence, new strains are more likely to overwhelm them and make them very upset. Not surprisingly, such people are then more likely to cope through crime.

Several studies have found support for these arguments; that is, strains do tend to reduce social control, foster the social learning of crime, and contribute to traits such as

negative emotionality (see Agnew, 2006; Paternoster & Mazerolle, 1994). Strains, then, may increase the likelihood of crime for several reasons, not simply through their effect on negative emotions.

## Factors That Increase the Likelihood of Criminal Coping

There are a variety of ways to cope with strains, most of them legal. Juveniles who are having trouble with schoolwork, for example, might devote more time to their homework; seek help from teachers, parents, or friends; convince themselves that school is not that important; exercise or listen to music in an effort to feel better; and so on. Individuals who experience strains typically cope using legal strategies such as these. Given this fact, it is critical for strain theories to explain why some individuals choose crime as a means of coping. According to GST, criminal coping is most likely to be enacted by individuals with certain characteristics:

- *Possess poor coping skills and resources.* Some individuals lack the skills and resources to legally cope on their own. They have poor problem-solving and social skills, including skills such as the ability to negotiate with others. They possess traits such as negative emotionality and low constraint. Individuals with these traits are easily upset and tend to act without thinking. Furthermore, they have limited financial resources. Money is a great coping resource, because it allows one to purchase needed goods and services (including the services of people such as tutors, counselors, and lawyers).

- *Have low levels of conventional social support.* Not only are some individuals unable to legally cope on their own but also they lack others to whom they can turn for assistance. This assistance might include advice on how to cope, emotional support, financial assistance, and direct assistance in coping. For example, children who are having trouble in school might seek assistance from their parents, who may comfort them, give them advice on how to study, and arrange special assistance from their teachers. Individuals who are unemployed may obtain assistance from their friends, who may help them find work and loan them money.

- *Are low in social control.* Some individuals also have little to lose if they engage in criminal coping. They are unlikely to be punished if they engage in crime, because their family members, neighbors, and others do not closely supervise them and rarely impose sanctions when they do misbehave. They have little to lose if they are punished, because they do not care what conventional others, such as parents and teachers, think of them. Also, they are doing poorly in school, do not plan on going to college, are unemployed or work in “bad” jobs, and do not have a good

reputation in the community. They also do not view crime as wrong or immoral.

- *Associate with criminal others.* Other criminals model criminal coping, frequently encourage individuals to engage in crime, and often reinforce crime when it occurs. Imagine, for example, a gang member who is insulted by someone. This gang member is more likely to respond with violence because that is how other members of the gang respond to similar provocations; other gang members directly encourage a violent response, and they reinforce violent responses—most often with social approval. Furthermore, they may punish nonviolent responses. For example, gang members who do not respond to provocations with violence may be called cowards (or worse) and regularly harassed.

- *Hold beliefs favorable to criminal coping.* Some individuals believe that crime is an excusable, justifiable, or even desirable response to certain strains. For example, they believe that violence is an appropriate response to a wide range of provocation (Anderson, 1999). They learn these beliefs from others, especially criminal others. Also, as indicated previously, they sometimes develop these beliefs after experiencing chronic or long-term strains (e.g., being bullied over a long period).

- *Are in situations where the costs of criminal coping are low and the benefits high.* In particular, strained individuals are more likely to turn to crime when they encounter attractive targets for crime in the absence of capable guardians (see Chapter 33, this volume). An individual with a desperate need for money, for example, is more likely to engage in theft if he or she comes across a valuable item that is unguarded.

In sum, individuals are most likely to engage in criminal coping when they (a) are unable to engage in legal coping, (b) have little to lose by criminal coping, (c) are disposed to criminal coping because of the people with whom they associate and the beliefs they hold, and (d) encounter attractive opportunities for crime.

Researchers have examined the extent to which certain of these factors influence the likelihood of criminal coping. The results of their studies have been mixed (see Agnew, 2006). Some have found that individuals with these factors are more likely to cope with strains through crime; for example, some research indicates that criminal coping is more likely among individuals who are high in negative emotionality or who associate with delinquent peers. Other studies, however, have not found this.

Criminologists are now trying to make sense of these mixed results (see Agnew, 2006; Mazerolle & Maahs, 2000). One possibility for the conflicting results has to do with the fact that researchers often examine the preceding factors in isolation from one another. However, it may be that individuals engage in criminal coping only when their

standing on all or most of the preceding factors is favorable to such coping. Mazerolle and Maahs (2000) explored this possibility. They examined three factors: (1) low constraint, (2) association with criminal peers, and (3) beliefs favorable to criminal coping. Mazerolle and Maahs found that when all three of these factors were favorable to criminal coping, highly strained individuals were quite likely to engage in crime.

## Explaining Groups Differences in Crime

Strain theories have been used primarily to explain why some individuals are more likely to engage in crime than others. Increasingly, however, they are also being used to explain group differences in crime, in particular gender, age, ethnic-racial, class, and community differences. An example of this use has already been presented.

Merton's (1938) version of strain theory has been used to explain class differences in crime. Lower-class individuals are said to engage in higher rates of crime because they have more trouble achieving their monetary goals through legal channels. Note, however, that the relationship between class and crime is not as strong as many people believe. There appears to be little relationship between class and minor crime, although lower-class individuals are somewhat more likely to engage in minor crime (see Agnew, 2009). Furthermore, middle-class individuals are more likely to engage in certain types of white-collar crime, especially corporate crime. Recent versions of strain theory have attempted to explain this by noting that middle- and upper-class individuals do sometimes experience monetary strain, especially when they compare themselves with even more advantaged others (Passas, 1997).

GST explains group differences in crime by arguing that the members of certain groups are more likely to (a) experience strains that are conducive to crime and (b) cope with these strains through crime. As an illustration, consider the strong relationship between gender and crime. With the exception of a few types of crime, males have substantially higher levels of offending than females (see Chapter 10, this volume). Part of the reason for this is that males are more likely to experience many of the strains that are conducive to crime. This includes strains such as harsh parental discipline, negative school experiences (e.g., low grades), criminal victimization, homelessness, and perhaps the inability to achieve goals such as thrills/excitement and masculine status. It is important to note, however, that females experience as much or more overall strain than males. Many of the strains experienced by females, however, are not conducive to crime. These include strains involving close supervision by others and the burdens associated with the care of others (e.g., children and elderly parents). Furthermore, females are more likely to experience

certain strains that are conducive to crime, such as sexual abuse and gender discrimination. Overall, however, males are more likely than females to experience strains that are conducive to crime (see Agnew, 2006)

Males are also more likely to cope with strains through crime. Part of the reason for this has to do with gender differences in the emotional reaction to strains. Both males and females tend to become angry when they experience strains. The anger of females, however, is more often accompanied by emotions such as guilt, shame, anxiety, and depression. This is because females more often blame themselves when they experience strains, view their anger as inappropriate, and worry that their anger might lead them to harm others. The anger of males, however, is more often accompanied by moral outrage. This is because males are quicker to blame others for their strains and to interpret the negative treatment they have experienced as a deliberate challenge or insult. These gender differences in the experience of anger reflect differences in socialization and social position. Females, for example, are more often taught to be nurturing and submissive, and so they are more likely to view their anger as inappropriate. In any event, the moral outrage of angry males is more conducive to criminal coping, especially to crimes directed against others.

Also, males are more likely to engage in criminal coping because of their standing on those factors that increase the likelihood of criminal coping. Among other things, males are higher in negative emotionality and lower in constraint. Males are lower in certain types of social support—especially emotional supports—and they are lower in many types of social control. In particular, males are less well supervised, less likely to be punished for aggressive behavior, more weakly tied to school, and less likely to condemn crime. Furthermore, males are more likely to associate with other criminals and hold beliefs favorable to crime. Males, for example, are more likely to have delinquent friends and to be gang members than are females. Finally, males are more likely to hold gender-related beliefs that are conducive to criminal coping, such as the belief that they should be “tough.”

Data provide some support for these arguments. Research does indicate that males are more likely to experience many of the strains that are conducive to crime, and studies tend to suggest that males are more likely to cope with strains through crime, although not all studies have found this (see Agnew, 2006; Brody & Agnew, 1997). Strain theory, then, can partly explain gender differences to crime. Strain theory has also been used to help explain ethnic-racial, age, class, and community differences in crime (see Agnew, 2006 for an overview; see Agnew, 1997; Eitle & Turner, 2003; and Warner & Fowler, 2003, for selected studies). The argument here is the same. The members of groups with higher rates of crime are more likely to experience strains that are conducive to crime and to cope with such strains through crime.



## Recommendations for Controlling Crime

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The early strain theories of Merton (1938), Cohen (1955), and Cloward and Ohlin (1960) had a major impact on efforts to control crime. These theories were one of the inspirations for the War on Poverty, which was developed under President Kennedy's administration and implemented under President Johnson. The War on Poverty consisted of a number of programs designed to eliminate poverty in the United States. While eliminating poverty was, of course, a desirable goal in itself, it was also felt that eradicating poverty would reduce other social problems, such as crime. Several of the programs that were part of the War on Poverty were directly inspired by strain theories. These programs were designed to help lower-income people achieve the goal of monetary success (or middle-class status) through legal channels. Certain of these programs remain in existence.

One such program is the National Head Start Association, which sponsors a preschool enrichment program. Head Start focuses on preschool-age children in disadvantaged areas. Such children are placed in a preschool program designed to equip them with the skills and attitudes necessary to do well in school. The program also works with the parents of these children, teaching them how they can help their children do well in school. Another program, Job Corps, focuses on older juveniles and adults. This program attempts to equip individuals with the skills and attitudes necessary to obtain a good job. Some evidence suggests that both these programs are successful in reducing crime, especially when they are well implemented (see Agnew, 2009, and Agnew, in press, for further discussion).

GST suggests still other strategies for controlling crime (Agnew, 2006, in press). These strategies fall into two broad groups. First, GST recommends reducing the exposure of individuals to strains that are conducive to crime. Head Start and Job Corps fall into this category, because their primary goal is to reduce the likelihood that individuals will experience school and/or work problems, such as working in "bad" jobs or chronic unemployment. Second, GST recommends reducing the likelihood that individuals will cope with strains through crime.

### Reducing the Exposure of Individuals to Strains That Are Conducive to Crime

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Several programs have tried to eliminate or at least reduce certain of the strains conducive to crime. For example, parent training programs attempt to reduce the likelihood that parents will reject their children and use harsh or abusive disciplinary methods. These programs target at-risk parents, such as teenage parents, or the parents of delinquent youth or juveniles believed to be at risk for delinquency. Among other things, such programs teach parents how to effectively

discipline their children and how to better resolve conflicts that arise. They may also encourage family members to spend more time together in pleasurable activities. Furthermore, these programs may attempt to reduce some of the stresses or strains that parents experience, such as work and housing problems. These stresses have been found to contribute to a range of poor parenting practices.

Another program that attempts to reduce exposure to strains focuses on bullying or peer abuse at school. This program attempts to make students, teachers, parents, and administrators more aware of the extent and consequences of bullying. These individuals are then given assistance in designing an anti-bullying program. Clear rules against bullying are established, these rules are widely publicized, and teachers and others closely monitor the school for bullying. Bullies are disciplined in an appropriate manner, and the victims of bullying are offered support. Still other programs attempt to reduce strains such as poor academic performance, work and employment problems, and homelessness. Many of these programs have shown much success in reducing crime (see Agnew, 2006, 2009, in press).

Still other programs recognize that, despite our best efforts, we will not be able to eliminate all strains that are conducive to crime. Teachers, for example, will likely continue to give low grades to students. We can, however, *alter strains so as to make them less conducive to crime*. For example, teachers can be taught to assign grades in a manner that is more likely to be perceived as fair by students. Likewise, police and justice professionals can adopt techniques that are more likely to be perceived as fair by individuals who are arrested and punished. Many such techniques are embodied in the restorative justice approach (see Chapter 89, this volume). In addition, we can *make it easier for individuals to avoid strains that are conducive to crime*. For example, we can make it easier for students to change teachers or schools when other efforts to deal with school-related strains fail. Or we can make it easier for individuals to move from high-crime communities where they are regularly victimized.

Finally, we can *equip individuals with the traits and skills to avoid strains*. Individuals sometimes provoke negative treatment from others, including parents, peers, teachers, and employers. This is especially true when individuals are low in constraint and high in negative emotionality. As indicated, such individuals are easily upset, tend to act without thinking, and often have an antagonistic interactional style. Not surprisingly, these individuals frequently upset other people, who may then respond with negative treatment. Parents, for example, may eventually come to reject and harshly discipline children with these traits. Several programs, however, have shown some success in teaching individuals to better manage their anger and show some restraint before acting. As such, these programs may reduce the likelihood that individuals elicit negative treatment from others.

## Reducing the Likelihood That Individuals Will Respond to Strains With Crime

Although we can do much to reduce the exposure of individuals to strains conducive to crime, it is unlikely that we can entirely eliminate such exposure. For that reason, it is also important to reduce the likelihood that individuals respond to strains with crime. Several programs in this area have shown some success in reducing crime. One set of programs attempts to improve the coping skills and resources of individuals. For example, individuals may be taught problem-solving and social skills, thereby increasing the likelihood that they will be able to develop and implement legal methods for dealing with their strains. To illustrate, individuals may be taught how to respond in a legal manner if they are harassed by peers. On a related note, individuals may be taught methods for better managing their anger.

Individuals also may be provided with increased levels of social support. For example, they might be assigned mentors who provide assistance in coping. Also, a range of government assistance programs may be developed to help individuals cope when they face strains such as long-term unemployment, homelessness, and discrimination in the job market. Beyond that, steps may be taken to increase the level of social control to which individuals are subject. For example, parent training programs can increase the bond between parent and children and improve parental supervision. Also, school-based programs can raise academic performance and improve student–teacher relations. These programs reduce the likelihood that individuals will engage in criminal coping, because such coping is more likely to result in punishment, and individuals have more to lose if they are punished.

Programs may also be used to reduce association with criminal peers and alter beliefs that encourage criminal coping. For example, certain programs have shown some success in altering beliefs that are favorable to drug use. Unfortunately, it has been more difficult to convince individuals to quit juvenile gangs or stop associating with their delinquent friends. Some progress is being made, however.

## Conclusion

Strain theories are based on a simple, commonsense idea: When people are treated badly, they may become upset and engage in crime. Strain theories elaborate on this idea by describing the types of negative treatment most likely to result in crime, why negative treatment increases the likelihood of crime, and why some people are more likely than others to respond to negative treatment with crime.

The strains most likely to lead to crime are high in magnitude, perceived as unjust, and associated with low social control, and they create some pressure or incentive for crime. Examples include parental rejection, harsh or abusive

discipline, chronic unemployment or work in “bad” jobs, criminal victimization, homelessness, discrimination, and the inability to achieve monetary goals. These strains lead to a range of negative emotions, such as anger. These emotions create pressure for corrective action, with crime being one possible response. Crime may allow individuals to reduce or escape from strains, seek revenge, or alleviate their negative emotions (through, e.g., illicit drug use). Strains may also increase crime by reducing social control, fostering association with criminal peers and beliefs favorable to crime, and contributing to traits such as negative emotionality. Individuals are most likely to engage in criminal coping when they lack the resources to legally cope with strains, have little to lose by engaging in crime, are disposed to criminal coping, and are in situations that present attractive opportunities for such coping.

Researchers are extending strain theory in important ways. They are using the theory to help explain group differences in crime, such as gender differences in offending. Also, the implications of strain theory for controlling crime are receiving increased attention. Agnew (2006) described still other extensions. In sum, strain theory constitutes one of the major explanations of crime and has much potential for controlling crime.

## References and Further Readings

- Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology*, 30, 47–87.
- Agnew, R. (1997). Stability and change in crime over the life course: A strain theory explanation. In T. P. Thornberry (Ed.), *Advances in criminological theory: Vol. 7. Developmental theories in crime and delinquency* (pp. 101–132). New Brunswick, NJ: Transaction.
- Agnew, R. (2001). Building on the foundation of general strain theory: Specifying the types of strain most likely to lead to crime and delinquency. *Journal of Research in Crime and Delinquency*, 38, 319–361.
- Agnew, R. (2006). *Pressured into crime: An overview of general strain theory*. New York: Oxford University Press.
- Agnew, R. (2009). *Juvenile delinquency: Causes and control*. New York: Oxford University Press.
- Agnew, R. (in press). Controlling crime: Recommendations from general strain theory. In H. Barlow & S. Decker, *Criminology and public policy: Putting theory to work*. Philadelphia: Temple University Press.
- Anderson, E. (1999). *Code of the street*. New York: Norton.
- Baron, S. W. (2004). General strain, street youth and crime: A test of Agnew’s revised theory. *Criminology*, 42, 457–483.
- Broidy, L. M., & Agnew, R. (1997). Gender and crime: A general strain theory perspective. *Journal of Research in Crime and Delinquency*, 34, 275–306.
- Cloward, R., & Ohlin, L. (1960). *Delinquency and opportunity*. Glencoe, IL: Free Press.
- Cohen, A. (1955). *Delinquent boys*. Glencoe, IL: Free Press.
- Eitle, D. J., & Turner, R. J. (2003). Stress exposure, race, and young adult crime. *Sociological Quarterly*, 44, 243–269.

- Elliott, D., Huizinga, D., & Ageton, S. (1979). An integrated perspective on delinquent behavior. *Journal of Research in Crime and Delinquency, 16*, 3–27.
- Greenberg, D. (1977). Delinquency and the age structure of society. *Contemporary Crises, 1*, 189–223.
- Jang, S. J., & Johnson, B. R. (2003). Strain, negative emotions, and deviant coping among African Americans: A test of general strain theory. *Journal of Quantitative Criminology, 19*, 79–105.
- Mazerolle, P., & Maahs, J. (2000). General strain theory and delinquency: An alternative examination of conditioning influences. *Justice Quarterly, 17*, 323–343.
- Merton, R. (1938). Social structure and anomie. *American Sociological Review, 3*, 672–682.
- Passas, N. (1997). Anomie, reference groups, and relative deprivation. In N. Passas & R. Agnew (Eds.), *The future of anomie theory* (pp. 62–94). Boston: Northeastern University Press.
- Paternoster, R., & Mazerolle, P. (1994). General strain theory and delinquency: A replication and extension. *Journal of Research in Crime and Delinquency, 31*, 235–263.
- Spano, R., Riveria, C., & Bolland, J. (2006). The impact of timing of exposure to violence on violent behavior in a high poverty sample of inner city African American youth. *Journal of Youth and Adolescence, 35*, 681–692.
- Warner, B. D., & Fowler, S. K. (2003). Strain and violence: Testing a general strain model of community violence. *Journal of Criminal Justice, 31*, 511–521.

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## THEORETICAL INTEGRATION

MICHAEL G. TURNER AND KRISTIE R. BLEVINS

*University of North Carolina at Charlotte*

The scientific study of the causes of delinquency and crime has been historically guided by theory. A good theory is said to provide a foundational lens through which to interpret and understand the manifestation of a behavior. In the field of criminology, the theoretical lens has been primarily guided by concepts germane to the fields of sociology, psychology, and biology, and the behavior to be explained is typically behavior that violates the codified laws of our society (i.e., crime and delinquency). Although isolated theories have provided empirical insight into the important factors perceived and expected to explain delinquency and crime, no single theory can adequately explain all types of crime and delinquency or all of the variation in crime and delinquency. In response to the absence of a “magic bullet” theory, scholars have begun to integrate theories in hopes of explaining a greater proportion of delinquency and crime. Theoretical integration generally involves borrowing theoretical constructs from competing theories and combining them into a single theory. Integrating theories within criminology is particularly advantageous because it allows scholars to begin to understand the behavior under study in a more complex, and potentially more complete, manner.

The purpose of this chapter is to present information on the topic of *theoretical integration* and take the reader through the following logical road map of the knowledge base surrounding integrated theories. The chapter begins with a brief discussion of the history and rationale for

integrating theories. Although brief, it is meant to provide some context within this section about how and why integrated theories have developed. Second, information on several different types of integrated theories that have emerged over the past few decades are provided: The theory and theoretical assumptions of the theory are presented, and it is shown how the theory is an integration of multiple theories or multiple concepts. It should be noted that the purpose of this section isn't meant to be exhaustive; instead, the intent is to provide the reader with a level of specificity as to how criminological theories have been integrated. Third, using the discussion in the previous section, some of the many policy implications that have (or might have) emerged as a result of integrating theories are presented. Fourth, information relating to several of the critiques surrounding theoretical integration is provided, with a discussion about how these assessments have redefined the topic. The chapter closes with an excerpt on what the future might hold in terms of further elaboration of complex integrated theories.

### **History, Rationale, and Methods of Integrating Theories**

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The history of integrated theories can be traced back to the work of Cesare Lombroso, who in the late 1800s and early 1900s refined his earlier work on the criminal man and

argued that a complete understanding of crime and delinquency requires that we account for biological, psychological, and sociological variables. Despite Lombroso's assertions, most theorizing in criminology over the first half of the 20th century focused primarily on the influence that the environment (i.e., sociology) had on the explanation of delinquency and crime.

In the latter half of the 20th century, and in partial response to the growing literature documenting that *some* theories explained *some* delinquent and criminal behavior *some* of the time, scholars began integrating theories in hopes of providing a more complete picture of why individuals violate the law. To achieve this, they began by first isolating the variables that received support across theories and, second, formulating relationships among these variables. As such, theoretical integration is more than just borrowing concepts from a variety of theories; it is the elaboration of how these concepts influence (and are influenced) by the remaining concepts.

During the past three decades, we have arguably observed the most significant growth in the development of integrated theories. The more recent approaches continue to draw primarily on factors within the environment (i.e., family and peers); however, efforts have also been made to integrate theoretical constructs from other disciplines (i.e., biology and psychology). The result of these efforts has been a variety of integrated theories that have received an increasing level of empirical attention and that have provided a baseline of knowledge from which future integrated theories could expand.

After recognizing that theoretical integration is simply one form of theorizing, what becomes a logical question of concern is whether theoretical integration is a more useful method of theoretical growth. As new theories continue to emerge and offer a unique perspective on the explanation of crime and delinquency, opportunities to integrate these theories will follow. The most promising and recognized alternative to theoretical growth in this regard is often referred to *theoretical competition*; that is, including constructs of two or more competing theories and examining which one makes more logical sense and receives greater empirical support. It remains to be seen whether theoretical competition and theoretical integration will continue to coexist as methods of theoretical growth.

Because there is no perfect way to develop a theory of delinquency and crime, there is also no perfect way to develop an integrated theory. In fact, there exists a variety of strategies to develop an integrated theory. For example, one such strategy is referred to as the *end-to-end approach*, whereby scholars combine theories while taking into account the temporal ordering of the variables included within the theory. This method allows variables to act both as causes (independent variables) as well as effects (dependent variables). A second strategy, referred to as the *side-by-side approach*, partitions cases of delinquency and crime into theories that are best at offering an explanation.

For instance, one might want to use characteristics of deviants (i.e., race, class, age, and gender) or characteristics of deviance (i.e., violent crime, property crime, and drug crime) as points where partitioning makes intuitive sense. The subsequent process would be to integrate a variety of theoretical constructs to best explain the cases in each of these empirical typologies. Finally, *up-and-down integration* (also known as *deductive integration*) is accomplished by identifying a unique level of abstraction that will allow the incorporation of other theories. For example, portions of Theory B can be subsumed into Theory A because the latter contains more abstract or general assumptions about why a particular behavior exists. Although these three methods do not account for all types of integrated theories, they are arguably the methods on which theoreticians typically rely when combining theories.

In short, it is apparent that multiple methods exist to integrate the constructs of various theories into a uniquely integrative theoretical approach. The purpose of the next section is to offer insight into the many different integrated theories that have emerged over the past two to three decades.

## Types of Integrated Theories

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Although integrated theories have a lengthy history, it is only within the last few decades that these theories have been recognized and accepted as purely integrated theories. This section focuses on the descriptions of some of the more commonly recognized integrated theories. Again, it is not the intention of this section to provide detail on all of the integrated theories; instead, the integrated theories identified in the following paragraphs should provide the reader with an understanding of the various types of these theories.

### Elliott, Ageton, and Canter's Integrated Theory

In 1979, Delbert Elliott and his colleagues proposed one of the more widely recognized integrated theories (Elliott, Ageton, & Canter, 1979). Borrowing concepts from strain, social learning, and social control theories, they proposed that individuals follow one of two pathways into delinquency. In the first pathway, individuals with lower levels of social control begin interacting with delinquent peers. In this pathway, the reduction in social control allows individuals to associate with other delinquents, experience peer pressure from these peers, and learn how to commit delinquent offenses. In the second pathway, individuals with higher levels of social control at some point experience the failure to achieve positively valued or conventional goals. As a result of this experience, individuals begin associating with delinquent peers, experience peer pressure from these peers, and learn how to commit delinquent offenses. In short, the theory argues

that individuals who experience both low and high levels of social control are capable of becoming delinquent. The central variable that plays an important role in delinquent development in both pathways is one's exposure and commitment to delinquent peers.

It is important to point out that Elliott et al.'s (1979) theory is an integrated theory because it borrows concepts from three reputable theories (strain, social control, and social learning) and articulates how these concepts relate to one another. More specifically, the social control and strain aspects of the theory are not proposed to have direct effects on delinquency; instead, each of these variables operates through the exposure and commitment to delinquent peers. It logically follows that the exclusion of delinquent peers from the theoretical models would limit the theory's ability to explain delinquent and criminal behavior. Therefore, it is the integration of these three theories that provides the foundation to understand the etiology of crime and delinquency.

### Thornberry's Interactional Theory

In 1987, a similar integrated theory was proposed by Terence Thornberry. Much like Elliott and his colleagues (1979), Thornberry borrowed elements from social control and social learning theories; specifically, he proposed in interactional theory that delinquency is primarily a function of individuals associating with delinquent peers. The opportunities to associate with these peers is argued to be the direct result of the weakened social bonds (i.e., social control) experienced as individuals progress through the life course. Unlike Elliott et al., Thornberry excluded any conceptual involvement of strain theory in the advancement of interactional theory.

Two distinguishing features of Thornberry's (1987) interactional theory set it apart from other integrated theories, in general, and Elliott et al.'s (1979) theory, specifically. First, interactional theory emphasizes the presence of reciprocal effects in the causal structure of the onset of delinquency. Unlike most theories that assume or identify causal pathways in one direction (typically from left to right), interactional theory assumes that important variables within the model possess reciprocal or feedback effects. For example, although weakening social bonds might lead an individual to associate with delinquent peers, it is also theorized that the association with delinquent peers further weakens social bonds. Second, interactional theory places an emphasis on the developmental nature of the etiology of delinquency and crime. In other words, Thornberry articulated a theory that explains the onset, persistence, and desistance of delinquency and alters the importance of the concepts at these various stages of the life course. It is notable that although parental attachments (i.e., social bonds) are important in the explanation of the onset of delinquency early in the life course, these same concepts become relatively weaker in the explanation of the persistence in

delinquency as individuals navigate the adolescent period of development.

### Agnew's General Strain Theory

In 1992, Robert Agnew recognized that Merton's traditional strain theory possessed a variety of limitations that restricted the empirical support it received. In so doing, Agnew reconceptualized traditional strain theory into a general strain theory by shifting the focus from social class or cultural variables, capturing the emotion of the situational context in which delinquency and crime develop.

Agnew (1992) began by recognizing three sources of strain an individual can experience over the life course. First, similar to traditional strain theorists, Agnew identified the actual or anticipated *failure to achieve positively valued goals* as a source of strain. For example, individuals might feel strain because they cannot achieve economic or financial success, or they may not be able to achieve a particular status within high school. Second, Agnew identified the actual or anticipated *removal of positively valued stimuli* as a potential source of strain. This strain might occur, for example, when individuals experience the death of someone close to them, when an intimate or dating relationship ends, or when someone is terminated from a job he or she enjoyed. The point is that something they coveted has been removed from their life. Finally, Agnew identified the actual or anticipated *presentation of negative stimuli* as the final source of strain that could be experienced by individuals. Examples of this last source of strain include residing within an abusive household, attending a dangerous school, or working under the supervision of a supervisor who manifests negative or harassing behaviors.

The primary assumption of general strain theory is that as the levels of strain increase, individuals are more likely to engage in delinquency and crime. However, even in the most adverse or stressful situations that may be caused by strain, some individuals are capable of not responding in delinquent or criminal ways. Recognizing this outcome, Agnew (1992) identified several constraints that might condition individual responses to strain. These conditioning variables fall into two categories: (1) conditioning factors that *increase* the probability of manifesting a delinquent or criminal response and (2) conditioning factors that *decrease* the probability of manifesting a delinquent or criminal response. In terms of conditioning responses identified to increase delinquent and criminal outcomes, Agnew highlighted important factors, such as self-control, the association with delinquent peers, and the internalization of antisocial beliefs. Alternatively, in terms of conditioning responses identified to reduce delinquent and criminal outcomes, Agnew directed us to factors such as individual coping strategies, the receipt of social supports from others, the presence of social bonds, and the fear of formal sanctions. In short, the conditioning responses are typically important

variables from other prominent criminological theories that are integrated into the articulation of general strain theory.

General strain theory is considered an integrated theory for two reasons. First, Agnew effectively integrated social and psychological constructs; that is, socially (or within certain situations), individuals may experience events or circumstance with which they are unfamiliar (i.e., being fired from a job or losing a parent), but psychologically they must somehow respond to this adverse situation. Second, as highlighted in the preceding text, Agnew included a variety of conditioning responses that are “borrowed” from other competing theories. It is at this juncture that theoretical integration is manifested within the general strain theory.

### Moffitt’s Dual Taxonomy Theory of Offending

In 1993, Terrie Moffitt proposed a theory that not only integrates concepts derived from biology, psychology, and sociology but also approaches the explanation of delinquency and crime from a developmental perspective. Moffitt began by documenting that concealed under the aggregate age–crime curve are two types of offenders. One type of offender, which she called the *life-course-persistent offenders*, begins offending early in the life course, persists in offending at high levels during adolescence, and continues a life of crime well into adulthood. In other words, stability of behavior is the key to understanding life-course-persistent offending. A second type of offender, which she called the *adolescence-limited offenders*, begin their offending careers during the adolescent period of development, offend for a short period of time, and desist as they enter into adulthood. Whereas stability is the key to understanding life-course-persistent offending, discontinuity is the key to understanding adolescence-limited offending. With two distinct types of offenders, Moffitt made an argument that each type of offender is in need of its own theoretical explanation.

The theoretical causes of life-course-persistent offending are found very early in the life course. Specifically, Moffitt (1993) suggested that the co-occurrence of individuals being born with neuropsychological deficits and parents failing at their parenting responsibilities creates an increased likelihood that individuals will begin down a pathway of life-course-persistent offending. It should be noted that experiencing either one of these risk factors in isolation is unlikely to set an individual on a life-course-persistent trajectory of offending; instead, it is the interaction of these two factors that increases the odds of following such a pathway of development.

Compared with the life-course-persistent offenders, adolescence-limited offenders are a more prevalent, yet less serious type of offender. Because the onset of offending for adolescence-limited offenders begins in adolescence, Moffitt (1993) identified risk factors during this developmental stage as the precursors to delinquency. Specifically,

adolescence-limited offenders are theorized to begin offending as the result of experiencing the maturity gap (i.e., the gap between reaching biological maturity [puberty] and being socially accepted into adult social roles) or modeling behaviors (at a less serious level) of their life-course-persistent counterparts. In short, adolescence-limited offenders begin offending mainly as a result of environmental causes of delinquency.

Each of these theoretical articulations involves integrating biological predispositions with social conditions that accentuate (or permit) the individuals to offend. In short, Moffitt’s (1993) theory (at least the explanation of life-course-persistent offending) is referred to as a *biosocial approach*, because it proposes that individuals will become serious offenders when those with a biological predisposition to offend are raised in a social environment that fails to correct bad behavior. It is important to note that the possession of either of these variables (i.e., neuropsychological deficits or poor parenting) in isolation is not determinate of life-course-persistent offending; instead, it is the co-occurrence or interaction of these variables that is particularly detrimental to the individual.

### Cullen’s Social Support Theory

In 1994, Francis T. Cullen, in his presidential address to the Academy of Criminal Justice Sciences, put forth a theory that focused on the impact of social support and its effects on individual and aggregate rates of criminality. Unlike the more traditional integrated theories that identify important factors from different theories and then integrate them into a single theory, Cullen advanced an integrated theory that identifies a common theme that is rooted within a variety of theories at different levels of explanation; that is, he highlighted the importance of social support and its impact in the implication of delinquency and crime. In so doing, he advanced 13 propositions that link social support either implicitly or explicitly to the explanation of crime and delinquency. Instead of articulating each proposition verbatim, the subsequent text presents the propositions in a thematic format.

First, at the macrolevel, Cullen (1994) predicted an inverse relationship between levels of social support and crime in that cities, states, and countries with more social support are identified as having lower rates of delinquency and crime. Second, individuals who receive and/or provide greater levels of social support are less likely to be involved in delinquency and crime. Third, higher levels of social support are theorized to reduce the impact of other criminogenic risk factors (i.e., strain and exposure to deviant peers). Fourth, and related, higher levels of social support correspond with a higher likelihood of desistance from criminal activity. Fifth, increased levels of social support are theorized to correspond with more effective police and correctional agencies. Finally, higher levels of social support result in reduction in the likelihood to be victimized.

Cullen's (1994) theory of social support is a unique attempt at theoretical integration, because the theory does not subsume several theories under a general theory. Instead, Cullen highlighted how the construct of social support becomes the central causal process within a variety of competing theories. In short, social support has a direct causal effect on crime, it has a direct causal effect on variables theoretically and empirically related to crime (i.e., social control and strain), and it has a conditioning effect on variables related to crime.

### Tittle's Control Balance Theory

In 1995, Charles Tittle proposed an integrated theory known as *control balance theory*, which attempts to advance traditional control-based theories that proposed that the breakdown in controls (regardless of their source) would lead to delinquency and crime. In doing so, the focus turns to understanding how an individual's control ratio can predict the likelihood and type of deviance.

In terms of the likelihood or probability of deviance, control balance theory recognizes that individuals are controlled (like most traditional control-based theories), but it also recognizes that individuals exercise control over other individuals. Therefore, the theory predicts that the *probability* and *type* of deviance depend on the amount of control to which an individual one is subject relative to the amount of control he or she can exercise over others. In situations where there is control balance (i.e., equal amounts of control within the control balance equation), the probability of deviance is close to or equal to zero. As the control ratio becomes imbalanced (moving in either direction away from being balanced), however, then the individual's probability of involvement in deviance, delinquency, and crime increases.

Control imbalance can occur in one of two directions. First, as an individual's control ratio becomes imbalanced in the direction of having more control over others (relative to the amount others have over him or her), and then the individual experiences a *control surplus*. On the other hand, as the control ratio moves in the opposite direction (being subject to greater levels of control than the individual has over others), the individual experiences a *control deficit*. In either case, the further one moves toward the extremes of control surplus or control deficit, the more likely he or she will be to participate in deviance, delinquency, and crime.

In an effort to theoretically explain the types of behavior in which an individual will engage, Tittle (1995) again relied on the control ratio. It is theorized that individuals experiencing a control deficit engage in behaviors that are likely to adjust their control ratio back to control balance. Tittle identified three broad categories of behavior that are likely to be manifested by individuals experiencing a control deficit: (1) predatory acts, (2) defiant acts, and (3) submissive acts. Alternatively, individuals experiencing a control surplus engage in behaviors that are likely to accentuate (or further

advance) their surplus of control. Again, Tittle identified three broad categories of behavior that are likely to be manifested by individuals experiencing a control surplus: (1) acts of exploitation, (2) acts of decadence, and (3) acts of plunder.

Control balance theory is considered an integrated theory because it captures two important themes related to control and integrates them into a single theoretical explanation of delinquency and crime. Whereas other integrated theories rely on control-based theories as a source of integration, no other criminological theory relies on both mechanisms of the control process to predict delinquent or criminal involvement.

### Colvin's Differential Coercion Theory

In 2000, Mark Colvin advanced an integrated theory that shifted the focus from an explanation of the etiology of delinquency and crime to the explanation of chronic offending. Using the concept of coercion as the organizing theoretical construct, Colvin argued that chronic offenders suffer from a variety of social and psychological dynamics brought on by destructive coercive forces.

Colvin (2000) began with the premise that social control has multiple dimensions. The first dimension is the degree of *coercion* in how the social control is applied. Although there is sure to be a continuum, Colvin provided a typology with two outcomes: (1) noncoercive and (2) coercive. The second dimension is the degree of *consistency* with which the social control is applied. Again, Colvin provided two potential outcomes to this dimension: (1) consistent and (2) erratic. Combining the elements of coercion and consistency in the application of social control, Colvin created a  $2 \times 2$  matrix with four possible outcomes. Type 1 is identified as noncoercive consistent control, Type 2 is identified as noncoercive erratic control, Type 3 is identified as coercive consistent control, and Type 4 is identified as coercive erratic control.

Colvin (2000) argued that each type of control has its own set of social-psychological outcomes that manifest themselves into behavioral differences. Social-psychological outcomes for Type 1 (noncoercive, consistent) include low anger, high self-efficacy, high self-control, and an internal locus of control. Individuals within Type 1 will also manifest a strong predisposition to behave prosocially and a low probability of criminal behavior. Turning to Type 2 (noncoercive, erratic) social-psychological outcomes, Colvin noted that these individuals will have low anger, high self-efficacy, low self-control, and an internal locus of control. In terms of how these outcomes are translated to behaviors, Colvin predicted that these individuals will have a predisposition for minor nonpredatory street and white-collar crime and a strong tendency to explore deviant pleasures. Individuals identified to correspond with Type 3 (coercive, consistent) social-psychological outcomes are expected to possess high self-directed anger, low self-efficacy, rigid self-control,



and an external locus of control. The behavioral outcomes associated with this category include a low probability of prosocial behavior, a predisposition toward mental illness, and some potential for enraged assault or homicide. Finally, social-psychological outcomes for Type 4 (coercive, erratic) include high self-directed anger, low self-efficacy, low self-control, and an external locus of control. Colvin predicted that these individuals will have a predisposition for serious predatory street crime and a strong probability of chronic offending.

In short, Colvin's (2000) differential coercion theory predicts that coercion leads to social-psychological deficits that translate to consistently disruptive behavioral outcomes. It is expected that these coercive relations can emerge within a variety of environments, including, but not limited to, the home, school, workplace, peer groups, and state bureaucracies. It is also expected that individuals may experience an accumulation of coercion that has been distributed from more than one environment. This accumulation of coercion is expected to further increase the probability of the individual engaging in criminal behavior over the life course.

In terms of the relevance of differential coercion theory as an integrated theory, it should be highlighted that Colvin (2000) relied on the concept of social control and how it is applied to predict several reputable social-psychological outcomes present within extant theory. In so doing, an integrated theory is created that draws on how well-defined social constructs and their influence on social-psychological processes lead to delinquent and criminal behavior.

## Policy Implications of Integrated Theories

Much like traditional theories, each integrated theory has implications for the development of policies designed to reduce delinquency and crime. Because integrated theories are generally perceived to be more complex than traditional theories, it stands to reason that their implications generally tend to be more complex. Using the integrated theories discussed in the previous section, this section offers a variety of policy implications derived from the aforementioned theoretical developments.

### Implications of Elliott, Ageton, and Canter's Integrated Theory

The inclusion of theoretical concepts from three competing mainstream theories offers a unique, yet challenging, set of policy implications. According to the principles of the theory and the initial focus on the levels of social control, it follows that policies will be determinative on the basis of whether individuals are experiencing low or high levels of social control. For those experiencing lower levels of social control, policies should initially be geared toward increasing levels of social control. Most importantly, however, policies emanating from Elliott et al.'s (1979) integrated

theory should focus on reducing access and exposure to delinquent peers, because it is this construct that rises in the level of importance in the explanation of delinquent and criminal involvement.

### Implications of Thornberry's Interactional Theory

Similar to the policies identified in the discussion of Elliott et al.'s (1979) integrated theory, the policies emerging from Thornberry's (1987) interactional theory are relatively complex and involve focusing on mechanisms of building social controls and decreasing access to delinquent peers. What makes interactional theory unique is that the policy initiatives are developmental specific; that is, because the importance of the theoretical factors fostering crime and delinquency vary over the life course, the policy initiatives seeking to impact delinquency and crime should also be different depending on the age of the individual. In childhood, programs designed to build and strengthen familial relationships would provide a foundation to reduce the likelihood of the onset of delinquency. In terms of the persistence in delinquency and crime, effective policies or programs would emerge if they were geared toward the reduction of exposure to delinquent peers during the adolescent period. However, because Thornberry placed significant emphasis on the reciprocal effects of the social bonding and delinquent peer variables during childhood and adolescence, it stands to reason that a dual-pronged policy approach focusing on both sources of delinquency would provide the most complete program initiative to the reduction of these behaviors.

### Implications of Agnew's General Strain Theory

Given that all individuals will experience several of the strains articulated by Agnew (1992), it stands to reason that the policy implications relevant to general strain theory are not geared toward reducing the experience of strain. Instead, policies from a general strain tradition might be more effective if they are focused on enhancing the conditioning factors that result in prosocial responses to strain. For example, programs that educate individuals in how to manage their anger or channel the energy related to their anger into positive directions (i.e., positively cope with strain) would be particularly advantageous to reducing delinquency and crime. On a related note, policies geared toward initiating programs targeting the development of self-control early in the life course would provide an additional prosocial mechanism for responding to strain. In terms of familial and community alternatives, programs guided toward the development or enhancement of social support networks would provide an individual with access to external supports when faced with a crisis. In short, the policy implications for general strain theory have the highest probability of being successful if they

focus on the concepts related to individuals' responses to experiencing strain.

### **Implications of Moffitt's Dual Taxonomy Theory of Offending**

Because Moffitt's (1993) theory partitions the theoretical explanation of delinquency and crime into two distinct theories, it logically follows that the policy implications of the theory are approached in a similar bifurcated process. Not surprisingly, most of the aggressive and impactful policy implications are geared toward life-course-persistent offenders; specifically, because this pathway of development is argued to be difficult to redirect, the policies need to be aimed at reducing the likelihood that individuals will *begin* offending early in the life course. Programs such as nurse home visitations to help disadvantaged parents provide appropriate parenting strategies to children experiencing deficits associated with neuropsychological disorders have been found to be particularly successful at redirecting the pathway of the troubled child. On the other hand, because the adolescence-limited population is likely to discontinue their offending as they enter into adult social roles, the policies geared toward this population are likely to be much more hands off. For example, this population might particularly benefit from after-school programs that focus on keeping youth actively involved in prosocial and/sports-related activities during the peak time of adolescent offending.

### **Implications of Cullen's Social Support Theory**

Arguably one of the more simplistic integrated theories, Cullen's (1994) social support theory also receives the title of the theory with one of the most straightforward policy initiatives; that is, crime and delinquency at all levels (i.e., individual, family, neighborhood, rates within cities, states, and across the nation) would be reduced if increases in social support were observed. Moreover, offending over the life course would begin later in life and have a shorter duration, and desistance would be enhanced if only social supports were increased. Finally, the probability of experiencing a victimization and the victimization rate would both decrease if social supports across society were enhanced. In summary, the primary policy implications related to Cullen's social support theory are focused toward developing and enhancing social supports within individuals or within the larger neighborhood environment.

### **Implications of Tittle's Control Balance Theory**

The policy implications of Tittle's (1995) control balance theory are significantly more complex than those identified for the theories just discussed. If the goal of a policy is to implement a program (or set of programs) to reduce delinquency, then using control balance theory implies that policies should be aimed at developing programs to keep

individuals' control ratio at a balance and/or providing assistance to individuals to manage or restrict their behavior when they are experiencing a control imbalance. These policy initiatives appear to be more reasoned for individuals experiencing a control deficit; however, they appear to be more suspect for those experiencing a control surplus. Specifically, programs designed for individuals experiencing a control deficit could arguably resemble those designed for general strain theory discussed earlier. Designing programs to convince individuals who are experiencing a control surplus to refrain from extending their control, or relinquish their control, appears to be a more daunting task.

### **Implications of Colvin's Differential Coercion Theory**

Programs designed to reduce delinquency and crime using the differential coercion theoretical framework would primarily target efforts to reduce the likelihood that coercion is destructively applied to individuals and secondarily target the social-psychological outcomes related to coercion. Colvin (2000) highlighted four possible outcomes through which controls can be manifested. The most compelling nondelinquent outcome is related to Type 1 (noncoercive, consistent). As such, parents and other individuals delivering social control might be educated or informed on the benefits related to Type 1 and the detriments associated with each of the remaining possibilities of delivering control. Assuming that some individuals will experience coercive types of control, programs might also be effective if they seek to strengthen the social-psychological dynamics (i.e., self-control) related to experiencing coercion.

## **Critiques of Integrated Theories**

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Although integrated theories have been important in providing an arguably more complex, yet complete, understanding of the causes of delinquency and crime over the life course, they are not without their limitations. To place these limitations into context one needs only draw on the literature documenting the characteristics of a "good" or "effective" theory. This section identifies and elaborates on some of the criticisms waged against integrated theories.

First, some scholars have claimed that some of the components of theories used in theoretical integration are based on opposing or competing assumptions. For example, a foundational assumption of social-control-based theories is that involvement in delinquency and crime is natural and thus individuals do not need any simplistic or elaborate means through which to learn the behavior. On the other hand, a foundational assumption of social learning theories is that individuals can manifest the behavior only once they have participated in a process through which the behavior was learned. Integrated theories that have used components of each of those two

theories (i.e., Elliott et al.'s [1979] integrated theory and Thornberry's [1987] interactional theory) have endured extensive scrutiny as to which of those two assumptions prevails in the theory's development. It is clear that both of those assumptions cannot be true, because assuming one denies the existence of the other.

Second, the rise in theoretical integration is based on somewhat questionable assumptions. For example, compared with the approach of theoretical competition to advance scientific knowledge, some scholars argue that integrating criminological theories will result in the advancement of knowledge about the causes of delinquency and crime at an exceedingly faster rate. This assumption, however, is relatively shaky at best. Scholars have argued that theoretical competition is superior because it forces theorists to search for innovative ways of developing theoretical models.

Third, and related, theoretical integration, if not carried out carefully and thoughtfully, could potentially lead to sloppy theorizing. The integration of concepts into a theoretical framework must make logical and intuitive sense. If concepts are integrated only because they have been found to be strong predictors in isolated theories, then scholars risk jeopardizing theoretical parsimony, at best, and confounding theoretical principles, at worst. To provide an analogy, if individuals chose food from a buffet only because it was tastefully delicious without giving thought to whether the food was healthy, then individuals sacrifice a well-rounded, nutritionally balanced meal. In short, although integrated theories have been helpful in providing an arguably more complete understanding of the causes of delinquency and crime, their complexity makes them susceptible to a variety of potential limitations.

## Conclusion

This chapter has not explored all of the sources or types of theoretical integration. In fact, a school of integration that is more eclectically based and approaches theoretical integration from a constructivist and postmodern stance was not discussed. The purpose of this exclusion is not because of an absence of scholarly interest in these approaches within the criminological community; instead, the exclusion is primarily based on the necessity to offer readers a variety of the testable modernist approaches that have at their focus a vision of the application of deterministic approaches to understanding the development of delinquency and crime.

It is often recognized that the world in which we live is becoming increasingly complex, and future generations face challenges unlike those that were faced by our predecessors. It should logically follow that the increasing complexity potentially impacts the causes of delinquency and crime by further opening up new fields of inquiry and recognizing and reconsidering the impact of risk factors from

a variety of sources. Coexisting with the changes in society is a growth in the complexity of the theoretical articulations attempting to explain delinquency and crime. Although traditional theories have approached the development of theories within an intradisciplinary fashion or from a single level of inquiry (i.e., macro vs. micro), more recent theoretical attempts have integrated concepts from a variety of disciplines, at multiple levels, and have recognized the reciprocal nature of relationships between concepts.

The development of integrated theories has primarily relied on concepts within sociological criminology to provide an integrative foundation; that is, many of the integrated theories listed in this chapter (and those not listed) have generally had a strong reliance on concepts germane to learning and control theories while having secondarily relied on strain theories. On one level, these efforts demonstrate the field of criminology's strong 20th-century tradition of limiting the causes of delinquency and crime to factors existing within the environment. As the field of criminology has matured, however, a significant emphasis has more recently been placed on integrating theories across disciplines. Isolating components of biological and psychological determinism and theoretically explicating how these factors could potentially interact with or become accentuated within the environment in which we live has proved to have a profound effect on the explanation of delinquency and crime over the life course. Moffitt's (1993) work is perhaps the most blatant example of this type of interdisciplinary theoretical integration.

In closing, it is expected that future efforts at theoretical integration will continue to cross disciplinary boundaries, include multiple levels of analysis, and rely on more advanced statistical and methodological tools to impact the testability of the theory. It is hoped that future integrated theories are capable of capitalizing on the complexities and nuances that are experienced within an individual's daily life. The increased precision associated with the refinement of existing, and the development of future, integrated theories, are likely to result in theoretical and empirical validity associated with the explication of delinquency and crime.

## References and Further Readings

- Agnew, R. (1985). A revised strain theory of delinquency. *Social Forces*, 64, 151–164.
- Agnew, R. (1992). Foundation for a general strain theory of delinquency and crime. *Criminology*, 30, 47–88.
- Broidy, L. M. (2001). A test of general strain theory. *Criminology*, 39, 9–36.
- Coleman, J. W. (1987). Toward an integrated theory of white-collar crime. *American Journal of Sociology*, 93, 406–439.
- Colvin, M. (2000). *Crime and coercion: An integrated theory of chronic criminality*. New York: St. Martin's Press.
- Colvin, M., Cullen, F. T., & Van der Ven, T. (2002). Coercion, social support, and crime: An emerging theoretical consensus. *Criminology*, 40, 19–42.

- Cullen, F. T. (1994). Social support as an organizing concept for criminology: Presidential address to the Academy of Criminal Justice Sciences. *Justice Quarterly*, 11, 527–559.
- Elliott, D. E., Ageton, S. S., & Canter, R. J. (1979). An integrated theoretical perspective on delinquent behavior. *Journal of Research in Crime and Delinquency*, 16, 3–27.
- Jang, S. J. (1999). Age-varying effects of family, school, and peers on delinquency: A multilevel modeling test of interactional theory. *Criminology*, 37, 643–686.
- Messner, S. F., Krohn, M. D., & Liska, A. E. (1989). *Theoretical integration in the study of deviance and crime: Problems and prospects*. Albany: State University of New York Press.
- Miethe, T. D., & Meier, R. F. (1994). *Crime and its social context: Toward an integrated theory of offenders, victims, and situations*. Albany: State University of New York Press.
- Moffitt, T. E. (1993). “Life-course-persistent” and “adolescent-limited” antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 674–701.
- Moffitt, T. E., & Caspi, A. (2001). Childhood predictors differentiate life-course-persistent and adolescence-limited antisocial pathways among males and females. *Development and Psychopathology*, 13, 355–375.
- Paternoster, R., & Mazerolle, P. (1994). General strain theory and delinquency: A replication and extension. *Journal of Research in Crime and Delinquency*, 31, 235–263.
- Piquero, A. R., & Brezina, T. (2001). Testing Moffitt’s account of adolescence-limited delinquency. *Criminology*, 39, 353–370.
- Piquero, A. R., Brezina, T., & Turner, M. G. (2005). Testing Moffitt’s account of delinquency abstinence. *Journal of Research in Crime and Delinquency*, 42, 27–54.
- Piquero, A. R., & Hickman, M. (1999). An empirical test of Tittle’s control balance theory. *Criminology*, 37, 319–342.
- Piquero, A. R., & Hickman, M. (2003). Extending Tittle’s control balance theory to account for victimization. *Criminal Justice and Behavior*, 30, 282–301.
- Thornberry, T. P. (1987). Toward an interactional theory of delinquency. *Criminology*, 25, 863–892.
- Thornberry, T. P. (1996). Empirical support for interactional theory: A review of the literature. In J. D. Hawkins (Ed.), *Delinquency and crime: Current theories* (pp. 198–235). New York: Cambridge University Press.
- Tibbetts, S. G., & Piquero, A. R. (1999). The influence of gender, low birth weight, and disadvantaged environment in predicting early onset of offending: A test of Moffitt’s interactional hypothesis. *Criminology*, 37, 843–878.
- Tittle, C. (1995). *Control balance: Toward a general theory of deviance*. Boulder, CO: Westview Press.
- Unnever, J. D., Colvin, M., & Cullen, F. T. (2004). Crime and coercion: A test of core theoretical propositions. *Journal of Research in Crime and Delinquency*, 41, 244–268.
- Wright, J. P., & Cullen, F. T. (2001). Parental efficacy and delinquent behavior: Do control and support matter? *Criminology*, 39, 677–706.

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## CRIMINAL JUSTICE THEORIES

PETER KRASKA

*Eastern Kentucky University*

What is criminal justice theory? Strangely, few academics in criminal justice studies would have a clear answer. Despite the large number of academic programs and scholarly works dedicated to studying criminal justice, the field has hardly asked, let alone answered, this fundamental question (Bernard & Engel, 2001; Duffee & Maguire, 2007; Hagan, 1989; Kraska, 2006; Marenin & Worrall, 1998). Given that a theoretical infrastructure is the intellectual and conceptual core of any legitimate area of study, the time is past due to begin recognizing and developing a theoretical foundation explicitly intended to make theoretical sense of criminal justice.

It is not that criminology and criminal justice studies scholars are not experienced with theory and the activity of theorizing. Researchers in the field have amassed an impressive body of theoretical work. The focus of this work, however, has concentrated mostly on answering the “why” of crime and explaining crime rates. When the term *theory* is used in the field, it usually refers to crime theory. Criminology theory courses and theory textbooks concentrate almost exclusively on explaining crime. Theoretical research in the field, as evidenced by the articles published in the journals *Criminology* and *Justice Quarterly*, mostly test preexisting explanations for crime. The field’s theoretical infrastructure is built on explanations of crime, not criminal justice.

An underlying assumption in the field is that the discipline of criminology is more interested in explaining the why of crime and thus by nature is more theoretically oriented. It

follows, then, that studying criminal justice is necessarily a policy-based pursuit more interested in effecting practical crime-control initiatives, as derived from theories of crime (Gibbons, 1994). Studying criminal justice is tacitly relegated to the limited role of discerning “how to” and “what works”—laudable objectives, but incomplete insofar as understanding the nature of our formal reaction to crime. Dantzker’s (1998) delineation between criminology and criminal justice is typical of this view:

Criminology is the scientific study of crime as a social phenomenon—that is, the theoretical application involving the study of the nature and extent of criminal behavior. Criminal Justice is the applied and scientific study of the practical applications of criminal behavior—that is, the actions, policies, and functions of the agencies within the criminal justice system charged with addressing this behavior. (p. 107)

Are not both criminology and criminal justice studies diminishing their theoretical integrity with this conception? Surely the study of criminal justice, by both criminological and criminal justice scholars, has involved far more than merely describing its functioning and devising means of crime control. There is no reason that the study of criminal justice cannot be approached in the same way Dantzker (1998) views the study of crime. By slightly modifying his quote, criminal justice studies could similarly be viewed as “the scholarly examination of criminal justice as a social phenomenon—that is, the theoretical application involving

the study of the nature and extent of criminal justice behavior.” The notion that the activity of theorizing criminal justice phenomena can somehow be excluded is not only erroneous but also highly damaging to the disciplinary integrity of criminal justice studies.

Some traditional criminological theorists might take exception to this view. After all, they would argue, crime theory has already been used as the foundational material for developing *models* of criminal justice functioning (see Einatder & Henry, 1995). This approach to understanding criminal justice takes traditional crime theories and infers a model of criminal justice functioning based on that particular conception of crime causation. Although modeling criminal justice functioning does shed important theoretical light on the system, even those involved in the activity admit that these models do not constitute the development of theory (Einatder & Henry, 1995). This exercise also reinforces the notion that there can be no other theoretical foundation for understanding criminal justice behavior besides those preexisting theories designed to make theoretical sense of crime.

Some critical criminological theorists might also take exception. Critical criminology has a rich body of work theorizing the behavior of the state, the legal apparatus, trends in social control, and oppressive crime control policies. In fact, compared with their analysis of criminal justice behavior, explaining lawbreaking has been a secondary pursuit. This is one reason critical scholarship often seems out of place in most criminological theory textbooks: Their object of study—an oppressive crime control apparatus—does not coincide well with theories focused only on crime causation. Even when critical criminologists explore the causes of crime, they most often focus on the oppressive features of how the state differentially defines acts as crime among marginalized groups (again, focusing on state behavior). Seen this way, critical criminology is more engaged in theorizing criminal justice than crime.

### Criminal Justice Theory: Varieties and Possibilities

Theorizing crime has proved to be a complex endeavor. The object of study is difficult to identify and agree on, a plethora of theories compete for prominence, and determining the strength and worth of these theories is wrought with controversy and conflicting evidence. This description is not meant as an indictment; instead, criminological theory’s complexity and conflicts render it dynamic and intellectually stimulating.

Theorizing criminal justice possibly harbors even more potential for this type of complexity and stimulation. The central reason is the multifaceted nature of the object of study. The entity called *criminal justice* actually comprises numerous objects of study—including the criminal justice system; each of the major components within that system (police, courts, corrections, juvenile justice); crime control

agencies and practices that fall outside the formal criminal justice system (private sector controls, social services); and other participants in criminal justice, including, but not limited to, academic researchers, the media, the legislative body, and the public.

The following questions are just a sample of the types of inquiry scholars pose when theorizing criminal justice:

- How do we best make theoretical sense of the criminal justice apparatus’s (CJA) long-term historical development?
- What accounts for the steep growth in power and size of the CJA over the last 30 years?
- How do we best make theoretical sense of current and possible future trends associated with the CJA?
- On what theoretical basis can we best understand various controversial issues facing the CJA (e.g., racial profiling, death penalty, erosion of constitutional safeguards, privatization, etc.)?
- On what theoretical basis can we best make sense of past and current criminal justice reform efforts, including what drives them and why they succeed or do not?
- How does the CJA affect the larger society in which it operates; conversely, what societal forces shape the CJA?
- How do we best make theoretical sense of the behaviors of criminal justice practitioners?
- What best explains the internal functioning and practices of criminal justice agencies?

These questions demonstrate that the field’s crime theories, because they have been constructed specifically to explain crime, are insufficient for providing adequate answers. Attempting to explain the behavior of the state, public agencies, the criminal law apparatus, trends in crime control thinking and practice, private crime control organizations, and trends in social control necessitate a theoretical infrastructure unique to these unique objects of study.

Numerous approaches to developing criminal justice theory are possible. One was already mentioned: constructing models of criminal justice functioning based on differing theories of crime. David Duffee (1990) took the more traditional approach by attempting to articulate a general theory of criminal justice grounded in the context of local communities. Of course, the development of a grand theory that accounts for all social, political, economic, and cultural influences would likely be an impractical undertaking. His more recent work (Duffee & Maguire, 2007) essentially argues for the same type of theory work advocated in this chapter. Another avenue has been to answer specific theoretical questions about a specific object of study. David Garland (2001a), for example, limits his theoretical analysis to the question of what accounts for the rapid growth of the criminal justice system over the last 30 years (focusing primarily on the correctional subsystem). Other researchers concentrate on explaining individual practitioner behavior—such as why some police officers engage in corruption. Finally, some

academics have worked on developing normative theories of criminal justice, concentrating on philosophical principles intended to guide criminal justice practices (Braithewaite & Pettit, 1990; Ellis & Ellis, 1989).

## Theoretical Orientations: Infrastructure Beginnings

The problem addressed here has been carefully framed as one of recognition and accessibility. If one conceives of criminal justice theory as a body of literature attempting to make theoretical sense of the various objects of study noted earlier, the problem also lies in the labels that are used to identify particular areas of scholarship.

Labels signify well-guarded intellectual territory. And has already been established, the label *criminal justice studies* is associated with atheoretical research and writing. Accordingly, even groups of scholars targeting their theoretical efforts explicitly on criminal justice phenomena would likely resist having their work identified as “developing criminal justice theory.” They would instead label their endeavors theories of *social control* (sociology proper, sociolegal studies, and sociology of punishment), theories of *late-modern trends in crime control* (punishment and governmentality studies), theories of *oppression* (critical criminology), or theories of *public organization* (public administration). Despite a lack of recognition and conscious pursuit of a theoretical project, there exists a substantial amount of theoretical work about criminal justice phenomena that can be conceived credibly as criminal justice theory.

One good example is the rigorous theoretical work in sociolegal studies and in the sociology of punishment. Here we have a rich intellectual project targeted at theorizing recent shifts in the crime control apparatus (see, e.g., Bauman, 2000; Garland, 1997, 2001a, 2001b; O’Malley, 1999, 2000; Rose, 2000; Simon, 1995; Simon & Feeley, 1994). Theorizing criminal justice in this instance is contextualized within the field of *social control*, which probably accounts for why this highly informative body of work has not had a significant impact on mainstream criminal justice and criminology literature and textbooks. Its influence is starting to take hold, though, in particular in the works of David Garland (*The Culture of Control: Crime and Social Order in Contemporary Society*, 2001a) and Jonathan Simon (“The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications,” Feeley & Simon, 2006; and *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*, Simon, 2007).

Another interesting example can be found in the field of critical criminology. For the last 25 years, scholarship in this area has examined the state’s oppression of marginalized groups (women, the poor, racial minorities, homosexuals) by means of the criminal justice system. This body of work could in fact be viewed legitimately as far more concerned with

developing theories of crime control, specifically, oppressive state behavior, as opposed to crime behavior (see, e.g., Arrigo, 1999; Barak, Flavin, & Leighton, 2001; Martin & Jurik, 1996; J. Miller, 1996; S. L. Miller, 1998; Milovanovic & Russell, 2001; Parenti, 1999; Reiman, 2001; Shelden, 2001). This is the reason critical criminological theory fits awkwardly into traditional crime theory textbooks: The bulk of its explanatory attention concentrates on the behavior of the law, the government, and/or the state. Despite these various avenues for developing criminal justice theory, the field still does not have a well-recognized theoretical infrastructure about criminal justice.

To begin the process of rectifying this situation, Kraska (2004, 2006) has published two works that advance the obvious approach of identifying and articulating the contours of eight different theoretical orientations found in traditional and contemporary scholarship about the criminal justice system and trends in crime control.

A useful first step in mapping the vast terrain of criminal justice theory, therefore, would be to identify and elucidate the basic tenets of the various theoretical orientations that attempt to make sense of criminal justice phenomena. A *theoretical orientation* is simply an interpretive construct: a logically coherent set of organizing concepts, causal preferences, value clusters, and assumptions that work to orient our interpretations and understanding of criminal justice phenomena. The goal would not be to develop a single, testable criminal justice theory; to the contrary, the objective would be to illuminate the multiple theoretical lenses (broad-based interpretive constructs) crime and justice scholars use for helping people understand the behavior of the criminal justice system and trends in crime control.

The network of governmental agencies responding to the crime problem is universally known as the *criminal justice system*. Several theoretical orientations in the field are easily identified—the systems theoretical orientation being the most obvious. Most academics would agree that the systems framework has dominated the field’s thinking and research about criminal justice. The framework is derived from the biological sciences, Parson’s (1951) structural functionalism, and organizational studies. It has a strong reformist element, emphasizing the importance of enhancing criminal justice system coordination, efficiency, rational decision making, and technology.

Table 40.1 illustrates the major features, concepts, and ideas associated with the eight criminal justice theoretical orientations.

Perusal of these eight orientations should demonstrate that the field actually has a rich set of theoretical lenses through which to make sense of criminal justice phenomena, aside from theories about crime. The multitheoretical approach depicted in Table 40.1 not only catalogs the diversity of thinking in the field of study but also avoids the ethnocentric tendency in academics to view phenomena through a single theoretical filter. Even though the systems metaphor has predominated, influential work has

**Table 40.1** Criminal Justice Theoretical Orientations

<i>Major Features</i>	<i>Packer's Crime Control vs. Due Process</i>					<i>Late-Modern</i>
	<i>Rational/Legal</i>	<i>System</i>	<i>Politics</i>	<i>Social Construction</i>	<i>Growth Complex</i>	
Intellectual tradition	Neoclassical Legal formalism	Structural-functionalism Biological sciences Organizational studies	Political science Public administration	Interpretive school Symbolic interaction Social construction	Weber Frankfurt school Critical public administration	Foucault Governmentality literature Postmodernism
Key concepts employed	Rational-legalistic, rule-bound Taken for granted	Functional Equilibrium Efficiency Technology External forces Open system Closed system	Ideology Conflict Symbolic politics Policymaking/ implementing State, community	Myth Reality Culture Symbols Legitimacy Moral panic Impression management Institutional theory	Bureaucracy building Privatization profit Complex Technical rationality Merging complexes	Actuarial justice Neoliberal politics Exclusive society Safety norm Incoherence in CJ policy
Why the rapid CJ expansion in the last 30 years?	Legal reaction to increased lawbreaking (forced reaction theory)	CJ system reacting to increases in crime (forced reaction theory)	Politicians exploiting problem Politicized drug war Shift in ideology	Moral panics Media exploitation Runaway cultural process Crime as scapegoat	Dynasty building Growth complex Merging private with public CJ with military	Crisis in state sovereignty Risk-averse society Growth complex Moral indifference



<i>Major Features</i>	<i>Rational/Legal</i>	<i>System</i>	<i>Packer's Crime Control vs. Due Process</i>	<i>Politics</i>	<i>Social Construction</i>	<i>Growth Complex</i>	<i>Oppression</i>	<i>Late-Modern</i>
Assumptions about agency and practitioner motives	Well-intended Protecting Serving Rule following Law abiding Professionalism	Rational decision makers Efficient Adapting to external forces	Role/goal conflict Mixed messages Mimic the value messages provided from public	Responsive to politics Interest based Ideological pulls Power players	Constructing problems for existing solutions Reacting to moral panics Culturally bound Managing appearances	Self-serving Power-building Quest for immortality Means over ends Bureaucratic survival Technical over moral thinking	Institutional racism, sexism, classism Often unaware of oppressive end result of their own activities	Navigating through massive transformations, late-modern forces Good intentions, disturbing results
Issues of concern	Deterrence Defending the virtues and honor of the CJS	Abuse of discretion cutting-edge technology Streamline/centralize operations	Erosion of constitutional rights Governmental intrusiveness	Federalization Symbolic politics Ideological intensification	Media/ bureaucrat/ political exploitation Mythology Symbolic policies War rhetoric Images of race/gender	Exponential growth Private/public Military/police blur	Violence against women Drug wars impact on marginalized Racial profiling	Growth of system Changes in social control Rise of surveillance society

NOTE: CJ = criminal justice; CJS = criminal justice system.

also used the interpretive orientation (social constructionism/cultural studies); the political framework; the oppression orientation; and, most recently, has studied criminal justice through the lens of late modernity.

The late-modern lens situates the criminal justice apparatus (broadly defined) within macroshifts associated with the current era of human history labeled *late modernity*. Criminal justice and crime control phenomena are best explained as adaptations to five late-modern social conditions:

1. The rise of actuarial justice and the influence of the risk society
2. A neoliberal shift in macropolitics
3. Increasing contradictions and incoherence in crime control policy
4. The decline of sovereign state's legitimacy
5. The ascendance of an exclusion paradigm for managing individuals perceived as posing a safety threat in an increasingly security-conscious society

The late-modern orientation is probably the most theoretically vigorous pursuit of criminal justice/crime control phenomena in the literature today.

### Conclusion: Theoretical and Disciplinary Integrity

In 1998, Marenin and Worrall asserted that “criminal justice is an academic discipline in practice but not yet in theory” (p. 465). Scholars in the field have not placed high value on this endeavor for two primary reasons. The first has already been discussed: Crime theory suffices. The second is more difficult to overcome: Although exploring the why of crime has *prima facie* importance, our field has neither articulated nor acknowledged what value theorizing criminal justice provides. Some people assume, in fact, that studying criminal justice is inherently and necessarily atheoretical because it concentrates on practice. The notion that practice can somehow be severed from theory has been thoroughly debunked in most other major fields of study (Carr & Stephens, 1986; Fay, 1977; Habermas, 1972). Theory and practice are implied in one another; no policy analysis, implementation, strategic plan, or practitioner action is devoid of theory. To deny the integral role theory plays in all these instances is to remain ignorant of its influence.

In a sense, then, theorizing criminal justice is an inherently critical endeavor providing important insights into the systems irrationalities, missteps, and disconcerting implications. Numerous criminal justice issues guide our analysis: the criminal justice apparatus's steep growth in size, power, and punitiveness; controversial new initiatives in the wars on terrorism and drugs; and disparities in the treatment of minorities, women, and the poor. Each of these objects of study necessitates a scholarly scrutiny of immediate causes as well as their larger theoretical context (cultural, political, economic, and sociological forces). Of course, the level at

which this scrutiny is carried out will vary, ranging from a critique of a single administrative practice to perhaps a wholesale critique of the criminal justice growth complex (see Table 40.1, “Growth Complex” column). Theoretically based scrutiny focused on criminal justice and crime control should not be misconstrued as inappropriately critical. It is simply approaching criminal justice as a research problem—similar to the way crime is studied.

Theorizing criminal justice phenomena should also not be viewed as an endeavor intended exclusively for practical change. Numerous scholars in the field find the study of society's reaction to crime intellectually stimulating in and of itself—much like a biologist studies the animal kingdom or an astronomer studies the solar system (see Kraska & Neuman, 2008). The study of humans and organizations attempting to control wrongdoing (and sometimes engaging in wrongdoing while trying to control it) yields intriguing insights about the nature of society, the political landscape, and cutting-edge cultural trends. In short, how we react to crime tells us a lot about ourselves and where our society might be headed.

Theories are repositories for substantive thought; impossible-to-avoid filters for thinking through history and major contemporary issues and trends; the foundational material through which innovative solutions to problems are developed; and the backdrop for all research in the field, whether policy based, descriptive, or theoretical. Numerous contemporary scholars are beginning to study criminal justice using more modern conceptions of systems theory, social constructionism, Foucauldian theory, feminist theory, and late modernism. The time appears right for scholars in the field to begin placing a higher value on developing a theoretical infrastructure about criminal justice. Criminal justice theory should become a normalized presence in the criminal justice and criminology degree programs, its textbooks, and its doctoral training. Nothing less than our disciplinary integrity is at stake.

### References and Further Readings

- Arrigo, B. A. (1999). *Social justice/criminal justice: The maturation of critical theory in law, crime, and deviance*. Boston: Wadsworth.
- Barak, G., Flavin, J. M., & Leighton, P. S. (2001). *Class, race, gender, and crime: Social realities of justice in America*. Los Angeles: Roxbury.
- Bauman, Z. (2000). Social issues of law and order. *British Journal of Criminology*, 40, 205–221.
- Bernard, T., & Engel, R. (2001). Conceptualizing criminal justice theory. *Justice Quarterly*, 18, 1–30.
- Braithwaite, J., & Pettit, P. (1990). *Not just deserts: A Republican theory of criminal justice*. Oxford, UK: Clarendon Press.
- Carr, W., & Stephens, K. (1986). *Becoming critical: Education, knowledge and action research*. London: Falmer Press.
- Dantzer, M. L. (1998). *Criminology and criminal justice: Comparing, contrasting, and intertwining disciplines*. Boston: Butterworth-Heinemann.

- Duffee, D. E. (1990). *Explaining criminal justice: Community theory and criminal justice reform*. Prospect Heights, IL: Waveland Press.
- Duffee, D. E., & Maguire, E. R. (2007). *Criminal justice theory: Explaining the nature and behavior of criminal justice*. New York: Routledge.
- Einstadter, W., & Henry, S. (1995). *Criminological theory: An analysis of its underlying assumptions*. New York: Harcourt Brace.
- Ellis, R. D., & Ellis, C. S. (1989). *Theories of criminal justice: A critical reappraisal*. Wolfeboro, NH: Longwood Academic.
- Fay, B. (1977). *Social theory and political practice*. London: Allen & Unwin.
- Feeley, M. M., & Simon, J. (2006). The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology*, 30, 449–474.
- Garland, D. (1997). Governmentality and the problem of crime: Foucault, criminology, sociology. *Theoretical Criminology*, 1, 173–214.
- Garland, D. (2001a). *The culture of control: Crime and social order in contemporary society*. Chicago: University of Chicago Press.
- Garland, D. (2001b). Epilogue: The new iron cage. *Punishment & Society*, 3, 197–199.
- Gibbons, D. C. (1994). *Talking about crime and criminals: Problem and issues in theory development in criminology*. Englewood Cliffs, NJ: Prentice Hall.
- Habermas, J. (1972). *Knowledge and human interests* (J. J. Shapiro, Trans.). London: Heinemann.
- Hagan, J. (1989). Why is there so little criminal justice theory? Neglected macro- and micro-level links between organizations and power. *Journal of Research in Crime and Delinquency*, 26, 116–135.
- Kraska, P. B. (2001). *Militarizing the American criminal justice system: The changing roles of the armed forces and police*. Boston: Northeastern University Press.
- Kraska, P. B. (2004). *Theorizing criminal justice: Eight essential orientations*. Prospect Heights, IL: Waveland Press.
- Kraska, P. B. (2006). Criminal justice theory: Toward legitimacy and an infrastructure. *Justice Quarterly*, 23, 2.
- Kraska, P. B., & Neuman, L. W. (2008). *Criminal justice and criminology research methods*. Boston: Pearson.
- Mann, C. R. (1995). Women of color and the criminal justice system. In B. R. Price & N. J. Sokoloff (Eds.), *The criminal justice system and women: Offenders, victims, and workers* (pp. 101–129). New York: McGraw-Hill.
- Marenin, O., & Worrall, J. (1998). Criminal justice: Portrait of a discipline in progress. *Journal of Criminal Justice*, 26, 465–480.
- Martin, S. E., & Jurik, N. C. (1996). *Doing justice, doing gender: Women in law and criminal justice occupations*. Thousand Oaks, CA: Sage.
- Miller, J. (1996). *Search and destroy: African-American males in the criminal justice system*. Cambridge, UK: University of Cambridge Press.
- Miller, S. L. (1998). *Crime control and women: Feminist implications of criminal justice policy*. Thousand Oaks, CA: Sage.
- Milovanovic, D., & Russell, K. (2001). *Petit apartheid in the U.S. criminal justice system*. Durham, NC: Carolina Academic Press.
- O'Malley, P. (1999). Volatile and contradictory punishment. *Theoretical Criminology*, 3, 175–196.
- O'Malley, P. (2000). Criminologies of catastrophe? Understanding criminal justice on the edge of the new millennium. *Australian and New Zealand Journal of Criminology*, 33, 153–167.
- Parenti, C. (1999). *Lockdown America: Police and prisons in the age of crisis*. New York: Verso Press.
- Parsons, T. (1951). *The social system*. New York: Free Press.
- Reiman, J. (2001). *The rich get richer and the poor get prison: Ideology, class, and criminal justice*. Boston: Allyn & Bacon.
- Rose, N. (2000). Government and control. *British Journal of Criminology*, 40, 321–339.
- Shelden, R. (2001). *Controlling the dangerous classes: A critical introduction to the history of criminal justice*. Needham Heights, MA: Allyn & Bacon.
- Simon, J. (1995). They died with their boots on: The boot camp and the limits of modern penality. *Social Justice*, 22, 25–48.
- Simon, J. (2007). *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. New York: Oxford University Press.
- Simon, J., & Feeley, M. (1994). Actuarial justice: The emerging new criminal law. In D. Nelken (Ed.), *The futures of criminology* (pp. 173–201). Thousand Oaks, CA: Sage.

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## CONVICT CRIMINOLOGY

STEPHEN C. RICHARDS

*University of Wisconsin–Oshkosh*

GREG NEWBOLD

*University of Canterbury, New Zealand*

JEFFREY IAN ROSS

*University of Baltimore*

Convict criminology (CC) is a relatively new and controversial perspective in the practical field of criminal justice and the academic field of criminology. It provides an alternative view to the way crime and criminal justice problems are usually seen by researchers, policymakers, and politicians—many of whom have had minimal contact with jails, prisons, and convicts.

In the 1990s, CC started because of the frustrations that a group of ex-convict professors felt when reading the academic literature on crime, corrections, and criminal justice. For example, much of the published work on prisons reflected the views of prison administrators or university academics and largely ignored what convicts knew about the day-to-day realities of imprisonment. These former prisoners, who had since obtained higher university degrees, along with some allied critical criminologists, wanted research that reflected the observations and critical assessments of men and women who had done real time.

The emerging field of CC consists primarily of essays, articles, and books written by convicts or ex-convicts studying for or already in possession of PhDs, some of whom are now employed as full-time academics. A number of other scholars sympathetic to the CC view also contribute. Convict criminologists often critique or challenge existing precepts, policies, and practices, thus contributing to a new perspective in the general field of criminology.

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### What Is a Convict Criminologist?

Some areas within the academic study of crime and corrections have shifted little from the pre-20th-century perspectives of Bentham, Beccaria, and Lombroso. These scholars of criminology's "classical" period saw crime as pathological and failed to consider the social and political contexts within which criminal behavior is defined. Although many academic criminologists today hold more enlightened theoretical views, there is a tendency to identify with state-sponsored anti-crime agendas that target marginal populations for arrest, conviction, and incarceration. The result of such traditional approaches is that, of the approximately 2.2 million Americans currently behind bars, the majority belong to ethnic or racial minority groups and are disproportionately poor. Notwithstanding Edwin Sutherland's breakthrough research into white-collar crime in 1940, the monumental crimes against property, the environment, and humanity that are committed by corporations and governments still go largely unprosecuted and unpunished. Identifying, explaining, and critiquing class-based inequalities of this type are of considerable interest to members of the CC group.

This is one of the reasons that some ex-convict and "non-convict" criminology and criminal justice professors self-identify as "convict criminologists" and join the CC fraternity. An academically qualified ex-convict who merges his or her real life experience and the perspectives

derived from it with scholarly research into crime or prisons is generally referred to as a *convict criminologist*. However, having a criminal record is not a precondition of CC membership. So-called “cleanskin” researchers, with publications and work in the field, may also choose to join the group. Together, the collective intention is to conduct research that incorporates the experiences of defendants and prisoners and attempts to balance the representations of media and government. The value of this knowledge is that it may open the door to crime control strategies that are enlightened, humane, and, it is hoped, more effective than what is currently in place.

## Historical Background

Historically, there have been numerous ex-convicts who have worked at universities in a variety of disciplines. Most of them have chosen to “stay in the closet,” so to speak, perhaps because their criminal histories were not relevant to their studies or because they were afraid of negative reactions from their colleagues or employers. One early exception was Frank Tannenbaum, sometimes referred to as the “grandfather of labeling theory,” political activist, former federal prisoner, professor at Columbia University in the 1930s, and one of the first to openly self-identify as an ex-convict. Tannenbaum served 1 year in prison, but he had a successful career first as a journalist, then as a celebrated scholar.

The modern-day intellectual origins of CC began with the published work of John Irwin, especially his books *The Felon* (1970), *Prisons in Turmoil* (1980), and *The Jail* (1985). Irwin served 5 years in prison for armed robbery in the 1950s. In the late 1960s, he was a student of David Matza and Erving Goffman when he completed his PhD at the University of California at Berkeley. Still, even as he became a prominent prison ethnographer, and although many of his colleagues knew his background, his ex-convict history was apparent only to the close reader of his texts. Nevertheless, Irwin was out of the closet, conducting inside-prison research, but still nearly alone in his representation of the convict perspective.

On the heels of Irwin came Richard McCleary, who wrote *Dangerous Men* (1978), a book that came out of his experience and doctoral research when he was on parole from prison in Minnesota. McCleary has gone on to develop a well-respected career as a quantitative criminologist at the University of California at Irvine.

Ten years later, in Canada, an influential academic journal began that specialized in publishing the work of convict and ex-convict authors. Robert Gaucher, Howard Davidson, and Liz Elliot started *The Journal of Prisoners on Prisons (JPP)* in 1988. These Canadian criminologists were disappointed with presentations at the International Conference on Penal Abolition III held in Montreal in 1987, and they were concerned with the lack of prisoner

representation. Twelve months later, *JPP* published its first issue, and to date it has published more than 20 issues featuring convict authors and other critical writers.

Despite these developments, through the 1980s there were still too few ex-convict professors to support Irwin, McCleary, or *JPP* in establishing an agenda based on convict research literature. Although in the 1970s and 1980s, the prison population was growing significantly, only a handful of ex-convicts were completing PhDs in sociology, criminology, and criminal justice. By the late 1980s, however, John Irwin was aware of a growing number of convicts who were gaining higher degrees while in prison or after they got out. At the 1989 American Society of Criminology (ASC) meetings in Reno, Nevada, he spoke to ex-convict professor Greg Newbold, who was attending his first conference, about the need for educated former prisoners to get together and start producing material that reflected their unique experience. He spoke about it regularly from that time forward.

It was at the ASC meetings that the CC concept was finally born. In 1997, Charles S. Terry (then a PhD student at the University of California at Irvine) was complaining to his professor Joan Petersilia about the failure of criminologists to recognize the dehumanizing conditions of the criminal justice system and the lives of those defined as criminal. Petersilia suggested that Terry put together a session for the 1997 ASC conference. Terry invited ex-convict professors John Irwin, Stephen Richards, Edward Tromanhauser, and PhD student Alan Mobley to participate in a session entitled “Convicts Critique Criminology: The Last Seminar.” This was the first time a collection of ex-convict academics had appeared openly on the same panel at a national academic conference. The session drew a large audience, including national media. That evening, over dinner, Jim Austin, Irwin, Richards, and Terry discussed the importance and possibilities of ex-convict professors working together to conduct inside studies of prisons and other criminological matters. Thus the group that became known as “convict criminologists” was eventually formed.

In the spring of 1998, Richards spoke with Jeffrey Ian Ross, a scholar (then working at the National Institute of Justice) and a former correctional worker about the possibility of editing a book using manuscripts produced by ex-convict academics. Almost immediately, Ross and Richards sent out formal invitations to individuals, including ex-convict professors and graduate students and well-known critical authors of work on corrections. In short order, a proposal was written that would eventually result in the 2003 book *Convict Criminology* (Ross & Richards, 2003).

At the ASC’s 50th annual meeting in 1998 in Washington, D.C., Richards, Terry, and another ex-convict professor, Rick Jones, appeared on a panel honoring the famous critical criminologist Richard Quinney. Meanwhile, the group used the conference as an opportunity to find and recruit additional ex-convict professors and graduate students. Jones and Dan Murphy joined the informal discussion. The following year, at the ASC meeting in Toronto, Ontario, Canada, Richards

organized the first official sessions entitled “Convict Criminology.” The two sessions, called “Convict Criminology: An Introduction to the Movement, Theory, and Research—Part I and Part II,” included ex-convict professors Richards, Irwin, Tromanhauser, and Newbold (invited from New Zealand); ex-convict graduate students Terry, Murphy, Warren Gregory, Susan Dearing, and Nick Mitchell; and “non-con” colleagues Jeffrey Ian Ross, Bruce Arrigo, Bud Brown, Randy Shelden, Preston Elrod, Mike Brooks, and Marianne Fisher-Giorlando. A number of the papers presented at these two sessions were early versions of chapters that would later be published in *Convict Criminology* (Ross & Richards, 2003). From here the activities of the group have continued to expand, with nearly 30 CC sessions having been recorded at major criminology and sociology conferences as of 2008.

Richards and Ross coined the term *convict criminology*. In 2001, they published the article “The New School of Convict Criminology” in the journal *Social Justice*; in it, they discussed the birth and definition of CC and outlined the parameters of the movement and its research perspective. In 2003, they published the edited book *Convict Criminology* (Ross & Richards, 2003), which included chapters by the founding members of the group. The book’s foreword was written by Todd Clear, the preface was written by John Irwin, and it contained eight chapters by ex-convict criminologists as well as a number of supporting contributions from non-con colleagues writing about jail and prison issues. This was the first time ex-convict academics had appeared in a book together that included discussions of their own criminal convictions, their time in prison, and their experiences in graduate school and as university professors. In 2008, an ASC Presidential Plenary Convict Criminology Session was held, featuring Dave Curry, Irwin, Richards, and Ross.

### Convict Criminologists in 2008

The CC group is informally organized as a voluntary writing and activist collective. There is no formal membership or assignment of leadership roles. Different members inspire or take responsibility for assorted functions, for example, lead author on academic articles, research proposals, or program assessments; mentoring students and junior faculty; or taking responsibility for media contact. The group continues to grow as more prisoners exit prison to attend universities, hear about the group, and decide to contribute to its activities. New members typically resolve to “come out” when they are introduced to the academic community at ASC or Academy of Criminal Justice Sciences conferences.

Today, the former prisoners of the CC group can be roughly divided into four categories. The first consists of the more senior members, all full or associate professors, some of whom already have distinguished research records. The second group consists of newly graduated

PhD candidates who have recently entered the academic profession or are still looking for jobs. This group is just beginning to contribute to the research field. Within the third group are graduate student ex-convicts, some still in prison but nonetheless anticipating academic careers. The fourth group consists of men and women behind bars who already hold advanced degrees and publish academic work about crime and corrections. A number of them have authored or coauthored books and refereed articles with “free world” academics and are more frequently published than many professors. About the time that *Convict Criminology* (Ross & Richards, 2003) first appeared in print, several book publishers began taking the risk of publishing manuscripts written by prisoners assisted by established academics (e.g., Johnson & Toch, 2000).

At present, the CC group includes men and women ex-convict academics from Australia, Canada, Finland, New Zealand, Sweden, the United Kingdom, and the United States. The United States, with the largest prison population in the Western world, continues to contribute the most members.

Although such individuals provide CC with its core membership, some of the most important contributors may yet prove to be scholars who have never served prison time. A number of these authors have worked inside prisons or have conducted extensive research on the subject. The inclusion of these non-cons in the new school’s original cohort provides the means to extend the influence of the CC while also supporting existing critical criminology perspectives.

Convict criminologists, of course, are not the first to critique prisons and correctional practices. Many authors in the past have raised questions about prisons and suggested realistic reforms. Clear, in his foreword to the second edition of McCleary’s *Dangerous Men* (1992), wrote, “Why does it seem that all good efforts to build reform systems seem inevitably to disadvantage the offender?” (p. ix). The answer is that, despite the best intentions, reform systems have often ended up producing the opposite effects of what was intended. While recognizing that prisons are not built for the benefit of criminals, to achieve a desired outcome, a prudent social policy architect should surely consult members of the client group. One of the objectives of CC is to provide heuristically informed research and expertise of this type.

As is usually the case in academia, CC builds upon the foundations provided by chosen intellectual mentors. Erving Goffman, for example, made an enormous contribution with the insightful analysis of asylums (1961) and the development of the notion of stigma (1963). The scholarly work of Frank Tannenbaum (1938) on the dramatization of evil is also significant, as is the prolific work of critical criminologists such as Richard Quinney and William Chambliss. Many others, far too numerous to mention here, who have deconstructed myths, challenged

the taken-for-granted, and searched for alternative meanings have impacted what people do and the way they think.

## Dealing With Discrimination and Providing Mutual Support

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In America, perhaps more than in other Western nation, felons suffer discrimination nearly everywhere they go in respectable society, in particular when applying for employment. Many end up giving in, opting instead for marginal lives and/or a return to crime.

Like other released prisoners, educated ex-convicts have also suffered discrimination when they enter universities. Academia, for all its liberal pretense, quest for diversity, and support for affirmative action, is often a hostile environment for ex-convict students and faculty. Many universities ask criminal history questions on student admission forms, and students may be denied financial aid, campus housing assignments, and employment because of their past convictions. Ex-convicts can legally be denied admission to graduate programs or graduate assistantship stipends in some states.

In a similar fashion, faculty appointments, promotions, and tenure may be subject to criminal background checks. Ex-convicts with PhDs may find it hard getting jobs or, if given jobs, they may be passed over for tenure, promotion, or consideration for administrative positions. Some university administrators may feel uneasy about having their photos taken with ex-convict professors. Other universities may be concerned that employing ex-convict professors will tarnish the image or reputation of their institutions. At some schools, ex-convict students and junior professors have reported faculty advising them to hide their past, conceal their identity, or simply keep a low profile, for example, by refusing media interviews, or publishing without discussing their criminal histories.

Senior members of the CC group ruminate over these matters frequently and consider responses to them. Matters relating to appointment, promotion, tenure, relationships with staff and students, and the problems people with criminal records have with international travel are all discussed within the group, and knowledge about how to deal with such issues is shared. As a convicted drug dealer, for example, Newbold is prohibited from entering many countries including (and especially) the United States. Yet he has entered the United States legally on a large number of occasions and travels regularly around the world. He readily shares with the group the lessons he has learned and the knowledge he has gained about obtaining foreign entry visas. Many ex-convicts in the group are concerned they will not be allowed to clear customs when attempting to enter foreign countries.

A number of convict criminologists have discussed the treatment they have experienced since being released from prison in the chapters they wrote for *Convict Criminology*. Some members have also talked of discrimination when

interviewed by the media. Conversely, others have acknowledged the assistance they received from faculty and other persons sensitive to the pressures they are under.

As noted, problems with negative discrimination may be greater in the United States than in other nations. The United States is notoriously unforgiving where crime is concerned, being the only nation in the West that practices capital punishment and having a prison population approximately 4 times the size, on a per capita basis, of any other Western jurisdiction. The experience of non-American convicts is different from those in the United States. Newbold, for example, who served a 7½-year sentence in New Zealand for selling heroin in the 1970s, has felt no obvious university discrimination at all. Paroled from prison, he won a prestigious doctoral scholarship, had no problem getting a job, has been rapidly promoted, and is now the most senior ranked member of the sociology department at the University of Canterbury. Although his criminal record is well-known, he has become one of New Zealand's leading criminologists, and he moves easily within both criminal and law enforcement circles without comment or disadvantage. His experience, which is typical of ex-criminals in his country who have made efforts to get ahead, is that people judge an individual on his or her merits and go out of their way to help.

In America, however, where the situation is different, there are numerous ex-convict graduate students and faculty in the social sciences who choose to hide their criminal pasts for fear of professional recriminations, including losing their jobs, being denied research support, and exclusion within their communities. Some may even teach criminology or criminal justice courses, and publish on jails and prisons, yet still feel compelled to continue the deception.

## The Activities of the Convict Criminology Group

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Members of the CC group mentor students; organize sessions at regional and national conferences; collaborate on research projects; coauthor articles and monographs; help organize and support numerous groups and activities related to criminal justice reform; provide consulting services; and organize workshops for criminal defense attorneys, correctional organizations, and universities. For example, some members of the group have worked on major prison research projects in California, Illinois, Iowa, Kentucky, and Ohio. In New Zealand, Newbold has served a total of 13 government policy agencies either as a consultant or as a bona fide member. Collectively, the group has published books, journal articles, and book chapters using autoethnographic or insider perspectives. Private foundations, including the Soros Foundation Open Society Institute, have supported CC activities, including conference presentations and research. Individuals may serve as consultants or leadership for community groups working on prison issues or legislation.

The local and national media are interested in how convicts become professors and in their insider expertise, and they frequently interview group members. This is a powerful way of dispelling popular myths about criminals, making it important that convict criminologists become media savvy and learn how to answer questions in a clear, direct, informed, and concise way. The media love “good talent,” and journalists will continually return to contacts who provide them with useful copy. The media may also ask ex-convict professors to provide contacts for other stories. Ex-convict professors may also engage friendly journalists to assist with media promotion of CC work in universities, academic programs, and/or correctional programs. Media stories about the group have appeared in print in many countries.

All CC members mentor students with felony records at their respective universities. In doing so, they assist these students with the difficult job of adjusting to how having a criminal record may effect their expectations for deciding on academic programs and careers. Assistance may include parole board appearances, academic advising, emotional support, and/or preparation for employment or admission to graduate programs. Many group members also act as role models or advisors for convicts or ex-convicts who might be thinking about attending university. This mentoring of convicts, both young and old, recidivist or naive, is one of the convict criminologist’s most important roles. In a country like the United States, where more than 500,000 men and women get out of prison every year, there is a large potential population of former prisoners who will attend universities.

As a consequence of this work, CC is now being taught in universities as well as in prisons, providing a perspective that may be used as part or all of a course, or simply integrated throughout. In Wisconsin, a program called “Inviting Convicts to College” has been in place since 2004, training pairs of undergraduate intern instructors to go inside prisons to teach a free college programs entitled “Convict Criminology.” The course uses the book *Convict Criminology* (Ross & Richards, 2003), donated by the publisher, to inspire the prisoners. The course is taught 2 hours a week, for 14 weeks, and is supervised by ex-convict professors. Prisoners exiting prison use the course as a bridge to entering college, with the final weeks of the course including instruction on completing and submitting admission and financial aid forms. The prisoners soon learn that admission to college and financial aid grants and loans can be a viable parole plan. The program has already helped a number of prisoners to enter universities, where they receive advice and mentoring from members of the CC group.

### Important Contributions

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CC continues to grow as numerous articles and books are added to the literature and the perspective is discussed in textbooks. The CC group emphasizes the use of direct observation and real-life experience in understanding the

different processes, procedures, and institutional settings that comprise the criminal justice system. The methodology includes correspondence with prisoners, face-to-face interviews, retrospective interpretation of past experiences, and direct observation inside correctional facilities. The group is especially skilled in gaining entry to prisons, writing research questions, composing interview questionnaires in language that convicts can understand, and in analyzing prison records and statistics.

Much of the academic literature to date has discussed “the prison” abstractly, with little detail or differentiation between security levels, state or federal systems, or location within the country. When details were provided—for example, on prison conditions or social groups within the prison—the sources were often outdated. In addition to failing to identify the facility, state, or system, other articles have been written without interviewing the prisoners.

The CC perspective has contributed to the updating of studies on corrections and community corrections by remedying these deficiencies. CC scholars name the research sites so that the conditions they observe, and the concerns they raise, can be addressed. Although they are trained as scientists, they do not forget their duty to report what they find and help translate it into policy recommendations. With nearly 7 million Americans currently in the custody of correctional supervision, this is a critically important function.

### Ethnographic Methodologies: Insider Perspectives

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CC specializes in on-site ethnographic research, in which a researcher’s prior experience with imprisonment informs his or her work. Investigators are comfortable interviewing in penitentiary cellblocks, in community penal facilities, or on street corners, using a method that may include a combination of survey instruments, structured interviews, informal observation, and casual conversation. As former prisoners, convict criminologists know the “walk” and “talk” of the prisoners, how to gain the confidence of men and women who live inside, and how to interpret what they say. They also know prison rules and regulations and require less prison staff time for orientation and supervision. As a result, they have earned a reputation for collecting interesting, useful, and sometimes controversial data.

A number of significant ethnographic studies have emerged from this research. Irwin, for example, who served prison time in California, drew on his experience to write *The Felon* (1970), *Prisons in Turmoil* (1980), *The Jail* (1985), and *It’s About Time* (Austin & Irwin, 2001). McCleary, who did both state and federal time, wrote his classic *Dangerous Men* on the basis of his participant observation of parole officers. Terry, a former California and Oregon state convict, wrote about how prisoners used humor to mitigate the managerial domination of penitentiary authorities. Newbold wrote the New Zealand



bestseller *The Big Huey* (1982) about his 5 years inside, followed by *Punishment and Politics* (1989), *Crime in New Zealand* (2000), *The Girls in the Gang* (Dennehy & Newbold, 2001)), and *The Problem of Prisons* (2007), all of which have analyzed crime and corrections in his country. Richards and Jones, both former prisoners, used inside experience to inform their studies of prisoners returning home. Finally, Ross and Richards coauthored *Behind Bars* (2002) and coedited *Convict Criminology* (2003).

In their writing, group members are deliberately careful about the type of terminology they use, recognizing the powerful effect that certain forms of language may have. Official terms, such as *correction* (imprisonment), *adjustment* (segregation), *behavior management* (solitary confinement), and *control and restraint* (bashing/gassing/electrocuting/handcuffing) is a way that prison administrators sanitize some of the less savory functions they perform. Convict criminologists are conscious of this and try not to use what they believe are misleading euphemisms in their writing. Conversely, there is also a lexicon of negative terminology of which we are equally aware. Referring to someone as a “robber,” a “burglar,” a “murderer,” or a “rapist,” for example, conjures up misleading stereotypical images created by sensationalistic fiction. The world is not easily dichotomized into “bad guys” and “good guys” as some television law-and-order shows or action movies might imply. In the real world, people who work or have lived with felons are often surprised at the reserve, sensitivity, gentility, and good humor of people who may have been convicted in the past of serious crimes. Working on the principle that a person is more than the worst thing he or she ever did, convict criminologists try to avoid referring to people in terms of the crime of which they were convicted, as if this were their master status. Instead, if they do allude to a person’s offending, it is usually in terms of the act itself rather than as a component of identity. In prison, they learned that you have to take some time to get to know a person, and when you do, you find that person’s crime may indicate very little about him or her.

## Convict Criminology Policy Recommendations

In terms of policy initiatives, CC has two general orientations. First, convict criminologists wish to see a cessation of what Austin and Irwin (2001) called the “imprisonment binge” in America, which began in the 1980s and has caused the national prison population to more than double since 1990. The result has seen millions of citizens incarcerated, with immense cost to the taxpayer in terms of prison construction, operation and maintenance, overcrowded courts, overworked parole and probation authorities, and overburdened welfare agencies to which falls the task of supporting families whose primary breadwinner has been removed.

The reasons for the hike in prison numbers are well-known and have little to do with crime rates. At the base of the problem are certain elements within the mass media that exaggerate and sensationalize crime in the quest of increasing their market share of reader- or viewership. Citizens startled by the false specter of a “crime wave” are then preyed on by politicians who, trying to outbid their opponents for votes, attempt to allay public fears by promising to lock criminals up for long periods of time. Cruel sentencing laws have caused millions of petty offenders to receive extraordinarily long sentences. These laws have been complemented by the imposition of long parole periods after release, with strict conditions, rigorous monitoring, and hair-trigger violation components. By these mechanisms, released prisoners may be summarily returned to prison for supervision rule violations as trivial as having a beer, living at an unapproved address, failure to secure employment, or a bad drug test. U.S. prisons are increasingly being filled up by petty violators of this type, who, after years of crime-free liberty, can suddenly lose their jobs, marriages, and homes as a result of an unexpected visit from a gung-ho parole officer. Living with the Sword of Damocles dangling so precariously over their heads adds markedly to the stressful lives of prison parolees and decreases their ability to adjust to civil life though winning good jobs, getting married, and creating stable families.

The second orientation of the CC group concerns prison conditions themselves. Partially as a result of burgeoning prison populations, rising incarceration costs, crowded prison conditions and a thinning of resources, prison conditions have deteriorated (Ross, 2008). Budgets have tightened, and many prison programs have disappeared. An article written by Robert Martinson in 1974, which argued strongly that “nothing works” in prison reform, added weight to arguments that spending money on programs is a waste of time. This encouraged many American jurisdictions, already struggling under rising populations, to abandon programs and invest instead in expensive high-tech surveillance and security to manage prisoners. Thus, many prisons became warehouses for felons, where criminals are essentially kept in cold storage until they are paroled or their sentences expire. Unprepared for life in the real world after years of stagnation in the artificial environment of the prison, it is little wonder that so many are unable to survive on release and end up back inside.

These kinds of critical issues are the grist to the mill of the convict criminologist. Convict criminologists are committed to understanding and attempting to remedy the processes that have given the “land of the free” the largest and fastest-growing prison population in the history of the Western world. Within the context of the prison itself, they share a determination to expose and address a carceral environment that, although ostensibly created to prevent a prisoner from future offending, in fact produces social cripples whose return to a felonious lifestyle and further incarceration is virtually ensured.

In pursuit of the first objective, the CC group advocates dramatic reductions in the national prison population through a review of the kinds of crimes that get people sent to prison, shorter sentences, and an examination of the parole system. They argue for imprisonment only as a last resort for serious crimes, a return to more extensive use of diversion to community programs, and restrictions on parole length and reimprisonment for petty violations.

In pursuit of the second objective, convict criminologists support the closing of large-scale penitentiaries and reformatories where prisoners are warehoused in massive cellblocks. Over many decades, the design and operation of these “big house” prisons has dehumanized inmates and resulted in high levels of intimidation, serious assault, and sexual predation. A reduced prison population housed in smaller institutions could be accomplished by constructing or redesigning prison housing units with single cells or rooms, as is the case in many other advanced industrialized countries. In small prisons where prisoners are held in single-celled units of no more than 60, maintaining control and security is easier, and the incidence of sexual predation is close to zero. A number of European countries follow a similar model.

In addition to the preceding, legislators and policymakers need to listen carefully to prisoner complaints about bad food, old uniforms, lack of heat in winter or air-conditioning in summer, inadequate vocational and education programs, and institutional violence. The list grows longer when one takes a careful look at how these conditions contribute to prisoners being poorly prepared to reenter the community and the large number who return to prison.

Programs that were dissolved after the population boom began in the 1980s need to be reactivated. Prisoners should be provided with opportunities for better-paid institutional employment, advanced vocational training, higher education, and family skills development. Although it is true that most institutions have token programs that serve a small number of prisoners—for example, a prison may have paid jobs for 20% of its prisoners, low-tech training, a GED program, and occasional classes in life skills or group therapy—the great problem is that these services are dramatically limited in scope and availability.

Another matter that concerns convict criminologists is voting rights. The United States is one of the few advanced industrial countries that continues to deny prisoners and felons voting rights. If convicts could vote, many of the improvements suggested here might become policy, because politicians would be forced to campaign for convict votes. State and federal government will begin to address the conditions in prisons only when prisoners and felons become voters. One would not expect prisoners to be any less interested than free persons in exercising their right to vote. To the contrary, if polling booths were installed in jails and prisons, voter turnout would likely be higher than in most outside communities.

To prevent relapses into offending caused by desperation, convict criminologists advocate that prisoners released from prison should have enough “gate money” to allow them to pay for up to 3 months of rent and food. They could

earn some of this money working in prison industries, with the balance provided by the state. All persons exiting correctional institutions should have clothing suitable for applying for employment, eyeglasses (if needed), and identification (social security card, state ID or driver’s license, and a copy of their institutional medical records).

The final and perhaps most controversial policy recommendation is eliminating the “snitch” system in prison (i.e., using inmates as informants). The snitch system is used by guards in old-style institutions to supplement their surveillance of convicts. It is used to control prisoners by turning them against each other and is therefore responsible for ongoing institutional violence. If our recommendations for a smaller population, single-cell housing, better food and clothing, voting rights, and well-funded institutional programming were implemented, the snitch system would become redundant. Small units are easier to manage and the demoralizing and dangerous cooptation of snitching inmates to assist in operational functions is unnecessary.

## Conclusion

Since the conception of the CC group more than a decade ago, there has been a steady increase in the number of ex-convict academics willing to step forward and become a part of it. In doing so, they show a willingness to challenge the taken-for-granted and offer fresh insights into some of the oldest questions in sociology and criminology/criminal justice. As the group grows and these observations accumulate, a more complete and relatively current picture of modern prisons begins to emerge (see Irwin, 2005; Jones & Schmid, 2000; Newbold, 2007; Ross & Richards, 2002; Terry, 2003). Members of the group are able to write with authority about what they have observed or experienced in prisons located in different states and different countries.

The CC literature is now being cited regularly in textbooks and academic journals. There is a greater appreciation for first-person (auto-ethnographic) and retrospective accounts. Like Marx standing Hegel on his head, a social scientist needs to invert the musing of the philosopher. The CC collective encourages the exploration of alternative explanations and remedies that emanate from different perspectives drawn from extraordinary experiences. If academics wish to have a truly rounded picture of what happens in criminal justice, they need to listen to the victims of the system as well as to its architects and operators. It is only with the benefit of full and comprehensive knowledge that effective public policy can be drafted.

## References and Further Readings

- Austin, J., & Irwin, J. (2001). *It's about time: America's imprisonment binge*. Belmont, CA: Thomson Learning.
- Carceral, K. C. (2004). *Behind a convict's eyes: Doing time in a modern prison* (T. J. Bernard, L. F. Alarid, B. Bikle, & A. Bikle, Eds.). Belmont, CA: Wadsworth.

- Clear, T. (1992). Foreword. In R. McCleary, *Dangerous men: The sociology of parole* (2nd ed., pp. vii–x). Monsey, NY: Criminal Justice Press.
- Dennehy, G., & Newbold, G. (2001). *The girls in the gang*. Auckland, New Zealand: Reed.
- Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. Garden City, NY: Anchor Books.
- Goffman, E. (1963). *Stigma: Notes on the management of a spoiled identity*. Englewood Cliffs, NJ: Prentice Hall.
- Irwin, J. (1970). *The felon*. Englewood Cliffs, NJ: Prentice Hall.
- Irwin, J. (1980). *Prisons in turmoil*. Boston: Little, Brown.
- Irwin, J. (1985). *The jail*. Berkeley: University of California Press.
- Irwin, J. (2005). *The warehouse prison: Disposal of the new dangerous class*. Los Angeles: Roxbury.
- Johnson, R., & Toch, H. (2000). *Crime and punishment: Inside views*. Los Angeles: Roxbury.
- Jones, R. S., & Schmid, T. (2000). *Doing time: Prison experience and identity among first time inmates*. Stamford, CT: JAI Press.
- Martinson, R. (1974). What works? Questions about prison reform. *The Public Interest*, 35, 22–54.
- McCleary, R. (1978). *Dangerous men: The sociology of parole*. New York: Harrow & Heston.
- Newbold, G. (1982). *The big Huey*. Auckland, New Zealand: Collins.
- Newbold, G. (1989). *Punishment and politics: The maximum security prison in New Zealand*. Auckland, New Zealand: Oxford.
- Newbold, G. (2000). *Crime in New Zealand*. Palmerston, New Zealand: Dunmore.
- Newbold, G. (2007). *The problem of prisons*. Wellington, New Zealand: Dunmore.
- Richards, S. C., & Ross, J. I. (2001). The new school of convict criminology. *Social Justice*, 28, 177–190.
- Ross, J. I. (2008). *Special problems in corrections*. Upper Saddle River, NJ: Prentice Hall.
- Ross, J. I., & Richards, S. C. (2002). *Behind bars: Surviving prison*. New York: Alpha/Penguin.
- Ross, J. I., & Richards, S. C. (2003). *Convict criminology*. Belmont, CA: Wadsworth.
- Sutherland, E. H. (1940). White collar criminality. *American Sociological Review*, 5, 1–12.
- Tannenbaum, F. (1938). *Crime and community*. New York: Columbia University Press.
- Terry, C. M. (2003). *The fellas: Overcoming prison and addiction*. Belmont, CA: Wadsworth.



# PART IV

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## MEASUREMENT AND RESEARCH IN CRIMINOLOGY

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# DRUG ABUSE WARNING NETWORK (DAWN) AND ARRESTEE DRUG ABUSE MONITORING (ADAM)

DENISE HERZ

*California State University, Los Angeles*

CHRISTINE CROSSLAND

*U.S. Department of Justice*

At the turn of the 20th century, the U.S. government began instituting laws to reduce the availability of illicit drugs and to criminalize their use. The passage of laws continued and eventually culminated in 1971, when the first war on drugs was declared by President Nixon. As a result, stricter anti-drug laws were passed at the state and federal levels, and the Drug Enforcement Agency was created to enforce federal laws throughout the nation. Legislative reaction to illicit drug use primarily originated from concerns about marijuana, cocaine, and opiate use; however, the use of methamphetamine, club drugs (e.g., Ecstasy, LSD), and the illegal use of prescription drugs has garnered substantial attention from policymakers and law enforcement over the last 10 to 20 years.

Despite increased concerns over the use of these drugs, accurately documenting the extent of the drug problem was impossible until the 1970s because there were no standardized surveillance systems to measure the type or extent of drug use across the nation. To address this issue, the U.S. government began funding national data collection systems. Two primary data systems established during this time were the Drug Abuse Warning System (DAWN) and the Arrestee Drug Abuse Monitoring Program (ADAM, originally known as the Drug Use Forecasting Program).

## Drug Abuse Warning Network

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DAWN was established in 1972 as a national surveillance system to measure drug-related morbidity and mortality using data from hospital emergency departments (EDs) and medical examiners/coroners. Originally, DAWN was administered by the Drug Enforcement Agency and the National Institute on Drug Abuse, but federal law, Section 505 of the Public Health Service Act (42 U.S.C. 290aa-4), now requires the Substance Abuse and Mental Health Services Administration (SAMHSA), an agency of the U.S. Department of Health and Human Services, to collect nationwide data on morbidity and mortality. Currently, oversight of DAWN is managed by SAMHSA's Office of Applied Studies.

For over a decade, DAWN data were collected from a convenience sample of hospital EDs, medical examiners, and coroners from across the United States. Sampling design limitations, however, rendered the data useless for producing national estimates of drug morbidity or mortality. To address this problem, DAWN data in 1988 were drawn from a representative sample of 24-hour hospital EDs in nonfederal short-stay general medical/surgical hospitals throughout the coterminous United States. Data collection from medical examiners/coroners, on the other hand, continued to be based on a nonprobability sample.

The primary purpose of DAWN was to be a first indicator of the serious consequences of drug use. In serving this purpose, it was anticipated that DAWN would help quantify the nation's drug problem; monitor drug use trends over time; and guide resource allocation decisions at the local, state, and federal levels. Unfortunately, the realization of these goals fell short. In reality, DAWN was not able to produce results in a timely manner, its focus was too limited and did not consider broader issues of health, the quality of its data was questionable because of methodological limitations, and its methodology did not account for changes in the health care system. Consequently, the future of DAWN was questionable until a 1997 expert review panel convened by SAMHSA validated the importance of DAWN and recommended that it continue with substantial revision.

A 2-year evaluation of DAWN was commissioned in 1999 to identify how the program should be revised; specifically, the evaluation addressed whether (a) DAWN was collecting the right type of data to meet its goals, (b) the data DAWN collected were valid and efficiently collected, and (c) whether DAWN information could be delivered to policymakers and communities more effectively. The results of the evaluation (published in 2001) resulted in the development of New DAWN in 2003. In particular, New DAWN was born with a new sampling design, new case criteria, expanded data collection, and improved quality control.

### A New Sampling Design

To collect data on drug-related ED visits, New DAWN uses a longitudinal, probability sample of nonfederal, short-stay, general surgical and medical hospitals with at least one 24-hour ED in all 50 states. More metropolitan sites were included in sample selection, and the boundaries for 13 of 21 original DAWN metropolitan areas were redrawn. Hospitals eligible to participate in DAWN were initially drawn from the 2001 American Hospital Association Annual Survey Database, which is a national registry of U.S. hospitals. The DAWN sampling frame (i.e., hospitals eligible for DAWN participation) is annually updated with newly established hospitals using this database.

New DAWN hospital samples were (and continuously are) drawn using a stratified simple random sampling approach. Stratification was based on (a) geography (i.e., Metropolitan Statistical Areas and the remainder of the nation) and (b) hospital ownership and size. This process was used to identify 54 geographic units. Fifty-three of these units represent metropolitan areas (e.g., 48 metropolitan areas, 2 subdivisions each for 3 of these metropolitan areas, and 3 subdivisions for 1 of these metropolitan areas). The 54th unit of the New DAWN sample is also known as the *supplemental sample*, which is intended to augment the metropolitan samples in order to yield a more complete national sample.

Sampling changes were less dramatic for medical examiners/coroners. As indicated earlier, a nonprobability sample of participating medical examiners/coroners was used for DAWN data collection even after probability sampling was implemented in 1988 for hospital EDs. A critical problem for improving sampling methods for drug-related mortality was the variability in criteria for death investigations across jurisdictions, which prevented the use of a probability sampling design. However, because DAWN is currently the only large-scale surveillance system that collects data directly from medical examiners and coroners, it was retained in New DAWN with sampling improvements rather than a redesign. To improve the sample of medical examiners/coroners, all medical examiners/coroners were recruited from the ED target areas and six statewide systems (Maine, Maryland, New Hampshire, New Mexico, Utah, and Vermont) were added to the sample. Because probability sampling was not possible for drug-related mortality, it is important to remember that national estimates for drug mortality are not possible.

### New Case Criteria

Under Old DAWN, inclusion of ED cases required designated DAWN recorders at each site to infer the patients' intent of use from medical charts; specifically, they were required to identify cases that were "induced by or related to" drug abuse; consequently, a range of visits related to drug use was excluded from data collection. New DAWN criteria no longer limit inclusion of ED cases to drug abuse. The program now requires a systematic review of all ED charts to identify any type of drug-related visit. Medical examiner/coroner data now also include any type of drug-related death. Thus, New DAWN data comprise episodes and deaths that result from drug abuse and misuse, suicide attempts/completed suicides, overmedication, adverse reactions, accidental ingestions, malicious poisoning/homicide by drugs, underage drinking, patients seeking detoxification or drug abuse treatment (ED only), and other deaths related to drugs (medical examiner/coroner only).

### Expanded Data Collection

In revising DAWN, data items without purpose were eliminated, and new data items were added to improve the description of cases and help distinguish different types of drug-related visits. Currently, DAWN data for ED visits capture patient demographics, the type of drug involved, the route of administration, the type and disposition of the case, presenting complaint, diagnosis, and case narrative. DAWN data for deaths include the demographics of the deceased, the type of drug involved, the route of administration, the involvement of the drug in the death, the manner of death,

and the cause of death. The following types of drugs are included in data collection:

- Illegal drugs, such as heroin, cocaine, marijuana, and Ecstasy
- Prescription drugs, such as Prozac, Vicodin, OxyContin, alprazolam, and methylphenidate
- Over-the-counter medications, such as aspirin, acetaminophen, ibuprofen, and multi-ingredient cough and cold remedies
- Dietary supplements, such as vitamins, herbal remedies, and nutritional products
- Psychoactive, nonpharmaceutical inhalants
- Alcohol in combination with other drugs
- Alcohol alone, in patients aged less than 21 years

Ultimately, the data changes expanded New DAWN's coverage to include any ED visit or death "at any age, for any drug, for any reason." This substantially increased the utility of the data and expanded New DAWN's focus from documenting drug abuse to documenting drug use, misuse, and abuse and relating these dimensions of use to health consequences.

### Improved Quality Control

One of the most debilitating criticisms of Old DAWN was that of poor data quality. As mentioned, identification of eligible cases was previously subject to reporter assessments about the drug-related nature of the visit or death, and training for reporters did not assure consistency across sites. Missing data was often a problem, reducing the usefulness of the data. Data reporting was done using outdated methods, substantially delaying the production and distribution of results.

To address these issues, New DAWN eliminated reporter assessments of intent and instituted rigorous training for reporters. In addition, strict quality assurance mechanisms were instituted, including data validation at data entry, automatic prompts for reporters, the use of a drug look-up database, and performance feedback for individual sites. Data are now submitted electronically, and de-identified data related to ED visits are made available to participating sites in real time via the Internet.

These changes substantially change the nature and strength of New DAWN data. They address the criticisms lodged at Old DAWN and help the program accomplish its original goals. These changes, however, make comparisons between Old DAWN data and New DAWN data impossible. Scholars must remember the incompatibility of the two iterations when reviewing, assessing, and reporting DAWN results across different time periods.

### Selected Results for Emergency Department Visits

In 2005, hospitals in the United States delivered a total of 108 million ED visits, of which an estimated 1.4 million were related to the misuse or abuse of drugs:

- 31% involved illicit drugs only
- 27% involved pharmaceuticals only
- 7% involved alcohol only in patients under the age of 21
- 14% involved illicit drugs with alcohol
- 10% involved alcohol with pharmaceuticals
- 8% involved illicit drugs with pharmaceuticals
- 4% involved illicit drugs with pharmaceuticals and alcohol

As just shown, about one third of visits involved one type of drug (e.g., illicit drugs only), whereas the remaining two thirds of visits involved some combination of drug types. Although the majority of drug misuse/abuse visits were associated with a single drug type, the typical drug-related visit included multiple drugs within that type. In other words, an illicit drug only visit (i.e., not combined with alcohol or pharmaceuticals) often involved the use of multiple illicit drugs (e.g., cocaine and heroin).

### Alcohol and Illicit Drug Use

Among all the drugs on which information is collected by DAWN, alcohol is unique. An ED visit related to alcohol use qualifies as a DAWN case under only two conditions: (1) The alcohol is found in combination with other drugs, regardless of patient age, or (2) the alcohol is found alone (i.e., not in combination with other drugs) in a patient under age 21. DAWN estimates that, for 2005, about one third (34%) of ED visits involved either alcohol in combination with another drug (all ages), or alcohol alone for patients under age 21. Of all these ED visits involving alcohol, about 7% involved patients under age 21 who used alcohol alone.

As indicated earlier, DAWN records ED patient demographics, such as gender, age, and race/ethnicity. In 2005, the male rate for visits involving alcohol in combination with other drugs was higher than the female rate. The rates between age groups varied little, but younger and older patients had lower rates. The data for race/ethnicity groups are more precarious than other demographic characteristics because of problematic levels of missing data (11%); however, on the basis of available data, 54% of alcohol-related visits involved white patients, 39% involved African American patients, and 12% involved Hispanic patients.

Over half of all drug-related ED visits were related to an illicit drug alone or in combination with another drug type. Of all visits involving illicit drugs, the drugs most often implicated were cocaine (55%), marijuana (30%), heroin (20%), and stimulants (17%; 13% methamphetamine and 4% amphetamines). Other illicit drugs were involved in less than 5% of cases. Rates per 100,000 also indicate that cocaine was the most likely drug involved in ED visits, followed by marijuana, heroin, and stimulants.

According to 2005 DAWN data, male rates (361.2 per 100,000) for all illicit drug visits were almost twice as high as female rates (192.1 per 100,000). In particular, male rates were double those of females for cocaine, heroin, and



marijuana; however, the difference was much smaller for stimulants (57.8 compared with 36.2). In fact, the female rate for visits related to stimulants was equal to the female rate for heroin visits (36.2 and 36.9, respectively). With regard to age, the rates for all illicit drug visits were highest among 21- to 24-year-olds (581.5), but similar rates were found for 18- to 20-year-olds (517.5), 25- to 29-year-olds (528.5), and 35- to 44-year-olds. Rates were slightly lower for 30- to 34-year-olds (490.9) and substantially lower for 12- to 17-year-olds (197.9). As expected, the rates for patients less than 12 were 3.0 or fewer per 100,000. In general, rates for marijuana were highest for younger patients, whereas rates for cocaine were highest for older patients. The point at which this change in rates occurs appeared to be in the 21-to-24 age group. In addition, stimulant rates were higher than heroin rates for patients between the ages of 12 and 29. After age 29, the rates for heroin exceeded those for stimulants.

Similar to trends related to alcohol, the race/ethnicity data for illicit drug use visits are somewhat uncertain because of missing data: 13% for all illicit drug-related visits. On the basis of available data, however, 46% of the visits related to any illicit drug use involved patients who were white, 27% involved patients who were African American, and 12% involved patients who were Hispanic.

### Selected Results for Drug-Related Deaths

The most recent DAWN data published for drug-related deaths are from 2003. In 2003, 122 jurisdictions in 35 metropolitan and 6 states participated in DAWN, and the response rate for medical examiners/coroners in these areas ranged from 9% to 100%. The 2003 DAWN mortality report focused on deaths attributed to suicides, homicides by drug, overmedication, all other accidental causes, and undetermined causes.

Overall, drug-related deaths ranged from 56.1 to 205.6 (per 100,000 population). The rates were lowest for children and adolescents, higher for 21- to 34-year-olds, and, with few exceptions, highest for 35- to 54-year-olds. More than half of the deaths occurred at home. Almost half of drug-related deaths involved alcohol or the use of an illicit drug (e.g., cocaine, heroin, and/or stimulants), and these deaths were typically attributed to multiple use of drugs rather than the use of a single drug. Single-drug deaths, however, were most likely to involve opiates, cocaine, or stimulants.

### Significance of DAWN

DAWN contributes significantly to our knowledge of drug misuse and abuse in the United States. Since the revision of DAWN in 2003, it is better suited to be a first indicator of the health consequences of drug misuse and abuse while simultaneously providing an improved baseline for monitoring trends related to alcohol, illicit drug use, and nonmedical use of pharmaceutical drugs. Importantly,

New DAWN allows for more accurate cross-site comparisons of drug use, identification of emerging drug use patterns, and investigation of suspected misuse/abuse patterns in particular areas. DAWN data are available quickly through DAWN Live! to participating sites and eligible public health organizations, and SAMHSA regularly publishes special reports using DAWN data. In turn, the availability of DAWN data capitalizes on its potential to inform policy and program development, document problems to support local initiatives, identify the link between drug abuse and other public health problems (e.g., sexually transmitted diseases), evaluate local anti-drug efforts, and contribute to academic research on drug abuse.

Given the improved utility of DAWN data, its desirability to a variety of entities has grown. At the local level, consumers of DAWN information include community epidemiology work groups, treatment agencies, prevention coalitions, and member hospitals. At the state level, state health and human services and law enforcement agencies utilize DAWN data, and at the federal level, several agencies rely on DAWN data, including the Food and Drug Administration, the Centers for Disease Control, the White House Office of National Drug Control Policy, the Drug Enforcement Administration, and the National Institute on Drug Abuse. In addition, the pharmaceutical industry utilizes DAWN data to monitor the use (or misuse) of its drugs.

### Arrestee Drug Abuse Monitoring

From 1987 to 2003, the National Institute of Justice (NIJ) sponsored two innovative and ambitious efforts to provide needed information to local communities grappling with the issue of drugs and crime: (1) the Arrestee Drug Abuse Monitoring (ADAM) program and (2) its predecessor, Drug Use Forecasting program (DUF). The primary goals of these programs were to uncover national trends in drug use, provide local communities with early evidence of drug epidemics, support local planning officials with data linking crime to drug use, and measure the impact of efforts to reduce drug use and crime.

DUF and ADAM represent unique drug use surveillance systems compared with other national drug use indicators for several reasons. DUF/ADAM were the only programs that used recently booked arrestees—a population thought to comprise mostly hardcore or heavy drug users—as the target population. In addition, they were the only programs to collect self-reported drug use behavior and then confirm those reported drug use behaviors with bioassay results conducted on urine samples provided by the same respondents. Also, although DUF and ADAM played an important role in assembling a national picture of drug use and abuse in the arrestee population, both programs were both designed primarily as local information tools that would provide local users (law enforcement, treatment, prevention, and public health policymakers) with reliable estimates of the prevalence of drug use and related

problems in their communities. Thus, DUF/ADAM data did not provide, and were not intended to provide, national estimates of arrestee drug use; instead, their purpose was to capture trends related to arrestee drug use in various communities across the United States.

## Overview and Background

Beginning in 1987, the DUF program began collecting information on drug use among urban arrestees in 10 geographically dispersed cities. Data were collected quarterly for a 1- to 2-week period using a convenience sample drawn from newly booked arrestees in the largest booking facility (i.e., jail) at each site. The target sample size for each site was approximately 225 interviews and urine specimens from adult male arrestees and 100 interviews and specimens from adult female arrestees. To collect DUF data, interviews were conducted with arrestees who had been arrested no more than 48 hours prior to the time of data collection. In addition to the interview, participating offenders were asked to provide a urine specimen, which was later tested for the presence of amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methaqualone, opiates, PCP, and propoxyphene. In cases where a specimen screened positive for amphetamine, the specimen was subjected to confirmation testing to detect whether a specific form of amphetamine—methamphetamine—was used.

Data collection under the DUF program was voluntary and confidential. In most sites, more than 80% of the arrestees approached agreed to be interviewed, and more than 80% of participating arrestees agreed to provide a urine specimen. A study-generated identification number was assigned to each interview instrument and its corresponding urine specimen container so that the data from each could be linked at a later date. Collection of the urine specimens allowed for comparison of the self-reported indicators of drug use and indicators of drug use based on urinalyses.

DUF data collection was conducted quarterly, for several reasons. Quarterly data collection generated new information more frequently than other national data collection programs. Quarterly collection and the timely release of findings allowed policymakers and analysts to view trends as they developed, potentially permitting earlier intervention into problems. Finally, quarterly collection helped adjust data for seasonal changes in arrest and crime patterns that occurred in some sites.

The DUF questionnaire was designed to collect information on demographic information, criminal offenses, the types of drugs used by arrestees, and their perceived need for alcohol and drug treatment. For more than a decade, baseline statistics were collected that detected trends in drug use that were then used to guide public health and safety policies. As is often the case with large-scale programs, though, important changes were made to the program during this 10-year period. An additional 13 sites were added as the program evolved, and in 1991, the composition of the DUF sample expanded to include juveniles

in selected sites. Juvenile data were collected in 13 sites until 2002, when this part of the program was indefinitely suspended because of legal obstacles related to collecting information from juveniles.

In addition to the expansion in the number of DUF data collection sites and the population targeted, the original DUF instrument underwent three revisions. These revisions included slight changes in wording of existing questions, the exclusion of some questions, and the inclusion of new ones. Although DUF remained a rich, consistent data source for examining trends in arrestee drug use, it continued to receive criticism for its sampling limitations. To address this issue, the NIJ embarked on an ambitious agenda to increase the generalizability of data collected in its DUF program in 1996. In 1997, this effort resulted in the redesign of the DUF program into the ADAM program. Major changes included the expansion of sites from 23 to 35, the implementation of a new sampling design, the development of a new survey instrument, new quality assurance protocols, and expanded use of addenda for research purposes.

## New Sampling Design

Under the ADAM program, a standard catchment (i.e., geographic) area for site data collection was defined as the entire county and applied in all selected sites. For example, in Los Angeles, under DUF, data collection occurred at one facility. ADAM expanded that sample to six locations to include a representative sample of facilities from all adult detention facilities in Los Angeles County. This change made it possible for local officials to make assertions about the entire county's arrestee population based on ADAM data.

Changes in the sampling of arrestees at each site were also made. Like DUF, ADAM protocol still required trained interviewers to approach recently booked arrestees and administering a short voluntary and confidential interview; however, the ADAM program implemented probability-based sampling plans for male arrestees. Unlike the DUF samples, which were based on convenience samples, ADAM arrestees were selected for an interview and tested for drugs using disproportionate, stratified sampling plans tailored to each facility that accounted for several characteristics related to arrests, including day of week of the arrest, time of day of the arrest, reason for the arrest, and where the arrestee was booked.

## New Data Collection Protocol

To improve the quality of the data collected, a new survey instrument was developed, and crosswalks from ADAM to other major drug and crime indicators were included. The new questionnaire expanded ADAM's focus from self-reported drug use to the need for drug treatment and information related to drug markets in the area. Specifically, the ADAM questionnaire (a) preserved the key drug use measures while placing greater focus on five

primary drugs (i.e., cocaine, marijuana, methamphetamine, opiates, and PCP) and their patterns of use over the prior year; (b) incorporated a validated drug use dependency and abuse screener; (c) included self-report information related to offender participation in inpatient, outpatient, and psychiatric treatment over the prior year and prior arrest history; and (d) added a section on drug acquisition and recent use patterns that provided greater insight into the dynamics of drug markets, use, and sharing. Also, questions (e.g., crosswalks) were included to directly link ADAM data to data produced by other national indicators, such as the National Survey on Drug Use and Health (formally known as the National Household Survey on Drug Abuse), the Treatment Episode Data Set; the Uniform Facilities Data Set; the System to Retrieve Information from Drug Evidence; Uniform Crime Report and National Incident-Based Reporting System; and the State Needs Assessment Household Telephone Surveys. Other surveys used during the questionnaire redesign were those conducted by the Center for Substance Abuse Treatment and the U.S. Census Bureau.

### **Improved Quality Assurance**

To ensure that the program performed according to its mission and within a cost-efficient manner, the NIJ funded and directed all ADAM program operations with the assistance of a national data collection contractor and a national laboratory contractor. This structure provided the program with a centralized system of oversight that included fiscal management, rigorously standardized data collection procedures, minimum requirements for staff, and an ongoing accountability (operational and fiscal) from all data collection sites.

Whereas the NIJ was responsible for developing, shaping, and overseeing the infrastructure and methodology of ADAM to ensure accuracy and consistency across the different localities, the national data collection contractor maintained and implemented the technical and operational infrastructure for the program, including project management; communicating, defining, and enforcing the methodology and procedures; ADAM data entry, verification, and dissemination; and overall system support (technical support for the Web site, software, and standard programming systems). A Department of Health and Human Services certified laboratory contractor conducted analyses on all ADAM urine specimens. An immunoassay system was used to screen for the presence of drugs in urine. All ADAM specimens were analyzed using the same procedures with corresponding cutoff levels and detection periods.

The national data collection contractor was ultimately responsible for receiving and processing all data from participating sites and the national laboratory, which were then subjected to the same data management procedures by means of automated editing and entry programs. These data were then analyzed and disseminated in quarterly and

annual reports by the national data collection contractor. These controls made it possible to compare findings from site to site.

Each research site in the ADAM network entered into subcontracts with the national data collection contractor and was held to minimum performance standards that included staffing, data collection, and fiscal performance requirements. Data collection at each site was managed by a local research team that included a site director and site coordinator. Site management teams were responsible for key operational issues, including directing and supervising data collection, establishing and maintaining contact with booking facility representatives, hiring and maintaining professionally trained interviewers and other site staff, overseeing data collection performance and monitoring site adherence to national data collection standards (meeting established data collection targets and minimum interview error rates), coordinating communication with the NIJ and the national contractors, and overseeing proper invoicing and fiscal monitoring of the site budget. Each site was evaluated every quarter and informed of any programmatic and/or administrative problems in the form of a feedback report and compliance letter.

The NIJ's national standards for site staff involved the completion of a formal training schedule that used standardized materials. These materials covered training on interviewing techniques and on administration of the ADAM interview instrument. All site staff were required to attend and successfully complete 20 hours of training before they were permitted to interview arrestees. Interviewers were then required to demonstrate minimum levels of ability through their initial formal training and startup training, which was considered a probationary period. Contingent upon satisfactory completion of a minimum period of formal and on-site training, interviewers were then accepted for work on ADAM.

By and large, ADAM training was conducted just before data collection occurred at a site so that interviewer skills would be immediately applied to field conditions and so interviewers could be regularly observed and evaluated by national trainers. However, ongoing monitoring of the quality of their work determined their continued acceptability as ADAM interviewers. In addition, all interviewers were required to participate in a minimum of 6 hours of in-service training every year to maintain interviewer skills.

Research site staff was also responsible for disseminating local ADAM findings to a Local Coordinating Council composed of local, state, and federal law enforcement; representatives from the courts and corrections; social services professionals; treatment providers; policymakers; community-based organizations; the local research community; and other stakeholders. In turn, the Local Coordinating Council was responsible for focusing its efforts on integrating the data into local planning processes, meeting unique local information needs, and creating a local research agenda.

### Use of Research Addenda

In addition to strengthening the program's foundation, a greater utilization and recognition of the program as a research platform was supported. By appending specialized questionnaires to the ADAM instrument, several communities began exploring a wide range of topics that local policymakers wanted to investigate or address. The first of these studies focused on methamphetamine in five sites. Another study, conducted in partnership with the Centers for Disease Control, collected information on HIV testing, risk behaviors, and health care access among the arrestee populations at three sites. Another group of sites began collecting information on interpersonal violence and service needs among female arrestees, and two other sites began exploring the nature, patterns, and consequences of pathological gambling among the arrestee population. Ultimately, these studies and many others (e.g., acquisition and use of firearms by arrestees) helped improve the nation's knowledge base about the social and behavioral correlates and consequences of drugs and alcohol among an arrestee population.

In sum, all of the enhancements made to the ADAM program resulted in a more comprehensive, nationwide source of information on drug use. Using ADAM data, the NIJ as well as local communities were able to identify levels of drug use among arrestees, track changes in patterns of drug use, identify specific drugs that were used and abused in each jurisdiction, alert officials to trends in drug use and the availability of new drugs, provide data to help understand the drug-crime connection, help evaluate law enforcement and jail-based programs and their effects, and serve as a research platform for a wide variety of drug-related initiatives. In short, ADAM provided reliable and valid information that helped develop evidence-based policies to assist both local and national policymakers.

Unfortunately, the ADAM program was discontinued in early 2004. This action was taken in response to the significant reduction in appropriations received by the NIJ in that fiscal year for social science research. However, the Office of National Drug Control Policy, Executive Office of the President, introduced a modified version of the ADAM program in 2007. This program is called ADAM II, which is appropriate given that it uses the same research protocols introduced by the ADAM program. The only changes in ADAM II are the number of sites funded to collect data; a sole focus on adult male arrestees; and the questionnaire used, which was modified slightly to address issues surrounding the rising use and abuse of methamphetamine. Results from the new program are still awaiting release.

### Selected Findings From ADAM

Over the years, the ADAM program collected drug use data from more than 89,000 adult male arrestees and from more than 17,000 adult female arrestees in 42 fully or partially funded sites. The level of drug use among the respondents was substantial in all years and at all sites. Every site

reported that a majority of its arrestees tested positive for at least one drug. In more than half of the ADAM sites, almost 2 of every 3 arrestees tested positive for at least one of five drugs, including cocaine, marijuana, methamphetamine, opiates, or PCP. With only a couple of exceptions, marijuana percentage-positive rates, along with self-reported use, were higher among adult male arrestees, followed by cocaine, opiates, and methamphetamines. Female arrestees tested positive more often for cocaine, followed by marijuana, methamphetamine, and opiates.

In half of the sites, nearly 40% or more of all adult male arrestees reported that during the past 30 days, they had consumed drugs on 13 or more days. In 50% of the sites, almost 40% or more of adult male arrestees needed drug treatment, and nearly 30% needed alcohol treatment. Adult female arrestees also showed high rates of dependence, with 40% indicating a need of drug treatment and 23% in need of alcohol treatment. However, in no site did more than 20% of adult arrestees experience inpatient or outpatient drug or alcohol treatment. Potentially affecting this participation rate could be that nearly 60% of the adult male arrestees and 50% of the adult female arrestees reported having had no health insurance.

These consistently high percentages of overall drug use, however, masked the important differences in trends for specific drugs and specific segments of the arrestee population. In the late 1980s and early 1990s, the DUF data indicated serious problems with methamphetamine use in western sites. The problem of methamphetamine has shifted over time as evidenced by ADAM data, which showed that the southwestern and midwestern sites were reporting and testing positive for methamphetamine for the first time in the mid- to late 1990s, including areas considered more rural. In areas where urine screens had indicated virtually no use in the mid-1990s, methamphetamine rose dramatically and continued to grow into 2000 and beyond.

From 2000 to 2003, ADAM data showed that the percentages of adult male arrestees testing methamphetamine positive across sites increased and remained relatively high up until the program was decommissioned. Of the adult male arrestees who were tested by urinalysis for the presence of drugs, only 1.6% tested methamphetamine positive in 2000. The proportions increased to 2.6% in 2001 and to 5.3% in 2002, and in 2003, 4.7% tested methamphetamine positive. For the years 2000 through 2003, methamphetamine rates remained higher in western and most southwestern areas than in midwestern and eastern areas.

When asked by ADAM interviewers if they had acquired specific drugs in the past 30 days, large percentages of adult male arrestees in 2000 through 2003 admitted that they had acquired marijuana shortly before being arrested. Although much smaller proportions reported acquiring methamphetamine in the past 30 days, the percentage more than doubled from 2000 to 2002 (from 3.0% to 6.5%). In 2003, 4.9% of the adult male arrestees said they had acquired methamphetamine in the 30 days prior to arrest. In each of the 4 years (2000–2003), there were substantial

increases in the percentages of adult male arrestees in states near the U.S.–Mexico border who reported having acquired methamphetamine in the 30 days prior to arrest. Once again, these differences suggest that appropriate policy responses to the drug problem vary widely from one community to the next and from one cohort to another, illustrating the need to tailor drug prevention, treatment, and enforcement strategies to local environments.

### Significance of the Drug Use Forecasting Program and the Arrestee Drug Abuse Monitoring Program

Throughout the evolution from DUF to ADAM, a few characteristics distinguished these programs from other research programs. First, the DUF/ADAM programs focused on arrestees, a group that is more likely than other populations to be drug involved. Consequently, program data presented a different picture of drug use from that of studies that focused on household (National Survey on Drug Use and Health) or other populations (Monitoring the Future) and provided timely information to criminal justice policymakers and practitioners. They also provided a significant opportunity to conduct research on the association of drug use and criminal activity. Second, these programs were the only national research program studying drug use that used interviews and drug testing, providing a way to assess the validity of self-report data. By relying on the combination of self-report data and urinalyses of arrestees at the time of booking, these data were less susceptible to either exaggeration or denial of drug use than many other surveys. Finally, and perhaps most important, the DUF/ADAM programs were the only national drug use research programs built to specifically document and report the drug problem at the local level. Over the years, program data revealed that there was no single national drug problem; instead, there were different local drug problems that varied from city to city. This information was important, because communities often lack tools to monitor problems in a consistent, comprehensive manner and therefore have difficulty formulating appropriate policy responses.

Taken together, DUF/ADAM provided communities struggling with emerging and long-standing substance abuse problems with critical research tools to measure and understand the local drug problem and to evaluate programs and interventions that targeted the criminally active population. In addition, the DUF/ADAM programs provided a network of local drug use data that formed a foundation for understanding drug use across the country.

### Conclusion

Attention to national drug use trends data has been important in the United States since the turn of the 20th century. In an age where communities face imminent, substantial budget cuts, understanding the drug problem in one's community

and sharing that information with policymakers and practitioners is essential, especially when an increase in service demand is coupled with a decreasing resource supply. Both the DAWN and DUF/ADAM programs have significantly contributed to the nation's ability to document such information for over 20 years.

The history of the DAWN and DUF/ADAM programs underscores the difficulties in trying to measure drug use and its consequences across the United States. In particular, both programs received criticisms over their limitations and underwent significant revision in an effort to make the data they collect more reliable and valid. The data from these programs, in turn, improved in quality and usefulness to federal, state, and local policymakers and governments. As a result, the DAWN and DUF/ADAM data have been used in a variety of capacities to influence policymaking, program implementation, resource allocation, and an overall understanding of drug use and its consequences. The future of DAWN is promising, with substantial hope and resources devoted to the continued development of a strong national indicator of drug-related morbidity and mortality. The future of DUF/ADAM, on the other hand, is less certain. Without ADAM or something similar, national indicators of drug use will remain silent on the trends and patterns of drug use among criminal offenders.

### References and Further Readings

- Heliotis, J., Kuck, S., & Hunt, D. (2001). *Arrestee Drug Abuse Monitoring (ADAM) Program: Analytic guide for ADAM*. Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Hunt, D., & Rhodes, W. (2001). *Methodology guide for ADAM*. Washington, DC: U.S. Department of Justice, National Institute of Justice.
- National Institute of Justice. (1998). *ADAM (Arrestee Drug Abuse Monitoring Program) 1997: Annual report on adult and juvenile arrestees, research report*. Washington, DC: Author.
- National Institute of Justice. (1999). *1998 Arrestee Drug Abuse Monitoring (ADAM) annual report on drug use among adult and juvenile arrestees, research report*. Washington, DC: Author.
- National Institute of Justice. (2000). *1999 Arrestee Drug Abuse Monitoring (ADAM) annual report on drug use among adult and juvenile arrestees, research report*. Washington, DC: Author.
- National Institute of Justice. (2001). *ADAM preliminary 2000 findings on drug use and drug markets: Adult male arrestees*. Washington, DC: Author.
- National Institute of Justice. (2002). *Preliminary data on drug use and related matters among adult arrestees and juvenile detainees, 2002*. Washington, DC: Author.
- National Institute of Justice. (2003). *Arrestee Drug Abuse Monitoring: Annual report, 2000*. Washington, DC: Author.
- Pennell, S., Ellett, J., Rienick, C., & Grimes, J. (1999). *Meth matters: Report on methamphetamine users in five western cities*. Washington, DC: U.S. Department of Justice, National Institute of Justice.

- Substance Abuse and Mental Health Services Administration (SAMHSA): <http://dawninfo.samhsa.gov/pubs/> (N.B.: There are several "Special Issue" bulletins posted on this site.)
- SAMHSA, Office of Applied Studies. (2002). *Drug Abuse Warning Network: Development of a new design (methodology report)* (DAWN Series M-4, DHHS Publication No. [SMA] 02-3754). Rockville, MD: Author.
- SAMHSA, Office of Applied Studies. (2004). *Drug Abuse Warning Network, 2003: Interim national estimates of drug-related emergency department visits* (DAWN Series D-26, DHHS Publication No. [SMA] 04-3972). Rockville, MD: Author.
- SAMHSA, Office of Applied Studies. (2006). *Drug Abuse Warning Network, 2004: National estimates of drug-related emergency department visits* (DAWN Series D-28, DHHS Publication No. [SMA] 06-4143). Rockville, MD: Author.
- SAMHSA, Office of Applied Studies. (2007a). *Drug Abuse Warning Network, 2003: Area profiles of drug-related mortality* (DAWN Series D-27, DHHS Publication No. [SMA] 05-4023). Rockville, MD: Author.
- SAMHSA, Office of Applied Studies. (2007b). *Drug Abuse Warning Network, 2005: National estimates of drug-related emergency department visits* (DAWN Series D-29, DHHS Publication No. [SMA] 07-4256). Rockville, MD: Author.
- SAMHSA, Office of Applied Studies. (2008). *Drug Abuse Warning Network, 2004: Area profiles of drug-related mortality* (DAWN Series D-31, DHHS Publication No. [SMA] 08-4346). Rockville, MD: Author.
- Zhang, Z. (2004). *Drug and alcohol use and related matters among arrestees, 2003* (National Opinion Research Center [Producer], National Institute of Justice [Distributor]). Chicago: National Opinion Research Center.
- Zhang, Z., Yang, M., & Hendrickson, J. (2004). *ADAM 2000-2003 data user's guide* (National Opinion Research Center [Producer], National Institute of Justice [Distributor]). Chicago: National Opinion Research Center.

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## CRIME CLASSIFICATION SYSTEMS

### *NCVS, NIBRS, and UCR*

LYNN PAZZANI AND GEORGE TITA

*University of California, Irvine*

When asked about their top concerns for their country, Americans have consistently rated crime as a significant concern. Anyone who has been a victim of even a minor crime can attest to the impact it has on his or her life, both emotionally and in terms of time and inconvenience dealing with the aftermath. To reduce crime and the impact it has on individuals and society, criminologists must be able to measure and understand it. Without an organized means of recording information about crimes that have occurred, law enforcement agencies would not have the benefit of social science research in determining who is likely to be victimized so they can provide protection, who is likely to become an offender so they can provide alternatives, and where crime is most likely to occur so they can increase patrol.

In the United States, there are three main systems in place to measure and track crime. The Uniform Crime Reports and the National Incident-Based Reporting System use police report data to determine the scope of crime within particular areas and to provide detail about individual criminal incidents. The National Crime Victimization Survey measures crime on the basis of interviews in which people are asked about their experiences with crime. Each of these systems has been carefully constructed and modified over time to increase detection and improve the amount and depth of information that is collected.

This chapter describes each of these three crime databases. It provides information about how data are collected

and discusses what types of crimes might be missed, as well as any issues with the quality or use of the data. It also compares the three systems in terms of their ability to detect crime and in the types of uses to which they may be best suited.

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### Uniform Crime Reports

In the 1920s, the crime problem in the United States, especially the fear of organized crime being perpetrated by infamous criminals, such as Al Capone and the various New York Mafia families, was seen by officials in government and the U.S. Department of Justice to be a pressing social issue. As a result, in 1929 the Department of Justice implemented a system whereby it could “measure” crime in the United States. This device, the Uniform Crime Reports (UCR), was designed to assess the type and magnitude of crime in U.S. communities. Data from the UCR are used to produce several yearly publications, such as *Crime in the United States*, *Hate Crime Statistics*, and *Law Enforcement Officers Killed and Assaulted*.

### Uniform Crime Reports Data Collection

Data for the UCR are based on crimes reported to the police. Each month, every law enforcement agency is asked to submit data about certain crimes to the Federal

Bureau of Investigation (FBI). These data are released yearly and allow for the calculation of rates of crime by place and type of crime. The UCR originally asked law enforcement agencies for the number of seven serious offenses that were committed in their district during the month. These crimes, known as *Part I* or *index crimes*, include murder, rape, robbery, aggravated assault, burglary, larceny–theft, and the theft of an auto vehicle. An eighth index crime, arson, was added under congressional directive in 1978. The UCR also records the number of 21 less serious crimes, known as *Part II crimes*: simple assault, curfew offenses and loitering, embezzlement, forgery and counterfeiting, disorderly conduct, driving under the influence, drug offenses, fraud, gambling, liquor offenses, offenses against the family, prostitution, public drunkenness, runaways, sex offenses, stolen property, vandalism, vagrancy, and weapons offenses.

Reporting crime data to the FBI is not mandatory. During the first years of the data collection, 43 states participated, although that does not mean that every police department within that state reported data. More recently, participation has been very high, with police departments accounting for about 93% of the population and 47 states reporting. Statistical techniques allow criminologists to estimate the number of crimes committed in nonreporting districts on the basis of the numbers reported in areas with similar population characteristics. These estimates are part of the calculation of crime rates for the United States as a whole, but nonreporting districts are not listed in more detailed reports.

One particularly useful aspect of the UCR is that because the definitions of particular crimes are uniform across police departments, accurate comparisons of rates of these crimes can be made across different counties and states. The laws determining how to classify a criminal action may not necessarily be the same in every state, so if it were left to individual law enforcement agencies to classify crimes it, might be more difficult to make comparisons across agencies. For example, in some states, rape would be defined only as sexual intercourse against a woman's will, whereas others might have broader definitions, including other sexual acts or offenses against men. If the rape rates from two states were compared, a state with a very narrow definition of rape would have a much lower rate than a state with a broad definition, even if the actual rates of particular actions were about the same. To prevent this from happening, the UCR produces a handbook with very detailed instructions about how to classify a crime. Even if one law enforcement agency considers an act a rape, if it does not meet the UCR definition—carnal knowledge of a female forcibly and against her will—it would be recorded as the Part II crime of sexual assault. Each criminal incident is only reported in the UCR once, so even if there were several crimes committed by the same person at once only the most serious of those crimes would be listed in the UCR data.

In recent years the government has developed an interest in hate crimes. In addition to reporting crimes to the

FBI in the usual manner, law enforcement agencies are asked to provide detailed information about any crimes that might be related to prejudice against the victim based on race, religion, sexual orientation, disability status, ethnicity, or national origin. In cases when a bias crime has been committed, the hierarchy rule does not apply, so all crimes that occurred during the incident will be reported. Crimes against persons and against property can be considered hate crimes. This separate report about hate crimes is used to produce the yearly publication *Hate Crimes*, which lists the crimes and circumstances surrounding hate crimes in all reporting cities.

In addition to the counts of crime, the UCR also records arrests. Crimes can be reported to the UCR regardless of arrest or prosecuting decisions, but crimes that have associated arrests are also tabulated to create what is called a *clearance rate*. A crime is considered cleared if there is an arrest, but not necessarily a criminal charge or conviction, associated with the crime. Of course, it is possible for the police to make an arrest when they have not accurately identified the offender, which would mean that crime is not solved, but it would be recorded as cleared. The UCR also records when a crime has been cleared by the arrest of only offenders under the age of 18. Another way that the UCR categorizes crimes that have been reported to the police is on the basis of whether the police determine that a crime has truly occurred. People can report a crime to the police that they have made up or about which they were mistaken, and those reports of crime should not really be counted toward the crime rate. If the police determine that a crime did not really occur, the report is considered *unfounded*. On the basis of all the ways to classify the crimes that were reported, the UCR reports numbers of crimes in several columns: crimes reported, crimes unfounded, actual offenses, offenses cleared, and clearances involving only juveniles. Clearance rates can vary greatly by state and county, which makes collecting this information very interesting.

The UCR also pays special attention to crimes committed against law enforcement officers and injuries sustained by law enforcement officers. Although a crime committed against a law enforcement officer could be recorded as a crime just like any other, police departments are asked to provide the number of crimes in which officers were victimized while on duty or as a result of their job. A police officer's house being burglarized would not be recorded in this manner; however, an assault on an officer that occurred during a traffic stop would be recorded in this separate listing. Deaths and injuries that are not a result of a crime are also reported. If a firearm were accidentally discharged, either by the officer or another officer or person, and an injury or death resulted, this would be included in the report to the FBI. On the basis of these reports, the FBI publishes an annual report called *Law Enforcement Officers Killed and Assaulted*. This publication not only lists the number of these assaults or injuries but also describes weapons used during the incident; the



type of injury; whether body armor was used by the officer; and other circumstances surrounding the assault, injury, or murder of law enforcement officers.

### Crimes Excluded by the UCR

All crimes that are reported to the police that include an offense that meets the definition of a Part I or Part II crime should be reported to the FBI for inclusion in the UCR. This leads to the obvious exclusion of crimes that are not reported to the police. Although it may seem surprising that a crime victim would not report a crime to the police, there are certain situations in which this decision is quite common. For instance, many physical assaults are not reported, especially when both parties may be acting criminally or when the parties know each other. Burglaries in which items of little value are stolen may not be reported because the victim may not believe it is worth the time and trouble. Rape also has a particularly low reporting rate (estimates range between about 10% and 40%) because the victim may be embarrassed, fear that the police will not take her seriously, does not want to get the offender in trouble with the law, or does not identify the incident as a crime herself. It is possible that the proportion of crimes that are not reported to the police might be different depending on the location, which could make comparisons of crime rates between locations slightly inaccurate.

Crimes that are not reported to the police clearly will not end up being counted in the UCR; however, there are several ways that a crime that is reported may also not be included. First, the UCR does not collect data for all types of crimes. Kidnapping, for instance, occurs very infrequently, so it is not as useful to put resources into detailed tracking of kidnapping rates as it would be for a more commonly occurring crime. The same would apply for the crime of treason. There are also numerous other types of crimes that are so minor or frequently occurring—violating a dog leash law or exceeding the speed limit, for example—that detailed tracking would be a misuse of resources.

When two or more crimes are committed during the same criminal incident, the UCR records only the most serious crime. A rape–homicide would be recorded only as a homicide, and an assault that also resulted in an auto theft would be recorded only as an assault. For the purposes of recording and prosecuting crime within a particular district, all of the crimes that occurred during a single incident would be used.

In addition to just not counting certain crimes, the way some crimes are classified in the UCR compared with most legal systems is similar to excluding some crimes from the report. As discussed earlier, the UCR defines rape as the carnal knowledge of a female by force and against her will. Most states have now defined rape such that sexual attacks against males also are included. In this case, it is not that the UCR does not include a criminal incident as a crime at all, but it would label sexual attacks with male victims as assaults, or possibly even simple assaults, depending on the

circumstances of the crime. The UCR considers rape and assault Part I crimes, meaning they are more severe than other types of crimes. A sexual attack against a male that could be legally considered a rape in the district where it occurred could be listed as a simple assault, which is a Part II (i.e., less serious) crime. When computing the rate of serious crime, the exclusion of some sexual attacks against males would lead to lower rates of crime that would be reported if such attacks were considered rapes or assaults as opposed to the less serious crime of simple assault.

### National Incident-Based Reporting System

In the late 1970s, many law enforcement agencies felt there was a need for an examination of the UCR system in order to meet the challenges of a changing world and criminal justice system. The data collected, they felt, needed to be enhanced and expanded so it would be more useful in the areas of crime prevention and the study of crime. In March 1988, after much deliberation, the National Incident-Based Reporting System (NIBRS) was created. The NIBRS is an improvement over the original UCR data collection format both in the detail of information about each criminal incident and in that it increased the number of crimes on which information was gathered.

#### NIBRS Data Collection

NIBRS data are collected on the basis of reports to the police, just as UCR data are collected. For this data set, police are asked to record not only a count of crimes and some basic information but also detailed information about each criminal incident. For the NIBRS, the hierarchy rule that was discussed earlier does not apply. Whereas for the UCR only the most serious crime is recorded, the NIBRS allows for recording up to 10 different crimes per criminal incident. It also allows for information on up to 999 victims, 99 offenders, and 99 arrestees to be collected and associated with a particular criminal incident. Nearly all criminal incidents recorded in NIBRS have 3 or fewer offenses, victims, offenders, or arrestees, which means that sorting through the data for a particular incident is not hugely complicated. In cases where there are many offenses, victims, or offenders, only the first three records are made available for later data analysis. In this case, a hierarchy rule does apply, so that the three most serious criminal offenses are recorded and lesser offenses are excluded.

The NIBRS collects numerous details about each crime, victim, and offender, which, in addition to listing all the crimes and people involved in an incident, increases the depth of information that is available. For each offense, data are collected regarding whether the offense was completed or just attempted, the type of location involved, the time of day when the incident occurred, if force or weapons were used, if the crime may have been motivated by bias, the value of

property stolen or destroyed and if property was recovered (if applicable), and whether the incident was cleared by an arrest. For each offender, the age, sex, race/ethnicity, relationship to the victim, and whether the offender was suspected of using drugs or alcohol during or shortly before the incident are recorded. Very similar data are recorded for any arrestees involved in the incident. If a victim is identified in a particular incident, the type of victim is recorded. For NIBRS data collection, a victim can be an individual, business, financial institution, government, law enforcement officer, religious organization, or society in general. If the victim is an individual or law enforcement officer, that person's age, race/ethnicity, residency status, and any injury sustained as a result of the incident are recorded.

In addition to greater detail about each incident, the NIBRS adds several more crimes to the record database. These crimes are divided into Group A and Group B crimes, similar to how the UCR classifies incidents as Part I or Part II crimes. Group A includes all of the UCR's Part I crimes as well as most of the Part II crimes, although in many cases, there are slightly different definitions. Group A crimes include arson, assault (aggravated, simple, and intimidation), bribery, burglary and breaking and entering, counterfeiting and forgery, property crimes (destruction, damage, and vandalism), drug offenses, embezzlement, extortion and blackmail, fraud (false pretenses, swindle, confidence game, credit card or ATM fraud, impersonation, welfare fraud, and wire fraud), gambling, homicide (murder, negligent and nonnegligent manslaughter, and justifiable homicide), kidnapping and abduction, larceny and theft, motor vehicle theft, pornography and obscene material offenses, prostitution (including assisting and promoting prostitution), robbery, forcible sex offenses (forcible rape and sodomy, sexual assault with an object, and forcible fondling), nonforcible sex offenses (incest and statutory rape), stolen property, and weapons laws violations. Group B offenses, which are considered less serious and more common, include writing bad checks; curfew, loitering, and vagrancy violations; disorderly conduct; driving under the influence; drunkenness; nonviolent family offenses; liquor law violations; peeping tom; runaway (not a criminal offense but still a police matter); trespassing; and all other offenses. For Group B offenses, only arrest data, not reports, are recorded. For each crime, the NIBRS identifies whether it is an offense against persons, property, or society.

### Crimes Excluded by the NIBRS

The NIBRS is an improvement over the UCR because it includes nearly all known offenses. It has the same limitation as the UCR in that crimes that are not reported to the police cannot be recorded. Just like the UCR, some types of crimes are less likely to be reported to the police, so whereas all homicides, for example, will likely be recorded, only a small percentage of rapes will be. The NIBRS also

includes many more crimes than the UCR, even within a particular category. The UCR includes forcible rape against a female only in the Part I sex offense category of "rape," whereas the NIBRS includes rape and sodomy, as well as sexual assault with a foreign object and forced fondling in the Group A sex offense category "forcible sex offenses."

The Group B category, all other offenses, may make it seem that every crime would be included in the NIBRS. It is important to remember that Group B offenses are recorded only if there is an arrest related to the incident. Thus, an individual could call the police to report a trespasser or a peeping tom, but the incident will be included in the NIBRS only if there is an arrest. A crime may have truly occurred, but without an associated arrest there will be no record of that crime in the NIBRS. Many minor crimes such as these occur frequently, and detection and arrest rates are fairly low, so the majority of these offenses probably would not be recorded. Some minor crimes may also be left out of the database in the few cases where more than three crimes were committed in one incident. Because the hierarchy rule applies, if a criminal incident included murder, rape, robbery, trespassing, and credit card fraud, the trespassing and fraud incidents would be excluded from the data made available for analysis.

### Methodological Issues

Collecting data for the NIBRS is a very expensive and resource-intensive process. Because of the resources needed to collect the data, individual cities or law enforcement agencies tend not to be able to send their data to the FBI. Instead, data are processed through each state, which then submits the data to the FBI. Participation in the NIBRS is voluntary and is therefore still relatively low. Whereas agencies reporting to the UCR cover about 95% of the population, agencies reporting to the NIBRS cover only about 20% of the population. Despite the low degree of participation, rates of crime calculated by the UCR and by the NIBRS tend to be very similar. If only agencies with low crime rates had the time and resources to submit data to the NIBRS and high-crime agencies put their resources toward something else, the rates calculated by the NIBRS would be much lower than those calculated by the UCR. This indicates that although there is a low participation rate, the agencies that do participate are fairly good approximation of agencies throughout the United States. Although the rates are similar, the UCR tends to be used when calculating rates of crime rather than NIBRS, because of the greater participation and coverage. The use of a small sample of the population to represent the whole is discussed in greater detail in the "National Crime Victimization Survey" section.

Although the percentage of law enforcement agencies that report to the NIBRS is very low, there is still a lot that can be learned about crime using this system. The depth of the information allows social scientists to learn when and

where crime is most likely to occur, who is most likely to be victimized, under what circumstances this victimization occurs, and how likely intoxicating substances are to be involved. It also allows for an examination of some of the outcomes of crime. We are able to determine the circumstances under which a victim is most likely to become injured; what types of crimes, victims, and offenders are more likely to lead to an arrest; and when property is more likely to be recovered. Because so many different types of information are collected, social scientists can do more than just count crimes; they can make predictions about them based on social information. Although a particular state or city may not have reported data to the NIBRS, social scientists can still use the information about crime produced by the NIBRS to help reduce crime in their own jurisdiction. Especially because the crime rates produced by the UCR and the NIBRS are so similar, there is no reason to think that in one state certain types of people are more likely to be victimized whereas in another state there is a completely different type of victim. That information alone can be very useful to law enforcement agencies.

## National Crime Victimization Survey

In 1973, another system to attempt to measure crime was put into place by the Department of Justice; this was dubbed the National Crime Survey (NCS). The main difference between the UCR and the NCS was that the UCR measured crime using police report data, whereas the NCS measured crime by surveying households about victimization regardless of whether it had been reported to the police. Although the NCS was a great step toward measuring unreported crime, it underwent some significant revision to increase disclosure of previously undetected crime. Some changes to the survey were introduced in 1986, but the bulk of the changes were completed in the 1992–1994 release of the data. At that time, the survey was renamed the National Crime Victimization Survey (NCVS) to reflect the intended purpose of the survey and to signify the important differences between the old and new versions. The wording of questions was changed to increase reporting of crimes such as simple assault and rape or sexual assault. The rates of those crimes calculated from this new survey are higher than the previous year's NCS rates, but that is an artifact of increased disclosure of crime rather than an actual increase in victimization.

### NCVS Data Collection

Data for the NCVS are collected twice yearly by census officers who visit a small group of U.S. households. During these visits, the census officers interview one or more adults in the household and ask about crimes that have been committed against any member of the household over the

age of 12 during the past 6 months. Respondents are asked about rape and sexual attack, robbery, aggravated and simple assaults, and purse-snatching and pocket-picking. This survey also covers property crimes, including burglary, theft, motor vehicle theft, and vandalism. The data gathered from the sample are used to estimate rates of crime overall and in specific states, cities, and types of neighborhoods. These estimates can also be made for each type of crime.

The NCVS collects information about crimes of which household members have been victims, regardless of whether they were reported to the police. When respondents indicate that someone in the household has been the victim of a particular crime, they are asked if the crime was reported to the police. They are also asked for details about the crime, such as whether the victim did anything to protect himself or herself or resist; if he or she was injured and, if so, how severely; what time of day the crime occurred; the type of location (home, outside, etc.) where the crime occurred; and how many people were involved. Details about the offender are also collected if the victim had enough interaction with the perpetrator to answer such questions. In many property crimes, such as vandalism, this would not be possible, because it is unlikely the victim would have seen the crime occur and may not know who is responsible. Details about the offender include race/ethnicity, approximate age, whether the offender may have been intoxicated, and possible motives for committing the crime. All of this information allows social scientists to determine the types of circumstances under which crimes are most likely to occur and aids in the development of effective prevention strategies.

This NCVS also collects other information about the household and the crime that may be useful to social scientists. Respondents are asked to provide information about household income, race/ethnicity and age of household members, level of education, type of household (apartment, house, etc.), household composition, and vehicle ownership. This type of information is known as *demographic information*. These data allow social scientists to determine what types of people and households might be particularly vulnerable to victimization.

The use of a crime survey that does not rely on police reports is very informative, because not all crimes are reported. Victims' decisions to report a crime to the police may depend on many factors, such as whether they were doing something illegal themselves or whether the perpetrator was someone they knew and whom they may not want to report to the police. Teenagers in particular may not want to report crimes committed against them for fear of their parents becoming upset. Some types of crimes are also less likely to be reported to the police, such as rape and sexual assault and domestic violence, but these crimes may still be disclosed during administration of the NCVS. Although a victim may not seek out the police to report a crime, if someone comes to him or her and asks about victimization, promising to keep any disclosure confidential

and stating that no legal action will be taken as a result of the disclosure, it may not seem as difficult or upsetting to discuss the victimization. Over time, as more has been learned about crime, the NCVS has been redesigned in an attempt to increase the disclosure of crimes that are particularly unlikely to be reported to the police. Specific questions have been added to find out whether the respondent has been victimized by someone he or she knows and to find out if it is possible that certain crimes were motivated by prejudice of some kind (i.e., hate crimes).

### Crimes Excluded From the NCVS

Despite constant efforts to improve the survey and increase the disclosure of crime, there are some types of crimes that the NCVS either cannot collect information about or that have a lower chance of being disclosed during the survey. The NCVS is unable to collect data about homicide, for example, because the survey is designed to ask individuals about crime they have experienced themselves. Obviously, a homicide victim would not be able to disclose the crime to the census officers conducting the survey. Respondents would be able to tell the census officers if anyone in their household had been the victim of homicide, but it is important to remember that not everyone has other members of his or her household. All homicides committed against people living alone, or in which all household members were victims, would go undisclosed, while homicides against people with remaining household members would be disclosed. This would lead to a very inaccurate count of homicides. Although NCVS homicide data would be very inaccurate, homicide is one crime for which UCR data can be considered very accurate, so it is not a great loss that it is excluded from the NCVS.

The NCVS also does not ask about crimes committed against children under age 12. The census officers conducting the survey are able to interview children as young as 12 with the permission of a parent or guardian, but children younger than that would probably not be able to provide accurate information about victimization, both because they may not understand it and because they would have a more difficult time disclosing crimes within the 6-month time period being discussed. They might report serious crimes that happened some time ago if the event was very traumatic to them, or they may forget crimes that occurred toward the beginning of the 6-month window if the crimes were not very noteworthy. It would be possible for parents to answer questions about the victimization of their children; however, assaults against children often are committed by parents. It is very unlikely that a parent would disclose this information to a census officer, both out of embarrassment and fear of prosecution. Just as with homicide, data about crimes committed against children would end up being inaccurate and not very useful to social scientists.

Although homicide and crimes against children are intentionally excluded from the NCVS, other crimes are

undisclosed for a variety of reasons. Just as not every crime is reported to the police, some people may simply not feel like disclosing their victimization to the census officers conducting the NCVS. They may believe that their victimization was minor and therefore not worth disclosing or that it is embarrassing and therefore difficult to disclose. In addition, respondents can disclose only crimes of which they are aware. For instance, they may have been the victim of a burglary that did not disturb enough of their property for them to notice. Also, when asked about whether other members of the household had been victimized, they are able to disclose only what each household member had told them about. Teenagers especially may not tell their parents about any crimes of which they have been a victim that might indicate they were drinking, out past curfew, or engaging in sexual activity. In cases where household members are not family members and may not be very close with one another, minor or embarrassing victimization may not be discussed. This can cause a respondent to believe that he or she is truthfully reporting that a household member has not been victimized when in fact crimes have occurred about which the respondent simply does not know.

The NCVS asks respondents to report about crimes in which a member of their household was victimized. Of course, crimes can occur in which no individual is victimized. Burglaries of businesses, for example, would not have an individual victim and thus would not be reported in the NCVS. If, in the previous example, there were an employee present who was assaulted during the burglary, that employee would report that he or she was the victim of a crime, but only the assault and not the burglary would be recorded for the purposes of crime reported by the NCVS. Crimes against businesses with no individual victim may be reported to the police, but they would not end up in the crime rate calculated by the NCVS.

### Methodological Issues

Rates of crime are generally reported as the number of crimes per 100,000 people over the course of 1 year. To create this rate accurately, the respondents must be able to correctly recall how long ago their victimization occurred and must be able to remember all victimization that occurred within the specified time period. To collect accurate information about the types of crimes that occur, the respondent must also be able to remember details such as the time of day, the number of offenders involved, any injury, and other specific information covered in the NCVS questionnaire. The NCVS asks about crimes that occurred over the last 6 months. This time period was chosen as one that would be short enough to facilitate accurate recall of the number of crimes that occurred and specific details about each but also long enough that resources for data collection would not be wasted. Data collection that occurs in person requires an enormous amount of resources. Census officers need to be paid; travel is expensive; data collection materials are used;

and data must be entered, which requires computers and people to perform the data entry. Collecting data twice a year as opposed to three or four times a year saves money without, ideally, sacrificing the quality of the data.

The NCVS is used, among other reasons, to discern rates of crime in specific locations. Of course, not every household in the United States is surveyed. Instead, a smaller sample of households is used to represent the whole country. The technique of sampling to make estimates or predictions about larger groups can be used with great accuracy and is employed in many types of research. For example, predicting election results is done with a sample of voters, not all of the voters. Election polling, when done well, tends to very accurately predict the results of elections. This is a particularly good example because in the case of elections, one can see both the prediction and, shortly afterward, the actual result. If these are very close, as they generally are, we know that social scientists and statisticians are able to use a small sample to fairly accurately represent the views of the whole population.

Sampling leads to accurate results when one has what is called a *representative sample*. That means that a researcher has in his or her sample approximately the same proportion of people or households that fall into various categories as exists in the larger population. For instance, one might consider factors such as income, education level, number of people in the household, and type of dwelling. If the households in the NCVS sample look very similar to the population on those characteristics, then it is likely that the sample will lead to a good estimate of the true crime rates in the population. In general, the NCVS is carried out in about 50,000 households that would hold approximately 80,000 people. The method is a *rolling* one, in which the households are kept in the study for 3 years. During any given year, approximately 160,000 individuals over age 12 are surveyed. The NCVS's use of a nationally representative sample means that rates of crime for certain types of people can be discerned. For instance, rates of crime can be computed for certain age groups or for a particular racial or ethnic group.

Although sampling is done very carefully, there are still a few situations that can lead to slight inaccuracies in the measurement of crime. For instance, if a surveyed individual is a victim of a crime while he or she is far away from home, the victimization will be recorded as though it had occurred in the same area as the respondent's home. Although the survey does ask about the type of location where the crime occurred—for instance, a park—it does not ask whether it occurred in a park near home or a park in a different state. This would not lead to inaccuracies in the rate of crime for the entire United States, but it can slightly alter the rates for specific places. If this same situation were to occur and be recorded in the UCR, the police department where the crime occurred would be the one reporting the incident, not the department near the victim's home. Another way the estimates of the crime rate can be slightly inaccurate is if two (or more) people who do not

live together are victims of the same crime. If two people walking together are mugged, the police would record this as only one criminal incident. However, because there are now two households that could disclose this victimization in the NCVS, that crime is twice as likely to be included as a crime committed against two people who did live together, or against only one person. These types of situations are not the norm, but it is important to understand that no estimate of criminal victimization is going to be perfect. Slight inaccuracies tend not to make a large difference when data are used for large scale analyses.

### Comparison of the UCR, the NIBRS, and the NCVS

The main difference between the UCR and NIBRS compared with the NCVS is the use of police data versus victim self-reports. The UCR and NCVS were designed to complement each other in this way, and the NIBRS was added to give a greater degree of detail to the UCR, similar to the type of detail the NCVS collects. It would be impossible to determine which data source is the best, simply because there are so many different uses for crime data. Depending on the purpose of the request for information, whether it is academic research, or news reporting, or something else, the data set that would be most ideal may differ. News reporting agencies with interest in crimes reported to the police on local level may be best off using the UCR because of the NIBRS's lower participation rate. Individuals with an interest in specific detail about crime on a national level may be best served by the NIBRS because of the amount of information collected and not having a need to get this detail about a very specific location. Academics who study underreported crimes, such as rape or domestic violence, tend to use the NCVS because of the much higher disclosure of these crimes there as compared with police reports.

Perhaps one of the easiest ways to compare the three data sources is to walk through a few hypothetical examples of crimes committed and how they would be recorded in each of the data sources. For an easy example, assume that a woman who lives alone is robbed at gunpoint and reports this incident to the police. The UCR would report a robbery. If there was an arrest, it would report that the incident had been cleared. The NIBRS would also report the robbery but may also include other offenses, such as a weapons violation. The NIBRS would also collect detailed information about the crime, victim, offender, and whether an arrest was made. The NCVS would report information that is very similar to what is reported in NIBRS, although it would also ask the victim about whether the crime was reported to the police, because the NCVS does not require an incident be reported to the police in order for it to be counted as a crime.

A very simple modification of this scenario shows how easily reporting to the various data sources can change. Now assume this same woman is the victim of the same crimes as just described, but now she is living with her

elderly mother instead of living alone. She did not want to worry her mother, so she did not tell her about the crime, although she did report it to the police. Both the UCR and NIBRS would have the crime recorded in exactly the same way as described earlier. The NCVS may actually not report the crime at all. Assume that the robbery victim is not home when the census officers come to administer the NCVS questionnaire, so they interview the mother instead. The victim's mother is unaware of the incident and, although she intends to be truthful with the census officer, she is unable to report an incident she did not know occurred. Thus, the survey that is often thought to be better at detecting crime because it does not rely on police reports actually misses a crime that was reported to the police.

Another slight modification to the original story can also change which data sources end up recording the crime. This time, the woman recognizes the boy who robbed her from the neighborhood. She knows he is having a hard time right now, and she did not lose anything valuable during the robbery. Therefore, she decides not to report the incident to the police. Under these circumstances, neither the UCR nor the NIBRS would have a record of the crime at all. When the census officer administering the NCVS comes to ask about victimization, the woman is assured that no legal action will be taken as a result of her participation, so she discloses the robbery, and it is recorded in the NCVS.

Each of these three examples is fairly straightforward. If one adds additional offenders or victims, the differences between what is reported in the UCR and in the NIBRS increase. If one changes the crime to one that is more difficult to define, such as a sexual assault of some kind, it is less clear how the incident would be reported in each of the three data sources. An incident of sodomy against a male, for instance, would be recorded as an assault, or perhaps even a simple assault, in the UCR; it would be recorded as a forcible sex offense in the NIBRS; and it would be counted as a rape in the NCVS. Males are even less likely to report sexual assaults than females, and they tend to have even more stigma associated with the event. Even if the victim did report the incident to the police, allowing it to be recorded in some fashion in the UCR and NIBRS, the victim may not want to talk about the incident again and may not disclose it to someone administering the NCVS, or he or she may not have disclosed the assault to household members who may be interviewed in his or her stead.

No data source recording crime is going to capture all the details about every crime that occurs. As participation in the NIBRS increases, efforts to increase the reporting of

crimes to police may be the most helpful in increasing knowledge about crime. The redefinition of certain crimes in the UCR may also lead to the capture of more detail using a data source that already has a very high participation rate. The NCVS tends to show higher rates of crime than the other two sources, so we assume it yields more complete disclosure of crimes; however, as shown earlier, it is possible for even crimes that were reported to the police to be excluded from the NCVS. Improvements have been made to both the UCR and NCVS over the last 40 years, and the addition of the NIBRS also serves to increase social scientists' understanding of crime. As time goes on, each of these data sources will continue to be improved, but there will never be a way to perfectly measure and describe crime.

## References and Further Readings

- Biderman, A. D., & Reiss, A. (1967). Exploring the "dark figure" of crime. *Annals of the American Academy of Political and Social Science*, 374, 1–15.
- Black, D. (1970). Production of crime rates. *American Sociological Review*, 35, 733–748.
- Bohm, R. M., & Haley, K. N. (2007). *Introduction to criminal justice* (5th ed.). New York: McGraw-Hill.
- Bureau of Justice Statistics, Crime and Victims Statistics: <http://www.ojp.usdoj.gov/bjs/cvict.htm>
- Cantor, D., & Cohen, L. (1980). Comparing measures of homicide trends: Methodological and substantive differences in the Vital Statistics and the Uniform Crime Report time series (1933–1975). *Social Science Research*, 9, 121–145.
- Catalano, S. M. (2006). *The measurement of crime: Victim reporting and police recording*. El Paso, TX: LFB Scholarly Publishing.
- Gove, W. R., Hughes, M., & Geerken, M. (1985). Are Uniform Crime Reports a valid indicator of the index crimes?: An affirmative answer with minor qualifications. *Criminology*, 23, 451–500.
- Groves, R. M., & Cork, D. L. (2008). *Surveying victims: Options for conducting the National Crime Victimization Survey*. Washington, DC: National Academies Press.
- Huizinga, D., & Elliott, D. S. (1986). Reassessing the reliability and validity of self-report delinquency measures. *Journal of Quantitative Criminology*, 2, 293–327.
- National Crime Victimization Survey Resource Guide: <http://www.icpsr.umich.edu/NACJD/NCVS/>
- National Incident-Based Reporting System: <http://www.fbi.gov/hq/cjis/nibrsfaq.pdf>
- Pattavina, A. (2004). *Information technology and the criminal justice system*. Thousand Oaks, CA: Sage.
- Uniform Crime Reports: <http://www.fbi.gov/ucr/ucr.htm>

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## CRIME REPORTS AND STATISTICS

CALLIE MARIE RENNISON

*University of Missouri–St. Louis*

The purpose of this chapter is to provide an overview of crime reports and statistics. Crime reports and statistics convey an extensive assortment of information about crime to the reader and include topics such as the extent of crime and the nature or characteristics of criminal offenses, as well as how the nature and characteristics of crime change over time. Aside from these big-picture topics related to crime, crime reports and statistics communicate specific information on the characteristics of the criminal incident, the perpetrator(s), and the victim(s). For example, crime reports and statistics present information on the incident, such as weapon presence, police involvement, victim injury, and location of the crime. Details such as the age, race, gender, and gang membership of the offender are also available in many of these reports. Also, details gleaned from statistics regarding the victim, such as, but not limited to, income, race, age, relationship with the offender, education, and working status, are made available. Crime reports can convey information that affects the complete population of individuals and/or businesses, or they can convey crime-related information on a subset of victims, such as males, the elderly, businesses, or the poor. Crime reports and statistics can focus on a short period of time, such as a month, or they can cover longer periods, such as 1 year or many years. In addition, these reports can offer change in crime and its elements over time. Statistics offered in crime reports may describe crime as it pertains to a small geographical region, such one city; one region, such as the West or the Northeast; or the entire nation. Finally, on the basis of statistics, these

reports can describe crime in a static, point-in-time way, and they can provide a dynamic perspective describing how crime, its characteristics, or risk change over time.

Topics covered in this chapter include a discussion on what crime reports and statistics are as well as why they are important. Information presented includes what agencies publish crime reports and statistics as well as a brief history of these bureaus. Because crime reports and statistics are social products, it is imperative to present information on the data used to generate them. Two major data sources are used to generate crime reports and statistics: (1) the Uniform Crime Reports (UCR) and (2) the National Crime Victimization Survey (NCVS). The data these reports yield, as well as the methodology and measurement they use, are described. Because no data are perfect, a description of their advantages and disadvantages are presented. Because these data are the two primary sources of crime information in the United States, the chapter explores a comparison of these data. Given that entire textbooks can be devoted to the topic of crime reports and statistics, this chapter provides readers with a relatively short overview of the major topics related to these important items. For readers who wish to delve into the topic in greater detail, a list of recommended readings is provided at the close of the chapter.

To fully appreciate the information found in crime reports and the statistics used to summarize them, one must be aware of what is meant by *crime reports* and *statistics*, why this topic is important, who is responsible for the creation of reports and statistics, and how the reports

and statistics are created. To address these important issues, the chapter is structured around these significant questions. It first addresses the question “What are crime reports and statistics, and why are they important?” Next, it asks, “What agency is responsible for crime reports and statistics?” In answering this question, the chapter presents past and current information about the Federal Bureau of Investigation (FBI) and the Bureau of Justice Statistics (BJS). Next, the chapter moves to addressing the closely related question “How are crime reports and statistics generated?” This portion of the chapter is the lengthiest, because it offers information on the nuts and bolts of the UCR and the NCVS, including a look at the history of the programs as well as future directions. Included also is a discussion of the methodology, advantages, and disadvantages of each program.

### What Are Crime Reports and Statistics, and Why Are They Important?

*Crime reports* describe information about crime and cover an almost endless array of crime topics. They can focus on specific crimes, types of victims, types of offenders, and/or characteristics of the offenses. A useful tool in conveying information about crime in crime reports is by using statistics. *Statistics* are merely numerical measures used to summarize a large amount of information—in this case, information on crime. For example, if one noted that on average in a particular year that 50% of violent crime was reported to the police, that person has simply summarized crime data and presented a simple meaningful number (50%) about that particular phenomenon (crime reporting).

Crime reports and statistics are vital to the study of criminology. Without these tools, our understanding about what kind of crime is occurring, how often crime is being committed, who is committing crime, who is being victimized, and the characteristics of offenses would be little more than guesses. Aside from a pure information utility, crime reports and accompanying statistics serve as an important indicator of the “health” of society. A rising crime rate suggests that society is ailing. Unequal victimization risk among groups of individuals suggests a societal ill in need of attention. Conversely, a reduction in crime conveyed by these reports and statistics is one indicator of an improved quality of life. An equally important function served by crime reports and statistics is to assist researchers in the development of and testing of crime and victimization theories. Another important function of crime reports is providing policymakers valuable, empirically based information so they can design policies to further reduce crime, better assist crime victims, and effectively deal with offenders. Without reliable information on crime, policies designed to reduce all crime and victimization would not only be ineffective but would also represent misappropriated or wasted valuable resources.

### Who Publishes Crime Reports and Statistics, and How Do They Do It?

In general, the federal government publishes crime reports and statistics. The department within the federal government responsible for these publications is the U.S. Department of Justice. And within the Department of Justice, publications are generated by two bureaus: (1) the FBI and (2) the BJS. Because these documents are generated using taxpayer dollars, more recent crime reports (i.e., since about 1995) are available free to the public online at the respective bureaus (<http://www.foi.gov> and <http://www.ojp.usdoj.gov/bjs>).

### The Federal Bureau of Investigation and the UCR Program

Most individuals are aware of the crime-fighting responsibilities of the FBI. Fewer know that the responsibilities of the FBI include those of crime data compiler, crime data analysis, and publisher of crime reports for the United States. These responsibilities are accomplished through the UCR program, which compiles crime reports submitted voluntarily either directly by local, state, federal, or tribal law enforcement agencies or through centralized state agencies across the country. Although there are some exceptions, in general, UCR data are submitted to the FBI on a monthly basis. The crime information gathered via the UCR program comprises the nation’s oldest unified national crime data. Although the crime data may be the nation’s oldest, it took approximately 50 years of calls for such data before the UCR program started collecting crime data in 1930, and even then the crime report collection did not occur in the Bureau of Investigation (the precursor to the FBI); instead, a collective of police chiefs are responsible for the commencement of one of the nation’s two major crime information sources.

Calls for unified national statistics on crime were first made first in the 19th century. Although crime data had been collected for a long time, this collection was conducted at the state and local levels by some jurisdictions only. This was problematic, because no two states defined crimes in the same way. Neither did each jurisdiction necessarily collect information on the same crimes. Because of this, there was no way to aggregate this information in any meaningful way to get a unified picture of the national crime situation, and without standard offenses, officials could not make comparisons across jurisdictions. In 1870, the Department of Justice was established. At this time, Congress mandated the reporting of annual crime statistics. A short time later, in 1871, an appeal for unified national crime information was made at the convention of the National Police Association, an organization that later became known as the International Association of Chiefs of Police (IACP). Unfortunately, neither the establishment of the Department of Justice nor the call of police chiefs resulted in the collection of national crime information.



About 50 years later, in the late 1920s, the IACP established a Committee on the Uniform Crime Records to resolve this gap in crime information. The purpose of the committee was to develop a program as well as procedures for collecting information about the extent of crime in the United States. The product of this work was the UCR. Initiated in 1927, this program was designed to provide unified, reliable, and systematic information on a set of serious crimes reported to law enforcement agencies across the country. Using these data, police chiefs could compare crime across jurisdictions and time. The IACP managed the UCR program for several years, until the responsibility moved to FBI in 1935.

The UCR program initially included crime reports from 400 law enforcement agencies from 43 states, describing crime for approximately 20% of the population. Over time, the program has grown, and it now gathers crime reports from approximately 17,000 law enforcement agencies from all states, the District of Columbia, and some U.S. territories. Furthermore, the UCR program now describes crime as it occurs in almost the entire nation. The purpose of the UCR program started as, and continues to be, serving the needs of law enforcement agencies.

### What Crimes Are Measured in the UCR?

The UCR program gathers information on a wide variety of criminal offenses. Since 1985, these crimes have been partitioned into Part I and Part II crimes. *Part I* offenses include eight crimes that are considered to be serious and occur regularly. The frequency of these offenses means that enough information can be gathered to enable comparisons regarding crime across time and across jurisdiction. The eight Part I offenses include the following: (1) murder and nonnegligent manslaughter, (2) forcible rape, (3) robbery, (4) aggravated assault, (5) burglary, (6) larceny–theft, (7) motor vehicle theft, and (8) arson.

Part II crimes are also considered serious offenses; however, they differ from Part I offenses in that they occur relatively less frequently. Because of the infrequent nature of these events, reliable comparisons between jurisdictions or over time for these offenses are not often possible. The following are Part II criminal offenses:

- Other assaults (simple)
- Forgery and counterfeiting
- Corporate fraud
- Embezzlement
- Buying, receiving, and possessing stolen property
- Vandalism
- Possession and carrying of a weapon
- Prostitution and commercialized vice
- Drug abuse violations
- Gambling
- Nonviolent and unlawful offenses against family and children

- Driving under the influence
- Liquor law violations
- Drunkenness
- Disorderly conduct
- Vagrancy
- All other violations of state or local laws not specified (except traffic violations)
- Suspicion, that is, arrested and released without formal charges
- Curfew violations and loitering
- Runaways

The UCR program offers more than simply counts of each crime. Depending on the crime, it also offers details of the criminal incident. The crime for which there is greatest detail in the UCR is murder and nonnegligent manslaughter. Using Supplemental Homicide Reporting forms, the FBI gathers information on the homicide victim's age, sex, and race; the offender's age, race, and sex; weapon type (if any); victim and offender relationship; and the circumstances that led to the homicide. For other crimes, some, but not many, details are available. For instance, one can ascertain whether a rape was completed or attempted, whether a burglary involved forcible entry, the type of motor vehicle stolen, and whether a robbery included a weapon.

### The Future of the UCR Program: The National Incident-Based Reporting System

Since the UCR program was launched, little has changed in terms of the data collected. One exception is the addition of arson as a Part I crime. Over time, it became clear that change was needed in the UCR program. For example, the lack of incident-level detail for offense data gathered was viewed as a significant limitation. In fact, most scholars refer to the UCR program as the *UCR summary program*, because it collects only aggregate-level information on the eight Part I index crimes over time. Another problem is that some crime definitions had become dated. In response to these and other concerns, evaluations by the FBI, the Bureau of Justice Statistics, the IACP, and the National Security Agency in the late 1970s and early 1980s concluded that the UCR program was in need of modernization and enhancements to better serve its major constituency: law enforcement. The final report of these evaluations and recommendations are available in *Blueprint for the Future of the Uniform Crime Reporting Program*.

The resulting redesign, introduced in the mid-1980s, is the UCR program's National Incident-Based Reporting System (NIBRS). As the name indicates, data submitted to the FBI include the nature and types of crimes in each incident, victim(s) and offender(s) characteristics, type and value of stolen and recovered property, and characteristics of arrested individuals. In short, the NIBRS offers much more comprehensive and detailed data than the UCR.

The NIBRS, like the traditional UCR summary program, is voluntary, reflects crimes known to the police and gathers data on the same crimes as the summary program. Although the two systems share some characteristics, major differences exist. A significant difference is that the NIBRS has the capacity to collect incident-level details for *all* crimes covered. Another difference in the two programs is that the nomenclature of Part I and Part II offenses was discarded in favor of Group A and Group B classes of offenses in NIBRS. Group A crimes are substantially more inclusive than Part I offenses and consist of 22 crimes covering 46 offenses, some of which are listed here:

- Homicide (murder and nonnegligent manslaughter, negligent manslaughter, justifiable homicide [which is not a crime])
- Sex offenses, forcible (forcible rape, forcible sodomy, sexual assault with an object, forcible fondling)
- Robbery
- Assault (aggravated, simple, intimidation)
- Burglary/breaking and entering
- Larceny–theft
- Motor vehicle theft
- Arson
- Bribery
- Sex offense, nonforcible
- Counterfeiting/forgery
- Destruction/damage/vandalism of property
- Drug/narcotic offenses
- Pornography/obscene material
- Prostitution
- Embezzlement
- Extortion/blackmail
- Fraud
- Gambling offenses
- Kidnapping/abduction
- Stolen property offenses
- Weapon law violations

Group B comprises 11 offenses and covers all crime that does not fall into Group A offenses:

- Bad checks
- Curfew/loitering/vagrancy
- Disorderly conduct
- Driving under the influence
- Drunkenness
- Family offense/nonviolent
- Liquor law violations
- Peeping tom
- Runaway
- Trespass of real property
- All other offenses

In the NIBRS, law enforcement agencies are categorized as *full-participation* agencies or *limited-participation* agencies. Full-participation agencies are those that can submit

data without placing any new burden on the officers preparing the reports and that have sufficient data-processing and other resources to meet FBI reporting requirements. Full-participation agencies submit data on all Group A and B offenses. Limited-participation agencies are unable to meet the offense-reporting requirements of full-participation agencies. These agencies submit detailed incident information only on the eight Part I UCR offenses.

Yet another departure from the traditional UCR summary system is that although the NIBRS collects data on many of the same crimes, it uses some revised and new offense definitions. For example, in the traditional UCR summary program, only a female can be a victim of a forcible rape. The NIBRS redefines forcible rape as “the carnal knowledge of a *person*,” allowing males to be victims of these offenses. A new offense category of crime included in the NIBRS is called *crimes against society*; these include drug/narcotic offenses, pornography/obscene material, prostitution, and gambling offenses. An important difference between the UCR and the NIBRS is that the NIBRS enables one to distinguish between an attempted versus a complete crime. Previously, no distinction was available. A significant improvement of NIBRS data is the ability to link attributes of a crime. For instance, in the traditional system, with the exception of homicide, one could not link offender information, victim information, and incident victim information. With the NIBRS, one can link data on victims to offenders to offenses to arrestees.

In the NIBRS, the hierarchy rule was changed dramatically. In the traditional system, the hierarchy rule prevented one from counting an incident multiple times due to multiple offenses within the same incident. Using the hierarchy rule, law enforcement agencies determined the most serious offense in an incident and reported only that offense to the FBI. With the NIBRS, all offenses in a single incident are recorded and can be analyzed. Some researchers have reported that the hierarchy rule has been completely suspended in the NIBRS, but this is incorrect. Two exceptions to the hierarchy rule remain. First, if a motor vehicle is stolen (motor vehicle theft), and there were items in the car (property theft), only the motor vehicle theft is reported. Second, in the event of a justifiable homicide two offenses are reported: (1) the felonious acts by the offenders and (2) the actual nonnegligent homicide. In the NIBRS, the *hotel rule* was modified as well. The hotel rule states that where there is a burglary in a dwelling or facility in which multiple units were burglarized (e.g., a hotel) and the police are most likely to be reported by the manager of the dwelling, the incident is counted as a single offense. In addition, the NIBRS has extended the hotel rule to self-storage warehouses, or mini-warehouses.

### Advantages and Disadvantages of UCR Data

The traditional UCR summary reporting system is characterized by many advantages. First, it has been ongoing

for more than eight decades with remarkably stable methodology. This aspect allows meaningful trend analysis. Second, the UCR allows analyses at a variety of levels of geography. One can ascertain crime information for cities, regions, or the nation. Third, this system offers broad crime coverage, ranging from vandalism to homicide. Fourth, instead of focusing only on street crimes (i.e., homicide, robbery, and assault), the UCR offers information on other crimes, such as embezzlement, drunkenness, and vagrancy. Fifth, the UCR summary system has broad coverage from law enforcement agencies. All 50 states, the District of Columbia, and some U.S. territories report data to the FBI. Sixth and last, the UCR collects crime information regardless of the age or victim or offender. Some crime data collection systems (e.g., the National Crime Victimization Survey) gather crime data on restricted ages only. The NIBRS enjoys many of the UCR's advantages and more. The greatest additional advantage of the NIBRS is that it offers incident-level details for every crime reported. With greater detail, one can disaggregate data by multiple victim, offender, and incident characteristics. One also can link various components of the incident.

Both the traditional summary system and the NIBRS have limitations that are important to recognize. First, both systems reflect only crimes reported to the police. Evidence is clear that many crimes are reported to the police in low percentages. For example, only about half of all violent crime comes to the attention of the police. In some cases, such as rape, fewer than 30% of the crimes are reported to the police. Second, because the data come from law enforcement agencies, they can be manipulated for political and societal purposes. Although this is not considered to be a widespread problem, it can and has happened. Third, because the UCR reporting systems are voluntary, they are subject to a lack of, or incomplete, reporting by law enforcement agencies. When information is not submitted or the submitted information does not meet the FBI's guidelines for completeness and accuracy, the FBI uses specific protocols to impute data to account for this issue. The degree to which UCR data are imputed at the national level is sizeable and varies annually.

The NIBRS is characterized by some disadvantages not shared with the traditional UCR system. First, the NIBRS has limited coverage. It requires a lengthy certification process, and scholars have suggested that a result of this is slow conversion to the system. As of 2007, 31 states were certified and contributing data to the program. This represents reporting by 37% of law enforcement agencies and coverage of approximately 25% of the U.S. population. Furthermore, not all agencies within certified states submit any NIBRS data. In 2004, only 7 states fully reported NIBRS data. The agencies that do participate tend to represent smaller population areas. As recently as 2005, no agency covering a population of over 1 million participated in the NIBRS. Given this, it is clear that the NIBRS does

not utilize data that constitute a representative sample of the population, law enforcement agencies, or states.

## The Bureau of Justice Statistics and the NCVS

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The second major publisher of national crime reports and statistics is the BJS, the primary statistical agency in the Department of Justice. This bureau was established under the Justice Systems Improvement Act of 1979. Prior to this, the office was recognized as the National Criminal Justice Information and Statistics Service, which was a part of the Law Enforcement Agency within the Law Enforcement Assistance Administration. Currently, the BJS is an agency in the Office of Justice Programs within the Department of Justice. The mission of the BJS is to gather and analyze crime data; publish crime reports; and make available this information to the public, policymakers, the media, government officials, and researchers.

Although the BJS collects a wide variety of data related to all aspects of the criminal justice system, its major crime victimization data collection effort is currently the National Crime Victimization Survey (NCVS). The NCVS is the nation's primary source of information about the frequency, characteristics, and consequences of victimization of individuals age 12 and older and their households in the United States. The survey was first fielded in 1972 as the National Crime Survey (NCS). The NCS was designed with three primary purposes. First, it was to serve as a benchmark for UCR statistics on crime reported to police. Second, the NCS was to measure what was called "the dark figure of unreported crime," that is, crime unknown by law enforcement. Third, the NCS was designed to fill a perceived need for information on the characteristics of crime not provided by the UCR.

Shortly after the fielding of the NCS, work toward improving the survey began. Beginning in 1979, plans for a thorough redesign to improve the survey's ability to measure victimization in general, and certain difficult-to-measure crimes, such as rape, sexual assault, and domestic violence, was started. The redesign was implemented in 1992 using a split-sample design. It is at this time that the NCS changed names to the NCVS. The first full year of NCVS data based on the redesign was available in 1993. Following the redesign, the NCVS measured almost the identical set of crimes gathered in the NCS. The only exception is that, after the redesign, data on sexual assault were collected.

In general, and as anticipated, the NCS redesign resulted in an increase in the number of crimes counted. Increases measured were not uniform across crime types, however. For example, increases in crimes not reported to the police were greater than the increases in crimes reported to the police. One reason for this is that improved cues for certain questions caused respondents to recall more of the less serious crimes—those that are also less likely to be reported to law enforcement officials. As a

result, the percentage of crimes reported to police based on the redesigned survey is lower than the percentage calculated based on data collected with the previous survey design. This difference is particularly significant for crimes such as simple assault, which does not involve the presence of weapons or serious injury.

### NCVS Methodology

NCVS crime data come from surveys administered at a sample of households in the United States. Households are selected via a stratified, multistage, cluster sample. The samples are designed to be representative of households, as well as of noninstitutionalized individuals age 12 or older in the United States. The NCVS is characterized by a very large sample size. In recent years, approximately 80,000 persons in 40,000 households were interviewed. The NCVS is also characterized by a rotating-panel design in which persons are interviewed every 6 months for a total of seven interviews. Interviews are conducted in person and over the telephone throughout the year.

NCVS surveys are administered via two survey instruments. The first is a screening instrument that is used to gather information to determine whether a respondent was a victim of a threatened, attempted, or completed crime during the preceding 6 months. If the screening instrument uncovers a possible victimization, a second incident-focused instrument is administered to gather detailed characteristics about all victimizations revealed. These details include the victim characteristics, offender characteristics, and characteristics of the incident.

The details gathered on the incident instrument are used in two very important ways. Detailed incident information is used to determine *whether* the incident described by the respondent was a crime and, if the incident is deemed a crime, the *type* of crime that occurred. These assessments are made not by the field representative or the survey respondent but by statisticians using incident details during data processing at the U.S. Census Bureau, the agency responsible for collecting the data on behalf of the BJS.

### Crimes Measured in the NCVS

Because one of the major purposes of the NCVS was to serve as a benchmark for UCR summary program statistics on crime reported to police, and to measure the “dark figure” of unreported crime, the offenses measured by the NCVS are analogous to Part I crimes measured by the UCR. NCVS criminal offenses measured include rape, sexual assault, robbery, aggravated assault, simple assault, pocket-picking and purse-snatching, property theft, burglary, and motor vehicle theft.

The NCVS gathers far more than merely information on the types of personal and property crimes in the United States against persons age 12 or older. For each victimization revealed, extensive detailed information is collected. This includes the outcome of the victimization (completed, attempted); time and location of the incident; the number

of victims, bystanders, and offenders; victim demographics; victim–offender relationship; offender demographics; offender drug and/or alcohol use; gang membership; presence of weapon(s); injuries sustained; medical attention received; police contact; reasons for or against contacting the police; police response; victim retaliation; value of retaliation; and so on.

### The Future of the NCVS

Currently, the future of the NCVS is unclear. During 2007 and 2008, the Committee on National Statistics, in cooperation with the Committee on Law and Justice, reviewed the NCVS to consider options for conducting it. This need for review grew on the basis of evidence that the effectiveness of the NCVS has recently been undermined via the demands of conducting an expensive survey in a continued flatline budgetary environment. Given this situation, the BJS has implemented many cost savings strategies over time, including multiple sample cuts. Unfortunately, the result of sample cuts (in conjunction with falling crime rates) is that, for the last several years, the sample size is now such that only a year-to-year change of 8% or more can be deemed statistically different from no change at all. On the basis of the review, the panel concluded that the NCVS as it currently stands is not able to achieve its legislatively mandated goal of collecting and analyzing data. The review panel provided multiple recommendations regarding a redesign of the NCVS that are currently being studied. At this time, it is unclear what a redesign would entail, or even if a redesign will happen. One possibility—not embraced by the review panel—is the termination of the NCVS. Such an outcome would be unfortunate given that the survey provides the only nationally representative data on crime and victimization with extensive details on the victim, the offender, and the incident.

### Advantages of the NCVS

A major advantage of the NCVS is that it provides data on reported and unreported crimes. As stated previously, many crimes (and in some cases, e.g., rape, most crimes) are not reported to police. A second advantage of NCVS data is that they offer a wide range of criminal victimization variables, including information about crime victims (e.g., age, gender, race, Hispanic ethnic origin, marital status, income, and educational level), criminal offenders (e.g., gender, race, approximate age, drug/alcohol use, and victim–offender relationship), and the context of the crime (e.g., time and place of occurrence, use of weapons, nature of injury, and economic consequences). A third advantage of NCVS data is the high response rates. Like all surveys, response rates in the NCVS have declined a bit in recent years; nonetheless, they continue to be relatively high. For example, between 1993 and 1998, NCVS response rates varied between 93% and 96% of eligible households and between 89% and 92% of eligible individuals. A fourth advantage of NCVS data is that the survey has been

ongoing for over three decades with a stable sample and methodology. This makes trend analysis possible, and it allows one to aggregate data in an effort to study relatively rare crimes, such as rape, or relatively small populations, such as American Indians.

### Disadvantages of the NCVS

The NCVS performs very well for the purposes designed; however, like all surveys, it has some limitations. First, the NCVS is designed to generate national estimates of victimization. Because of this, the data cannot be used to estimate crime at most other geographic levels, such as the state, county, or local level. In 1996, a region variable was added to the NCVS data, enabling crime estimates for the Northeast, South, West, and Midwest. On rare occasions, special releases of NCVS data have provided insight into crime in major cities. Limited age coverage is a second limitation of NCVS data. Because the data do not include victimizations of persons age 11 or younger, findings are not generalizable to this group. A third limitation is limited population coverage. Because one must live in a housing unit or group quarter to be eligible for the NCVS sample, persons who are crews of vessels, in institutions (e.g., prisons and nursing homes), members of the armed forces living in military barracks, or homeless are excluded from the NCVS sample and data. The fourth and final limitation is limited crime coverage. The NCVS collects data on the few personal and property crimes listed earlier and excludes many others. NCVS data tend to focus on street crimes, excluding other offenses, such as arson, crimes against businesses, stalking, vagrancy, homicide, embezzlement, and kidnapping. A limitation of the NCVS data stems from the fact that they are derived from a sample. Like all sample surveys, the NCVS is subject to sampling and nonsampling error. Although every effort is taken to reduce error, some remains. One source of nonsampling error stems from the inability of some respondents to recall in detail the crimes that occurred during the 6-month reference period. Some victims also may not report crimes committed by certain offenders (e.g., spouses), others may simply forget about victimizations experienced, and still others may experience violence on a frequent basis and may not view such incidents as important enough to report to an NCVS field representative. A final limitation is associated with what are referred to as *series victimizations*. Series victimizations are defined as six or more similar but separate victimizations that the victim is unable to recall individually or to describe in detail to an interviewer. Recall that crime classification in the NCVS is based on the respondent's answers to several incident questions. Without information on each incident, crime classification cannot occur. To address series victimization, a specific protocol is used. This protocol states that if an individual was victimized six or more times in a similar fashion during the 6-month reference period, and he or she cannot provide the details about each incident, then one report is taken for the entire series of victimizations. Details of the most recent incident are obtained, and the victimization is counted as a

singular incident. It is clear that the series protocol results in an underestimate of the actual rate of victimization.

### UCR Data and the NCVS Compared

Because of the similarities between the UCR and the NCVS, it is generally expected that each data source will provide the same story about crime in the United States. Although that does often happen, many times it does not. Since 1972, year-to-year violent crime change estimates from the NCVS and UCR moved in the same direction, either up or down, about 60% of the time. Property crime rates have moved in the same direction about 75% of the time. Given that the NCVS and the UCR have different purposes and different methodologies, study different populations, examine different types of crimes, and count offenses and calculate crime rates differently, a lack of congruence on occasion should not be surprising. This section of the chapter looks at some of the reason the two series do not always track together.

Perhaps the largest difference between the UCR and NCVS is that the UCR measures only crimes reported to law enforcement agencies; that is, if the crime was not reported to the police, that crime can never be reflected in UCR data. In contrast, the NCVS interviews victims of crime and collects information on crimes that were and were not reported to the police. A second major difference in the two systems is found in the population coverage. UCR data include all reported crimes regardless of victim characteristics. This includes crimes against young children, visitors from other countries, and businesses or organizations. In contrast, the NCVS provides data on reported and unreported crimes against people age 12 or older and their households. Not included in the NCVS data are crimes against persons younger than age 12, businesses, homeless people, and institutionalized persons. A third significant difference in the two systems is crime coverage. The Part I UCR summary reporting system includes homicide and arson, neither of which is measured by the NCVS. In contrast, the NCVS collects information on simple assault—the most frequent violent crime—whereas the UCR traditional Part I crimes excludes it. In addition, the NCVS and UCR define some crimes differently and count some crimes differently. As stated earlier, the UCR defines forcible rape as “the carnal knowledge of a female forcibly and against her will” and excludes rapes of males and other forms of sexual assault. The NCVS measures rape and sexual assault of both women and men.

Yet another significant difference concerns the basic counting unit of the two data collection systems. In the NCVS, the basic counting unit is the victim. There are two types of victims in the NCVS: (1) the person and (2) the household. When considering personal or violent crimes, (i.e., rape, sexual assault, robbery, assault, purse-snatching, or pocket-picking), the number of victimizations is equal to the number of persons victimized. When considering property crimes (i.e., property theft, household burglary, and motor vehicle theft), the number of victims is equal to the number of households victimized. Therefore, crime reports

using NCVS data report rates of violent crime as the number of victimizations per 1,000 people age 12 or older. Likewise, property crimes are reported as the number of property victimizations per 1,000 households. In the UCR, the basic counting unit is the offense. For some crimes, such as assault and rape, an offense is equal to the number of victims. For other crimes, such as burglary or robbery, an offense is equal to the number of incidents. All UCR crime rates, regardless of the type of victim (i.e., individual or organization), are calculated on a per capita basis: the number of offenses per 100,000 people. For some crimes, the NCVS and UCR counting rules result in similar outcomes. For instance, if in a single incident two people were assaulted by a knife-wielding offender both programs would count two aggravated assaults. In contrast, other times counting rules result in different outcomes. For example, if in a single incident five people were robbed by a gun-toting offender, the NCVS would record five robbery victimizations, and the UCR would count a single robbery. If, however, a bank teller was threatened by an armed assailant during a bank robbery, the UCR would record this as a robbery with a weapon, whereas the NCVS, which measures only crimes against people and their households, would classify the same crime as an aggravated assault victimization (assuming that no personal property was stolen from the teller).

## Conclusion

This chapter has provided an overview of crime reports and statistics, which are used to convey an extensive amount of information about crime. This includes topics such as the extent of crime and the nature or characteristics of criminal offenses, as well as how the nature and characteristics of crime change over time. Furthermore, official crime reporting systems, such as the UCR, the NIBRS, and the NCVS, allow insight into the experiences of crime and victimization for specific groups and how they may or may not differ from others or over time. Understanding what crime reports and statistics are requires an understanding of the agencies that gather the data and publish the reports. Furthermore, one must comprehend the intricacies of the data collection to fully appreciate the strengths and weaknesses of what the data (and resulting reports and statistics) offer.

Data from the UCR and the NCVS are essential to an understanding of crime. Because crime is not a directly observable phenomenon, no single measure can adequately convey or describe information about its extent and characteristics. Like other nonobservable events, such as the economy or the weather, no single measure suffices. One could not hope to understand the state of the economy by understanding only the unemployment rate. Neither could one fully realize the condition of the weather by understanding the percentage humidity only. Multiple measures are required for such phenomenon. These multiple measures are found in UCR data and the NCVS. Together, used in a complementary fashion, these

data provide a more complete understanding of crime in the nation than either could alone.

## References and Further Readings

- Addington, L. A. (2007). Using NIBRS to study methodological sources of divergence between the UCR and NCVS. In J. P. Lynch & L. A. Addington (Eds.), *Understanding crime statistics: Revisiting the divergence of the NCVS and the UCR* (pp. 225–250). New York: Cambridge University Press.
- Barnett-Ryan, C. (2007). Introduction to the Uniform Crime Reporting Program. In J. P. Lynch & L. A. Addington (Eds.), *Understanding crime statistics: Revisiting the divergence of the NCVS and the UCR* (pp. 55–92). New York: Cambridge University Press.
- Biderman, A. D., & Reiss, A. J. (1967). On exploring the “dark figure” of crime. *Annals of the American Academy of Political and Social Science*, 374, 1–15.
- Bureau of Justice Statistics. (1989). *Redesign of the National Crime Survey* (NCJ Publication No. 111457). Washington, DC: U.S. Department of Justice.
- Federal Bureau of Investigation. (2004). *UCR: Uniform Crime Reporting handbook*. Washington, DC: U.S. Department of Justice.
- Kindermann, D., Lynch, J., & Cantor, D. (1997). *Effects of the redesign on victimization estimates* (NCJ Publication No. 164381). Washington, DC: U.S. Department of Justice.
- Lehnen, R. G., & Skogan, W. G. (Eds.). (1981). *The National Crime Survey working papers: Vol. 1. Current and historical perspectives* (NCJ Publication No. 75374). Washington, DC: U.S. Department of Justice.
- Lehnen, R. G., & Skogan, W. G. (Eds.). (1984). *The National Crime Survey working papers: Vol. 2. Methodological studies* (NCJ Publication No. 90307). Washington, DC: U.S. Department of Justice.
- Lynch, J. P., & Addington, L. A. (Eds.). (2007). *Understanding crime statistics: Revisiting the divergence of the NCVS and the UCR*. New York: Cambridge University Press.
- Maltz, M. D. (1999). *Bridging gaps in police crime data* (NCJ Publication No. 176365). Washington, DC: U.S. Department of Justice.
- National Research Council of the National Academies. (2008, February). *Surveying victims: Options for conducting the National Crime Victimization Survey*. Retrieved May 16, 2008, from [http://books.nap.edu/openbook.php?record\\_id=12090&page=R1](http://books.nap.edu/openbook.php?record_id=12090&page=R1)
- President’s Commission on Law Enforcement and the Administration of Justice. (1967a). *The challenge of crime in a free society*. Washington, DC: U.S. Government Printing Office.
- President’s Commission on Law Enforcement and the Administration of Justice. (1967b). *Crime and its impact: An assessment*. Washington, DC: U.S. Government Printing Office.
- Rennison, C. M., & Rand, M. R. (2007). Introduction to the National Crime Victimization Survey. In J. P. Lynch & L. A. Addington (Eds.), *Understanding crime statistics: Revisiting the divergence of the NCVS and the UCR* (pp. 17–54). New York: Cambridge University Press.
- U.S. Department of Justice. (1985). *Blueprint for the future of the Uniform Crime Reporting Program*. Washington, DC: Author.

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## CITATION AND CONTENT ANALYSIS

ELLEN G. COHN

*Florida International University*

Citation and content analyses are two methodological techniques used by criminologists for a variety of purposes. *Citation analysis* is a way of evaluating the scholarly impact of a scholar, scholarly work, journal, book, or academic department within a discipline. *Content analysis* allows criminologists to systematically examine the contents of a book, article, television program, or other work. It is often used as a way of discovering patterns within individual works or bodies of work. Both are quantitative methods that are less likely to be affected by personal bias than other techniques. This chapter discusses each technique in detail, including a review of the advantages and problems of each method.

### Citation Analysis

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#### What Is Citation Analysis?

Citation analysis is a technique that is widely used to evaluate the impact and prestige of individual scholars, academic journals, and university departments within a discipline. The technique may also be used to determine the impact an individual scholarly work (a book or journal article) has on subsequently published research in the field. In addition to its application in criminology, citation analysis has been used in disciplines such as medicine, economics, physics, sociology, and psychology. The rationale for using citation counts as a measure of research eminence was best explained by

Rushton (1984): “If psychologist A’s work has been cited 50 times in the world’s literature that year, and psychologist B’s only 5, A’s work is assumed to have had more impact than B’s, thereby making A the more eminent” (p. 33).

Citation analysis first came to prominence in criminology in Wolfgang, Figlio, and Thornberry’s 1978 book *Evaluating Criminology*. The authors used the technique to determine the most-cited American books and journal articles in criminology between 1945 and 1972. Twenty years later, their research inspired Cohn, Farrington, and Wright to return to the topic in their 1998 book, *Evaluating Criminology and Criminal Justice*. In this book, they used citation analysis to examine the most-cited scholars and works in a variety of American and international journals in criminology and criminal justice over a 10-year period.

These books, and many other studies that use citation analysis in criminology and criminal justice, have resulted in a considerable amount of controversy over the acceptability of citation analysis as a scientific technique. Although many scholars find the results to be an interesting and important contribution to the field, others find this research threatening and may even actively oppose the publication of articles using citation analysis. However, recent research does suggest that the approach is both valid and reliable and is an important tool for measuring prestige and influence in criminology.

Citation analysis provides researchers with an objective and quantitative method for determining the impact on the field of a scholar, journal, work, or department. It assumes

that if a specific article or book is frequently cited, many scholars find that work important and valuable. In addition, citation analysis assumes that citations reflect the influence of a given work on the field, so that if two researchers were working independently on the same problem, they would both cite the same material. Although there is some question as to whether citation counts accurately measure the quality of a highly cited work, they are used to measure that work's influence or prestige.

Currently, there are two main methods commonly used for gathering citation data. The first method is to use citation indexes, especially those produced by the Institute for Scientific Information. These include the *Science Citation Index*, the *Social Sciences Citation Index (SSCI)*, and the *Arts and Humanities Citation Index*. These indexes list literally millions of bibliographic references made in thousands of journals published throughout the world. For the purposes of criminological research, the SSCI clearly is the most useful of the three.

The second method of gathering citation data involves examining reference lists of journals, scholarly books, textbooks, and other works in a given field and counting the number of citations made of a given scholar, scholarly work, or journal. Although this method is considerably more labor-intensive and time-consuming, it does permit researchers to avoid a number of problems that are inherent in the use of SSCI and other citation indices (discussed later). This technique was pioneered by Cohn and Farrington (1990) and has since been used successfully, both by them and by other researchers in criminology.

### Alternatives to Citation Analysis

Unlike citation analysis, most other measures of scholarly prestige and influence do tend to be vulnerable to personal bias. One of the most commonly used methods is *peer review*. In this method, a researcher may survey directors or chairs of criminology departments, or survey members of a scholarly society, such as the American Society of Criminology or the Academy of Criminal Justice Sciences, and ask them to rank academic journals, books, or PhD programs in criminology and criminal justice. However, it is clear that the results of this type of survey may be affected by the respondents' personal opinions. For example, scholars who have served as an editor or member of the editorial board of a particular journal may be more likely to give that journal a higher ranking because of their familiarity with it. Similarly, when ranking PhD programs, scholars may be inclined to give the program from which they graduated or where they currently are employed a higher ranking, or they may be inclined to give a rival department a lower ranking. In essence, regardless of the respondent's desire to be objective, personal preferences or knowledge may creep in and affect his or her responses to this type of survey.

A related method is to consider which individuals receive scholarly prizes or are elected to major offices in

scholarly societies. This method is similar to peer review, because in most cases, recipients are chosen or elected by members of the field. However, these methods all tend to identify the same individuals. They are also equally vulnerable to bias, because it is obviously easy to be influenced by personal likes or dislikes of the individual, department, or scholarly work under review.

Another method that is used to measure prestige and influence is to count the number of journal publications of an individual criminologist or of the entire faculty of a criminology department. This method clearly is far more quantitative and objective than that of peer review; however, it measures only productivity and does give a clear indication of influence. Just because an article is published in a journal does not mean that it will be read and/or cited or that other scholars will view the article as being important in any way. In addition, many of these studies attempt to weight the publications in some way, such as by the prestige of the journal. This often reduces the objectivity of the method, because journal prestige usually is determined by peer review. Finally, the rapidly increasing number of journals in the field of criminology is creating many additional outlets for publication and may serve to inflate publication rates, thus reducing the validity of this measure.

Overall, it appears that none of these methods provides as straightforward, objective, and quantitative measure of scholarly influence and prestige as citation analysis. Although citation analysis has its shortcomings, it appears to be more valid and reliable than any other method. "The overwhelming body of evidence clearly supports the use of citation analysis as a measure of scholarly eminence, influence, and prestige" (Cohn, Farrington, & Wright, 1998, p. 4).

### Advantages of Citation Analysis

One of the most notable advantages of citation analysis is that, unlike other measures of scholarly influence or prestige, such as peer rankings, citation analysis is objective and quantitative and is not affected by any personal bias. Whether the data are obtained from a citation index such as SSCI or from the reference lists of journals and other scholarly publications, they are readily and publicly available and cannot be affected by any personal bias, even that of the researcher.

The question of reliability and validity of citation counts has been examined by a variety of researchers. Research in a wide variety of academic disciplines supports the relationship between citation counts and other measures of scholarly influence, intellectual reputation, professional prestige, and scientific quality. Citation counts have been found to be highly correlated with scholarly productivity, peer ratings of professional eminence, scholarly recognition (e.g., election to the National Academies of Science), and the receipt of scholarly prizes (e.g., the Nobel Prize in physics). There also appears to be a strong correlation between citation counts and ratings of the prestige of university departments and doctoral programs. Researchers also have found citation



counts to be correlated with peer rankings and journal publications. Rushton (1984) stated, "It is fair to say that citation measures meet all the psychometric criteria for reliability," and concluded that "citation counts are highly valid indices of 'quality'" (p. 34)

Another concern frequently raised by those who oppose the use of this method is that it focuses on quantity rather than quality of citations. However, this appears to be an untenable position, given that citation counts are highly correlated with other measures of prestige and influence. Although it has been suggested that a high citation count may indicate a past contribution to the field, rather than a current or ongoing one, research suggests that, in general, scholars tend to cite more recent works rather than older ones. Researchers such as Cohn et al. (1998) have suggested that the influence of scholarly works tend to decay over time as they are supplanted by more recent work. One recent study estimated that social science research works have a half-life for citations of only about 6 years (Cohn & Farrington, 2008).

## Problems With Citation Analysis

### *General Problems*

Citation analysis is not a perfect measure of scholarly influence; the technique has a number of problems. One objection to citation analysis is that it may be biased against scholars who work in a narrow or less-populated specialty. If there are only a few researchers working in a particular area, there will be fewer articles published in which those researchers can and will be cited. As a result, these scholars, regardless of how influential they are in their area of expertise, are less likely to be frequently cited.

Another concern is that citation analysis counts all citations to a given work equally and does not distinguish among positive, negative, and neutral citations. In other words, just because a work is highly cited does not automatically mean that it is looked upon favorably by others in the field. However, a number of researchers have considered this and have found that the vast majority of citations appear to be positive or neutral. Very few citations appear to be critical or negative.

Several researchers have suggested that "recipe" articles, such as those outlining a new personality test or explaining a statistical technique, tend to be highly cited. However, in general this does not appear to be the case. Recent research into the most-cited scholars and works in criminology and criminal justice journals (see, e.g., Cohn & Farrington, 2007a, 2007b, 2008) has not found methodological works or their authors to be among the most cited.

Citation counts also may be affected by a scholar's productivity. In general, the most-cited criminologists tend to be older and more established in the field. They also tend to be fairly prolific writers and to have long publication records. However, Cohn and Farrington (2007a, 2007b) have found that a scholar's high ranking may be either a

function of the large number of different works cited (versatility) or a function of a large number of citations of one or two major works (specialization). Of course, it is possible for a scholar to be both versatile and specialized (e.g., to have a large number of works cited, with one or two of these receiving most of the citations).

Another concern is that an author's choice of which articles and/or authors to cite may be influenced by social factors, such as personal likes and dislikes, attempts to please journal editors, a desire to inflate individual or departmental citation counts, or even a preference for citing same-sex authors. For example, a scholar may cite others in the same department to boost overall departmental citation counts or may avoid citing faculty from a rival department to reduce their citation counts. Although it is difficult to constantly cite oneself (self-citation) as a way of inflating one's own citation count without being rather obvious about it, other more devious methods, such as "You cite me, I'll cite you," could be used. However, for such an approach to work, the scholars would still have to have a reasonably high publication rate in good quality journals.

Chapman (1989) discussed the issue of "obliteration by incorporation":

[Certain scholars may be] so eminent and prolific in their fields that, although their names appear in the body of an article, they can elude the ordinary counting process because the writer neglects to list them in the references at the end of the text. In psychology, textual mentions of Freud, for example, often are not referenced and are thus underrepresented in citation counts. (p. 341)

It has been suggested that a similar situation may occur in criminology with mentions of scholars such as Karl Marx.

However, despite these difficulties, citation analysis is generally accepted as a valid technique and is increasingly becoming more popular and more widely used in the sciences and social sciences.

### *Problems With Citation Indexes*

The SSCI lists all bibliographic references made in an extremely large number of social science journals. The index is an extremely useful tool for general bibliometric research but has several problems when used for citation analysis.

First, the SSCI does not include references in all published works. According to the SSCI Web site, as of 2008, the SSCI fully indexes over 2,000 journals in 50 social science disciplines, as well as individually selected items from over 3,300 leading scientific and technical journals. However, not all criminology journals are included. For example, neither *Criminology and Public Policy* nor *Violence and Victims* currently are included in the SSCI.

In addition, although the SSCI includes citations of books and book chapters, works cited in books or book chapters are not indexed. It is possible that this may lead to a bias, because

books appear to be highly significant in criminology. Cohn and Farrington (2007a, 2007b, 2008) have examined the most-cited works of the most-cited authors and found that most were books, rather than journal articles.

Another problem with the SSCI is that it lists only the initials and surnames of cited authors, making it almost impossible to distinguish between different people with the same last name and first initial. For example, Cohn and Farrington repeatedly have pointed out the difficulty of determining which of the citations of "J. Cohen" belong to Jacqueline Cohen and which refer to other individuals, such as Jacob Cohen or Joseph Cohen. Similarly, it is difficult, if not impossible, to distinguish between the various R. Berks, P. Brantingham, and D. Smiths. This confusion is only increased if citations include or omit an author's middle initial (e.g., making it more difficult to distinguish between E. G. Cohn and E. S. Cohn) or use a "nickname" first initial (such as R-for-Robert vs. B-for-Bobby Brame). In addition, citations of married female scholars may appear under more than one surname (e.g., Ilene Nagel, Ilene Bernstein, Ilene Nagel-Bernstein). Other scholars who hyphenate or change their surnames create similar difficulties for the citation analyst attempting to use the SSCI.

The SSCI also creates a bias against junior authors in collaborative works, because it lists citations only under the name of the first author. Therefore, an individual who is not listed as the first author of scholarly work will not be found in the SSCI. This may penalize younger scholars, scholars whose names come later in the alphabet (for articles where authors are listed alphabetically), and wives (e.g., in research by Sheldon and Eleanor Glueck, Sheldon's name is almost invariably listed first).

Citation indexes such as the SSCI also may contain errors. First, because it assumes that all citations in the source journals are accurate, any clerical or other errors in the original reference lists, such as misspelled names, incorrect dates of publication, or incorrect initials, are transferred to the SSCI. There is considerable evidence to suggest that this assumption is, for the SSCI at the least, questionable. For example, Cohn and Farrington (1996) pointed out that "Farrington" is often misspelled as "Farringdon." Similarly, "Hirschi" is frequently misspelled as "Hirsch," "Hirsh," or "Hirshi." In addition, Hirschi's citations have been found under "P. Hirschi" and "L. Hirschi" as well as the correct "T. Hirschi." When dates of articles are incorrect in the original reference list, they are entered into the SSCI under the incorrect year. In general, studies of citation accuracy have found that between 25% and 30% of all citations contained errors. Of course, this does not include any errors that may be made by the staff at Institute for Scientific Information who compile the SSCI.

Finally, the SSCI includes self-citations. Self-citations occur when a scholar cites his or her own work. It is, of course, perfectly reasonable and justifiable for scholars to cite themselves, especially when their work is building on their prior research. However, self-citations do not indicate the influence of the cited work on other scholars, and a

study of citations as a measure of influence on others in the field should omit self-citations. Because only the first author of a cited work is included in the SSCI, it is extremely difficult to exclude self-citations when using the SSCI to obtain citation counts.

### Other Sources of Citation Analysis Data

An alternative to employing citation indexes such as the SSCI is to examine reference lists of journals, textbooks, scholarly books, and other sources within a field and count the number of citations to a given scholar, work, or journal. This technique has been used successfully by Cohn and Farrington to produce a sizable body of citation analysis research in criminology. Although it is more time-consuming, this method is arguably more accurate and avoids many of the problems that are inherent in the use of the SSCI. For example, it allows the researcher to examine all authors of a cited work, not just the first author, and to exclude all self-citations. It also provides a knowledgeable researcher with an opportunity to correct at least some of the errors found in citation lists. For example, if the researcher sees a reference to a "T. Hirsch," he or she will be able to determine whether this citation is of a work by Travis Hirschi or that of a different author. This method also allows the researcher to attempt to distinguish between multiple authors with the same surname and first initial, because many journals list first names (not just initials) in their reference lists, or even scholars with the same full name (e.g., the Australian vs. the American Patrick O'Malley or the Australian vs. the British David Brown).

The technique developed by Cohn and Farrington is fairly straightforward, although admittedly somewhat tedious and time-consuming to carry out. For each journal that is used as a data source, they either download the reference pages for every article from an online full-text source into a word processing program or enter the pages into a computer from a printed copy of the journal using an optical scanner. For references with multiple authors, duplicate listings are made of the reference, with each coauthor listed first. Mistakes in reference lists are corrected when found. When all references for a given journal are entered into a computer file, they are sorted into alphabetical order, and this list is examined to determine the number of times each name appears. When known, citations of scholars with multiple names (e.g., Ilene Nagel/Bernstein) are amalgamated. If reference lists did not include first names or middle initials, Cohn and Farrington would, when necessary, check references against original publications to distinguish between, for example, the various D. Smiths (Douglas A., David D., David E., David J., etc.), the various J. Cohens (Jacqueline, Jacob, Joseph, etc.), and the various different scholars with the same name (David Brown, Richard Sparks, Richard Wright, Patrick O'Malley, etc.). In some journals, references occasionally specify "et al." rather than listing all authors. In these cases, the original works were checked, when possible, to obtain the names of all coauthors

and insert them into the data file. To maximize the accuracy of the data, this method requires an extensive and detailed knowledge of criminology authors and publications.

### Concluding Remarks

Overall, citation analysis is an extremely quantitative, objective method of exploring trends in scholarly impact and prestige. The increasing availability of electronic journals and books throughout the world is helping to make this technique more accessible and may increase its use in the near future. Researchers may in the future use citation analysis to examine how changes in theoretical, empirical, and political issues affect research and scholarly influence. They may also use this method to determine patterns and trends in research topics and perhaps predict changes in key issues over time.

## Content Analysis

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### What Is Content Analysis?

Content analysis, or *textual analysis*, as it is sometimes known, allows scholars to systematically study and classify the contents of an individual work or body of work, often to determine the presence of certain words or concepts. It is defined as “the identifying, quantifying, and analyzing of specific words, phrases, concepts, or other observable semantic data in a text or body of texts with the aim of uncovering some underlying thematic or rhetorical pattern running through these texts” (Huckin, 2003, p. 14).

Content analysis is applied not only to scholarly works (e.g., journals or books) but also to both the print and visual media (e.g., newspapers, television, movies). Other sources of data for content analysis include book chapters, interviews, conversations, speeches, historical documents, and so on. Content analysis may be applied almost anywhere communication occurs.

Content analysis has been used in criminology to study a wide variety of topics, ranging from how newspapers discuss community policing (Mastrofski & Ritti, 1999) to how television newscasts cover crime (Chermak, 1994). Wolfgang et al. (1978) used content as well as citation analysis when examining the field of criminology. They read, classified, coded, and rated more than 4,400 works, ranking them on scientific merit. More recently, Richard Wright (1995) conducted a number of content analyses of criminology and criminal justice textbooks, looking at topics such as the coverage of women and crime, the coverage of career criminals, treatment-of-choice theory, and the coverage of deterrence.

Content analysis allows researchers to study not only how messages are conveyed but also what meaning those messages convey. Like citation analysis, it is a primarily quantitative method of analyzing data. However, one of the key elements of content analysis is coding the concepts to

be studied, and this may involve some subjectivity. For example, if a researcher wants to examine all references to prisons, a wide variety of terms may be relevant, including not only *prisons* but also *jails*, *supermax*, *corrections*, and so on. Which terms are used will depend on the individual researcher and the research question.

### Types of Content Analysis

There are two main types, or categories, of content analysis: (1) conceptual and (2) relational. These were described in detail by Busch et al. (2005).

#### *Conceptual Analysis*

Conceptual analysis is what most people think of when the term *content analysis* appears. It is occasionally referred to as *thematic analysis*. In essence, it involves selecting a concept to be studied and determining how often that concept appears in the material being examined. For example, conceptual analysis could be used to determine how often terms relating to youth gangs are mentioned on a local newscast, appear in a local newspaper, or are mentioned in speeches by key government officials (or candidates).

To increase objectivity, particularly if multiple individuals are involved in the research, it is necessary for the terms in question to be identified in advance, so as to ensure intercoder reliability (in other words, to make certain that all researchers focus on the same specific words or word patterns). For example, in a study of youth gangs, other terms might also be used to refer to the concept in the text being examined; the researchers must decide in advance which terms imply “youth gangs” so that they will know which terms to include when and if they appear (e.g., synonyms such as *juvenile gangs* or *teen gangs*, as well as the names of specific gangs, such as “Crips” or “Bloods”). This step also is necessary when there is only one researcher examining the data, to ensure consistency throughout the data coding process.

It is also necessary for the researchers to decide whether to study *presence* or *frequency*. When the researcher is looking only at the presence (or absence) of a concept, it does not matter how often the relevant term appears in the text; the researcher cares only whether the term appears at least once. Therefore, a newspaper article that mentions youth gangs only once would be considered equal to one that focuses on the topic and mentions youth gangs repeatedly throughout the article. In a frequency study, on the other hand, a key term will be counted each time it appears. Measuring frequency rather than simple presence allows the researcher to assign a level of importance to the term. For example, one might conclude that a political candidate who mentions youth gangs 25 times during the course of a campaign speech considers the problem to be more serious than a rival candidate who mentions youth gangs only once during a speech.

Content analysis in criminology has also focused on *manifest content*, looking at the amount of coverage, usually measured by column print inches or pages, given to specific topics or individuals. Manifest content analysis researchers in criminology, criminal justice, and deviance have used length-of-coverage measurements in a variety of different ways. For example, Cohn et al. (1998) used content analysis to examine the amount of coverage given to scholars in introductory criminology textbooks and identify the most influential scholars on the basis of page coverage. Other researchers have used the number of inches of print in newspaper columns as a way to measure the amount of publicity devoted to various news stories.

#### *Relational Analysis*

Relational analysis, which is also known as *semantic analysis* or *concept mapping*, examines the relationship among various concepts within a given text. Relational analysis not only identifies concepts within the text but also explores the relationships between the various concepts. For example, examining the terms that appear next to or near the phrase *community policing* in newspaper articles may give insight into community attitudes toward or views about community policing. The basic idea behind relational analysis is that the individual concepts have no inherent meaning in and of themselves but they instead gain meaning as a result of their relationship with other concepts in the text. Researchers generally look at three main aspects of the relationship among the concepts being studied: (a) the *strength* of a relationship shows how strongly the concepts are related, (b) the *sign* indicates whether concepts are positively or negatively related, and (c) the *direction* refers to the type of relationship (e.g., does one concept precede another?).

#### **Advantages of Content Analysis**

There are a number of advantages to content analysis. First, it is both quantitative, or objective, and qualitative, or impressionistic. Much of the process is clearly objective; counting the prevalence or frequency of occurrence of set of words or phrases in a television news program, for example, is strictly quantitative and does not consider any underlying semantic features that may be found from an examination of the context of those phrases. However, the technique also allows for more subjective operations, such as allowing the individual researcher to determine whether specific television programs are pro- or antiviolence. Simply counting the number of violence-related terms that appear in the programs may not make it clear whether the programs support or oppose violence. However, an examination of the context in which the terms are used, although more subjective and somewhat less reliable, may provide more insight into this research question.

Another advantage of content analysis is that it is an unobtrusive research method. Experiments and surveys

frequently require researchers to interact with research participants during the data collection process in an abnormal or unnatural way. This interaction may affect the responses of the participants, who may omit key pieces of information, either deliberately or inadvertently. Texts and other types of media, on the other hand, are not affected by being read and analyzed by the researcher. For example, if a researcher is studying politicians to determine their views on the problem of youth gangs, the researcher could interview each politician individually. However, it is possible that the politicians might respond to the interviewer's questions with answers that they believe the interviewer wants or that make the politician look better. On the other hand, an examination of each politician's speeches would provide a more unbiased record, because the transcripts of the speeches cannot be altered to appear more favorable. Therefore, content analysis allows the researcher to reduce bias during the data collection process.

An additional strength of content analysis, in particular conceptual analysis, is that it generally is highly replicable. In other words, a different researcher, using the same coding system, should be able to produce the same results.

Content analysis also is extremely flexible and convenient for researchers. There are no surveys to conduct, no experimental subjects to test, no focus groups to conduct. The researcher can perform the analysis on his or her own schedule, rather than having to coordinate with research participants. In addition, because this methodology does not involve human participants, there are fewer ethical issues to take into consideration.

#### **Disadvantages of Content Analysis**

There are also several problems with content analysis as a research method. First, it is often very time-consuming and labor-intensive. The process is not as simple and straightforward as it may appear at first glance. Defining the categories, for example, may be a difficult process when multiple researchers are involved, and pretesting is essential to ensure that nothing is overlooked and that there is no confusion of terminology. In addition, the process requires a considerable amount of time. A study of prime time television programs to study violent content does require the researcher to watch the programs; even with commercials deleted, this will require a large time investment.

Another criticism of content analysis is that it frequently focuses on only the surface issues. In an effort to be more quantitative, the researcher may simply conduct word counts without looking at the context in which those words appear. In other words, the researcher focuses on the individual words, rather than on their meaning, by ignoring the contextual aspects of the communication.

Some scholars have pointed out that when content analysis is more qualitative, such as when one is conducting various types of relational analysis, the coding used frequently becomes more subjective and open to interpretation. This has the effect of increasing error and reducing

reliability. To deal with this problem, multiple coders may be used, and interrater reliability measures may be applied.

### Concluding Remarks

Overall, content analysis provides criminologists with opportunities to study, examine, and make inferences from a variety of print and other media. It allows researchers to expand their horizons and explore new concepts and new relationships among those concepts.

### Conclusion

Both content and citation analysis have a variety of problems; however, these techniques also offer scholars many advantages that are not as readily available with other methods. They provide an objective method for studying both texts and the scholars who produce them. Both use existing documents, or other forms of communication, as sources of data for analysis, rather than involving human participants in research. Both have the potential to be cumulative; that is, as further documents become available for study, they may be incorporated into the research, allowing researchers the opportunity to study trends over time. Both methods are widely used in criminology, and both are somewhat controversial. However, although there is some controversy within the field as to their use, both approaches appear to be both reliable and valid, and both clearly have widespread uses within the field of criminology and criminal justice.

### References and Further Readings

- Busch, C., De Maret, P. S., Flynn, T., Kellum, R., Le, S., Meyers, B., et al. (2005). *Overview: Content analysis*. Retrieved March 22, 2008, from <http://writing.colostate.edu/guides/research/content/>
- Chapman, A. J. (1989). Assessing research: Citation-count shortcomings. *The Psychologist, 8*, 336–344.
- Chermak, S. M. (1994). Body count news: How crime is presented in the news media. *Justice Quarterly, 11*, 561–582.
- Cohn, E. G., & Farrington, D. P. (1990). Differences between British and American criminology: An analysis of citations. *British Journal of Criminology, 30*, 467–482.
- Cohn, E. G., & Farrington, D. P. (1996). “Crime and justice” and the criminology and criminal justice literature. In N. Morris & M. Tonry (Eds.), *Crime and justice: A review of research* (Vol. 20, pp. 265–300). Chicago: University of Chicago Press.
- Cohn, E. G., & Farrington, D. P. (1998a). Assessing the quality of American doctoral program faculty in criminology and criminal justice, 1991–1995. *Journal of Criminal Justice Education, 9*, 187–210.
- Cohn, E. G., & Farrington, D. P. (1998b). Changes in the most-cited scholars in major American criminology and criminal justice journals between 1986–1990 and 1991–1995. *Journal of Criminal Justice, 26*, 99–116.
- Cohn, E. G., & Farrington, D. P. (2007a). Changes in scholarly influence in major American criminology and criminal justice journals between 1986 and 2000. *Journal of Criminal Justice Education, 8*, 6–34.
- Cohn, E. G., & Farrington, D. P. (2007b). Changes in scholarly influence in major international criminology journals between 1986 and 2000. *Australian and New Zealand Journal of Criminology, 40*, 335–360.
- Cohn, E. G., & Farrington, D. P. (2008). Scholarly influence in criminology and criminal justice journals in 1990–2000. *Journal of Criminal Justice, 36*, 11–21.
- Cohn, E. G., Farrington, D. P., & Wright, R. A. (1998). *Evaluating criminology and criminal justice*. Westport, CT: Greenwood Press.
- Gordon, R. A., & Vicari, P. J. (1992). Eminence in social psychology: A comparison of textbook citation, Social Sciences Citation Index, and research productivity rankings. *Personality and Social Psychology Bulletin, 18*, 26–38.
- Huckin, T. (2003). Content analysis: What texts talk about. In C. Bazemore & P. A. Prior (Eds.), *What writing does and how it does it* (pp. 13–33). Mahwah, NJ: Lawrence Erlbaum.
- Mastrofski, S. D., & Ritti, R. R. (1999). *Patterns of community policing: A view from newspapers in the United States* (COPS Working Paper No. 2). Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.
- Regoli, R. M., Poole, E. D., & Miracle, A. W., Jr. (1982). Assessing the prestige of journals in criminal justice: A research note. *Journal of Criminal Justice, 10*, 57–67.
- Rushton, J. P. (1984). Evaluating research eminence in psychology: The construct validity of citation counts. *Bulletin of the British Psychological Society, 37*, 33–36.
- Shichor, D. (1982). An analysis of citations in introductory criminology textbooks: A research note. *Journal of Criminal Justice, 10*, 231–237.
- Steiner, B., & Schwartz, J. (2006). The scholarly productivity of institutions and their faculty in leading criminology and criminal justice journals. *Journal of Criminal Justice, 34*, 393–400.
- Thomas, C. W. (1987). The utility of citation-based quality assessments. *Journal of Criminal Justice, 15*, 165–171.
- Weber, R. P. (1990). *Basic content analysis* (2nd ed.). Newbury Park, CA: Sage.
- Wolfgang, M. A., Figlio, R. M., & Thornberry, T. P. (1978). *Evaluating criminology*. New York: Elsevier.
- Wright, R. A. (1995). The most-cited scholars in criminology: A comparison of textbooks and journals. *Journal of Criminal Justice, 23*, 303–311.
- Wright, R. A. (1996). Do introductory criminology textbooks cite the most influential criminologists? *American Journal of Criminal Justice, 20*, 225–236.
- Wright, R., & Cohn, E. G. (1996). The most-cited scholars in criminal justice textbooks. *Journal of Criminal Justice, 24*, 459–467.

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## CRIME MAPPING

MARC L. SWATT

*Northeastern University*

Crime is not a random event. Criminological research suggests that certain psychological, social, or economic characteristics are associated with higher levels of criminal involvement. Furthermore, particular lifestyles and patterns of activity place individuals at a heightened risk for victimization. Crime fluctuates temporally as well: More crimes occur in the evening as opposed to the morning, on weekends as opposed to weekdays, and in summer months as opposed to winter months. It comes as no surprise that spatial patterns of crime exist as well. For example, Sherman and colleagues (Sherman, Gartin, & Buerger, 1989) found that approximately 50% of calls for service came from approximately 3% of addresses in Minneapolis, Minnesota.

*Crime mapping* is the process through which crime analysts and researchers use location information about crime events to detect spatial patterns in criminal activity. Early crime mapping efforts typically involved placing physical markers, such as pins, on maps to designate the locations where crimes occurred. Patterns of criminal activity were determined primarily through visual inspection of these maps. With the advances in computing, geographic information system (GIS) software, such as MapInfo and ArcGIS, enables researchers to convert geographic information (addresses or global positioning system [GPS] coordinates) into coordinates used with virtual maps. Researchers and crime analysts can then use a number of analytic software packages to examine and detect patterns of criminal activity from these virtual maps.

This chapter is designed to offer an overview of the field of crime mapping. First, the history of crime mapping is briefly discussed. After this, a brief overview of several theoretical perspectives that have been used to understand the spatial patterns of crime is provided. Following this, some of the major findings in spatial crime analyses are discussed, particularly in regard to the relevance of implementation strategies designed to combat crime. The chapter concludes with recommendations for future directions in crime mapping research.

### A Brief History of Crime Mapping

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Interestingly, the earliest efforts at crime mapping can be traced to the roots of the discipline of criminology itself. In the early 19th century, a number of studies examined the distribution of crime in France and England. Brantingham and Brantingham (1991a) provided an overview of some of the findings of the main studies from this era. Guerry and Quetelet mapped crimes in France at the department level and found that crimes were not distributed evenly across departments. They also found that there was stability over time in both areas with high crime and areas with low crime over time. These findings were echoed in England with studies by Plint, Glyde, and Mayhew.

In the United States, Shaw and McKay's (1942) seminal study of juvenile delinquency in Chicago made extensive use of crime maps. Shaw and McKay borrowed Park and

Burgess's (1924) ecological model and divided the city into five different zones. They found that the zone adjacent to the central business district, the *zone of transition*, perpetually suffered from the highest rates of juvenile delinquency and other social problems regardless of the specific ethnic group occupying the zone at the time. This research was instrumental in popularizing social disorganization theory and inspired a number of similar mapping projects in Chicago; Philadelphia; Richmond, Virginia; Cleveland, Ohio; Birmingham, Alabama; Denver, Colorado; Seattle, Washington; and other cities.

Accompanying these early efforts in crime mapping were developments in the profession of policing that provided additional opportunities for crime mapping. In the late 19th and early 20th centuries, the professionalization movement in policing encouraged police organizations to compile statistics documenting the extent of crime in their jurisdictions. In fact, one of the main justifications for the creation of Federal Bureau of Investigation was for the explicit purpose of documenting the extent of crime in the United States through the Uniform Crime Reporting program (Mosher, Miethe, & Phillips, 2002). During this time, many agencies began compiling crime statistics and conducting analyses of crime data. Crime mapping was primarily done using pin maps, which were very time-consuming and provided only a basic visualization of crime patterns.

The late 1960s and early 1970s were critical for the development of crime mapping. In 1966, the Harvard Lab for Computer Graphics and Spatial Analysis developed SYMAP (Synagraphic Mapping System), one of the first widely distributed computerized mapping software programs. The Environmental Science and Research Institute was founded in 1969 and in the subsequent decades emerged as one of the top distributors of GIS software, including the current ArcView and ArcGIS software packages. Also around this time, the U.S. Census Bureau began the ambitious GBF-DIME (Geographic Base Files and Dual Independent Map Encoding) project, which was used to create digitized street maps for all cities in the United States during the 1970 census (Mark, Chrisman, Frank, McHaffie, & Pickles, 1997). These advances were necessary for the development of GIS programs used in crime mapping.

The use of GIS programs for mapping has been the most important advance in the field of crime mapping. There are several important advantages in using virtual maps instead of physical maps. First, computers have dramatically reduced the time and effort required to produce crime maps. Given the relatively low cost and user-friendliness of many of these software programs, it no longer requires a substantial investment for agencies that wish to engage in crime mapping. Second, these GIS programs reduce the amount of error associated with assigning geographic coordinates to crime events. Third, virtual maps are much more flexible than physical maps, allowing researchers and crime analysts to compare the geographic distribution of crimes against other characteristics of the area under

investigation (e.g., census bureau information, city planning and zoning maps, and maps produced by other agencies). Finally, GIS and other spatial analysis software provide powerful statistical tools for analyzing and detecting patterns of criminal activity that cannot be detected through simple visual inspection.

In the mid-1970s and early 1980s, a crisis of confidence in traditional police practices emerged following the results of studies, such as the Kansas City Preventative Patrol experiment, that suggested that the police were not effective in combating crime (Weisburd & Lum, 2005). Goldstein's (1979) *problem-oriented policing* emerged as a response to this crisis and emphasized that policing should involve identifying emerging crime and disorder problems and working to address the underlying causes of these problems. Academic interests in the field of criminology also began to shift during this time. While many criminologists were concerned with causes of crime that were outside the sphere of influence of police agencies (e.g., economic deprivation, differential association, and social bonds), a number of researchers, such as Jeffery (1971), Newman (1972), and Cohen and Felson (1979), began discussing factors that contribute to the occurrence of crime that were more amenable to intervention. The combination of the shift in theoretical focus in criminology and the shift in the philosophy of policing yielded new opportunities for crime mapping and initiated a resurgence of research on both the geography of crime as well as crime prevention strategies involving crime mapping.

Although the first instances of computerized crime mapping occurred in the mid-1960s in St. Louis, Missouri, the adoption of computerized crime mapping across the United States remained relatively slow. Although a number of agencies, in particular in larger jurisdictions, became early adopters of computerized crime mapping technology, the large period of growth in computerized crime mapping did not begin until the late 1980s and early 1990s (Weisburd & Lum, 2005). The rate of adoption of crime mapping among departments greatly increased as desktop computers became cheaper and more powerful and GIS software became easier to use and more powerful. The Compstat program, which started in 1994 in New York City, emphasized crime mapping as a central component to strategic police planning and helped popularize crime mapping among police agencies. With assistance from the Office of Community Oriented Police Services and the National Institute of Justice, a large number of departments adopted computerized crime mapping practices. By 1997, approximately 35% of departments with more than 100 officers reported using crime mapping (Weisburd & Lum, 2005).

## Theoretical Perspectives in Crime Mapping Research

As previously noted, the development of tools and techniques of crime mapping have been accompanied by an

expanding body of criminological theory oriented toward explaining the geographic patterns of crime. It is important, when discussing theories about the spatial distribution of crime, to distinguish between theories that explain *criminality* and theories that explain *criminal events*. Traditional criminological approaches tend to emphasize individual-level social and psychological characteristics as the main factors that lead to criminality, that is, the propensity toward committing criminal acts. These theories focus predominately on explaining why offenders engage and persist in criminal lifestyles. Alternatively, theories that discuss the spatial distribution of crime focus on explaining the patterns seen in criminal events, that is, the occurrences of crime. These theories focus less attention on the motivations of offenders and more attention on factors of the environment that promote crime.

### Social Disorganization Theory

Although a number of theories have been proposed to explain why particular neighborhoods experience high crime rates, *social disorganization theory* has been the most influential. Social disorganization theory, as first proposed by Shaw and McKay (1942), can be seen as the first attempt to construct a criminological theory of place. The concept of social disorganization refers to “the inability of local communities to realize the common values of their residents or solve commonly experienced problems” (Bursik, 1988, p. 521). As such, disorganized communities suffer from diminished capacities to exercise social control and are unable to regulate the behavior of community members (see Bursik & Grasmick, 1993). As the capacity of a community to regulate the behavior of its members decreases, the potential for illegal activity increases.

A central tenet of social disorganization theory is that structural conditions within a neighborhood attenuate the social ties that promote social cohesion and enable community members to exercise social control. Economic deprivation creates undesirable living conditions that promote residential instability and population heterogeneity. Because social ties require time to form, high residential instability in neighborhoods prevents the development of social ties as residents frequently relocate (Bursik & Grasmick, 1993). In neighborhoods with high levels of population heterogeneity the extensiveness of friendship and acquaintance networks through which social control is exercised is limited because of social and cultural barriers between residents (Bursik & Grasmick, 1993). Structural factors such as these compromise the social integration of neighborhood residents and undermine perceptions of collective efficacy, that is, the collective sense of trust, social cohesion, and willingness to intervene on behalf of the public good (Sampson, Raudenbush, & Earls, 1997). Neighborhoods that have low collective efficacy are likely to experience high levels of crime.

### Routine Activities Theory

Cohen and Felson’s (1979) *routine activities theory* has been applied extensively to research on spatial patterns of crime. To Cohen and Felson, crime is a predatory activity and, as such, can subsist only near patterns of legitimate activity. Therefore, to understand crime patterns it is necessary to understand the patterns of conventional routine activities around which crime is organized. Criminal victimization occurs where routine activities produce a convergence in space and time of the three necessary conditions for crime to occur: (1) a suitable target, (2) a motivated offender, and (3) the absence of capable guardians (Cohen & Felson, 1979). Felson (1998) explained that suitable targets have *value* to the offender, are *visible* to the offender, are *easily moved or removed*, and are *accessible* by the offender. The concept of guardianship has also been extended and includes *intimate handlers*, who are responsible for monitoring the behavior of offenders; *guardians*, who are responsible for protecting targets; and *place managers*, who are responsible for monitoring and controlling access to particular spaces (see Eck, 2001). In applications of this theory to spatial crime analysis, structural features of the city, patterns of land use, and the routine activities associated with particular locations can concentrate motivated offenders and suitable targets into areas with limited guardianship. This, in turn, fosters opportunities for criminal victimization.

### Crime Prevention Through Environmental Design and Defensible Space Theories

A couple of important theories have been proposed to explain why criminal events occur more frequently at particular sites. Jeffery (1971) was one of the first criminologists to suggest that immediate features of the environment affected crime, with his Crime Prevention Through Environmental Design (CPTED) approach. This approach emphasizes target hardening and surveillance. Contemporaneously, Newman (1972) also emphasized the role of the environment in creating crime with his *defensible space theory*. Newman argued, in regard to public housing, that it is possible to design the use of space to enhance territorial functioning and to improve the natural surveillance in these environments. Crowe (2000) expanded on both Jeffery’s and Newman’s initial theories. In the current formulation of CPTED, Crowe discussed three strategies that are used to prevent crime: (1) access control to prevent contact between the offender and the target, (2) surveillance to monitor areas and discourage offenders, and (3) territorial reinforcement to promote feelings of ownership among users of the space. CPTED is usually employed along with situational crime prevention (discussed in the next section) to formulate practical strategies for reducing crime.



## Rational Choice Perspective and Situational Crime Prevention

The *rational choice perspective* (Cornish & Clarke, 1986) is primarily concerned with understanding offender decision making. This approach assumes that offenders possess *limited rationality*, meaning that they make rational calculations of the costs and benefits associated with crime but are constrained in their decision making by time, information, context, ability, and prior experiences. This perspective seeks to understand the series of decisions made by the offender that result in a criminal event. Interestingly, unlike many other theories of offending, the rational choice perspective emphasizes that different decisions are involved in the production of different types of crime. Rational choice explanations of criminal offending differ by crime type, instead of ignoring these differences in favor of a general motivation toward engaging in crime, as is common in many other criminological theories. Spatial applications of the rational choice perspective emphasize offender movement, search patterns, and target selection processes that determine the spatial patterns observed in crime.

*Situational crime prevention* (Clarke, 1997) refers to the application of the rational choice perspective toward developing policy recommendations to reduce crime. Situational crime prevention emphasizes situational-level interventions toward increasing the efforts associated with committing a crime, increasing the perceived risks for engaging in crime, reducing the anticipated rewards from crime, and removing the excuses associated with crime (Clarke, 1997). As with the CPTED and defensible space theories, the policy applications of situational crime prevention focus on practical strategies that are customized to specific settings. Although the successes of this approach are well documented, rarely do the methods used in these studies permit broad conclusions regarding the effectiveness of this approach at reducing crime (see Clarke, 1997, for a discussion).

## Crime Pattern Theory

Brantingham and Brantingham (1991b, 1993) developed a perspective referred to as *crime pattern theory* that incorporates elements of the rational choice, routine activities, and other spatial perspectives on crime. According to this perspective, individuals create a cognitive map of their spatial environment with which they are familiar through their routine activities. The action space of an individual consists of (a) *nodes*, the destinations of travel, such as work, home, and entertainment locations, and (b) *paths*, the travel routes that individuals take to move from one node to another. Through repeated movement along paths to various nodes, individuals develop an *awareness space* consisting of the areas in a city with which they are familiar. According to this theory, offenders search for suitable targets primarily within this awareness space by comparing potential targets against *templates*, or mental conceptualizations of the characteristics of

appropriate targets. The likelihood of a particular target being selected by an offender dramatically decreases as an offender moves away from his or her awareness space, a process often referred to as *distance decay* (see Rengert, Piquero, & Jones, 1999). One interesting application of this theory is geographic profiling, which attempts to narrow the scope of police investigations by using information on repeated crimes to identify the awareness space of a repeat criminal (see Rossmo, 2000).

## Spatial Crime Research and Planning Interventions

### Hot Spots

As previously indicated, a large number of studies have demonstrated that criminal events are spatially concentrated. Although the extent of concentration differs between studies, all empirical evidence suggests that a small number of places account for the majority of crime within any given city. Sherman and colleagues (1989) popularized the term *hot spot* to describe these areas where crime is concentrated. The detection and explanation of these hot spots is a major concern of research in crime mapping. Hot-spot analysis is currently very popular among police agencies because it provides a method to coordinate interventions in emerging problem areas.

A number of studies have demonstrated the benefits of hot-spot analysis to help coordinate police responses to crime. For example, in a randomized experiment in Minneapolis, Sherman and Weisburd (1995) found that concentrated patrol efforts in hot-spot areas produced a significant decline in calls for service. Police responses to crime are not limited to enhanced patrol. In another randomized experiment in Jersey City, New Jersey, Weisburd and Green (1995) found that after identifying drug market hot spots using crime mapping, a coordinated policy of engaging business owners and community members coupled with police crackdowns yielded substantial decreases in disorder calls for service. In fact, a recently conducted meta-analysis on street-level drug enforcement indicated that approaches that focus on community-police partnerships in drug market hot spots were more effective than enforcement-only approaches (Mazerolle, Soole, & Rombouts, 2006). This suggests that the best approach is a coordinated strategy between police officers and community members toward reducing crime in identified hot spots.

### Community-Level Factors Affecting Crime

When designing strategies to address crime in hot-spot areas, it is important to consider the community context that contributes to emergence and maintenance of hot spots. Neighborhood-level research on spatial crime patterns helps illuminate the factors associated with heightened levels of

crime. As previously mentioned, economic deprivation, residential mobility, and population heterogeneity all contribute to higher levels of crime in a neighborhood by impeding the development of social ties between residents (Bursik & Grasmick, 1993). Family dissolution and inadequate supervision of adolescents also contribute to increased levels of crime. In fact, the presence of unsupervised adolescents in a community is an important predictor of violent crime in a neighborhood (Veysey & Messner, 1999). Rose and Clear (1998) suggested that prior crime policies that result in mass incarceration may also impair community functioning, because in some communities this represents a substantial loss in the social and human capital on which informal social control depends.

Although many of the structural factors contributing to social disorganization remain outside the control of police agencies, such as concentrated disadvantage and high residential mobility, it remains possible to design interventions to increase social integration and improve collective efficacy. Community policing emphasizes community involvement in responding to crime problems through the creation of police–community partnerships, which should both increase community access to public social control and foster improved trust between community members and police officers. Furthermore, programs designed to increase community integration through increasing resident involvement in local agencies should be helpful in fostering the development of social ties and increasing perceptions of collective efficacy. Finally, if Rose and Clear (1998) are correct, community corrections and offender reintegration efforts should alleviate some of the impact of the mass incarceration policies that have removed offenders from the community. Bursik and Grasmick (1993) provided an extensive discussion on various community-based interventions and provided suggestions for how to improve these programs.

In addition to the previously discussed factors, a fair amount of research has examined the effects of incivilities on crime and the fear of crime within a community. Incivilities, such as poorly tended residences, the accumulation of refuse, graffiti, and public loitering and drunkenness, are signs of disorder. A number of studies have demonstrated that the presence of incivilities in a neighborhood is associated with increased levels of serious crime and with heightened fear of crime among community residents (see Skogan, 1990). Sampson and colleagues (1997), however, suggested that this relationship is spurious and that crime and incivilities result from the same underlying causal process, namely, a lack of collective efficacy. Although the causal role of incivilities in producing crime is in doubt, they may still function as leading indicators of potential crime problems, meaning that mapping incivilities may provide information on communities where hot spots may be emerging.

### City Features and Crime Locations

In truly comprehensive strategies for addressing crime in hot-spot areas, it is important not only to examine neighborhood-level factors that contribute to the emergence

of a crime hot spot but also to consider microlevel place characteristics that promote crime. As Sherman and colleagues (1989) noted, even within high-crime neighborhoods there is substantial variability in the levels of crime. Some places within these neighborhoods experience very low levels of crime, whereas other places are responsible for a substantial amount of the crime.

A number of studies have demonstrated that hot spots of crime tend to emerge around particular features of the urban environment, such as bars and taverns (Roncek & Maier, 1993), fast food restaurants (Brantingham & Brantingham, 1982), schools (Roncek & Faggiani, 1985), public housing (Roncek, Bell, & Francik, 1981), vacant buildings (Spelman, 1993), and public transportation (Block & Davis, 1996). These locations may promote crime by juxtaposing motivated offenders and suitable targets in the absence of capable guardians. Furthermore, the pattern and timing of criminal events in these areas follow the rhythm of legitimate social activity in these areas. For example, crime around bars is more common during evenings and weekends, because more legitimate patrons visit bars during this time. Crime is more common around schools during the school year and after school, because many students interact at this time near school grounds without teacher or parental supervision. Understanding the relationship between the pattern of legitimate social activity and criminal activity around these areas allows researchers and policymakers to design suitable crime prevention strategies.

In addition to identifying the location and timing of criminal events at particular sites, it is important to discern the mechanism through which these areas produce criminal opportunities. Brantingham and Brantingham (1993) discussed the differences between crime generators and crime attractors. *Crime generators*, such as transit stations, foster criminal activity by bringing both victims and offenders into a location. On the other hand, *crime attractors*, such as bars and taverns, tend to bring higher proportions of offenders into an area because these locations are tied to patterns of illicit activity. It is important to discern whether a given location functions as a crime generator or a crime attractor, because the appropriateness and effectiveness of intervention strategies may differ by type of location.

There is no shortage of practical policy recommendations for reducing or eliminating criminal opportunities around hot-spot areas. Clarke's (1997) situational crime prevention model offers a set of 16 different opportunity-reducing strategies. Among those most applicable to location-based interventions are controlling access and entry/exit screening; improving surveillance by officers, civilians, and citizens; deflecting offenders by disrupting routines that promote crime; and facilitating compliance with rules. Use of these strategies to control opportunities for crime may help reduce the risks of victimization in hot-spot areas.

### Crime Displacement

Unanticipated consequences are always a concern when designing an intervention. For interventions in crime hot

spots, crime displacement is of particular importance. After the intervention is implemented and crime opportunities are reduced, it is possible that offenders simply relocate their activities to areas outside the intervention site. For example, if a police crackdown on drug trafficking is initiated at a particular intersection that is a hot spot for drug dealing, it is possible that offenders will simply move to a nearby intersection, and drug sales will continue. Other types of crime displacement, such as offenders committing crime during different times, offenders selecting different targets, or even offenders committing different types of crimes, also are possible. Given the wide ranges of different responses that might constitute crime displacement, it is difficult to conclusively demonstrate that crime displacement did not occur during a particular study. For this reason, any researchers or policymakers implementing place-based intervention strategies should be keen to the possibility of crime displacement. Fortunately, the empirical literature on crime displacement is decidedly mixed, and it appears that many interventions do not lead to appreciable crime displacement effects (see Clarke, 1997, for a discussion).

## Future Directions and Challenges in Crime Mapping

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On the basis of the current research on the spatial patterns of crime, a number of avenues of research in crime mapping are worth exploring. Obviously, a major focus for future research in this area will be further development and refinement of the tools needed in crime mapping studies. Although not discussed in this chapter, there are substantial methodological and analytic difficulties that remain in crime mapping research. Beyond this, however, there are a number of substantive research avenues in crime mapping that are worth pursuing.

A first avenue of research is the further development and integration of theories of the spatial distribution of crime. Although there have been some efforts at integrating social disorganization and routine activities theories (see Miethe & Meier, 1994), additional work remains. These theories share considerable conceptual overlap, and linking the two should provide a more comprehensive framework for understanding the relationship between crime at the macro- and microlevels. Furthermore, the criminal events perspective (Meier, Kennedy, & Sacco, 2001; Sacco & Kennedy, 2002) provides a mechanism to link other theories of criminality with theories of criminal events. To date, the implications of other theories of criminality for understanding the spatial distribution of crime remains unexplored and may provide useful insights into offender search patterns and the selection of targets and locations.

A second area of research that would be very helpful in regard to policymakers is expanding crime mapping to include additional justice agencies. The vast majority of research in crime mapping has used calls for service and crime report data, and most applications of crime mapping have been applied to police decision making. Researchers

should consider broadening the scope of crime mapping efforts to incorporate data from other justice agencies. In a practical sense, mapping efforts involving other agencies can provide assistance with managing caseloads and coordinating the distribution of services. For example, mapping the residences of parolees and probationers can help agencies optimize caseloads and improve the process of referring ex-offenders to nearby treatment facilities. In addition, novel data can provide new measures of concepts that are commonly used in geographic research, raise interesting research questions, and possibly introduce new avenues of research.

A third potentially fruitful area of research would involve increased attention to the differences between types of city features and the production of criminal events. As previously discussed, it is well established that certain city features tend to concentrate criminal events in adjacent areas. What remains to be seen, however, is how other spatial and community features contribute to differential spatial patterns of crime. For example, it is not entirely clear why some bars suffer from high levels of crime problems and others do not. Obviously, design features of the location itself should account for some of the differences, but other features, such as the level of community organization, adjacent land usage, and the level of concentration of other crime generators or attractors, may also be important for differentiating between problematic and nonproblematic bars.

A final recommendation for future research on spatial patterns in crime is to further examine the stability of crime in small areas. Specifically, as Weisburd, Bushway, Lum, and Yang (2004) recognized, few studies have examined the degree to which crime in microlevel areas is stable over time. In their study, conducted in Seattle over a 14-year period, Weisburd et al. found that there was a substantial amount of stability in the level of crime on street segments. Despite the high degree of stability in many places, some street segments exhibited either downward or upward crime trajectories. Obviously, additional research is needed to determine whether this pattern holds generally or is specific to the city of Seattle. This type of research will be very helpful in describing the factors that lead to the development, maintenance, and decline of crime in problematic areas.

## Conclusion

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The purpose of this chapter was to review some of the current research on crime mapping, the process through which crime analysts and researchers use location information about crime to detect spatial patterns in criminal activity. Although the history of crime mapping can be traced to the beginnings of the field of criminology, it is only recently that researchers and crime analysts have been able to engage in extensive mapping efforts, primarily due to the development of the desktop computer and GIS software. The emergence of the problem-oriented policing model,

along with advances in the theory of criminal events, created a niche for crime mapping in police agencies. The popularization of computerized crime mapping through the Compstat program in New York led to a period of rapid adoption of crime mapping that continues today.

Several theories that are widely used in crime mapping research were also discussed in this chapter. Social disorganization theory argues that structural factors can compromise the social networks needed for social integration, which in turn reduces the capacity of communities to regulate the behavior of its members. Routine activities theory states that crime can be understood through the convergence in time and space of suitable targets, motivated offenders, and the absence of capable guardians. Defensible space and CPTED focuses on how the design of a physical space can prevent crime through increasing territorial functioning and enhancing surveillance capabilities. The rational choice and crime pattern theories of crime focus primarily on explaining how patterns of offender routine activities and target-searching strategies can increase the level of crime in particular areas. Taken together, these theories provide the conceptual backdrop for understanding the spatial distribution of crime and designing strategies to combat crime in high-crime areas.

Finally, this chapter aimed to elaborate on some of the major findings in crime mapping and spatial crime research, with particular attention to designing strategies to combat crime problems. It was argued that the best strategy for eliminating crime hot spots requires consideration of causal factors operating at both the neighborhood and site levels. This chapter concluded with a number of suggestions for future researchers examining spatial crime patterns through crime mapping. In particular, crime mapping research may benefit from efforts at theoretical integration, using crime mapping with additional agencies, further examining the source of differences in the production of criminal opportunities between city features, and examining the stability of crime areas over time.

## References and Further Readings

- Block, R., & Davis, S. (1996). The environs of rapid transit stations: A focus for street crime or just another risky place? In R. Clarke (Ed.), *Crime prevention studies: Vol. 6. Preventing mass transit crime*. (pp. 237–257). Monsey, NY: Criminal Justice Press.
- Brantingham, P. J., & Brantingham, P. L. (1982). Mobility, notoriety, and crime: A study in crime patterns of urban nodal points. *Journal of Environmental Systems*, 11, 89–99.
- Brantingham, P. J., & Brantingham, P. L. (1991a). Introduction: The dimensions of crime. In P. J. Brantingham & P. L. Brantingham (Eds.), *Environmental criminology* (pp. 7–26). Prospect Heights, IL: Waveland Press.
- Brantingham, P. J., & Brantingham, P. L. (1991b). Notes on the geometry of crime. In P. J. Brantingham & P. L. Brantingham (Eds.), *Environmental criminology* (pp. 27–54). Prospect Heights, IL: Waveland Press.
- Brantingham, P. J., & Brantingham, P. L. (1993). Nodes, paths, and edges: Considerations on the complexity of crime and the physical environment. *Journal of Environmental Psychology*, 13, 3–28.
- Bursik, R. J. (1988). Social disorganization and theories of crime and delinquency: Problems and prospects. *Criminology*, 26, 519–551.
- Bursik, R. J., & Grasmick, H. G. (1993). *Neighborhoods and crime: The dimensions of effective community control*. Lanham, MD: Lexington Books.
- Clarke, R. V. (1997). Part 1: Introduction. In R. Clarke (Ed.), *Situational crime prevention: Successful case studies* (2nd ed., pp. 1–44). Albany, NY: Harrow & Heston.
- Cohen, L. E., & Felson, M. (1979). Social change and crime trends: A routine activities approach. *American Sociological Review*, 44, 588–608.
- Cornish, D., & Clarke, R. (1986). Introduction. In D. Cornish & R. Clarke (Eds.), *The reasoning criminal: Rational choice perspectives on offending* (pp. 1–13). New York: Springer-Verlag.
- Crowe, T. (2000). *Crime prevention through environmental design: Applications of architectural design and space management concepts* (2nd ed.). Boston: Butterworth-Heinemann.
- Eck, J. E. (2001). Policing and crime event concentration. In R. F. Meier, L. W. Kennedy, & V. F. Sacco (Eds.), *The process and structure of crime: Criminal events and crime analysis* (pp. 249–276). New Brunswick, NJ: Transaction.
- Felson, M. (1998). *Crime and everyday life* (2nd ed.). Thousand Oaks, CA: Pine Forge Press.
- Goldstein, H. (1979). Improving policing: A problem-oriented approach. *Crime & Delinquency*, 25, 236–258.
- Jeffery, C. (1971). *Crime prevention through environmental design*. Beverley Hills, CA: Sage.
- Mark, D. M., Chrisman, N., Frank, A. U., McHaffie, P. H., & Pickles, J. (1997). *The GIS History Project*. Retrieved from [http://www.ncgia.buffalo.edu/gishist/bar\\_harbor.html](http://www.ncgia.buffalo.edu/gishist/bar_harbor.html)
- Mazerolle, L., Soole, D. L., & Rombouts, S. (2006). Street-level drug law enforcement: A meta analytic review. *Journal of Experimental Criminology*, 2, 409–435.
- Meier, R. F., Kennedy, L. W., & Sacco, V. F. (2001). Crime and the criminal events perspective. In R. F. Meier, L. W. Kennedy, & V. F. Sacco (Eds.), *The process and structure of crime: Criminal events and crime analysis* (pp. 1–28). New Brunswick, NJ: Transaction.
- Miethe, T. D., & Meier, R. M. (1994). *Crime and its social context*. Albany: State University of New York Press.
- Mosher, C. J., Miethe, T. D., & Phillips, D. M. (2002). *The mismeasure of crime*. Thousand Oaks, CA: Sage.
- Newman, O. (1972). *Defensible space: Crime prevention through urban design*. New York: Collier Books.
- Park, R. E., & Burgess E. W. (1924). *Introduction to the science of sociology* (2nd ed.). Chicago: University of Chicago Press.
- Rengert, G. F., Piquero, A. R., & Jones, P. R. (1999). Distance decay re-examined. *Criminology*, 37, 427–445.
- Roncek, D. W., Bell, R., & Francik, J. M. A. (1981). Housing projects and crime. *Social Problems*, 29, 151–166.
- Roncek, D. W., & Faggiani, D. (1985). High schools and crime: A replication. *Sociological Quarterly*, 26, 491–505.
- Roncek, D. W., & Maier, P. A. (1993). Bars, blocks, and crime revisited: Linking the theory of routine activities to the empiricism of “hot spots.” *Criminology*, 29, 725–753.

- Rose, D. R., & Clear, T. R. (1998). Incarceration, social capital, and crime: Implications for social disorganization theory. *Criminology*, 36, 441–478.
- Rossmo, K. (2000). *Geographic profiling*. Boca Raton, FL: CRC Press.
- Sacco, V. F., & Kennedy, L. W. (2002). *The criminal event: Perspectives in space and time*. Belmont, CA: Wadsworth.
- Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997, August 15). Neighborhoods and violent crime: A multi-level study of collective efficacy. *Science*, 277, 918–924.
- Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency in urban areas*. Chicago: University of Chicago Press.
- Sherman, L. W., Gartin, P. R., & Buerger, M. E. (1989). Hot spots of predatory crime: Routine activities and the criminology of place. *Criminology*, 27, 27–55.
- Sherman, L. W., & Weisburd, D. (1995). General deterrent effects of police patrol in crime “hot spots”: A randomized, controlled trial. *Justice Quarterly*, 16, 633–654.
- Skogan, W. G. (1990). *Disorder and decline: Crime and the spiral of decay in American neighborhoods*. Berkeley: University of California Press.
- Spelman, W. (1993). Abandoned buildings: Magnets for crime. *Journal of Criminal Justice*, 21, 481–495.
- Veysey, B. M., & Messner, S. F. (1999). Further testing of social disorganization theory: An elaboration of Sampson and Grove’s “community structure and crime.” *Journal of Research in Crime and Delinquency*, 36, 156–174.
- Weisburd, D., Bushway, S., Lum, C., & Yang, S. (2004). Trajectories of crime at places: A longitudinal study of street segments in the city of Seattle. *Criminology*, 42, 283–321.
- Weisburd, D., & Green, L. (1995). Policing drug hot spots: The Jersey City Drug Market Experiment. *Justice Quarterly*, 12, 711–736.
- Weisburd, D., & Lum, C. (2005). The diffusion of computerized crime mapping in policing: Linking research and practice. *Police Practice and Research*, 6, 419–434.

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## EDGE ETHNOGRAPHY

RICHARD TEWKSBURY

*University of Louisville*

**E***dge ethnography* is an approach to the conduct of qualitative research that pushes the limits and tests the skills and tolerances of researchers in exploring marginalized populations and deviant and dangerous settings and groups, and requires researchers to voluntarily take risks. Edge ethnography is practiced by a small proportion of criminologists, criminal justice scholars, and all social scientists. The goals of edge ethnography are to gain an in-depth and detailed understanding of groups, settings, and activities that are not necessarily available or accessible to either empirically based quantitative researchers or traditional qualitative researchers (including ethnographers). Because of the marginalized status of the typical foci of edge ethnography, and the necessity of gaining and demonstrating full immersion in the world(s) being studied by the edge ethnographer, there is a de facto need for scholars who practice this approach to engage in behavior that is physically, legally, socially, or otherwise dangerous.

Edge ethnography is a method of social science that emphasizes understanding deviant groups and settings through the process of risk taking, researcher immersion in the culture or setting being studied. Edge ethnography is scholarship that is done on, in, and with populations and subcultures that are in some way physically, emotionally, psychologically, or socially dangerous and in which those persons involved in the social world being studied are at risk of (usually official or legal) sanctioning for their behavior.

Edge ethnography also is the qualitative data collection and analysis approach that is used by social scientists conducting edgework. As defined by Lyng (1990), *edgework* is the realm of activities that “involve a clearly observable threat to one’s physical or mental well-being or one’s sense of an ordered existence” (p. 857). Conducting edgework not only involves individuals (in this case, researchers) placing themselves in dangerous settings, actions, and interactions but also requires individuals to apply specialized skills for survival (or safe management of the dangers present). As such, edgework pushes individuals to test their limits, their skills at managing dangers, and their attempts to control dangerous situations so as to control what others may perceive to be uncontrollable situations.

For researchers, ethnographic projects regarding edgework mean that while experiencing and attempting to control some form/variety of danger, the individual needs to filter and navigate myriad relationships while charting the networks of relationships and interactional processes and products arising from culturally and situationally specific environments. The edge ethnographer seeks to use his or her methodological and insight skills to understand and explain worlds in which danger (of some form) is paramount and a defining element of the situation.

Edge ethnography methods are also one of the several approaches to research that make up the field of cultural criminology. As the study of stylized frameworks and experiential dynamics of marginal, deviant, and illicit subcultures

and practices, cultural criminology is focused on understanding, among other issues, the “subtle, situated dynamics of deviant and criminal subcultures” (Ferrell, 1999, p. 396). In this regard, as cultural criminologists attempt to define, delineate, and deconstruct the ways, ingredients, and products of such worlds, they find that it is necessary to study such from the inside. In this way, building on the anthropological traditions of ethnography, edge ethnography necessitates entry, immersion, movement, and experiencing of the dangerous, illicit, or marginal worlds that are studied. Ferrell (1999) explained the study of such worlds:

[It] necessitates . . . a journey into the spectacle and carnival of crime, a walk down an infinite hall of mirrors where images created and consumed by criminals, criminal subcultures, control agents, media institutions, and audiences bounce endlessly one off the other. . . . as part of this exploration, [cultural criminologists] in turn investigate criminal and deviant subcultures as sites of criminalization, criminal activity, and legal control. (p. 397)

Tying together the issues of cultural criminology and methods for studying them is the sociological concept of *verstehen*. As originally defined by Weber (1964), *verstehen* is the idea of knowing something from the inside. To achieve *verstehen* is to be able to have an appreciation of the subjective reality of some phenomenon. Rather than attempting to understand an experience, structure, process, or culture based on objective, external observations (or measurements), the focus in such an approach is to use experience, with an emphasis on understanding, not explaining. When applied to the conduct of research, sociological *verstehen* refers to researchers focusing on the subjective components of what is being studied (crime; criminals; and criminal, deviant, or marginalized subcultures). Put a bit differently, *verstehen* (as a goal of edge ethnographers) is the systematic process of achieving understanding by a researcher who, while initially and objectively is an outside observer of a setting or phenomenon, interacts with a subculture’s population and combines his or her scholarly training with the point of view of those on the inside of that subculture. Therefore, *verstehen* is typically used to refer to either a kind of empathic or participatory understanding of social phenomena rather than an ostensibly objective interpretation of such persons in terms and from the perspective of an outsider. In this regard, this means that the situational meanings of the ingredients of the people, places, and actions being studied and the emotions that are elicited for those being studied and conducting the study are assessed within situated environments.

In short, edge ethnography as a practice requires researchers to gain access to the inside of worlds that are typically thought best viewed from afar and controlled or eliminated rather than experienced. Edge ethnography strives to overcome the barriers perceived to keep respectable and reputable persons away and instead emphasizes the need and

importance of getting inside—to achieve understanding by means of *verstehen*. The edge ethnographer seeks to know the deviant, to know the deviant individual’s world, and to know how it feels not only to be a part of the deviant/illicit world and behavior but also to be known as a deviant by the outside world.

In regard to products, edge ethnography most often contributes case studies or analyses of limited generalizability. Because one of the foci of the edge ethnographer is the cultural world in which particular forms and mixes of people, places, experiences, and thereby yielded cultures are found, the traditional social science criteria of studies outputting findings, facts, and interpretations that can be similarly applied to other samples, populations, or settings is not necessarily appropriate. Instead, edge ethnographers, and cultural criminologists more generally, offer analyses and interpretations of very unique subcultural worlds. However, when accumulated and viewed as individual contributors to bouquets of studies, it becomes possible to identify conceptual and theoretical patterns across the case studies and sample-restricted analyses.

The focus of edge ethnography—understanding dangerous and socially marginalized groups, settings, and experiences from the perspective of an insider—builds on traditional ethnographic methods while also focusing on defining elements of the culture of such groups, settings, and experiences. As such, edge ethnography necessarily draws on the extremes of qualitative methods so as to access and gain understandings of precise meanings of symbols, language, behaviors, values, and experiences. Edge ethnographers look to understand these cultural ingredients within the cultural milieu that center on some form of danger whereby the various ingredients are produced, reproduced, experienced, and consumed. However, whereas traditional qualitative approaches may prioritize the ingredients and understandings of them, the edge ethnographer either dismisses this prioritization or complements it with an inverted prioritization, simultaneously prioritizing the cultural milieu as well as the situated ingredients. This is all done while experiencing and seeking to safely navigate and manage the dangers posed to the researcher as a participant in the world being studied.

### Edge Ethnography Involves Voluntary Risk Taking

As a willing and active participant in the world being studied, the edge ethnographer voluntarily engages in risk-taking behaviors. This is typically conceptualized in terms of activities known as *edgework* (Lyng, 1990), a form of voluntary risk taking that involves individuals participating in high-risk forms of behavior and gaining the benefits of experiencing a (near) loss of control of situations and a blending of chaos and order. Edgework

includes activities such as skydiving, some forms of underwater diving, a range of types of vehicular “tricks,” experimentation with drugs, some forms of crime, and other extreme forms of behavior.

Scholars who study these forms of behavior, the people who engage in them, and the ways that these activities are experienced can do so in one of two general ways. First, they could take a traditional, positivist approach and construct a survey about the activity, people, and the experience and then try to find and administer surveys. These data could tell one about some predetermined aspects of the behavior and people but would probably be rather dry, superficial, and not very informative about the experience. The second way that scholars could seek to better understand such activities, people, and experiences is to actually find the activities/people and join in with them. In this way, the researcher would not only be engaging in ethnographic research, but, if he were to actually engage in the (dangerous/risky) behaviors, he also would be doing edge ethnography. The advantages of this approach over a more traditional, positivist approach to research are that, first, the researcher is able to get information about the activities and people that he did not anticipate before the study, and, second, the actual experience can be studied from the perspective of an insider. In addition, by fully immersing himself or herself in the setting and population being studied, and essentially becoming a new member of the group and social world that is the focus of the study, the edge ethnographer is able to access information at a depth and in detail that is highly unlikely to be available to scholars practicing more traditional forms of (qualitative) research.

The depth and detail that are available to the edge ethnographer is clearly seen in Tewksbury's (2002) study of men's sexual presentations and interactions in gay bathhouses. While not a criminal justice issue, but clearly a topic and issue in the study of social deviance, human sexuality, and public health, Tewksbury provided a discussion of depth and detail that would not be available to either empirical or traditional qualitative scholars. As a case in point, the discussion of how men initiate, negotiate, and move from no interaction to sexual coupling through “conversation” shows the detail to which an immersed edge ethnographer is privy:

The primary modes of communication among bathhouse patrons are nonverbal forms of communication. This includes gazes and looks, touch and gestures, and body language. Each of these communication modes is used to indicate interests, sexual preferences, and an individual's commitment to both current activities (or lack thereof) and desire for making sexual contact with particular others.

The most subtle, yet perhaps most constant, means by which men present messages and seek to establish “conversations” with other men in bathhouses is through directing, holding, and shifting of gazes. Where a man directs his gaze is an important means of communicating interest (or lack of interest) in another man, or sexual activity in general. When an individual is interested in another man he will look at him.

On the initial level it does not matter how one looks at another, or where on another's body one looks; to direct a gaze at another individual communicates an interest in communicating, and possibly sexually connecting.

While it may be sufficient for communicating a general interest in another (and possibly a sexual exchange) to simply gaze at or toward another man, the direction and placement of one's gaze communicates more specific messages. Gazes directed toward and held on another man's eyes or crotch are especially informative communications. When a man directs a held gaze at another man it conveys a message of either general or specific sexual interest. A gaze into another's eyes expresses a desire to make a connection, without specific sexual activities intended. However, when a man holds a gaze on another's eyes, and strokes, gropes, or otherwise draws the gazed-upon object's attention to a location on the gazer's body this is an indication of the type of sexual activity that one is seeking. Men also communicate specific sexual desires by where they direct their own gaze. A look directed and held at a specific location on another man's body indicates a desire to have sexual contact with that area of the gazed-upon individual's body.

Commonly accompanying communicative gazes are gestures and body language. Sexual interests communicated via gestures typically involve movements of a hand or the head. Meaningful gestures include hand waving for a man to come closer (or enter a private room into which he is gazing), rubbing or caressing of one's own body, and nods of the head indicating a direction for another to move.

Gestures are most commonly employed when an individual seeks to communicate with a specific man, but attempts to do so when in the presence of multiple others, or when he wishes to conceal his message from others. Gestures are silent and can be employed without the knowledge or notice of others nearby. (Tewksbury, 2002, pp. 102–104)

Details and depth of explanation are a key contribution that edge ethnography can make. It is only because of the researcher's total immersion, and acceptance by others as being a legitimate part of the setting, that the edge ethnographer is able to get to the depth and detail that are available.

A second hallmark of edge ethnography is that the research might involve activities that are not necessarily dangerous in and of themselves but that put the researcher (voluntarily) into risky situations (immediate and perhaps long-term, professional) and contexts. This may mean going to a cultural setting and therein interacting or being exposed to situated actors who may pose (potential) threats to the researcher in physical, psychological, emotional, and/or social ways, or it may mean studying topics that are unpopular or socially stigmatizing. Tewksbury (2004) showed how the study of men's participation in public sexual activities with other men has been limited by scholars avoiding the topic because of courtesy stigmas that are often attached to the people who show any degree of interest in the topic. This form of professional danger can have potentially serious impacts on the careers of scholars.

For some edge ethnographers, the dangers of their work has included having one's research materials seized and being arrested (Sonenschein, 2000), being jailed for failing



to disclose confidential information learned through edge ethnography (Scarce, 1995), physical danger of injury/death (Fleisher, 1989; Jacobs, 1999, 2000; Williams, Dunlap, Johnson, & Hamid, 1992; Wright & Decker, 1997), threat of sexual victimization (Inciardi, Lockwood, & Pottiger, 1993), pressure to use illicit drugs (Tunnell, 1998), high levels of emotional distress (Johnson, 1997), and professional stigmatization/ostracism (Israel, 2002).

## Differences Between Edge Ethnography and Traditional Qualitative Research

Additional differences between edge ethnography and traditional qualitative research include that the practitioner is often seen as a person of questionable moral value, or at the very least “different” from the mainstream of social scientists. The edge ethnographer is one who acknowledges, usually accepts, and often embraces the stigma (as a form of social danger) that comes from being known as one who is comfortable with and at ease being in, around, and a part of the deviant and illicit worlds that provide him or her real data and perspectives. Scholars working with vulnerable, disreputable, and/or socially ostracized populations are often considered by other scholars as sharing in the stigma (and perhaps deviant activities) of those whom they study.

One important consequence of this stigmatization of scholars who engage in edge ethnography is that these topical foci may be avoided by scholars, or pursued only by those who do not see the stigmatization as a major restriction on their careers. Tewksbury (2004) showed this in his examination of research that built on the classic work *Tearoom Trade* (Humphreys, 1975). The study of men who have sex with men in anonymous, public encounters has been slow to be expanded and elaborated on, and, of the limited works that have pursued similar methodologies and foci, Tewksbury (2004) made an astute observation:

For researchers interested in impersonal sex, simply pursuing the issue gives rise to questions of ethics for some observers. If the researcher is immersed in a world of impersonal sex, why would the researcher not be expected to “get some” while there? Such are questions that many observers ask of those who do research in sexual environments. (pp. 49–50)

Although specific to sex research, this same questioning is common for scholars involved in any marginal topic research.

A second important difference of edge ethnographic work is that the work itself is recognized by practitioners as both a political pursuit and a personal endeavor. Because edge ethnographers emphasize cultural immersion and experience, their work is by definition a personal endeavor, one that may deeply influence their own sense of self and perspective on the world. Relatedly, edge ethnography is political in that the mere pursuit of understanding of some

worlds is defined by observers (and perhaps by practitioners) as a political pursuit. To grant the legitimacy of simply being worthy of study to deviant, illicit, and marginalized people and practices is to make a political statement. To approach such people and practices from a position that does not presuppose control, quarantine, or sanction is to be political. And, to present oneself to the world (or, at least to the academic world) as one who values such worlds enough to see merit in their investigation is to present oneself to the (academic) world in a political way.

Third, edge ethnography diverges from many (although not all, especially not feminist) qualitative methodologies in that the experience of the researcher himself or herself is of value and contributes to the theoretical and substantive understanding of the worlds studied. Edge ethnography is emotional in that one’s emotions not only are influenced by the practice of the research but also are seen as reciprocally influential on those worlds. In addition, emotions and the researcher’s emotional responses to the people and practices studied are informative for understandings. This is not to suggest that traditionally qualitative, especially ethnographic, methodologies are not emotional or do not draw on emotions, for anyone who has engaged in such work knows that they surely do. But, to a different degree, and in greater depth, for the edge ethnographer—much as is also the case for the feminist methodologist—emotions are important ingredients in the world of study.

This point was well illustrated by Kraska (1998) in his study of police paramilitary units, a population whose values Kraska rejected and believed he opposed when he began his work. However, as he reported, the experience was often enjoyable, and he came to question his original positions and perspectives on the paramilitary groups as he become more and more enmeshed:

My ethnographic experience is more complex than the characterization “enjoying militarism” might suggest. In actuality, I drifted back and forth between enjoyment and alarm. I felt enjoyment when I forgot myself and became fully immersed in the intensity of the moment, unintentionally bracketing my ideological filters. . . . Discomfort and sometimes distress came at those times of broader consciousness where even split-second moments of reflection allowed for impositions of meaning. . . . Several aspects of the research experience, then were pleasurable or satisfying. . . . Many of these men were repulsive ideologically, but (outside my research objectives) I enjoyed their approval as filtered through their hypermasculine standards. (p. 89)

A fourth way in which edge ethnography, in fact most ethnographic work in general, differs from traditional social science (e.g., quantitative methodologies) is that it tends to be an approach that is taken independently, by solo scholars and authors. A cursory look at the types of methodologies employed by collaborations of authors and authors working independently demonstrates this point well. First, a review of all 290 articles and review articles published in the *Journal of Contemporary Ethnography*

between 1998 and 2007 shows that fully 77% of articles are authored by one person, 18% of articles have two authors, and only 5% have three or more authors. In the *Journal of Quantitative Criminology* for the same 10 years, only 27% of articles are solo authored, 35% have two authors, and 38% have three or more authors. The mean number of authors per article in the *Journal of Quantitative Criminology* is 2.3, whereas in the *Journal of Contemporary Ethnography*, the mean number of authors per article is only 1.3. Similarly, Tewksbury, DeMichele, and Miller (2005) reviewed all articles published in the top five criminal justice journals between 1998 and 2002 and showed that articles about research in which qualitative methods were used have a mean of 1.96 authors, compared with a mean of 2.6 for quantitatively oriented articles. Although edge ethnographic works are not identified in either of these studies, the fact is that edge ethnography is relatively rare in the social sciences; however, the data about qualitative work in general make the point well that such work is typically done by individual authors (or at least by smaller collaborations of authors).

Publication of edge ethnography works can be a challenge for scholars who do this work. Because of the stigmas attached to the research topic (and sometimes the researcher); the difference from mainstream, quantitative studies; and the occasional questions about ethics, validity, reliability, and generalizability, many traditional social science outlets may be less than warmly welcoming to edge ethnography manuscripts. As a result, these types of works tend to appear as books; in “specialty” journals; and, more often than not, in lower-tier journals. This is not to suggest that there are inherent weaknesses or less value in such works. However, there are barriers that can make the publication of such works more challenging than for traditional works, whether ethnographic or quantitative in nature.

Because of the role that experience and emotions (as well as stigma) play in edge ethnographic work, it is challenging (although not impossible) to envision ways for research teams to engage in such work collaboratively. With immersion in dangerous, illicit, and marginal worlds that draw on how the ethnographic work is experienced, this is a style of scholarship best suited for the independent scholar. For these reasons (and certainly others), ethnographic work—especially edge ethnography—is differentiated from other scholarly pursuits and products by the norm of solo authorship.

## How to Conduct Edge Ethnography

The actual conduct of edge ethnographic work builds on the processes of traditional qualitative, ethnographic processes but adds in the reflexive aspect of knowing an experience from the perspective of an insider. In this regard, the edge ethnographer needs to identify a group/place of study; enter and interact with the persons in the study site; establish a positive, productive relationship with “natives”; and be present

and interact with the study site population while carefully observing and recording the activities, processes, presented attitudes and values, and ways of life in the setting.

Some aspects of the conduct of edge ethnography are typically more easily accomplished than they are for traditional ethnography projects, and others may be more challenging. For many edge ethnographers the challenge of identifying and initially entering the study site precedes the initiation of the study. Many edge ethnographers study settings, people, and social worlds with which they already have some degree of familiarity and perhaps involvement. When the people and their activities are already known to the edge ethnographer, the challenges of entering and beginning interaction is likely to be easily completed. Establishing a positive; productive; and, one would hope, trusting relationship with the individuals being studied can be a significant challenge for any ethnographer. Regardless of whether one is conducting edge ethnography or traditional ethnography, there are likely to be suspicions, resistance, and wariness on the part of the people being studied when they learn that they are the subject of study. There are a number of ways to overcome such reactions and to establish rapport. Although there is no single recipe, there are a variety of approaches and roles that an edge ethnographer can pursue to facilitate this goal (see Tewksbury & Gagné, 1997).

The actual task of data collection—observing and assessing actions and interactions as they occur, and taking notes while doing so—is a challenge for all ethnographers and perhaps an especially significant challenge for the edge ethnographer. Whereas the traditional ethnographer is challenged by entering a world that is largely foreign, unknown, and “exotic,” the edge ethnographer usually operates in a world that is local; familiar; and, because the ethnographer knows it, mundane. As such, the tasks of observing and identifying important structural, process-related, and values-communicating aspects of the study site can be especially daunting. What edge ethnographer sees, she has seen before, she knows, and she is experiencing. To accomplish the scientific goals of an edge ethnography project, then, requires an ability to step out of one’s role as an immersed participant, maintain the appearance of being in the role, and essentially juggle the tasks of observing and recording while still “doing” the actions of the setting without allowing the doing to impede on the objective tasks of seeing and recording.

Edge ethnographers may conduct their research either overtly or covertly. When operating overtly, the other members of the settings where the research is being conducted know of the researcher’s role as a researcher and are aware that a study is being conducted. In other instances, especially in highly stigmatized groups or settings, and when the behaviors being studied could lead to legal or other formal sanctions against those engaged, edge ethnographers may find it more beneficial (although perhaps also more stressful) to do their research essentially undercover. Such covert practices, which are sometimes criticized as unethical for the failure to provide research subjects with full

disclosure of their role in a study, are debated among academics. A number of types of settings and situations where covert approaches are not only best, but perhaps the only available means of accessing information have been identified (see Jones, 1995, & Miller, 1995).

One alternative approach to data collection in edge ethnographies, which allow researchers to (somewhat) manage the stigmas and other negative fallouts that may accompany such projects, is to participate in the setting of study as a potential participant. Tewksbury (2006), explained the role of the potential participant:

[It] combines aspects of complete observation, complete participation and covert observational research designs. Whereas the researcher adopting a potential participant role seeks to appear to those being researched as a “real” setting member, the “science” activities are conducted in covert manners. To anyone noticing the potential participant, the researcher is a real member of the setting being studied. To the scientific community, the potential participant is a complete observer, acting in a covert manner *inside* the research environment. (p. 6)

In short, in the potential participant role, the researcher enters and immerses himself in the marginalized, dangerous, or otherwise stigmatized community, presenting himself as if he is a full participant, while actually only pretending to be participating. The role is important for simultaneously maintaining ethical standards (and perhaps personal safety, health, and psychological or emotional health) while also accessing the activities and interactions of the settings’ participants fully.

The potential participant role is not unique to the conduct of edge ethnography, but it is one available means of collecting data while also attempting to minimize and control the possible negative consequences (as discussed earlier) that may accompany such projects. Some edge ethnographers, however, believe and advocate that the only way to access valid and reliable data in edge ethnographic ways is to truly participate in study settings’ activities. This may mean stretching the researcher’s boundaries and limits and perhaps involve violating personal values and beliefs, or the law.

As an example of how such total immersion may be necessary and/or valuable for such approaches, Tunnell (1998) argued that, in order to establish rapport, gain trust, and access valid data, the edge ethnographer needs to “become” like those he is studying and with whom he is interacting:

There I was, in the living room of a twice-convicted felon, an ex-con, surrounded by electronic and decorative items collected from previous burglaries, smoking dope, and being made privy to this recent crime. There was something surreal about this, but also something deviant, for I was actively engaging in a crime of ceremony with him and hearing of his wrongdoings after prison. Perhaps turning off the tape recorder and turning on with him were necessities for establishing that level of trust, closeness, and rapport. After we

returned to the recorded interviewing, he seemed more relaxed, up front, reflective, and at the same time, less cautious than earlier. I felt that I came away with some excellent data made possible by a connection established through methods other than those promulgated by hard science, objectivity, and researcher neutrality—a connection lubricated by weed and drink. (p. 207)

Others have argued, and shown through reported findings, that participation in marginal types of activities may be important for demonstrating one’s commitment to a project and to the maintenance (rather than attempt to control or eliminate) of a subculture, at least in the eyes of those who are native to the study site. DeMichele and Tewksbury (2004) studied the role and activities of the bouncer in strip clubs and showed that as an immersed researcher, it is necessary to engage in violence, make derogatory (perhaps sexist, racist, ageist, and misogynistic) talk, and to conform to expected stereotypes in order to be accepted and gain access to desired and necessary data.

The same intellectual challenges that are posed to edge ethnographers in conducting data collection will also be present when the data are organized, managed, and analyzed. Whereas the edge ethnographer is presented with the task of seeing what is new and different in a world in which he or she has experience and is involved, so too do such filtering lenses intrude on the analysis and interpretation of the data during the final stages of the ethnographic process. Seeing and explaining what occurs in a setting where one is personally involved, in ways that discount idiosyncratic or personalized interpretations, can be an intimidating test for any observer. The edge ethnographer, however, needs to explain what normative society sees as deviant, wrong, odd, or strange while balancing his or her own views of such as (probably) fairly standard and normative environments. Also, he or she needs to accomplish this while recognizing that mainstream academics and perhaps official agents of social control see the population and setting being explained as a place that hosts persons in need of control or sanctioning. When preparing articles, books, or other forms of reports of the study’s findings, the edge ethnographer needs to be aware of the potential fallouts for his or her own career and social standings. Even if such concerns are not seen as serious or something about which the individual cares, recognition of them is important, and this recognition has the potential to influence what is reported, how it is reported, where it is reported, and the details about it that are reported. In short, the direct and courtesy stigmas that accompany most edge ethnography (and edge ethnographers) are likely to influence some research products.

## Conclusion

Edge ethnography is the qualitative social science approach that emphasizes depth of understandings of socially marginal

and stigmatized populations and settings wherein the researcher undergoes dangerous and potentially threatening (personally, socially, professionally) exposures. Central to the conduct of edge ethnography is the researcher voluntarily exposing himself or herself to some form of danger through immersion in the culture or setting being studied.

In many respects, edge ethnography is an extreme form of ethnographic research. This explains (in part) why edge ethnography is often associated with newer and cutting-edge theoretical perspectives, such as cultural criminology. The focus and goals of edge ethnography and the theoretical aspirations of cultural criminology are highly similar, yielding a natural confluence of method and perspective.

Edge ethnography is not a commonly practiced social science method. In large part, the requirements of immersion in a cultural setting and the necessity of exposure to danger(s) divert many scholars from such approaches. However, as discussed in this chapter, edge ethnography can and does inform criminology—in fact, any social science—in ways that are both important and necessary for intellectual advancement and in contributions that go deeper and into more detail than either empirical or traditional qualitative approaches.

## References and Further Readings

- DeMichele, M., & Tewksbury, R. (2004). Sociological explorations in site-specific social control: The role of the strip club bouncer. *Deviant Behavior, 2*, 537–558.
- Ferrell, J. (1999). Cultural criminology. *Annual Review of Sociology, 25*, 395–418.
- Ferrell, J., & Hamm, M. S. (Eds.). (1998). *Ethnography at the edge: Crime, deviance, and field research*. Boston: Northeastern University Press.
- Fleisher, M. (1989). *Warehousing violence*. Newbury Park, CA: Sage.
- Humphreys, L. (1975). *Tearoom trade: Impersonal sex in public places*. Chicago: Aldine.
- Inciardi, J. A., Lockwood, D., & Pottiger, A. E. (1993). *Women and crack-cocaine*. New York: Macmillan.
- Israel, T. (2002). Studying sexuality: Strategies for surviving stigma. *Feminism & Psychology, 12*, 256–260.
- Kraska, P. B. (1998). Enjoying militarism: Political/personal dilemmas in studying U.S. police paramilitary units. In J. Ferrell & M. S. Hamm (Eds.), *Ethnography at the edge: Crime, deviance, and field research* (pp. 88–110). Boston: Northeastern University Press.
- Jacobs, B. (1999). *Dealing crack: The social world of street-corner selling*. Boston: Northeastern University Press.
- Jacobs, B. (2000). *Robbing drug dealers: Violence beyond the law*. Chicago: Aldine.
- Johnson, R. (1997). *Deathwork: A study of the modern execution process*. Belmont, CA: Wadsworth.
- Jones, R. S. (1995). Uncovering the hidden social world: Insider research in prison. *Journal of Contemporary Criminal Justice, 11*, 106–118.
- Lyng, S. (1990). Edgework: A social psychological analysis of voluntary risk taking. *American Journal of Sociology, 95*, 851–886.
- Miller, J. M. (1995). Covert participant observation: Reconsidering the least used method. *Journal of Contemporary Criminal Justice, 11*, 97–105.
- Miller, J. M., & Tewksbury, R. (Eds.). (2000). *Extreme methods: Innovative approaches to social science research*. Needham Heights, MA: Allyn & Bacon.
- Scarce, R. (1995). Scholarly ethics and courtroom antics: Where researchers stand in the eyes of the law. *American Sociologist, 26*, 87–112.
- Sonenschein, D. (2000). On having one's research seized. In J. M. Miller & R. Tewksbury (Eds.), *Extreme methods: Innovative approaches to social science research* (pp. 209–215). Needham Heights, MA: Allyn & Bacon.
- Tewksbury, R. (2002). Bathhouse intercourse: Structural and behavioral aspects of an erotic oasis. *Deviant Behavior, 23*, 75–112.
- Tewksbury, R. (2004). The intellectual legacy of Laud Humphreys: His impact on research and thinking about men's public sexual encounters. *International Journal of Sociology and Social Policy, 24*(3/4/5), 32–57.
- Tewksbury, R. (2006). Acting like an insider: Studying hidden environments as a potential participant. In J. M. Miller & R. A. Tewksbury (Eds.), *Research methods: A qualitative reader* (pp. 4–12). Upper Saddle River, NJ: Pearson.
- Tewksbury, R., DeMichele, M. T., & Miller, J. M. (2005). Methodological orientations of articles appearing in criminal justice's top journals: Who publishes what and where. *Journal of Criminal Justice Education, 16*, 265–282.
- Tewksbury, R., & Gagné, P. (1997). Assumed and presumed identities: Problems of self-presentation in field research. *Sociological Spectrum, 17*, 127–155.
- Tunnell, K. D. (1998). Honesty, secrecy, and deception in the sociology of crime: Confessions and reflections from the backstage. In J. Ferrell & M. S. Hamm (Eds.), *Ethnography at the edge: Crime, deviance and field research* (pp. 206–220). Boston: Northeastern University Press.
- Weber, M. (1964). *The theory of social and economic organization* (A. N. Henderson & T. Parsons, Trans.). New York: Free Press.
- Williams, T., Dunlap, E., Johnson, B. D., & Hamid, A. (1992). Personal safety in dangerous places. *Journal of Contemporary Ethnography, 21*, 343–374.
- Wright, R. T., & Decker, S. (1997). *Armed robbers in action: Stickups and street culture*. Boston: Northeastern University Press.

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## EXPERIMENTAL CRIMINOLOGY

ANTHONY A. BRAGA

*Harvard University and University of California, Berkeley*

Experimental criminology is a part of a larger and increasingly expanding scientific research evidence-based movement in social policy. In general terms, this movement is dedicated to the improvement of society through the utilization of the highest-quality scientific evidence on what works best (see, e.g. Sherman et al., 1997). The evidence-based movement first began in medicine and has, more recently, been embraced by the social sciences. Criminologists such as David Farrington, Lorraine Mazerolle, Anthony Petrosino, Lawrence Sherman, David Weisburd, and Brandon Welsh, and organizations such as the Academy of Experimental Criminology and the Campbell Collaboration's Crime and Justice Group, have been leading advocates for the advancement of evidence-based crime control policy in general and the use of randomized experiments in criminology in particular.

In an evidence-based model, the source of scientific evidence is empirical research in the form of evaluations of programs, practices, and policies. Not all evaluation designs are considered equal, however. Some evaluation designs, such as randomized controlled experiments, are considered more scientifically valid than others. The findings of stronger evaluation designs are privileged over the findings of weaker research designs in determining "what works" in criminological interventions. For instance, in their report to the U.S. Congress on what works in preventing crime, University of Maryland researchers developed

the Maryland Scientific Methods Scale to indicate to scholars, practitioners, and policymakers that studies evaluating criminological interventions may differ in terms of methodological quality of evaluation techniques (Sherman et al., 1997). Randomized experiments are considered the gold standard in evaluating the effects of criminological interventions on outcomes of interest such as crime rates and recidivism.

Randomized experiments have a relatively long history in criminology. The first randomized experiment conducted in criminology is commonly believed to be the Cambridge-Somerville Youth Study (Powers & Witmer, 1951):

In that experiment, investigators first matched individual participants (youths nominated by teachers or police as "troubled kids") on certain characteristics and then randomly assigned one to the innovation group receiving counseling and the other to a control group receiving no counseling. Investigators have continuously reported that the counseling program, despite the best intentions, actually hurt the program participants over time when compared to doing nothing to them at all. Although the first participant in the Cambridge-Somerville study was randomly assigned in 1937, the first report of results was not completed until 1951. (Weisburd, Mazerolle, & Petrosino, 2008, p. 4)

Relatively few randomized experiments in criminology were conducted during the 1950s, 1960s, and 1970s (Weisburd et al., 2008). However, the number of randomized

experiments in criminology started to rise in the mid-1980s. In their influential book titled *Understanding and Controlling Crime*, Farrington, Ohlin, and Wilson (1986) recommended the use of randomized experiments whenever possible to test criminal justice interventions. This book generated considerable interest in experimentation among criminologists and, more important, at funding agencies such as the U.S. National Institute of Justice, which sponsored a series of randomized controlled experiments in the late 1980s. In their examination of randomized experiments on crime and justice, Farrington and Welsh (2006) found that experiments with a minimum of 100 participants more than doubled between 1957 and 1981, when there were 37, and between 1982 and 2004, when there were 85. Although randomized experiments in criminology are more common now compared with the 1980s, they continue to represent a small percentage of the total number of impact or outcome evaluations conducted in areas relevant to crime and justice each year (Weisburd et al., 2008).

This chapter begins by describing the key features of experimental, quasi-experimental, and nonexperimental research designs. The strengths of randomized experiments in determining cause and effect in criminology are assessed relative to these other commonly used research designs. Next, systematic reviews of existing evaluations and meta-analytic methods to synthesize the effectiveness of criminological interventions are discussed. These techniques represent important new features of the evidence-based policy movement in criminology. The chapter concludes by reviewing the critiques of experimentation in criminology and then presents a series of recommendations to overcome the ethical, political, and practical barriers to experimentation in crime and justice.

## Experimental, Quasi-Experimental, and Nonexperimental Research Designs

### Randomized Experimental Designs

Randomized experimental designs allow researchers to assume that the only systematic difference between the control and treatment groups is the presence of the intervention; this permits a clear assessment of causes and effects (Campbell & Stanley, 1966; Cook & Campbell, 1979; Sechrest & Rosenblatt, 1987). The classical experimental design involves three major pairs of components: (1) independent and dependent variables, (2) treatment and control groups, and (3) pretesting and posttesting.

Experiments essentially examine the effect of an *independent variable* on a *dependent variable*. The independent variable usually takes the form of a treatment stimulus, which is either present or not. For instance, an experiment could examine the effect of an in-prison education program (the independent variable) on recidivism (the dependent

variable) when offenders are released from prison. Another important element of an experiment is the presence of *treatment and control groups*. The use of a control group allows the researcher to determine what would have happened if the treatment stimulus or intervention had not been applied to the treatment group (often referred to as the *counterfactual*). The treatment group (sometimes called the *experimental group*) receives the stimulus or intervention to be tested, and the control group does not. It is critical for the treatment and control groups to be equivalent; this means that there are no systematic differences between the two groups that could affect the outcome of the experiment. During the *pretest* period, treatment and control groups are both measured in terms of the dependent variable. After the stimulus or intervention is administered to the control group, the dependent variable is measured again, in the *posttest* period. Differences noted between the pretest and posttest period on the dependent variable are then attributed to the influence of the treatment.

Randomization is the preferred method for achieving comparability in the treatment and control groups. After subjects are recruited by whatever means, the researchers randomly assign those subjects to either the treatment or control group. Although it cannot be assumed that the recruited subjects are necessarily representative of the larger population from which they were drawn, random assignment ensures that the treatment and control groups will be reasonably similar (Babbie, 2004). If randomization is done correctly, the only systematic difference between the two groups should be the presence or absence of the treatment. Experiments that use randomization to create equivalent groups are often called *randomized controlled trials*.

In designing experiments, evaluators need to ensure that the research design is powerful enough to detect a treatment effect if one exists. The *power* of a statistical test is the probability that the test will reject a false null hypothesis (Lipsey, 1990) that there is no statistically significant difference in the outcomes of the treatment and control groups. Statistical power is a very complex problem, especially in experimental research. Power estimates are often based simply on the number of cases in the study, with the general observation that larger numbers of subjects increases the power of statistical tests to detect treatment effects (Lipsey, 1990). However, as Weisburd (1993) pointed out, the number of cases is often a misleading measure. He found that the smaller the experiment, the better control of variability in treatment and design. Statistical power may, in fact, be larger than expected.

Randomized controlled trials are known for their high degree of internal validity. The problem of *internal validity* refers to the possibility that the conclusions drawn from the experimental results may not accurately reflect what has gone on in the experiment itself (Cook & Campbell, 1979). The main threats to internal validity are well-known and, when executed properly, randomized controlled trials will

handle each of eight internal validity problems (Farrington & Welsh, 2006, p. 59):

1. *Selection*: The effect reflects preexisting differences between treatment and control conditions.
2. *History*: The effect is caused by some event occurring at the same time as the intervention.
3. *Maturation*: The effect reflects a continuation of pre-existing trends.
4. *Instrumentation*: The effect is caused by a change in the method of measuring the outcome.
5. *Testing*: The pretest measurement causes a change in the posttest measure.
6. *Regression to the mean*: When an intervention is implemented on units with unusually high scores (e.g., areas with high crime rates), natural fluctuation will cause a decrease in these scores on the posttest, which may be mistakenly interpreted as an effect of the intervention.
7. *Differential attrition*: The effect is caused by differential loss of units (e.g., people) from experimental compared to control conditions.
8. *Causal order*: It is unclear whether the intervention preceded the outcome.

External validity problems involve the generalizability of the experimental findings to the “real” world (Cook & Campbell, 1979). Inferences about cause–effect relationships based on a specific scientific study are said to possess *external validity* if they may be generalized from the unique and idiosyncratic experimental settings, procedures, and participants to other populations and conditions. Causal inferences said to possess high degrees of external validity (also referred to as *population validity*) can reasonably be expected to apply to the target population of the study from which the subjects were drawn and to the universe of other populations across time and space.

The well-known Minneapolis Domestic Violence Experiment and its subsequent replications offer a cautionary tale on the external validity of experimental findings when interventions are applied to other subjects and in other settings (Sherman, 1992). The Minneapolis experiment was undertaken to determine the best way to prevent the risk of repeated violence by the suspect against the same victim in the future. Three approaches were tested. The traditional approach was to do very little, because it was believed that the offenders would not be punished harshly by the courts and that the arrest might provoke further violence against the victim. A second approach was for the police to undergo special training enabling them to mediate ongoing domestic disputes. The third approach was to treat misdemeanor violence as a criminal offense and arrest offenders in order to teach them that their conduct was serious and to deter them from repeating it. The experiment revealed that, in Minneapolis, arrest worked best: It significantly reduced repeat offenses relative to the other two approaches (Sherman & Berk, 1984). The results of the experiment were very influential; many police departments adopted mandatory misdemeanor arrest policies, and a

number of states adopted mandatory misdemeanor arrest and prosecution laws. However, replications of the Minneapolis domestic violence experiment in five other cities did not produce the same findings. In his review of those differing findings, Sherman (1992, p. 19) identified four policy dilemmas for policing domestic violence:

1. Arrest reduces domestic violence in some cities but increases it in others.
2. Arrest reduces domestic violence among employed people but increases it among unemployed people.
3. Arrest reduces domestic violence in the short run but can increase it in the long run.
4. Police can predict which couples are most likely to suffer future violence, but our society values privacy too highly to encourage preventive action.

This experience suggests that experimental findings need to be replicated before enacting mandatory interventions that could, in fact, have varied effects across different settings and subjects.

### Quasi-Experimental Designs

The quasi-experiment is a research design that has some, but not all, of the characteristics of a true experiment (Cook & Campbell, 1979). As such, quasi-experiments do not have the same high degree of internal validity as randomized controlled trials. Although there are many types of quasi-experimental research designs, the element most frequently missing is the random assignment of subjects to the treatment and control conditions. In developing an equivalent control group, the researcher often uses matching instead of randomization. For example, a researcher interested in investigating the effects of a new juvenile curfew on crime in a particular city would try to find a city with similar crime rates and citizen demographics in the same geographic region. This matching strategy is sometimes called a *nonequivalent group comparison design* because the treatment and control cities will not be exactly the same. In the statistical analysis of quasi-experimental data, researchers will often attempt to isolate treatment effects by including covariates to account for any measurable factors that could also influence observed differences in the dependent variable (e.g., poverty levels, youth population size, and the like). This results in less confidence in study findings than true experimental approaches because it is possible that the difference in outcome may be due to some preexisting difference between the treatment and control groups that was not taken into account by the evaluators.

Quasi-experimental *interrupted time series analysis*, involving before-and-after measurements for a particular dependent variable, represents a common type of evaluation research found in criminology and criminal justice. One of the intended purposes for doing this type of quasi-experimental research is to capture longer time periods

and a sufficient number of different events to control for various threats to validity and reliability (Cook & Campbell, 1979). Long series of observations are made before and after the treatment. The established before-treatment trend allows researchers to predict what may have happened without the intervention. The difference between what actually happened after the intervention and the predicted outcome determines the treatment effect. These approaches are often criticized for not accounting for other confounding actors that may have caused the observed differences. It can also be difficult to model the trend in the time series so the treatment effect can be properly estimated. For instance, in their evaluation of the 1975 Massachusetts Bartley–Fox gun control law that mandated a year in prison for illegal carrying of firearms, Deutsch and Alt (1977) used an interrupted time series quasi-experimental design and found that the passage of the law was associated with a statistically significant reduction in armed robbery in Boston. However, Hay and McCleary (1979) reanalyzed these data using a different quasi-experimental time series modeling approach and found no statistically significant reduction in Boston armed robberies associated with the passage of the law. In contrast, Pierce and Bowers (1981) found statistically significant violence reductions associated with the passage of the law using quasi-experimental interrupted time series analysis with multiple control group comparisons.

Although these designs are still likely to have lower internal validity than randomized experimental evaluations, quasi-experiments that combine the use of a control group with time series data can sometimes produce results that are of similar quality to randomized controlled trials (Lipsey & Wilson, 1993). Some researchers, however, have found that even strongly designed quasi-experiments produce less valid outcomes when compared with well-executed randomized controlled trials (see Weisburd, Lum, & Petrosino, 2001). In general, the persuasiveness of quasi-experiments should be judged on a case-by-case basis (Weisburd et al., 2001). For experimental criminology, the implication is that randomized controlled trials are necessary to produce the most valid and unbiased estimates of the effects of criminal justice interventions.

In their evaluation of the Operation Ceasefire gang violence reduction strategy, Braga and his colleagues (Braga, Kennedy, Waring, & Piehl, 2001) used a quasi-experimental interrupted time series analysis with multiple comparison groups to compare youth homicide trends in Boston with youth homicide trends in other major U.S. cities. They found a statistically significant 63% reduction in youth homicides associated with the implementation of the Ceasefire strategy. The evaluation also suggested that Boston's significant youth homicide reduction associated with Operation Ceasefire was distinct when compared with youth homicide trends in most major U.S. and New England cities (Braga et al., 2001).

The National Academies Panel on Improving Information and Data on Firearms (Wellford, Pepper, & Petrie, 2005)

concluded that the Ceasefire evaluation was compelling in associating the intervention with the subsequent decline in youth homicide (see also Morgan & Winship, 2007). However, the panel also suggested that many complex factors affect youth homicide trends and that it was difficult to specify the exact relationship between the Ceasefire intervention and subsequent changes in youth offending behaviors (see also Ludwig, 2005). Although the Ceasefire evaluation controlled for existing violence trends and certain rival causal factors, such as changes in the youth population, drug markets, and employment in Boston, there could be complex interaction effects among these factors not measured by the evaluation that could account for some meaningful portion of the decrease. The evaluation was not a randomized controlled experiment; therefore, the nonrandomized control group research design cannot rule out these internal threats to the conclusion that Ceasefire was the key factor in the youth homicide decline. Other quasi-experimental evaluations face similar critiques when attempting to unravel cause and effect associated with the implementation of specific criminal justice intervention.

Another type of quasi-experimental design is known as a *natural experiment*, whereby nature, or some event, has created treatment and control groups. In contrast to laboratory experiments, these events are not created by scientists, but they yield scientific data nonetheless. The classic example is the comparison of crime rates in areas after the passage of a new law or implementation of a crime prevention initiative that affects one area and not another. For instance, the 1994 Brady Handgun Violence Prevention Act established a nationwide requirement that licensed firearms dealers observe a waiting period and initiate a background check for handgun sales. To assess the impact of the Brady Law on violence, Ludwig and Cook (2000) examined trends in homicide and suicide rates, controlling for population age, race, poverty, and other covariates, in the 32 “treatment” states directly affected by the Brady Act requirements and compared them with the 18 “control” states and the District of Columbia, which had equivalent legislation already in place. They found that the Brady Act appeared to be associated with reductions in the firearm suicide rate for persons age 55 years or older but not with reductions in homicide rates or overall suicide rates.

### Nonexperimental Designs

Studies that rely only on statistical controls are often seen as representing the weakest level of confidence in research findings (Cook & Campbell, 1979; Sherman et al., 1997). These studies are typically called *nonexperimental* or *observational research designs*. In these studies, researchers do not vary treatments to observe their effects on outcomes; instead, they examine natural variation in a dependent variable of interest, such as crime, and estimate the effect of an independent variable, such as police staffing levels, on the basis of its covariation with the dependent variable. Additional covariates related to variation in the



dependent variable will be included in the model as statistical controls to isolate the effect of the key independent variable of interest. The difficulty of this approach is that there could easily be excluded factors related to both the key independent variable and dependent variable that bias the estimated relationship between these variables. Unfortunately, for some sensitive areas in crime and justice, nonexperimental research designs are the only method of investigation possible. Although some scholars argue that it is possible to develop statistical models that provide highly valid results (e.g., Heckman & Smith, 1995), it is generally agreed that causes unknown or unmeasured by the researcher are likely to be a serious threat to the internal validity of nonexperimental research designs (Cook & Campbell, 1979).

### Systematic Reviews and Meta-Analytic Methods in Criminology

There is a consensus among those who advocate for evidence-based crime policy that systematic reviews are an important tool in this process. In *systematic reviews*, researchers attempt to gather relevant evaluative studies in a specific area (e.g., the impact of correctional boot camps on offending), critically appraise them, and come to judgments about what works “using explicit, transparent, state-of-the-art methods” (Petrosino, Boruch, Soydan, Duggan, & Sanchez-Meca, 2001, p. 21). Rigorous methods are used to summarize, analyze, and combine study findings. The Campbell Collaboration Crime and Justice Group, formed in 2000, aims to prepare and maintain systematic reviews of criminological interventions and to make them electronically accessible to scholars, practitioners, policymakers, and the general public (Farrington & Petrosino, 2001; see also <http://www.campbellcollaboration.org>). The Crime and Justice Group requires reviewers of criminological interventions to select studies with high internal validity, such as randomized controlled trials and well-designed quasi-experiments with comparison groups (Farrington & Petrosino, 2001).

*Meta-analysis* is a method of systematic reviewing and was designed to synthesize empirical relationships across studies, such as the effects of a specific crime prevention intervention on criminal offending behavior (Wilson, 2001). Meta-analysis quantifies the direction and the magnitude of the findings of interest and uses specialized statistical methods to analyze the relationships between findings and study features (Lipsey & Wilson, 1993; Wilson, 2001). Although the methods are technical, meta-analysis provides a defensible strategy for summarizing the effects of crime prevention and intervention efforts for informing public policy (Wilson, 2001). For instance, Farrington and Welsh (2005) carried out a series of meta-analyses of criminological experiments of the last 20 years and concluded that prevention methods in general, and multisystemic therapy in particular, were effective in reducing offending. They

also reported that correctional therapy, batterer treatment programs, drug courts, juvenile restitution, and police targeting of crime hot spots were effective. However, “Scared Straight” programs and boot camps for offenders were not effective at preventing crime.

### Critiques of Experimentation in Criminology

Randomized experiments present many challenges. For instance, there are often problems of getting permission and cooperation from policymakers and practitioners that lead to case flow problems and difficulties in successfully achieving randomization. Although there is a large literature examining the barriers to experimentation (e.g., Baunach, 1980; Heckman & Smith, 1995; Petersilia, 1989), Clarke and Cornish (1972) raised several concerns with experimentation in crime and justice that had a major chilling effect on the development of experimental research in England during the 1970s (Farrington & Welsh, 2006). Although several experimental criminologists have responded to these concerns (e.g., Farrington, 2003; Weisburd, 2003), and the number of crime and justice experiments have increased in England and the United States over the last 25 years (Farrington & Welsh, 2006), the issues raised by Clarke and Cornish (1972) continue to be influential in resisting experimental methods in crime and justice today (see Pawson & Tilley, 1997).

Clarke and Cornish’s (1972) critique of experimentation is based on their experience in implementing a large-scale randomized experiment to evaluate a therapeutic community at a training school for delinquent boys in England. One major concern was that practitioners undermined the experiment by limiting the number of boys who could be considered for random allocation. Practitioners were very concerned that the boys would not receive the treatment that was most suitable for them. They felt that it was unethical for the boys to receive anything less than the most appropriate treatment. This led to the research being extended for a much longer time period and eventually stopped before the desired number of cases for the study was achieved. However, in response, experimental criminologists suggested that the ethical questions raised by the practitioners had more to do with contrasting belief systems between practitioners and researchers rather than the ethics of experimentation in crime and justice (Weisburd, 2003). The practitioners believed they knew which treatments worked best for the boys. Researchers, however, thought that the effectiveness of treatment was not clear and implemented a randomized study to determine what worked. As a result, the practitioners undermined the experimental evaluation.

Another concern put forth by Clarke and Cornish (1972) referred to the difficulty of generalizing from experimental studies (i.e., the problem of external validity). They argued that the unique institutional settings at

the training school were difficult to disentangle from the treatment itself. Clarke and Cornish further argued that institutions that agree to experimentation are a self-selected group that are not representative of the general population of institutions; as such, experiments that include them tell one little about the workings of the treatment and their outcomes in the real world. In response, experimental criminologists argue that support for experimentation from larger governmental agencies, such as the U.S. National Institute of Justice, would encourage broader involvement of institutions in experimentation (Weisburd, 2003). Although this larger group is still likely to be self-selected and generalizability may still be limited, encouragement rather than discouragement of experimental study in crime and justice by funders would lead to the development of more generalizable experiments (Weisburd, 2003).

The strongest criticism of randomized experiments raised by Clarke and Cornish (1972) was that experimental studies are too rigid to address the complexity of crime and justice contexts. The treatment at the training school involved many components that varied over the course of the experiment; thus, it was impossible to clearly define the treatment being tested. Whatever evaluation results were obtained would not have explainable. In essence, the experiment might have been able to say *what* happened, but not be able to answer *how* or *why* it happened (Weisburd, 2003, p. 349). Pawson and Tilley (1997) argued that experiments tend to be inflexible and use broad categorical treatments; as a result, experimental designs miss the important interaction between the nature of the treatment and the nature of the subjects being studied. Experimental criminologists acknowledge that the use of experimental approaches in complex social settings requires the development of experimental methods that are capable of addressing the complexity of crime and justice treatments, settings, and subjects (Weisburd, 2003). Of course, this requires a commitment to institutionalize experimental methods in the crime and justice field.

### **Weisburd's Principles to Overcome Ethical, Political, and Practical Problems in Experimentation**

Randomized experiments are often excluded in criminal justice and criminological research for either ethical, political, or practical concerns. However, in reality randomized experiments are possible and appropriate in many circumstances. For experimenters, the challenge is to identify the conditions under which experiments can be successfully implemented in criminal justice settings. Weisburd (2000) identified eight principles to help practitioners and researchers assess when experimentation is most feasible. This section presents Weisburd's principles and summarizes his discussion of each. The first two principles involve ethical concerns, the next three principles involve political concerns, and the final three principles involve practical problems in criminal justice experimentation.

*Principle 1: In the case of experiments that add additional resources to particular criminal justice agencies or communities or provide treatments for subjects, there are generally fewer ethical barriers to experimental research* (Weisburd, 2000, p. 184). It is important to differentiate the nature of the criminological intervention to be evaluated at the outset of the evaluation. Ethical problems are not likely to be raised when researchers provide new resources to offenders, such as rehabilitative services, or to communities, such as additional police patrols. The assumption is that the control group will continue to receive traditional levels of criminological intervention. Criminal justice experiments are often framed as tests of whether a new intervention is better than an existing one. However, when treatment is withdrawn from control subjects, serious ethical questions will arise; thus, Weisburd suggested that crime and justice experiments can often be defined as including treatment and *comparison* groups, rather than treatment and *control* groups.

*Principle 2: Experiments that test sanctions that are more lenient than existing penalties are likely to face fewer barriers than those that test sanctions more severe than existing penalties* (Weisburd, 2000, p. 185). So-called sanctioning experiments have produced the most serious ethical problems in criminal justice experimental study. In these evaluations, random allocation rather than the traditional decision-making power of criminal justice practitioners is used to make decisions about the processing of individual offenders (Weisburd, 2000). Arrest, sentence, and imprisonment decisions are based on random allocation. It is important to remember that sanctioning experiments allocate sanctions that are legally legitimate to impose on offenders. Ethical concerns are raised in connection with how the sanction is applied rather than to the harshness of the sanction itself. Clearly, there needs to be a balance between the criminal justice system's need to find answer to important policy questions and its commitment to equity in allocating sanctions. Weisburd suggested that, when designing sanctioning experiments, questions be framed in a way that allows ethical barriers to be removed—for instance, by using the experiment to test whether the criminal justice can be lenient in the allocation of sanctions rather than being harsh. The California Reduced Prison Experiment released some offenders from prison earlier than their sentenced release date (Berecochea & Jaman, 1981). Leniency for a few generated no major ethical objections despite thousands of offenders who were left in prison for longer periods of time on the basis of a random allocation scheme. However, the end result was two distinct groups that received more or less punitive sanctions.

*Principle 3: Experiments that have lower public visibility will generally be easier to implement* (Weisburd, 2000, p. 186). Obviously, in addition to ethical concerns there are political costs to criminal justice experimentation. Although reducing penalties for certain offenders may not generate ethical objection, the approach may generate strong political resistance to the experiment. Citizens may not want offenders to return to the community before their natural

sentence expiration date. Citizens may also exert political pressure to halt an experiment if additional criminal justice resources are randomly allocated. For instance, in the Jersey City Drug Market Analysis Experiment (Weisburd & Green, 1995), citizens in comparison drug market hot-spot areas were very concerned that they were not receiving the increased police attention given to the treatment drug market hot-spot areas. As Weisburd (2000) observed, this problem is similar to those encountered in medical research where interest groups fight to have experiments abandoned so medication will be provided to all who might benefit from it. These political problems are less likely to emerge when experiments are less visible to the public. As such, researchers should resist the temptation to publicize experiments before they are completed.

*Principle 4: In cases where treatment resources are limited, there is generally less political resistance to random allocation* (Weisburd, 2000, p. 186). There are circumstances in which it can be easier for researchers to defend random allocation in the context of the politics of the allocation of treatments (Weisburd, 2000). Often, treatments and new programs can be applied to only a few areas or a small number of individuals. When communities or individuals understand that they have not been systematically excluded from additional resources, experiments do not provide larger political problems when compared with nonexperimental evaluation designs. For instance, in the High Intensity Drug Trafficking Area drug treatment experiment (Weisburd & Taxman, 2000), practitioners were much less resistant to an experimental design because they could not provide treatment to all eligible subjects. As Weisburd suggested, random allocation can serve as a type of pressure valve in the allocation of scarce criminal justice resources. Random allocation can be a politically safer basis on which to apply treatment when compared with other criteria.

*Principle 5: Randomized experiments are likely to be easier to develop if the subjects of the intervention represent less serious threats to community safety* (Weisburd, 2000, p. 187). When the potential risks to the community are minimized, it is much easier for policymakers and practitioners to defend the use of randomization (Weisburd, 2000). Very few experiments have involved high-risk violent offenders that would generate serious threats to community safety.

*Principle 6: Experiments will be most difficult to implement when the researcher attempts to limit the discretion of criminal justice agents who generally operate with a great degree of autonomy and authority* (Weisburd, 2000, p. 187). Relative to ethical and political concerns, practical barriers have generally been more significant in explaining resistance to criminal justice experimentation (Weisburd, 2000). Even though there is a wide range of methodological issues facing experimenters, it can be very difficult to get practitioners to agree to random allocation. Although this problem is related to the ethical and political concerns already discussed, it is important to recognize that random allocation interferes with the daily operations of the affected agencies. Judges are generally more resistant to random allocation

when compared with other criminal justice practitioners. They have been known to subvert experiments by not properly assigning subjects even when they have agreed to random allocation of sanctions and programs. For example, in the Denver Drunk Driving Experiment (Ross & Blumenthal, 1974) judges were supposed to randomly allocate fines and two different types of probation to convicted drunk drivers. Unfortunately, in more than half the cases judges circumvented the randomization process in response to defense attorney pleas for their clients to receive fines rather than probation. Weisburd observed that the likelihood of success in randomization is linked to the nature of the decisions being made. He suggested a subprinciple in developing randomization procedures: "Where treatment conditions are perceived as similar in leniency to control conditions, it will be easier to carry out a randomized study involving high-authority and high-autonomy criminal justice agents" (Weisburd, 2000, p. 188).

In Project Muster, a probation experiment in New Jersey, Weisburd (1991) found that the judges correctly randomized nearly all study subjects. In this evaluation, judges were asked to sentence selected probationers who violated release conditions by not paying their fines to a program that involved intensive probation and job counseling. No restraint was placed on their sentencing decisions for other violated probationers. Because few violated offenders would have been sentenced to jail for failure to pay fines, judges did not feel that their discretion was overly compromised in selecting Muster instead of traditional probation.

*Principle 7: Systems in which there is a strong degree of hierarchical control will be conducive to experimentation even when individual actors are asked to constrain temporarily areas where they have a considerable degree of autonomy* (Weisburd, 2000, p. 188). Weisburd suggested that, in militaristic hierarchical agencies, such as the police and certain correctional agencies, it is often easier to execute experimental designs because such agencies have rigid organizational structures. This is particularly true when the discretion is limited for the targets selected rather than the choice of action or decision. Experiments in Minneapolis, Minnesota (Sherman & Weisburd, 1995), and Jersey City, New Jersey (Braga et al., 1999; Weisburd & Green, 1995), were executed with success when police officers were focused on treatment crime hot spots and restricted from operating in control hot spot areas. In policing, hierarchical control also explains why it has been possible to implement experiments in which treatment and control conditions vary significantly and the line-level agent has traditionally exercised considerable autonomy (Weisburd, 2000). This was evident in the six domestic violence experiments supported by the National Institute of Justice in which misdemeanor spouse abusers were randomly assigned to either arrest or nonarrest conditions (Sherman, 1992). These studies did not show the extensive subversion to randomization seen in other criminal justice experiments, such as the Denver Drunk Driving Experiment.

*Principle 8: Where treatments are relatively complex, involving multiple actions on the part of criminal justice*

agents or actions that they would not traditionally take, experiments can become prohibitively cumbersome and expensive (Weisburd, 2000, p. 190). Once randomization has been successfully achieved, maintaining the integrity of the treatment is the most difficult task for experimenters (Boruch, 1997; Weisburd, 2000). Experiments cannot be simply a before-and-after effort by researchers; it is very important to document and analyze what is actually happening in the treatment and control groups (Weisburd, 2000). Developing methods to monitor and ensure the integrity of the treatment is crucial. If the treatment is not implemented properly, it would not be surprising to find that the intervention did not generate an effect. For studies that involve one-shot interventions, this process can be relatively simple (e.g., documenting whether a subject was properly placed in a condition such as arrest, violation, or incarceration). However, if experimental treatments are complex, it will be correspondingly more difficult, time-consuming and costly to track and ensure the integrity of the treatment.

There is now a large, and growing, literature indicating that ethical, political, and practical barriers can be overcome and that randomized experiments are appropriate in a very diverse group of circumstances and across many aspects of decision making in the criminal justice system (Boruch, Snyder, & DeMoya, 2000; Petrosino et al., 2001; Weisburd, 2000, 2003). To some observers (e.g., Weisburd, 2003), the failure of crime and justice funders and evaluators to develop a comprehensive infrastructure for experimental evaluation represents a serious violation of professional standards:

A related line of argument here is that a failure to discover whether a program is effective is unethical. That is, if one relies solely on nonrandomized assessments to make judgments about the efficacy of a program, subsequent decisions may be entirely inappropriate. Insofar as a failure to obtain unequivocal data on effects then leads to decisions which are wrong and ultimately damaging, that failure may violate good standards of both social and professional ethics. Even if the decisions are "correct" in the sense of coinciding with those one might make based on randomized experiment data, ethical problems persist. The right action taken for the wrong reasons is not especially attractive if we are to learn anything about how to effectively handle the child abuser, the chronically ill, . . . and so forth. (Boruch, 1975, p. 135)

According to Weisburd (2003), the key question is why a randomized experiment should not be used: "The burden here is on the researcher to explain why a less valid method should be the basis for coming to conclusions about treatment and practice" (p. 352).

## Conclusion

As the 21st century unfolds, the available evidence suggests that the number of randomized experiments in

criminology will continue to grow (Farrington & Welsh, 2006). As Weisburd, Mazerolle, and Petrosino (2008) observed, there is a growing consensus among scholars, practitioners, and policymakers that crime control practices and policies should be rooted as much as possible in scientific research. The findings of randomized experiments are considered more scientifically valid than the findings generated by quasi-experiments and observational research studies. Experimental findings are usually privileged over the findings of these weaker research designs in determining effective crime control practice and policy. Implementing randomized experiments in field settings can be very difficult for a number of ethical, political, and practical concerns. However, many of these barriers to experimentation can be overcome; thus, randomized experiments will continue to become ever-important components of criminological inquiry.

## References and Further Readings

- Babbie, E. (2004). *The practice of social research* (10th ed.). Belmont, CA: Wadsworth.
- Baunach, P. (1980). Random assignment in criminal justice research: Some ethical and legal issues. *Criminology*, 17, 435–444.
- Berecochea, J., & Jaman, D. (1981). *Time served in prison and parole outcome: An experimental study* (Report No. 2). Sacramento, CA: California Department of Corrections Research Division.
- Boruch, R. (1975). On common contentions about randomized field experiments. In R. Boruch & H. Reicken (Eds.), *Experimental testing of public policy: The Proceedings of the 1974 Social Sciences Research Council Conference on Social Experimentation* (pp. 107–142). Boulder, CO: Westview Press.
- Boruch, R. (1997). *Randomized experiments for planning and evaluation*. Thousand Oaks, CA: Sage.
- Boruch, R., Snyder, B., & DeMoya, D. (2000). The importance of randomized field trials. *Crime & Delinquency*, 46, 156–180.
- Braga, A., Kennedy, D., Waring, E., & Piehl, A. (2001). Problem-oriented policing, deterrence, and youth violence: An evaluation of Boston's Operation Ceasefire. *Journal of Research in Crime and Delinquency*, 38, 195–225.
- Braga, A., Weisburd, D., Waring, E., Green Mazerolle, L., Spelman, W., & Gajewski, F. (1999). Problem-oriented policing in violent crime places: A randomized controlled experiment. *Criminology*, 37, 541–580.
- Campbell, D., & Stanley, J. (1966). *Experimental and quasi-experimental designs for research*. Chicago: Rand McNally.
- Clarke, R., & Cornish, D. (1972). *The controlled trial in institutional research*. London: HMSO.
- Cook, T., & Campbell, D. (1979). *Quasi-experimentation: Design and analysis issues for field settings*. Boston: Houghton Mifflin.
- Deutsch, S., & Alt, F. (1977). The effect of Massachusetts' gun control law on gun-related crimes in the city of Boston. *Evaluation Quarterly*, 1, 543–568.
- Farrington, D. (2003). British randomized experiments on crime and justice. *Annals of the American Academy of Political and Social Science*, 589, 150–167.

- Farrington, D., & Petrosino, A. (2001). The Campbell Collaboration Crime and Justice Group. *Annals of the American Academy of Political and Social Science*, 578, 35–49.
- Farrington, D., & Welsh, B. (2005). Randomized experiments in criminology: What have we learned in the last two decades? *Journal of Experimental Criminology*, 1, 9–38.
- Farrington, D., & Welsh, B. (2006). A half century of randomized experiments on crime and justice. In M. Tonry (Ed.), *Crime and justice* (Vol. 34, pp. 55–132). Chicago: University of Chicago Press.
- Farrington, D. P., Ohlin, L. E., & Wilson, J. Q. (1986). *Understanding and controlling crime: Toward a new research strategy*. New York: Springer.
- Hay, R., & McCleary, R. (1979). On the specification of Box-Tiao time series models for impact assessment: A comment on the recent work of Deutsch and Alt. *Evaluation Quarterly*, 3, 277–314.
- Heckman, J., & Smith, J. (1995). Assessing the case for social experiments. *Journal of Economic Perspectives*, 9, 85–110.
- Lipsey, M. (1990). *Design sensitivity: Statistical power for experimental research*. Newbury Park, CA: Sage.
- Lipsey, M., & Wilson, D. (1993). *Practical meta-analysis*. Newbury Park, CA: Sage.
- Ludwig, J. (2005). Better gun enforcement, less crime. *Criminology & Public Policy*, 4, 677–716.
- Ludwig, J., & Cook, P. (2000). Homicide and suicide rates associated with the implementation of the Brady Handgun Violence Prevention Act. *Journal of the American Medical Association*, 284, 585–591.
- Morgan, S., & Winship, C. (2007). *Counterfactuals and causal inference*. New York: Cambridge University Press.
- Pawson, R., & Tilley, N. (1997). *Realistic evaluation*. London: Sage.
- Petersilia, J. (1989). Implementing randomized experiments: Lessons from BJA's intensive supervision project. *Evaluation Review*, 13, 228–266.
- Petrosino, A., Boruch, R., Soydan, H., Duggan, L., & Sanchez-Meca, J. (2001). Meeting the challenge of evidence-based policy: The Campbell collaboration. *Annals of the American Academy of Political and Social Science*, 578, 14–34.
- Pierce, G., & Bowers, W. (1981). The Bartley-Fox gun law's short-term impact on crime in Boston. *Annals of the American Academy of Political and Social Science*, 455, 120–137.
- Powers, E., & Witmer, H. (1951). *An experiment in the prevention of delinquency: The Cambridge-Somerville Youth Study*. New York: Columbia University Press.
- Ross, H., & Blumenthal, M. (1974). Sanctions for the drinking driver: An experimental study. *Journal of Legal Studies*, 3, 53–61.
- Sechrest, L., & Rosenblatt, A. (1987). Research methods. In H. Quay (Ed.), *Handbook of juvenile delinquency* (pp. 417–450). New York: Wiley.
- Sherman, L. (1992). *Policing domestic violence: Experiments and dilemmas*. New York: Free Press.
- Sherman, L., & Berk, R. (1984). The specific deterrent effects of arrest for domestic assault. *American Sociological Review*, 49, 261–72.
- Sherman, L., Gottfredson, D., MacKenzie, D., Eck, J., Reuter, P., & Bushway, S. (1997). *Preventing crime: What works, what doesn't and what's promising*. Washington, DC: U.S. Department of Justice.
- Sherman, L., & Weisburd, D. (1995). General deterrent effects of police patrol in crime "hot spots": A randomized controlled trial. *Justice Quarterly*, 12, 625–648.
- Weisburd, D. (1991). *Project Muster: The external evaluator's report*. Trenton, NJ: Administrative Office of the Courts.
- Weisburd, D. (1993). Design sensitivity in criminal justice experiments. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 17, pp. 337–379). Chicago: University of Chicago Press.
- Weisburd, D. (2000). Randomized experiments in criminal justice policy: Prospects and problems. *Crime & Delinquency*, 46, 181–193.
- Weisburd, D. (2003). Ethical practice and evaluation of interventions in crime and justice: The moral imperative for randomized trials. *Evaluation Review*, 27, 336–354.
- Weisburd, D., & Green, L. (1995). Policing drug hot spots: The Jersey City Drug Market Analysis Experiment. *Justice Quarterly*, 12, 711–735.
- Weisburd, D., Lum, C., & Petrosino, A. (2001). Does research design affect study outcomes in criminal justice? *Annals of the American Academy of Political and Social Science*, 578, 50–70.
- Weisburd, D., Mazerolle, L., & Petrosino, A. (2008). *The Academy of Experimental Criminology: Advancing randomized trials in crime and justice*. Retrieved from <http://www.crim.upenn.edu/aec/AECCriminologist417.doc>
- Weisburd, D., & Taxman, F. (2000). Developing a multi-center randomized trial in criminology: The case of HIDTA. *Journal of Quantitative Criminology*, 16, 315–340.
- Wellford, C., Pepper, J., & Petrie, C. (Eds.). (2005). *Firearms and violence: A critical review*. Washington, DC: National Academies Press.
- Wilson, D. (2001). Meta-analytical methods for criminology. *Annals of the American Academy of Political and Social Science*, 578, 71–89.

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## FIELDWORK

### *Observation and Interviews*

WILSON R. PALACIOS

*University of South Florida*

Fieldwork has always been a cornerstone of American social science. It was the definitive approach for the first 40 years in its history for the study of social life. It was an intellectual break for “armchair” sociologists who were content with simply theorizing and offering little more than speculative reasoning for the many unparalleled social changes occurring at the time. In these early days, circa 1890 to 1940, fieldwork was both an intellectual movement and a methodological prescription for the sociological analysis of both the community and the individual, with an emphasis on developing a holistic understanding of related social processes. By applying basic anthropological principles, fieldwork in the United States was very much an applied sociological endeavor that has been integral to the evolution of criminology.

#### **Qualitative Research**

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It is rather common for individuals to seek out a “cook-book” approach when attempting to apply qualitative research methods in the field while failing to realize that no method can truly be separated from its philosophical and theoretical underpinnings. In general, researchers are guided by a certain worldview and set of beliefs about exactly how the social world functions, (i.e., a paradigm); specifically, qualitative research embodies an interpretive approach to how one interacts and comes to understand the

social world. It is from this particular epistemological standpoint that qualitative researchers view the nature of reality as being something highly interpretive, malleable, and situational (i.e., constructionism). Under this particular ontological view, the subjective is emphasized, research subjects are considered social actors, and the social/cultural context is paramount in the research enterprise. Unfortunately, individuals seeking “how-to” manuals for qualitative research methods are often perplexed, and at times frustrated, by what seems to be a lack of standardization across the field, leading them to conclude that such methodological steps comprise nothing more than a pseudo-social science. However, the people who make such attributions are often not well versed in its history and/or the impact qualitative research has made throughout the history of the social sciences.

Qualitative research has ubiquitously influenced social science research in the United States for well over 100 years. Throughout the social sciences, qualitative research has been implemented either sequentially (Zimbardo, 1969) or simultaneously (Milgram, 1974) with quantitative designs. Of particular note is the rich history that qualitative methods (e.g., the collection of observational and interview data) share with quantitative (experimental) research designs (see Campbell, 1955; Campbell & Stanley, 1963; Scriven, 1976; Sherman & Strang, 2004).

One can note similar common methodological linkages, especially in related subspecialties, across anthropology,

education, communications, urban planning, business, social work, economics, political science, and the health sciences. Of particular note, in terms of American sociology and criminology, are the contributions made, both theoretically and methodologically, by the Chicago School and classical anthropology.

The Chicago School represents a significant cohort of sociologists at the University of Chicago's department of sociology whose research foci emphasized urban living, deviancy, community/neighborhoods, social structure, social disorganization, social worlds/subcultures, human agency, and social order (see Fine, 1995; Tomasi, 1998). Cohort members of the first Chicago School (roughly from 1892 through the early 1950s) were Albion Small, W. I. Thomas, Louis Wirth, Georg Simmel, Ellsworth Faris, Robert E. Park, and Ernest W. Burgess, along with noted social psychologists George H. Mead, John Dewey, and Charles H. Cooley. Around the same time period, noted anthropologists Margaret Mead, Frank Boas, Ruth Benedict, Gregory Bateson, Edward Evans-Pritchard, Alfred Radcliffe-Brown, and Bronislaw Malinowski, whose numerous studies highlighting the use of formal ethnography (fieldwork) as a methodological framework for studying non-Western societies and human behavior in their natural settings redefined the very concept of *doing* research across the American urban landscape.

## Ethnography

The anthropological creed that embodied fieldwork at the time (i.e., the traditional/classical period for ethnography as defined by Denzin & Lincoln, 1994) cast ethnography as research to be done in foreign lands by a lone ethnographer, primarily men, and whose objective was to study exotic cultures, languages, customs, beliefs, and behaviors of "natives." It was through the systematic collection of observations, interviews, and cultural artifacts that the lone ethnographer would hope to come to understand and explain these bounded cultural systems and ascribed meanings therein while remaining detached, both physically and emotionally, from both the setting and the individuals studied. The admonishment of not "going native," which was typical for ethnographers of this time period, was instituted to preserve anthropology's tacit commitment to objectivism and its parochial stance concerning one's role in the field. However, Chicago School researchers rejected the degree of formalism promoted by anthropological ethnography and sought to implement a form of fieldwork, *street ethnography*, that encapsulated the social-cultural milieu of Chicago neighborhoods and its residents. A careful reading of some of these earlier works reveals vestiges of interpretive ethnography (Geertz, 1973).

Through a serial combination of life history and case study approaches, from techniques characteristic of the voluminous studies published by members of the first Chicago School to

the more germane ethnographies of the second Chicago School (roughly from the mid-1950s through the 1970s), urban ethnography became theoretically eclectic, contextually driven, and analytically sophisticated. Specifically, studies conducted by members of the second Chicago School, including Gary A. Fine, Howard S. Becker, Everett Hughes, Herbert Blumer, William F. Whyte, Erving Goffman, and Anselm Strauss, made significant advancements in terms of theoretical and methodological frameworks. For instance, innovative ways of thinking about qualitative research and edgier attitudes, if you will, concerning fieldwork were promulgated by inter- and transdisciplinary developments in phenomenology, critical theory, symbolic interactionism, narrative inquiry, ethnomethodology, feminism, focus group research, standpoint epistemology, intersectional theory, interpretive ethnography, naturalism, social action theory, dramaturgical analysis, grounded theory, case study, hermeneutics, and biographical research.

As a result, the intellectual ingenuity and methodological rigor that coalesced during this transformative time for qualitative research in general and for ethnographic (field) research in particular, transfixed American street ethnography for generations of scholars. Moreover, street (urban) ethnography (i.e., fieldwork) throughout American cities was no longer about maintaining relational distance between researcher and researched; the caricature of the classical lone ethnographer was forgotten, and observing social life and interviewing its participants became more of dyadic process.

## Street (Fieldwork) Ethnography

American sociology has always had an interest in the marginalized, a "sociology of the underdog" (Becker, 1967) and of the so-called "underworld." In particular, urban ethnography—or, as it is commonly called, *fieldwork*—originated in the United States on the basis of a natural curiosity about certain aspects of urban social life and its participants. Urban ethnography's interest in the "other" during the early part of the 20th century focused on marginalized groups, such as the homeless person, the drug user/addict, the prostitute, the juvenile delinquent and his gang, the immigrant and his family, the pick-pocket and his "fence," the dancehall girl, and so on, with an expressed objective of developing a theoretical-cultural framework based on an inductive approach to social research while maintaining the often delicate balance between an emic (insider) and etic (outsider) perspective, a balance that over the years has been more a matter of the degree to which it reflects academic politics and culture rather than empirical reality.

For street ethnographers, fieldwork is about working within, giving prominence (a voice) to people who are often characterized and devalued by outsiders as nothing more than street people. The street becomes the ethnographer's sociological environment; it is a place that holds specific

yet dynamic cultural systems, meaning, and practices. The street ethnographer's working attitude in the field is that of an intimate stranger, a personal confidant to the many people he or she befriends in the field (the street), yet always an outsider because of the research objectives and specific aims that guide him or her. Whereas many people view social life conveniently through partitions such as the legitimate and illegitimate ("under") world, the legal and illegal ("underground") economy, and the criminal offender from the law-abiding citizens, street ethnographers recognize a social world that defies linearity in terms of how such worlds are created, practiced, and sustained. For the street ethnographer, social life is more a constellation of behavioral norms and expectations, a social system of differing styles, methods, and modes of communication, all of which reveal a high degree of convergence between seemingly opposing social worlds and its members.

As such, the qualitative task, for most street ethnographers, becomes implementing the most appropriate research practices, such as a research design and method that encourage naturalistic engagement (Lincoln & Guba, 1985), albeit systematically, throughout diverse, "hidden" social worlds, for example, sex workers, drug dealers and users, armed robbers, homeless families, street children, migrant workers, hotel chambermaids, doormen, political dissidents, bouncers, taxicab drivers, and female gang members, to name a few. Therefore, for street ethnographers the research enterprise is best practiced *in situ*, as it unfolds in and throughout urban social settings.

In addition to an intellectual commitment to building a theoretically and culturally driven understanding of street cultures and a profound, sometimes personal, commitment to providing a voice to the individuals often socially, politically, and economically disenfranchised therein, street ethnographers purposively embrace the complexity inherent in studying people in their natural social settings.

Fieldwork has typically been conducted in an open or nonexperimental environment; the empirical milieu of a street ethnographer has traditionally been any setting, physical or social, where people socialize. However, in the study of deviancy and criminal behavior fieldwork has always focused on the kinds of communities, environments, and people connected with illegal and deviant activities and their concomitant lifestyles. Although the history of deviant/criminological fieldwork has been diverse in terms of settings and research participants/informants (e.g., street corners, brothels, housing projects, methadone clinics, criminal justice training academies, adult video stores, halfway houses, drug smugglers, psychiatric hospitals, and jails/prisons) an enduring methodological link in the field has been the systematic use of observation and interviewing.

## Methods

The methodological core of fieldwork has always consisted of participant observation and interviewing. Although it is

not uncommon to supplement such work with documentary research, archival data, survey methods, and multimedia techniques (e.g., photography and video), the cornerstone of fieldwork has always rested with the street ethnographer's interpersonal abilities in and style of collecting observational and interview data while in the field. In general, street ethnographers view the social world through an interpretive/constructionist lens, thereby placing an emphasis on the subjective, the cultural, and the situational. Guided by a philosophical tradition rooted in American pragmatism with linkages in symbolic interaction and phenomenology and a break from naive realism, an idealist-internal ontology, and a healthy obsession for self-reflexivity, street ethnographers engage both a setting and the people therein in their quest to understand those people's everyday reality. By purposively situating themselves in the local culture of study and by taking a risk in making themselves accessible, both physically and emotionally, street ethnographers strive to create an empirical representation that is as nuanced as life. Through "thick descriptions" (Geertz, 1973) of observed social events, interactions, and individuals' emotions, street culture is enlivened, defined not by a composite measure, an attitudinal scale, or as a caricature in a journalist's column but rather by the ethnographer who is trained in the method of observation and its power for preserving in writing observable aspects of the human condition, a condition that is often veiled to outsiders.

The diversity of human experiences in the street is of great importance for the ethnographer. The range of perceptions, the existence of a variety of perspectives, the unspoken as well as what is articulated, and one's emotional self make up the street ethnographer's currency. Conversations in the field are never casual or happenstance but are guided and topical and serve as an opportunity to learn more about the research participants. Through the use of interviews, which range in format depending on the research setting and its purpose, the ethnographer presents accounts of lived experiences that, when coupled with field observations, become archetypes of street culture.

## Observation

Observation in social science research has a long-standing history as an unobtrusive method. In fieldwork, *participant observation*, however, has had a much shorter yet controversial existence. Its legitimacy as an appropriate data-gathering technique and a methodological approach for creating more ethical dilemmas (see Goode, 1999; Kulick & Wilson, 1995) in the field than not has been reviewed, debated, and at times vehemently defended throughout the social sciences, in particular in the field of anthropology, although such theoretical and methodological introspection did not occur until the 1940s, with a significant treatise concerning participant observation not published until the 1950s. Resolution of such matters should never be expected because of what participant



observation embodies, both as a research method and as a theoretical framework for fieldworkers.

The social context has always been the fulcrum for observations in the field. For fieldworkers, the central issues have always been defined around the meaning, practice, and utility in making participant observations *in situ*. Therefore, participant observation is as much a personal orientation for the fieldworker as it is a professional approach for studying social life. Raymond Gold's classic 1958 article "Roles in Sociological Field Observations" exemplifies the near-obsessive nature of fieldworkers in their contemplation of the myriad social roles required of the participant observer. Gold's classic field role typology (*complete observer*, *participant-as-observer*, *observer-as-participant*, and *complete participant*) should be interpreted not as a static categorical template but as a barometer that enables fieldworkers to make informed choices concerning their own tolerance level for inherent ethical challenges. These challenges are especially heightened when fieldworkers are studying deviant and/or illegal communities and their members, according to the degree of their involvement in the lives of participants, and in relation to other tangential field decisions (e.g. access/entrée, reciprocity, time, confidentiality, personal biography, rapport, resources, etc.) that may impact the scope and duration of the study.

Participant observations are primarily recorded through the use of *field notes*, a tradition of note taking used for contextualizing field events, meanings, and social interactions. The recording of field notes is a method for preserving the social-physical environment of a study's setting and its people and their respective behaviors. It facilitates both the immersion of the fieldworker in the local culture and an understanding of human relationships, in terms of both the researcher and research participants, unfolding in the setting. From jottings to more formal entries consisting of analytical memos, taxonomies, social network mapping, journals, blogs, and video, field notes facilitate the systematic collection and analysis of participant observations. They also offer a medium for preserving the nature of informal, often unscripted field conversations, a rather common occurrence in the field. Field conversations are just another form of interviews that are part and parcel of the fieldworker's toolkit.

## Interviews

For fieldworkers, understanding how one has lived and managed a life throughout a series of lived experiences is central to the interpretive/constructivist ethos. Qualitative interviewing is paramount in helping the fieldworker tap into these emotional and interpretive (personal) states; it is a dialectical process whereby both the interviewer and interviewee are actively involved in the reconstruction of the past, the accounting for the present, and the foretelling of the future. Qualitative interviewing serves as a guide, if you will, for a skilled qualitative interviewer navigating

troubled and/or triumphant stories that are revealed while he or she develops a culturally holistic interpretation of these experiences. Qualitative interviewing therefore becomes an interpersonal journey for all involved.

At a fundamental level, all interviews are, in essence, conversations. In the field, these casual conversations are often a prelude to specific types of themes to be formally explored at a later point in time. Such casual conversations are often useful in developing rapport with prospective interviewees, establishing social boundaries concerning the appropriateness to the setting of certain topics/themes, highlighting potential ethical dilemmas not previously considered, identifying key informants who may later facilitate the recruitment of interviewees, and creating a qualitative interview approach that is appropriate for the research setting, its scope, and the objectives.

Qualitative interviewing can range from a series or combination of open-ended yet topically guided questions to inquiries with more of a substantive frame, such as semistructured or structured interview protocols. Effective qualitative interviewing rests primarily on the interviewer's ability to actively listen for content and process, recognizing the impact the wording and sequencing of certain questions may have on the outcome and the use of interview probes in order to encourage dialogue. Typically, with permission from the interviewee, qualitative interviews are audio-recorded in order to develop full verbatim transcriptions of the interaction. However, if an interviewee declines having his or her session audio-recorded, then the fieldworker's only alternative is to take copious notes. Either way, qualitative interview data are recorded as transcriptions. Transcriptions are the textual representation of a person's life, a textual approximation, so to speak, of one's experiences.

## Establishing and Enhancing Credibility

In general, qualitative researchers, fieldworkers in particular, obsess about credibility. The heightened focus on authenticity is due both to subject matter and to the dominance of the field by traditional positivist and post-positivist approaches. It is not uncommon for people to have some reservations about the ability of fieldwork to produce theoretically driven explanations; the very nature of fieldwork invites such apprehension. Fortunately, since the mid-1950s, fieldworkers have made great theoretical refinements and have methodologically advanced the field in terms of data management and analysis. Overall, transparency (i.e., being honest and clear about one's intentions) is a vital step in establishing credibility. Transparency of one's paradigmatic orientation, theoretical framework, methodological orientation, and choices (i.e., informant and subject selection, sampling design, setting, reciprocity, analytical constructs, etc.), as well as one's position in the research process enhances credibility by means of the comparability, transferability, and

external reliability of the results being reported. The key here is to provide a written account for every decision point in the field. The common use of multiple sources of data, called *triangulation*—for instance, the use of both participant observation and interviews—also enhances credibility.

The use of multiple researchers (observers), variations of collaborative ethnography, and the introduction of technology to help record and preserve qualitative data has enhanced fieldworkers' thinking and reporting of internal reliability.

Fieldwork is rather strong in terms of internal validity because of its interpretive orientation, its self-reflexivity, and its emphasis on collecting data in situ. Therefore, data based on participant observation and interviews are strong in terms of internal validity.

## Applications

Fieldwork, and street ethnography in particular, is most appropriate for studying members of a "hidden" (vulnerable) population. They are hidden in terms of the inherent difficulty in locating them and establishing their true numerical estimates. The difficulty in deriving an accurate population count may be due to their transient nature, their involvement in deviant and/or illegal activities, and/or the fact that the members belong to a "closed" society. Members of a hidden population pose challenges for social researchers because appropriate sampling frames of such prospective respondents are nonexistent, although nonprobability sampling designs (e.g., convenience, snowball/chain referral, maximum variation, criterion based, venue based, extreme or deviant case, and stratified purposeful) offer an alternative. Examples of hard-to-reach groups include the homeless, runaway youth, drug users/addicts, sex workers, gang members, fraternity members, migrant workers, street corner men, people in psychiatric institutions, jail/prison inmates, HIV/AIDS patients, MSMs (men-who-have-sex-with-other-men), WSWs (women-who-have-sex-with-other-women), and transgender individuals.

## Conclusion

Fieldwork continues to evolve and redefine itself along epistemic, methodological, and analytic standpoints. Contemporary fieldworkers, called *street ethnographers*, continue to write about dilemmas in the field concerning process and outcomes. For example, publications on the emotionality of initiating and sustaining a field study are becoming commonplace, largely because of an increased number of relevant publication outlets. Modifications made to traditional nonprobability sampling designs, such as respondent-driven sampling, have created opportunities for collaborative work among street ethnographers

and statisticians. Recent technological advances in the area of audio- and video-recording capabilities have transformed how such data are recorded and stored, thereby creating further collaborative opportunities across disciplines (e.g., communications, education, psychology, and sociology). On a related note, qualitative software, which was introduced in the early 1980s, has made great strides in being able to handle and manage an ever-larger assortment of qualitative data, including textual data, video, movies, and so on. Although the use of software for the analysis of qualitative data might seem out of step with fieldwork's philosophical roots, it is facilitating closer reviews of data integrity and structure, both of which may impact later analysis.

## References and Further Readings

- Adler, P. (1993). *Wheeling and dealing: An ethnography of an upper-level drug dealing and smuggling community*. New York: Columbia University Press.
- Agar, M. H. (1973). *Ripping and running: A formal ethnography of urban heroin addicts*. New York: Seminar.
- Akersontrom, M. (1985). *Crooks and squares: Lifestyles of thieves and addicts in comparison to conventional people*. New Brunswick, NJ: Transaction.
- Anderson, E. (1976). *A place on the corner*. Chicago: University of Chicago Press.
- Anderson, N. (1925). *The hobo: The sociology of the homeless man*. Chicago: University of Chicago Press.
- Becker, H. (1967). *The outsiders*. New York: Free Press.
- Blumer, H. (1969). *Symbolic interactionism: Perspective and method*. Englewood Cliffs, NJ: Prentice Hall.
- Campbell, D. T. (1955). The informant in quantitative research. *American Journal of Sociology*, 60, 319–338.
- Campbell, D. T., & Stanley, J. (1963). *Experimental and quasi-experimental designs for research*. New York: Houghton Mifflin.
- Chirban, J. T. (1996). *Interviewing in depth: The interactive-relational approach*. Thousand Oaks, CA: Sage.
- Clifford, J., & Marcus, G. E. (Eds.). (1986). *Writing culture: The poetics and politics of ethnography*. Berkeley: University of California Press.
- Cressey, P. (1923). *Taxi dance hall*. Chicago: University of Chicago Press.
- Denzin, N. K., & Lincoln, Y. S. (1994). Introduction: Entering the field of qualitative research. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (pp. 1–17). Thousand Oaks, CA: Sage.
- Duneier, M. (1999). *Sidewalk*. New York: Farrar, Straus, and Giroux.
- Erickson, K. (1966). *Wayward Puritans*. New York: Wiley.
- Filstead, W. J. (Ed.). (1970). *Qualitative methodology: Firsthand involvement with the social world*. Chicago: Markham.
- Fine, G. A. (1995). *A second Chicago School? The development of a postwar American sociology*. Chicago: University of Chicago Press.
- Flesher, M. S. (1995). *Beggars and thieves: Lives of urban street criminals*. Madison: University of Wisconsin Press.
- Frasier, E. F. (1932). *The Negro family in Chicago*. Chicago: University of Chicago Press.

- Geertz, C. (1973). *The interpretation of cultures*. New York: Perseus Books.
- Gold, R. L. (1958). Roles in sociological field observations. *Social Forces*, 36, 217–223.
- Goffman, E. (1961). *Asylums: Essays on the social situations of mental patients and other inmates*. Garden City, NJ: Anchor Books.
- Goode, E. (1999). Sex with informants: An account and commentary. *Deviant Behavior*, 20, 301–324.
- Humphreys, L. (1975). *Tearoom trade: Impersonal sex in public places*. Chicago: Aldine.
- Jacobs, B. A. (1999). *Dealing crack: The social world of street-corner selling*. Boston: Northeastern University Press.
- Jacobs, B. A. (2000). *Robbing drug dealers: Violence beyond the law*. Hawthorne, NY: Aldine de Gruyter.
- Jankowski, M. S. (1991). *Islands in the street: Gangs and American urban society*. Los Angeles: University of California Press.
- Jorgensen, D. L. (1989). *Participant observation: A methodology for human studies*. Newbury Park, CA: Sage.
- Kulick, D., & Wilson, M. (Eds.). (1995). *Taboo: Sex, identity, and erotic subjectivity in anthropological fieldwork*. New York: Routledge.
- Kvale, S. (1996). *Interviews: An introduction to qualitative research interviewing*. Thousand Oaks, CA: Sage.
- Liebow, E. (1967). *Tally's corner*. Boston: Little, Brown.
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. Newbury Park, CA: Sage.
- Lynd, R. S., & Lynd, H. M. (1959). *Middletown: A study in modern American culture*. New York: Harvest Books. (Original work published 1929)
- Maher, L. (1997). *Sexed work: Gender, race, and resistance in a Brooklyn drug market*. New York: Oxford University Press.
- Manning, P. K. (2003). *The narcs' game: Organizational and informational limits on drug law enforcement*. Long Grove, IL: Waveland Press.
- Mead, G. H. (1934). *Mind, self, and society: From the standpoint of a social behaviorist*. Chicago: University of Chicago Press.
- Mead, M. (1973). *Coming of age in Samoa: A psychological study of primitive youth in western civilization*. New York: Morrow. (Original work published 1928)
- Milgram, S. (1974). *Obedience to authority: An experimental view*. New York: HarperCollins.
- Mills, C. W. (1959). *The sociological imagination*. New York: Oxford University Press.
- Moore, J. W. (1991). *Going down to the barrio: Homeboys and homegirls in change*. Philadelphia: Temple University Press.
- Park, R. E., & Burgess, E. W. (1921). *Introduction to the science of sociology* (3rd ed.). Chicago: University of Chicago Press.
- Park, R. E., Burgess, E. W., & McKenzie, R. D. (1925). *The city*. Chicago: University of Chicago Press.
- Platt, J. (1983). The development of the participant observation method in sociology: Origin, myth, and history. *Journal of the History of the Behavioral Sciences*, 19, 379–393.
- Preble, E., & Casey, J. J., Jr. (1969). Taking care of business: The heroin user's life on the street. *International Journal of Addictions*, 4, 1–24.
- Reckless, W. C. (1933). *Vice in Chicago*. Chicago: University of Chicago Press.
- Rock, P. (1979). *The making of symbolic interactionism*. New York: Macmillan.
- Rubin, H. J., & Rubin, I. S. (1995). *Qualitative interviewing: The art of hearing data*. Thousand Oaks, CA: Sage.
- Scriven, M. (1976). Maximizing the power of causal explanation: The modus operandi method. In G. V. Glass (Ed.), *Evaluation studies review* (Vol. 1, pp. 101–118). Beverly Hills, CA: Sage.
- Seidler, J. S. (1974). On using informants: A technique for collecting quantitative data and controlling for measurement error. *American Sociological Review*, 39, 816–831.
- Shaw, C. (1930). *The jack-roller: A delinquent boy's own story*. Chicago: University of Chicago Press.
- Sherman, L. W., & Strang, H. (2004). Experimental ethnography: The marriage of qualitative and quantitative research. *American Academy of Political and Social Sciences*, 595, 204–222.
- Shover, N. (1996). *Great pretenders: Pursuits and careers of persistent thieves*. Boulder, CO: Westview Press.
- Suttles, G. (1968). *The social order of the slum*. Chicago: University of Chicago Press.
- Tomasi, L. (1998). *The tradition of the Chicago School*. Aldershot, UK: Ashgate.
- Van Maanen, J. (1988). *Tales of the field*. Chicago: University of Chicago Press.
- Websdale, N. (1998). *Rural woman battering and the justice system: An ethnography*. Thousand Oaks, CA: Sage.
- Weppner, R. S. (Ed.). (1977). *Street ethnography: Selected studies of crime and drug use in natural settings*. Beverly Hills, CA: Sage.
- Whyte, W. F. (1943). *Street corner society*. Chicago: University of Chicago Press.
- Wirth, L. (1928). *The ghetto*. Chicago: University of Chicago Press.
- Wright, R. T., & Decker, S. (1994). *Burglars on the job: Street life and residential break-ins*. Boston: Northeastern University Press.
- Zimbardo, P. (1969). The human choice: Individuation, reason and order versus deindividuation, impulse and chaos. In W. J. & A. D. Levine (Eds.), *Nebraska Symposium on Motivation* (Vol. 17) Lincoln: University of Nebraska Press.

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## PROGRAM EVALUATION

JODI LANE

*University of Florida*

Program evaluation is one of the most important methods for assessing the process and impact of criminal justice programs and policies. In general, in program evaluations, researchers (e.g., university professors or people who work for private research organizations) work with practitioners (e.g., police or probation officers) to determine the effectiveness of programs designed to change offenders or people who might become offenders. This latter group of clients might be considered those at risk of committing crime; often, they are juveniles, but sometimes they are adults. In program evaluation researchers collect information, or data, about the program, staff, and clients; analyze it; and then report back to the program leaders and other important stakeholders regarding the results. Stakeholders might include policymakers, people who designed or developed the program, those who funded it, or interested community members. Sometimes evaluation results are then used by policymakers and practitioners to inform changes in their programs and policies.

Program evaluations have been increasingly important to criminal justice practice in the last few decades, in part because of limited resources. Criminal justice programs cost a lot of money (often millions of dollars), and decision makers, such as legislators, governors, county councils, or funding agencies such as the National Institute of Justice (NIJ) and the Office of Juvenile Justice and Delinquency Prevention, often have to make decisions about which programs to fund or continue to fund. There are typically many

more programs requesting money than there is money to fund them. One way to distinguish between programs is to use the scientific evidence provided in program evaluations to determine which programs are most effective at reaching their goals. For example, legislators might want to fund programs that are best at reducing crime, decreasing recidivism, or preventing youth from getting into trouble. It is now typical for funding organizations to require agencies to include an evaluation component in their program plan when asking for funding, especially if there is not hard evidence of success already. Evaluations conducted to determine whether programs are performing to expectations are called *summative evaluations* (Rossi, Lipsey, & Freeman, 2004, p. 36).

Evaluations are also useful in helping people involved in administering the program learn more about it. Although it might seem that those involved in administering the program would know the most about it, they often do not know everything that might be useful. Evaluators can often provide some of this information, such as how well they are meeting the goals of the program (e.g., preventing recidivism or increasing school attendance), whether the program is serving the people it is intended to serve, and whether staff members are providing the program to their clients in the way they are supposed to. Program evaluations that are conducted specifically to help programs improve are called *formative evaluations* (Rossi et al., 2004, p. 34).

Staff members who do the daily work in programs sometimes truly believe that they are making a difference in the lives of their clients but have no scientific evidence on which to base their opinions. Instead, they use their own personal experience with individual cases to judge the impact of their actions. For example, a staff member might remember that one of his clients stopped committing crime, went to college, and started a successful career, or he might remember that he spent many hours with a youth and that the girl said it changed her life. Individual instances of success can make staff members feel very good about doing their jobs and can convince them that the program is working. This might be enough information for them to want to continue implementing the program. Some might believe that changing one life is worth all the effort. Program decision makers, however, are often more interested in the effects of their program on clients more generally. They may wonder about the percentages of clients who are remaining crime or drug free, staying in school, maintaining jobs, and so on, and how their program compares to other programs on these measures. Program evaluations can answer these types of questions.

The results of program evaluations also help other jurisdictions make decisions about what types of programs to implement. For example, a county probation department might be interested in making program changes to help prevent its clients from progressing into juvenile correctional facilities (being locked up). The administration might look to other jurisdictions to determine what programs have been implemented for juveniles on probation, how well they worked, and for whom they worked. They might also look for specific details about how to implement the programs (e.g., what to include or not include as treatment components, the types of staff needed, or problems to anticipate when creating or putting a new program into operation).

Academic audiences, or university professors and their students, also learn from program evaluations. Professors teach students about which programs are effective and which are not. Just as important, members of the academic community contribute to the scientific understanding of criminal justice by conducting research on programs and policies to determine whether they work. Sometimes researchers conduct program evaluations because they want their unique research skills to apply to real-world issues—they want to make a difference. Researchers usually realize that the results they produce from their studies may have an effect on how staff, offenders, and others are treated in the programs they evaluate or on whether a program receives or continues to receive funding. Collaboration among researchers and policymakers and practitioners is critical, because policymakers and practitioners are rarely trained in the scientific method and often do not know where to look for scientific research. Researchers who work in the field with people in criminal and juvenile justice programs can make research accessible and understandable. Policymakers and practitioners, in turn,

provide academics with key details about the programs and their daily activities to help with the research. Sometimes, although not always, researchers also go beyond the purely practical reasons for conducting evaluations to test academic theories of crime, crime prevention, or offender treatment to see whether they work when applied in real situations.

## Important Types and Components of Program Evaluation

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According to Rossi et al. (2004), authors of one of the most important and widely used textbooks on program evaluation, there are generally five types of program evaluation that might occur: (1) needs assessment, (2) assessment of program theory, (3) process evaluation, (4) impact evaluation, and (5) efficiency analysis. Often, researchers conduct more than one type of evaluation when examining a particular program. This chapter discusses each of these types of program evaluation in more detail, including what they are and the types of research methods they might include. This chapter also describes examples of important evaluation studies that have been conducted regarding juvenile and criminal justice, to illustrate the types of results that these studies produce.

### Needs Assessment

According to Rossi et al. (2004), *needs assessment* involves the activities that researchers use to “systematically describe and diagnose social needs” (p. 102). In terms of program evaluation, researchers conducting the needs assessment aim to answer questions such as “Is this proposed (or current) program needed?” and “If so, what specific services would fill the need?” In the case of ongoing programs, questions might include “Are the provided services meeting the needs of the clients?” In truth, programs are often implemented without conducting a systematic needs assessment, because the individuals implementing the program simply believe the program is needed.

One might begin a needs assessment by examining the character and degree of the problem a program plans to address. First, the researchers might want to determine how the people who are developing and implementing the program define the problem (see Rossi et al., 2004). For example, if the program staff believe they need to address juvenile crime, researchers might determine what the staff mean by *juvenile crime*. Do they mean all juvenile crime, from minor offenses to very serious ones; violent crime only; property crime only; status offenses (i.e., those offenses that would not be crimes if the youth were adults); or crimes committed by particular offenders (e.g., gangs)? Researchers often can determine the answer by repeatedly asking probing questions to prompt staff to be more specific. For example, if staff say “juvenile crime,” the researchers can ask “What do you mean?” If the staff say, “You know,

violent crime and property crime,” then the researcher can say “What do you mean by that?” Then, if the response is “Crimes like murder, burglary, and assault,” the researchers will know exactly what the staff hope to address with the program.

Another important component of needs assessment is helping program implementers articulate its target group; that is, whom the program intends to serve (Rossi et al., 2004). In other words, who will or should the program’s clients be? Targets are usually individuals with certain demographic and personal characteristics (e.g., at-risk youth, probationers, or prisoners), but sometimes the targets might be organizations (e.g., police or probation departments, or prisons). A program evaluator might help a program better define who the targets will be—for example, which at-risk youth or what type of police departments. It is very common for program evaluators to spend a lot of time talking to program developers and staff members to further define what might at first be discussed in general terms. Sometimes, different staff members disagree about the definition of their target group, even if they use the same words to describe the problem, and the evaluator can help them agree on a compromise definition. If the program developers decide that they want to help (or target) at-risk youth, a researcher might set out to determine how program developers and staff define *at risk* (do they want to focus on those who come from single-parent families, are skipping school, have been arrested for petty crimes, are gang members or associates, etc?). If the program is focusing on serving police departments (e.g., providing weapons training), the evaluator might ask the staff to further define the type of department on which they would like to focus. For example, would they like to focus on urban, suburban, or rural departments; large or small ones; or those that deal with a lot of crime or just a little? Does the program hope to target departments with certain types of policing styles or administrative structures? Do they want to focus on training all staff, only line officers, only administration, and so on?

Once the program has better defined the target group, evaluators might set out to determine the degree of the defined problem, or how much of it is out there and where it is located (see Rossi et al., 2004). So, if a program defines at-risk youth as those coming from single-parent families, evaluators might look to see whether they can determine how many single-parent families live in the community and whether they are concentrated in certain areas (e.g., particular neighborhoods or school districts) or are equally dispersed throughout the city. Learning where these families live will help the program determine where to deliver services. Evaluators might also try to determine the characteristics of people affected by the problem. For example, are there more girls or boys in single-parent families? What are the racial and ethnic origins of those living in these family structures? What are the average income levels of these families? What are the specific problems these people face that might lead the children to criminal behavior?

If the focus is on training police departments on the efficient use of weapons, the researcher might look to determine how many of them need this type of training module. For example, the evaluator might look to see whether relevant departments already have a training module on weapon use, how the content of the training in use compares with the content of that to be offered, whether some departments have more complaints about the misuse of weapons than others, and so on. Answering questions such as these will help determine whether a program is needed, who needs it, and what type of services would be most relevant to those who would need or use the program, as well as where the services might best be located (see Rossi et al., 2004).

### Program Theory Assessment

Another type of evaluation that one might conduct involves determining whether the program itself is defined, thought out, and developed well (Rossi et al., 2004). Program theory is not the same as academic theory, although criminological or criminal justice theories are sometimes embedded in programs. Instead, program theory is typically practice driven, and program developers and staff often determine their theory from personal experience, training workshops or presentations they have attended, articles they have read in practitioner magazines, or other people to whom they have talked about the issues they face in their work. They often use laymen’s terms to discuss their program philosophy and thoughts, but well-versed evaluators can often find the propositions of academic theories in practitioners’ descriptions. For example, a probation officer might mention that children get into trouble when their parents or friends are also troublemakers and so might argue that the focus should be on removing children from negative peers or focusing on increasing parenting skills. After more discussion, an evaluator might see elements of learning theory or social control theory in the thoughts behind the program.

As Rossi et al. (2004) noted, “The program theory explains why the program does what it does and provides the rationale for expecting that doing so will achieve the desired results” (p. 134). To some people, it might seem obvious that programs would start with this sort of program description (or their reason for existing) before they started developing the particular service components they wanted to deliver. However, the program theory may or may not be well articulated, either in written or verbal form. Sometimes staff members go about their work without a clearly defined reasoning for doing so or at least without a reasoning that they can verbalize well. For example, staff may choose to provide services a certain way because they were trained to do so or because it is what they have been doing for a long time and is what they know and are comfortable providing. Sometimes the program theory is a good one, and sometimes it is not. Evaluators trying to assess program theory attempt first to understand what the program theory is and then to evaluate whether it is a good one (see Rossi et al., 2004).

Readers will notice an important theme emerging: that one of the most important tasks of evaluators throughout the process is asking questions. With regard to program theory, evaluators often look at program documents to see whether they can glean details from written information. Important documents might include annual program reports, notes from presentations given by staff, grant proposals written for the program, flyers or pamphlets, and so on. This is a good place to start, because it provides an evaluator with some context with which to ask more questions of the people involved in designing or implementing the program. Documents are rarely sufficient, though, because what is written down may or may not represent the reality for the program.

A lot of the ideas that guide programs are not written down but embedded in the design of program service components. Evaluators usually work to understand program theory by asking probing questions regarding ideas behind service plans and by visiting the program site to observe daily activities there. Example questions might include the following: (a) “Why do you do what you do?” (e.g., give youth individual counseling) (b) “How do you think doing this will change the clients’ behavior?” (e.g., Will it keep them from committing crime? Prevent angry outbursts?)” and (c) “Why do you think it will have this effect?” (e.g., Why will individual counseling keep youths from committing crime?). Researchers generally continue to ask probing questions until they feel they understand the rationale behind the program. When evaluators look for the assumptions regarding how a program changes clients’ behaviors (i.e., the cause and effect), they are examining the program’s *impact theory* (Rossi et al., 2004, p. 139). For example, program personnel might say something like “Allowing offenders to release their pain through individual counseling sessions will prevent them committing crime again.” Although this is not necessarily an uncommon sentiment expressed in social service programs, academic research indicates that this is an example of a faulty assumption, because less structured treatments (e.g., those that allow people to express their emotions) alone rarely prevent recidivism (Andrews et al., 1990). When evaluators examine assumptions about the process of service delivery (e.g., how it should work and what should be provided), they are looking at the program’s *process theory* (Rossi et al., 2004, p. 141).

In general, researchers ask questions of multiple people involved in the design and implementation of the program, in hopes of getting a more rounded, less biased view of what is driving service delivery. Yet talking to multiple people often illustrates important inconsistencies in key stakeholders’ views of why the program exists. Some of these stakeholders will have more power than others, and so their influence may be greater. Sometimes the evaluator may lead discussions among stakeholders to help them articulate their ideas and possibly compromise if there is disagreement. It is often the evaluator’s job to understand and synthesize this information into a coherent description

of the program theory, if one is not articulated already. Then, it is often helpful for the evaluator to draft a statement of the program theory to provide to the people working there to see whether what is written adequately and appropriately describes the philosophy behind their program (Rossi et al., 2004).

Program missions, goals, and objectives are important pieces of program theory, and these become critical later in evaluating the process and impact of the program (see Rossi et al., 2004). The mission, when written, is a brief statement of the organization’s philosophy and reason for existence (Sylvia, Sylvia, & Gunn, 1997). Program goals include broad statements of anticipated accomplishments. A goal for a new prison program might be to reduce recidivism among program clients. Objectives follow from the goals and are more specific statements about the goals that include measurable criteria to determine whether those goals and the related objectives are met. For example, an objective related to the goal of reducing recidivism might be to reduce the number of client rearrests for violent crime (e.g., murder, rape, robbery, and assault) within 1 year of being released from prison. Another related objective might be to reduce the number of reincarcerations among clients within 3 years of prison release. Programs may have many objectives related to each goal, but again, goals and objectives may not be enumerated by the program in measurable ways until a program evaluator works with staff to articulate them in these terms.

After the program theory and the more specific goals and objectives are determined, evaluators who are assessing program theory then might attempt to determine whether the program theory is a good one. There are different issues to consider. First, does the program theory address the needs noted in the needs assessment (if one was conducted)? Second, are the goals and objectives well defined and reasonable? In other words, can this program realistically accomplish the goals and objectives it wants to accomplish? Some programs indicate goals that are out of their reach. For example, they might wish to reduce the local crime rate, when they might do better if they focused on reducing crime among the clients they serve. Third, are the program’s plans for making changes in their clients’ behavior logical based on scientific research? Also, do the program theory and service plans make sense given the resources available to the program (e.g., are the plans too lofty based on the amount of money, staff, services, etc., that are available to the program?) An evaluation of program theory is important, because if the theory is faulty, then it may be impossible for the program to be successful no matter how well people follow the implementation plans (see Rossi et al., 2004).

## Process Evaluation

The third and one of the most common types of evaluation is that focused on measuring the process or implementation of a program. The goal of this type of evaluation

is to determine how well the program is maintaining fidelity to the original program design and to describe what services are being delivered (see Rossi et al., 2004). This is a critically important piece of the puzzle when researchers are trying to understand the impact of a program. Consequently, it is often good to conduct a process evaluation and an impact evaluation together. Knowing what goes on in a program helps explain client results. For example, if people who participate in a program fail, is it because the program was delivered poorly or because there was something about the people involved that prevented the desired effects from occurring? (Rossi et al., 2004).

Usually, researchers conducting a process evaluation spend a lot of time observing the daily activities of the program and watching what people do, how they go about their jobs, how clients are treated, and what service components are actually being delivered and to whom. Researchers might sit in on treatment groups and write down what is being covered or taught and record attendance, for example. They might also observe normal activities of the program, being careful to see whether different staff members do things differently. This might involve “hanging out” and taking a lot of notes. Researchers might also interview staff and clients, asking detailed questions about their perceptions of what is delivered and how well. In addition, evaluators usually look at program records, such as case files, to determine what services are being delivered to each client (e.g., how often a probation officer is meeting with the client, to what services the client has been referred, or whether the client is being drug tested). Some of the questions evaluators might hope to answer by observing the program include the following: (a) Are the intended targets (e.g., at-risk youth) receiving the services, (b) are the services being delivered as designed, (c) does service delivery vary by site or staff member, (d) are clients happy with the services they receive, and (e) do staff believe they are delivering the services well (Rossi et al., 2004)?

Ideally, program monitoring occurs throughout the implementation of the program, because what goes on in a program can vary day by day. Sometimes events occur that make major changes in how programs work (e.g., people are hired, fired, or quit; program managers make different decisions about how people should deliver services; or referrals of clients to the program increase or decrease). Researchers prefer to have a solid understanding of the inner workings of programs over time, so they can describe what is really happening there rather than relying solely on what is supposed to be occurring. It is not uncommon for evaluators to find that program delivery is very different from the plan. For example, counselors might have a large binder of sequential lessons to use in their treatment groups, but they may not ever open the book and instead use their own knowledge and experience to guide what they discuss with clients. A process evaluation would attempt to find out the content the counselors were actually delivering and how it matched or varied from the curriculum in the

binder as well as whether the people served in the groups were those who were supposed to be treated.

A major goal of process evaluation, then, is to systematically record and document the activities of the program (including what is delivered and to whom it is delivered) and to determine whether the activities match the original plan for service delivery (or the program as it is described publicly in documents and presentations). The results of a process evaluation may most importantly help explain program results (e.g., client impact). For example, if a program is not showing the anticipated results with clients, the process evaluation may point to problems with program implementation that could explain the lack of impact. Process evaluations may also be useful purely for managerial purposes. Program managers might learn that certain services are not being delivered at all, some are being delivered poorly, and others are being delivered well—or they might learn that their targets are not being serviced. For example, a program might target school dropouts but find that the clients using the services are all good students who excel in school. This knowledge could then be used to help program leaders make management decisions about how to change the program and client recruitment and help mold staff guidance and training. In addition, process evaluation can help provide important information about service delivery to key stakeholders, such as those that funded the program or community members. The evaluation might tell them whether the program is delivering what it promised (see Rossi et al., 2004).

### Impact Evaluation

Probably the most common form of evaluation (published) in criminology and criminal justice is impact or outcome evaluation, which is designed to determine whether a program creates positive change in its clients. Even if a program addresses the needs of its clients, has a good program theory, and is implemented the way it was designed, it is unlikely to continue or be funded if it cannot demonstrate that it can reach its goals and objectives and helps its clients. An *outcome* is the observable characteristic or behavior of the client that the program is supposed to change (e.g., self-esteem, crime commission, drug use, school attendance, employment, peer choices, etc.). Impact or outcome evaluations are designed to determine whether the program actually did change these key client characteristics. Sometimes clients change while in the program but because of something other than the program itself (e.g., getting older, or internal motivation changes not addressed by the program; see Rossi et al., 2004).

The characteristics that are considered outcomes usually can be measured in people not served by the program also, which can help determine whether the change was caused by the program itself. Researchers might collect the same measures (e.g., criminal behavior) for people in a comparison group to see whether these individuals are different than those in the program. In experimental evaluations,



which are considered the gold standard of evaluation methods, clients might be randomly assigned (in a method similar to flipping a coin) to either the program of interest (the experimental group) or to no treatment or a different treatment (a control group; see Boruch, 1997; Campbell & Stanley, 1963; Rossi et al., 2004). For example, the experimental group might be youth in a new juvenile prevention program, and the control group might be those sent to typical diversion programs or to no program at all. In the case of random assignment, the experimental and control groups as a whole should be similar on relevant characteristics at the outset (e.g., sex, race, prior criminal history), and any change demonstrated in the experimental group should be attributed to the program rather than something else (e.g., gender, different backgrounds, different living conditions, etc.). In theory, if the program is causing the change, the people in the control group should not change on the outcomes the program addresses but participants in the program should change (see Rossi et al., 2004). If both groups change, the evaluator must determine why. Sometimes random assignment to groups is not an option (e.g., people are already in prison or on probation), and so researchers use other methods to create study groups. For example, they might determine what the key background characteristics are (e.g., age, race, gender, criminal history, and family background) that might affect the outcomes of interest and match people in each group on these traits. One way to match is to make sure each group contains a certain percentage of people with each characteristic (e.g., half women and half men). Another, more difficult but better approach is to match individuals in each group. So, if one group has a 16-year-old black female who has committed a burglary, then the other group should include someone with those characteristics as well.

To determine which outcomes to measure, the evaluator usually looks to the program impact theory, mission, goals, and objectives (Rossi et al., 2004). For example, if goals of a program include reducing crime and increasing the number of prosocial (nondelinquent) friends among youth on probation, the evaluator might measure official records of arrest as well as interview youth about their participation in crime and the characteristics of their friends both before and after the program. Sometimes evaluators also measure outcomes of interest to program developers and stakeholders that are not written in the formal impact theory and goals of the program. For example, practitioners might indicate that they think a side effect of their program aimed at reducing delinquency among juveniles is that parents and their children have better relationships. An evaluator might measure the quality of these relationships either through observation or surveys of clients and their families. A third way to determine what outcomes to measure is to look at scientific studies of similar programs to see what they found to be relevant program impacts. Prior research might be especially instructive on the unintended consequences, or those the staff and program evaluators do not

naturally anticipate (see Rossi et al., 2004). For example, a side effect of intensive supervision probation (ISP) might be that clients are caught more for technical violations of probation (e.g., dirty drug tests or failure to get a job) because they are watched more (Petersilia & Turner, 1993).

Once an evaluator determines what outcomes he or she wants to measure (e.g., arrests, school attendance), he or she must determine what measures to use to gauge these client characteristics. For example, the evaluator must determine which arrests to measure (e.g., all arrests, arrests for violent crime, property crime, etc., and what offenses are included in each type) and how to gather the information (e.g., through official records from the police or probation or through interviews with staff and clients). The method of measurement may depend on what is available to the researcher. If the researcher cannot gain access to the official records, he or she might be forced to rely on self-reports by clients. In contrast, if the clients are not easy to track down, the researcher may be forced to rely solely on official records. Often, evaluators attempt to gather information on outcomes from multiple sources, to ensure that they can get a better understanding of the true impact of the program.

### Efficiency Analysis

The final major type of program evaluation is what Rossi et al. (2004) called *efficiency analysis*, but these are not as common in criminal justice as process and impact evaluations. This may be in part because evaluators are already very busy collecting data for the process and impact studies or because the researchers do not have the expertise to conduct efficiency evaluations well. In addition, sometimes decisions about the continuation of projects are made without cost being the primary consideration (e.g., programs may be stopped because the outcomes are not as good as expected, or they may be continued because someone in power likes the program). Although the costs and benefits can be estimated before a program is implemented, it is more common to analyze this information after the information is known (e.g., the program knows how much money was spent and what the effects of the program were; see Rossi et al., 2004).

Rossi et al. (2004) discussed two basic types of efficiency analyses: (1) cost-benefit analysis and (2) cost-effectiveness analysis. The goal of this type of program evaluation is to determine whether the benefits gained from a program justify its costs. In a cost-benefit analysis, researchers put monetary values on the program effort (e.g., salaries, supplies, and other program costs) and on the effects (e.g., the medical and property replacement costs saved by preventing victimizations or corrections costs saved by preventing reincarceration in a prison facility). Often, cost-benefit analyses are difficult to conduct in criminal justice, because it is hard to put monetary values on some program effects (e.g., how much does a victimization cost, and

so how much was saved by preventing one?). In a cost-effectiveness analysis, researchers examine the costs of reaching certain outcomes but do not put monetary value on the outcomes themselves. For example, if the goal is to sanction offenders, a cost-effectiveness analysis might look at how much it costs per year to put a person in prison versus on probation in the community. In this case, the researcher probably would not try to put a monetary value on the “prevented” behaviors that occurred because the person was on probation or in prison.

To conduct these types of evaluations well, researchers must be able to get information on all of the costs and benefits related to programs, which is not simple (Rossi et al., 2004). Some of these monetary values are readily available (e.g., how much salaries, supplies, or space cost), but some are not (e.g., what is the monetary value of a potential life saved by incarcerating a murderer?).

### Some Important Evaluation Studies in Criminology and Criminal Justice

Evaluation studies are regularly conducted in the field of criminology and criminal justice, and there is not sufficient space here to discuss all of them. Consequently, for illustration purposes, this section discusses important examples of impact evaluations that have been done in policing, corrections, and juvenile justice.

#### Policing

One of the first well-known evaluations in policing was the evaluation of the Kansas City Preventive Patrol Experiment, conducted during the early 1970s. The evaluation examined the effects of three different types of police patrols on crime, fear of crime, and opinions of the police in Kansas City, Missouri. The three types of patrol were (1) reactive, in which officers only responded to calls; (2) proactive, in which police visibility in the community was at least doubled; and (3) the normal level of patrol for the area (one car per police beat). The findings indicated that there were no significant differences in crime, fear of crime, or attitudes toward police across the different types of patrol (Kelling, Pate, Dieckman, & Brown, 1974). This study prompted police departments across the United States to reconsider how they approached neighborhood patrol.

One of the most famous evaluations in policing was Sherman and Berk's (1984) evaluation of the Minnesota domestic violence experiment, in which offenders who came into contact with the police for simple domestic assault were to be randomly assigned to either arrest, police advice, or an order to leave their residence for 8 hours. The authors reported that during the following 6 months, people who were arrested initially were less likely to get rearrested for violence than those who were just told to leave their place of residence. In addition, they noted that victims indicated that those who were arrested

were less likely to be violent again than those who received advice. However, the random-assignment portion of the study, which would have ensured that the results were more trustworthy, was not implemented correctly by the police officers, who did not always follow the researchers' directions (Sherman & Berk, 1984). Despite this and other methodological problems, this study led to important changes in policing, whereby many departments decided to mandate arrest in domestic violence cases (Binder & Meeker, 1988). Later researchers attempted to replicate the findings from this study, but their results were inconsistent, sometimes showing that arrest worked to reduce domestic violence and sometimes showing that it increased it or had no effect (see Garner, Fagan, & Maxwell, 1995). Because of inconsistent results over time, this study and its effects on policy continue to be regularly discussed.

A more recent evaluation of Boston's Operation Ceasefire experiment conducted by Braga and colleagues examined the impact of a Boston problem-oriented policing approach focused on stopping illicit firearm traffickers and deterring gang activities in order to reduce youth violence. A collaborative effort among many criminal justice and social service agencies included several efforts to decrease violence, including more police presence and enforcement in neighborhoods, prosecutors focusing on gang cases, increased probation checks and terms and conditions of probation, serving outstanding arrest warrants, and providing services to gang members. The results showed that youth homicide, calls to the police about hearing gunshots, and firearm-related assaults decreased in the area (Braga & Kennedy, 2002; Braga, Kennedy, Waring, & Piehl, 2001). This study has been widely discussed in academic and practitioner circles during the last few years because it shows some positive effects of collaborative policing strategies.

#### Corrections

There have been a number of evaluations in corrections in the past few decades. One of the most famous was conducted by Joan Petersilia and Susan Turner, who conducted a 14-site randomized experiment across nine states from 1985 through 1990 to evaluate the effects of ISP. Clients were randomly assigned to either ISP or a control group (they were on probation, parole, or in prison). Overall, the researchers found that ISP was associated with more technical violations and therefore more prison commitments, but there were no significant differences in arrests between those on ISP and in the control groups. They also found that ISP cost much more than routine probation because it involved more court appearances and returns to prison but that ISP cost less than prison itself. Finally, the results showed that ISP programs worked best when they provided both treatment and surveillance (Petersilia & Turner, 1993). This evaluation is one of the most respected, because it was the first to use random assignment in a field setting (in the criminal justice system) and because the results were interpreted by many scholars to

mean that ISP did not work, which eventually led to some programs being shut down and others being focused more on juveniles, for whom treatment was still considered a major goal (Lane, 2006).

Another well-respected evaluation study was conducted by MacKenzie and colleagues and examined correctional boot camps in eight states. Correctional boot camps have military-style programs with exercise, hard work, and stern discipline. The researchers compared people who completed boot camp programs with those who completed other types, such as probation, prison, and parole. The authors concluded that the military components of boot camp programs themselves do not reduce recidivism; specifically, they found no impact on recidivism in four states, worse results in one state, and some positive impact in three states. They noted that boot camps that focused on therapeutic components, intensive supervision after release to the community, longer time in the boot camp, and prison-bound offenders seemed to have better results. In addition, they speculated that those programs might have done as well without the particular military-style components (MacKenzie, Brame, McDowall, & Souryal, 1995). A later summary of many studies on boot camps concluded that boot camps did not substantially reduce recidivism but did often show good results in terms of in-program client attitudes and behavior and reduced need for prison space. In addition, the study noted that, because of this research, some boot camps had closed and some had added more treatment components and more post-release supervision (Parent, 2003).

The Amity Prison Therapeutic Community is another example of a correctional evaluation that has had academic and practical impact, probably in part because it used a strong design (random assignment) to assign inmates either to the therapeutic community or to no treatment. The therapeutic community was characterized by a three-part treatment. The first part focused on orientation, client assessment, and job assignments. The second part focused on inmates gaining more responsibility and participating in intensive treatment, such as individual and group counseling. The third part focused on preparing the inmates to re-enter society. The researchers found that inmates who participated in the therapeutic community and had strong aftercare were less likely to return to prison after 1, 2 (Wexler, De Leon, Thomas, Kressel, & Peters, 1999), and 3 years (Wexler, Melnick, Lowe, & Peters, 1999). Those who participated in the therapeutic community but not necessarily in aftercare did better with recidivism at 1 and 2 years but not at 3 years. The studies also found that parolees who were reincarcerated but spent more time in treatment stayed out of prison longer (Wexler, De Leon, et al., 1999; Wexler, Melnick, et al., 1999).

## Juvenile Justice

One of the most widely used programs in juvenile justice is Drug Abuse Resistance Education (D.A.R.E.), a

school-based drug prevention program taught by police officers. The 17 lessons focus on teaching information (e.g., about specific drugs) and life skills (e.g., how to resist peer pressure) to elementary schoolers with the ultimate goal of preventing or delaying drug use. A number of individual evaluation studies have examined the effects of D.A.R.E. in different parts of the United States and have found mixed results. Some have found that there are some short-term positive impacts, but a meta-analysis (statistical comparison) of multiple studies showed that the effects of D.A.R.E. in the short term were not substantial (Ennett, Tobler, Ringwalt, & Flewelling, 1994). Studies of the longer-term impact of participating in D.A.R.E. also have shown that there are few long-term positive effects. For example, one random experiment that compared survey responses for youth who participated in D.A.R.E. versus those in a control group showed that after 1 year, D.A.R.E. had no significant effects on the use of alcohol or cigarettes or on school success or behaviors there (Rosenbaum, Flewelling, Bailey, Ringwalt, & Wilkinson, 1994). Another study that examined the long-term effects of D.A.R.E. after 6 years found that participation had no effect on the use of alcohol, cigarettes, or marijuana for 12th graders but did find some evidence that it was related to less use of hard drugs (e.g., cocaine) in some males (Dukes, Stein, & Ullman, 1997).

Gang Resistance Education and Training (GREAT) is another popular program focused on gang prevention but modeled after D.A.R.E. The police-led GREAT program focuses on teaching 7th graders nine life skills lessons, including information about how to resolve disputes, about cultural differences, and about the negative elements of gang membership in hopes of helping youth resist peer pressure. The larger goal is to reduce gang activity. The evaluators conducted posttest surveys (1 year after participation in GREAT) of youth who participated in GREAT as well as youth in comparison groups in 11 sites across the United States. Researchers asked students about their attitudes and behaviors, including criminal and gang behaviors. They found that students who participated in the program reported less gang affiliation and gang activity as well as many other positive attributes (e.g., fewer problematic friends, greater self esteem, and more attachment to their parents) during the year following participation in GREAT (Esbensen & Osgood, 1999).

A later longitudinal study that examined the effects of GREAT at 2-years and 4-years postprogram in six locations used better comparison groups (assigning some classrooms to get the program and some not to it), had pretests (surveys before the program), and surveyed youth multiple times during the follow-up period. After 2 years, the researchers found no significant differences between the groups (Esbensen, 2001). After 4 years, they again found some generally positive effects of GREAT compared with not getting the program (e.g., in attitudes about peers and the police), but these long-term results did not show less gang activity or criminal behavior over time (Esbensen, Osgood,

Taylor, Peterson, & Freng, 2001). Because of these results, the GREAT curriculum was modified (Esbensen, Freng, Taylor, Peterson, & Osgood, 2002).

## Conclusion

Evaluations are increasingly important to help guide monetary and administrative decisions regarding criminal justice programs. As resources continue to decline in tough budget years, evaluations will likely become even more important. Evaluators can provide critical information about the need for a program, the soundness of the program's theory, and its implementation and impact, as well as whether the benefits outweigh the costs. Evaluators have provided this critical information to policymakers and practitioners for decades, and this chapter discussed some important examples of these studies.

## References and Further Readings

- Andrews, D. A., Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P., & Cullen, F. T. (1990). Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology*, 28, 369–404.
- Binder, A., & Meeker, J. W. (1988). Experiments as reforms. *Journal of Criminal Justice*, 16, 347–358.
- Boruch, R. F. (1997). *Randomized experiments for planning and evaluation: A practical guide*. Thousand Oaks, CA: Sage.
- Braga, A. A., & Kennedy, D. M. (2002). Reducing gun violence in Boston. In W. L. Reed & S. H. Decker (Eds.), *Responding to gangs: Evaluation and research* (pp. 265–288). Washington, DC: National Institute of Justice.
- Braga, A. A., Kennedy, D. M., Waring, E. J., & Piehl, A. M. (2001). Problem-oriented policing, deterrence, and youth violence: An evaluation of Boston's operation ceasefire. *Journal of Research in Crime and Delinquency*, 38, 195–225.
- Campbell, D. T., & Stanley, J. C. (1963). *Experimental and quasi-experimental designs for research*. Boston: Houghton Mifflin.
- Dukes, R. L., Stein, J. A., & Ullman, J. B. (1997). Long-term impact of Drug Abuse Resistance Education (D.A.R.E.): Results of a 6-year follow-up. *Evaluation Review*, 21, 483–500.
- Ennett, S.T., Tobler, N. S., Ringwalt, C. L., & Flewelling, R. L. (1994). How effective is Drug Abuse Resistance Education? A meta-analysis of Project DARE outcome evaluations. *American Journal of Public Health*, 84, 1394–1401.
- Esbensen, F. (2001). The national evaluation of the Gang Resistance Education and Training (G.R.E.A.T.) program. In J. Miller, C. L. Maxson, & M. W. Klein (Eds.), *The modern gang reader* (2nd ed., pp. 289–302). Los Angeles: Roxbury.
- Esbensen, F., Freng, A., Taylor, T. J., Peterson, D., & Osgood, D. W. (2002). National evaluation of the Gang Resistance Education and Training (G.R.E.A.T.) program. In W. L. Reed & S. H. Decker (Eds.), *Responding to gangs: Evaluation and research* (pp. 139–167). Washington, DC: National Institute of Justice.
- Esbensen, F., & Osgood, D. W. (1999). Gang Resistance Education and Training (GREAT): Results from the national evaluation. *Journal of Research in Crime and Delinquency*, 36, 194–225.
- Esbensen, F., Osgood, D. W., Taylor, T. J., Peterson, D., & Freng, A. (2001). How great is G.R.E.A.T.? Results from a longitudinal quasi-experimental design. *Criminology & Public Policy*, 1, 87–118.
- Garner, J., Fagan, J., & Maxwell, C. (1995). Published findings from the Spouse Abuse Replication Program: A critical review. *Journal of Quantitative Criminology*, 11, 3–28.
- Kelling, G. L., Pate, T., Dieckman, D., & Brown, C. E. (1974). *The Kansas City preventive patrol experiment: A summary report*. Washington, DC: Police Foundation.
- Lane, J. (2006). Joan Petersilia: A life of policy-relevant corrections research. *Women & Criminal Justice*, 17, 1–17.
- MacKenzie, D. L., Brame, R., McDowall, D., & Souryal, C. (1995). Boot camp prisons and recidivism in eight states. *Criminology*, 33, 327–357.
- Parent, D. G. (2003). *Correctional boot camps: Lessons from a decade of research*. Washington, DC: National Institute of Justice.
- Petersilia, J., & Turner, S. (1993). Intensive probation and parole. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 17, pp. 281–336). Chicago: University of Chicago Press.
- Rosenbaum, D. P., Flewelling, R. L., Bailey, S. L., Ringwalt, C. L., & Wilkinson, D. L. (1994). Cops in the classroom: A longitudinal evaluation of Drug Abuse Resistance Education (DARE). *Journal of Research in Crime and Delinquency*, 31, 3–31.
- Rossi, P. H., Lipsey, M. W., & Freeman, H. E. (2004). *Evaluation: A systematic approach* (7th ed.). Thousand Oaks, CA: Sage.
- Sherman, L.W., & Berk, R. A. (1984). The specific deterrent effects of arrest for domestic assault. *American Sociological Review*, 49, 261–272.
- Sylvia, R. D., Sylvia, K. M., & Gunn, E. M. (1997). *Program planning and evaluation for the public manager*. Prospect Heights, IL: Waveland Press.
- Wexler, H. K., De Leon, G., Thomas, G., Kressel, D., & Peters, J. (1999). The Amity Prison TC Evaluation: Reincarceration outcomes. *Criminal Justice and Behavior*, 26, 147–167.
- Wexler, H. K., Melnick, G., Lowe, L., & Peters, J. (1999). Three-year reincarceration outcomes for Amity in-prison therapeutic community and aftercare in California. *Prison Journal*, 79, 321–336.

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## QUANTITATIVE CRIMINOLOGY

ROBERT BRAME

*University of North Carolina at Charlotte*

Since its inception as a field of scientific inquiry, criminology and criminal justice (CCJ) researchers have used quantitative data to describe and explain criminal behavior and social responses to criminal behavior. Although other types of data have been used to make important contributions to criminological thought, the analysis of quantitative data has always played an important role in the development of knowledge about crime. This chapter discusses the various types of quantitative data typically encountered by CCJ researchers. Then, some of the logical and inferential issues that arise when researchers work with quantitative data are described. Next, the chapter considers different analytic frameworks for evaluating evidence, testing hypotheses, and answering research questions. Finally, a discussion of the range of methodological approaches used by contemporary CCJ researchers is provided.

### Quantitative Data Sources

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CCJ researchers commonly work with data collected for official recordkeeping by government or quasi-government agencies. Such data often include records of criminal events, offender and victim characteristics, and information about how cases are handled or disposed. Detailed information about crimes known to the police and crimes cleared by

arrest are available in the Uniform Crime Reports (UCR) and the National Incident Based Reporting System (NIBRS). In addition, for purposes of specific research projects, criminal justice agencies often make their administrative records available to criminologists—provided that appropriate steps are taken to protect individual identities. For example, the Bureau of Justice Statistics has conducted two major studies of recidivism rates for prisoners returning to the community in multiple states. Such projects require coordinated use of state correctional databases and access to criminal records, including arrests, convictions, and reincarceration.

More recently, researchers have also relied on information collected through direct interviews and surveys with various populations. In these surveys, respondents are asked about their involvement in offending activities, victimization experiences, background characteristics, perceptions, and life circumstances. Analyses from data collected through the National Crime Victimization Survey; the Arrestee Drug Abuse Monitoring program; the RAND inmate survey; the National Youth Survey; the National Longitudinal Survey of Youth; the Adolescent Health Study; Monitoring the Future (MTF); Research on Pathways to Desistance, and the Office of Juvenile Justice and Delinquency Prevention's longitudinal youth studies in Rochester, New York, Pittsburgh, Pennsylvania, and Denver, Colorado, have all made important contributions to criminological thought and public policy.

Researchers have also attempted, in some studies, to collect detailed quantitative databases composed of information from both administrative and direct surveys on the same individuals. Among other findings, this research has consistently shown that most crime victimizations are not reported to the police and that most offending activities do not result in an arrest.

## Logical and Inferential Issues

The analysis of quantitative crime-related data, like any other type of analysis, depends primarily on the question one is asking and the capabilities of the data available. This section briefly discusses some of the most prominent issues that crime researchers consider when analyzing quantitative data.

### Time Horizon

Regardless of the data source, research projects using quantitative data can generally be characterized as cross-sectional or longitudinal. *Cross-sectional* studies examine individuals or populations at a single point in time, whereas *longitudinal* studies follow the same individuals or populations over a period of time. Among longitudinal studies, an important consideration is whether the data will be collected prospectively or retrospectively. In *prospective studies*, individuals are enrolled in the study and then followed to see what happens to them. In *retrospective studies*, individuals are enrolled in the study, and researchers then examine historical information about them. Some studies include both prospective and retrospective elements. For example, the Research on Pathways to Desistance study enrolled adolescent offenders in Phoenix, Arizona, and Philadelphia to see how these offenders adapt to the transition from adolescence to adulthood. In that sense, the study is prospective; however, historical information about the individuals included in the study is available and has been collected retrospectively as well.

In most studies, it is clear whether the project is cross-sectional or longitudinal, but there are exceptions. For example, the MTF study repeatedly surveys nationally representative samples of high school seniors. This study can be viewed as cross-sectional because it does not survey the same individuals repeatedly, but it can also be viewed as longitudinal because the same methodology for drawing the sample and analyzing the data is repeated over time. Similar issues arise with UCR and NIBRS data. Often, specific studies using a repeated cross-sectional data source, such as MTF, UCR, or NIBRS, will tend to emphasize either cross-sectional or longitudinal features of the data.

### Unit of Analysis

It is also useful to think about research projects in terms of the basic source of variation to be studied. For example,

some studies focus on variation in crime between communities, whereas other studies examine variation in criminality between individual persons. Still other studies attempt to describe and explain variation in behavior over time for the same community or individual. In some studies, the unit of analysis is unambiguous, whereas in other instances, there may be multiple logical analysis units (e.g., multiple observations on the same person and multiple persons per community). These studies are generally referred to as *hierarchical* or *multilevel* analyses. An important issue arising in these analyses is lack of independence among observations belonging to a logical higher-order group. For example, individuals who live in the same community or who attend the same school are not likely to be truly independent of each other.

### Sampling

The list of all cases that are eligible to be included in a study is called the *sampling frame*. The sample included in the study will either be identical to the sampling frame or it will be a subset of the sampling frame. In some instances, the sampling frame is explicitly defined; at other times, the sampling frame is vague. Researchers generally describe the manner in which the sample was selected from the sampling frame in terms of probability or nonprobability sampling. In *probability sampling*, each case in the sampling frame has a known, non-zero probability of being selected for the sample. Samples selected in any other way are called *nonprobability samples*. The most basic form of probability sampling is simple random sampling, when each member of the sampling frame has an equal probability of being selected for the sample. More complicated forms of probability sampling, such as stratified random sampling, cluster sampling, and stratified multistage cluster sampling, are all commonly used in CCJ research.

The use of probability sampling allows researchers to make clear statements about the generalizability of their results. Although this is a desirable feature of probability samples, much CCJ research is based on nonprobability samples. The 1945 and 1958 Philadelphia birth cohort studies conducted by Marvin Wolfgang and his colleagues (Wolfgang, Figlio, & Sellin, 1972) focused on an entire population of individuals rather than a sample. Still, one can view the choice of the years 1945 and 1958 as a means of sampling. In fact, when populations are studied, there is almost always a way to conceive of them as nonprobability samples. In other studies, a researcher may survey all children in attendance at a school on a particular day. The resulting sample would be called a *convenience* or *availability sample*. Still other research projects rely on the purposive selection of certain numbers of people meeting particular criteria to ensure representation of people from different groups (i.e., males, females, blacks, whites, etc.). These samples are usually called *quota samples*. A key feature of nonprobability samples is that one is not able to

make explicit probabilistic statements about quantities in the population based on what one observes in the sample. Nevertheless, nonprobability samples are quite useful and necessary for addressing many interesting research and policy questions that arise in CCJ research.

### Target Population

A key aspect of any scientific work is the identification of empirical regularities that transcend specific individuals, places, or times. Thus, the population to which the results of a study generalize is of considerable importance. In general, researchers tend to prefer studies that identify the target population and discuss how well the results are likely to generalize to that population. But the target population is sometimes ambiguous. If one studies all individuals in attendance at a particular school on a given day, one could argue that the sample is synonymous with the target population. The research community, however, is not likely to be interested in what is occurring at that individual school unless it somehow relates to what is occurring at other schools in other locations and at other times. This ambiguity means that one cannot make precise statements about the generalizability of the results to other settings. Thus, clear statements about the composition and boundaries of the target population are often the exception rather than the rule.

### Concepts and Variables

Scientific theories describe relationships between concepts. In this sense, concepts represent the key elements of a well-developed theory. *Concepts* are verbal cues or symbols that sometimes refer to simple or complicated sources of variation. *Sex* (male vs. female), for example, refers to a simple, objective source of variation, whereas the meaning of concepts such as *delinquency* or *socioeconomic status* is potentially quite complicated. Still, reference to concepts for purposes of theory and hypothesis development can be sufficient. For purposes of conducting empirical tests of theories and hypotheses, however, more rigor and specificity are required.

*Variables* are the language of actual empirical work. A researcher's description of a variable explicitly defines how the concept in question is to be measured for purposes of an actual research project. An operational description or definition of a variable attends to how the variable was measured and what values the variable can take on. Variables such as sex and race are categorical, whereas variables such as age and income are quantitative. *Categorical variables* can be *nominal* (unordered categories) or *ordinal* (ordered categories, but the distance between categories is not well-defined). *Quantitative variables* can be *interval* (equal distance between categories) or *ratio* (existence of a true zero). Still another type of variable, of particular interest to criminologists, is a *count of events*. Event-count variables represent the number of times an event occurs within some

period of time. One way to think of an event-count variable is to consider a two-category variable: Either an event occurs or does not occur within some small time interval. If one adds up the number of times an event occurs over many of these small time intervals, one gets a total count of events.

Some concepts are too broad to be measured effectively with a single variable. Socioeconomic status, for example, is often linked to a combination of at least three subordinate concepts: (1) educational attainment, (2) income, and (3) occupational prestige. Often, variables associated with closely related subordinate concepts can be combined into a scale or index that measures the conceptual variation of interest. There are different ways to form scales and indexes. Some are driven by mathematical decision rules based on correlations between the items comprising the scale or index, and others are based on conceptual considerations.

### Descriptive and Causal Inference

Still another important feature of any quantitative study is whether it emphasizes description or the identification of cause–effect relationships. *Descriptive inference* is a characterization or summary of important features of a population. For example, the main objective of the 1993 Bureau of Justice Statistics recidivism study was to estimate the percentage of offenders released from prison in 1993 who experienced subsequent involvement with the criminal justice system within 3 years of their release. No effort was made to explain variation in the recidivism rate; instead, the goal was pure description.

*Causal inference* is the process of distinguishing between a correlation or statistical association between two or more variables and a cause–effect relationship between those variables. In order for a variable  $x$  to be considered a cause of variable  $y$ , three criteria must be satisfied: (1)  $x$  precedes  $y$  in time, (2)  $x$  and  $y$  are statistically associated, and (3) the statistical association between  $x$  and  $y$  is not spurious (i.e., there is no other variable that can account for or explain the statistical association between  $x$  and  $y$ ). It turns out that establishing the first two criteria is reasonably straightforward. Convincingly demonstrating nonspuriousness, however, is much more difficult. This issue is discussed in more detail in the “Analytic Methods for Causal Inference” section.

### Validity

The word *validity* is often used in two broad contexts in CCJ research. It may be used to indicate whether (or to what extent) a specific measure is an accurate characterization of the concept being studied. For example, one might ask whether an IQ test is a valid measure of intelligence. The word *validity* is also used as a way of characterizing a study or particular methodological approach. In this case, the concern is whether the study or method is likely to faithfully present the world as it really operates or

whether it will distort the phenomena under study in some important way. As an example of this usage, one might consider whether a study with a pretest outcome measurement followed by an intervention and then a posttest outcome measurement but no control group (a group that does not experience the intervention) is a valid study.

A number of different types of validity appear in the CCJ literature. A few common types are discussed here. Assessments of *face validity* are subjective judgments about whether a measurement or methodology is likely to yield accurate results. If a measure successfully predicts variation in a logically linked outcome, one can say that it rates high on *criterion* or *predictive validity*. For example, if one has a parole risk assessment instrument that is designed to predict likelihood of recidivism and the instrument, in fact, does do a good job of recidivism prediction, then one can say that it exhibits criterion validity. Measures with good *construct validity* are correlated with well-established indicators of the phenomenon in question. Such measures should also be independent of indicators that are not relevant to the phenomenon in question.

Studies with high *internal validity* take convincing steps to ensure that the logic of the study as applied to the individuals actually being studied is sound. *External validity*, on the other hand, refers to the generalizability of the study's results to individuals other than those actually included in the study. Internal validity tends to be maximized when the researcher is able to exert a great deal of control over the study and the environment in which the study is conducted (i.e., a laboratory setting). Unfortunately, when the researcher exerts great control, the conditions of the study sometimes become more artificial and less realistic. This raises questions about how well the study results will generalize to other cases. To the extent that the researcher attempts to allow for more realistic study environments (and greater external validity), this will often lead to less control over the study, which produces threats to internal validity. Researchers desire studies that maximize both internal and external validity, but this is often difficult to achieve.

## Reliability

*Reliability* refers to the consistency, stability, or repeatability of results when a particular measurement procedure or instrument is used. Researchers aspire to the use of instruments and procedures that will produce consistent results (provided that the phenomena under study have not changed). There are different ways of assessing and quantifying reliability. One approach is to take a measurement at a particular point in time and then repeat that same measurement at a later point in time. The correlation between the two measurements is called *test-retest reliability*. Another approach is to conduct multiple measurements with some variation in the precise measurement method; for example, multiple questionnaires with variations in the wording of various items can be administered to the same

individuals. The correlation between the various instruments is called *parallel forms reliability*.

In some instances, researchers need to code various pieces of information into quantitative research data. A concern often arises about whether the coding rules are written in such a way that multiple properly trained coders will reach the same coding decisions. *Interrater reliability* is considered to be high when there is a high correlation between the decisions of multiple coders who have reviewed the same information.

Reliability can also be assessed by examining correlations between multiple indicators of the same underlying concept. Assume, for example, that a researcher believes that a key influence on criminal behavior is an individual's level of self-control. Because there is no single definitive measure of self-control, the researcher might measure many indicators and characteristics of individuals that he believes to be manifestations of one's level of self-control (i.e., time spent on homework each day, grades in school, time spent watching television, etc.). One way of assessing the reliability of a scale or index that combines this information is to calculate the correlations between all of the indicators, which can then be used to calculate *internal-consistency reliability*. High levels of internal-consistency reliability imply that the various characteristics and indicators being studied are closely related to each other.

## Relationship Between Reliability and Validity

Measures or procedures for capturing measurements can be highly reliable but also invalid. It is possible, for example, to obtain consistent but wrong or misleading measurements. Measures or procedures can also be both unreliable and invalid. In general, however, if a measure is valid it must also, by definition, be reliable.

## Estimates and Estimators

An *estimate* is a person's guess about the value of some interesting quantity or parameter for a target population. Researchers obtain an estimate by applying a formula or estimator to observed data that can be used to develop inferences about the target population. The most straightforward case is when one studies observed data from a simple random sample drawn from a well-defined target population. The goal is to infer the value of a parameter or quantity in the population on the basis of what one observes in the sample. A researcher plugs the observed data into an estimator and then uses the estimator, or formula, to calculate an estimate of the quantity of interest in the population.

## Estimator Properties: Bias, Efficiency, and Consistency

In the case of a probability sample drawn from a well-defined population, there is a true population parameter or quantity that researchers seek to estimate on the basis of what



they see in the sample. An important issue is whether the estimator applied to the sample will—over the course of drawing many, many probability samples—on average lead to the correct inference about the population parameter. If the average of the parameter estimates is different from the true population parameter, one says that the estimator is *biased*.

Sometimes there are different unbiased estimators or formulas that could be used to estimate a population quantity. An important question is how to choose one estimator over another. Generally speaking, in this situation researchers would prefer the unbiased estimator that exhibits the least amount of variation in the estimates generated over many samples drawn from the same population. The estimator that exhibits the minimum amount of sample-to-sample variation in the estimates is the most efficient estimator. For example, the sample mean, the sample median, and the sample mode (see “Measures of Central Tendency” section) are both valid estimators for the population mean of a normally distributed variable. The sample mean, however, is a more efficient estimator than the sample median, which is itself more efficient than the sample mode.

In some circumstances, an unbiased estimator is not available. When this happens, researchers typically try to use a *consistent* estimator. A consistent estimator is biased in small samples, but the bias decreases as the size of the sample increases. Many commonly used estimators in the social sciences, such as logistic regression (discussed later in this chapter), are consistent rather than unbiased.

## Assessing Evidence

A *statistical model* is a description of a process that explains (or fails to explain) the distribution of the observed data. A problem that arises in quantitative CCJ research is how to consider the extent to which a particular statistical model is consistent with the observed data. This section describes several common frameworks for thinking about this correspondence.

### Relative Frequency

In quantitative crime research, decisions about whether to reject or fail to reject a particular hypothesis are often of central importance. For example, a hypothesis may assert that there is no statistical association between two variables in the target population. A test of this hypothesis amounts to asking the following question: What is the probability of observing a statistical association at least as large (either in absolute value or in a single direction) as the one observed in this sample if the true statistical association in the target population is equal to zero? Put another way, assume that there is a target population in which the statistical association is truly equal to zero. If a researcher drew many simple random samples from that population and calculated the statistical association in each

of those samples, he or she she would have a sampling distribution of the statistical association parameter estimates. This theoretical sampling distribution could be used to indicate what percentage of the time the statistical association would be at least as large as the association the researcher observed in the original random sample.

Generally speaking, if the percentage is sufficiently low (often, less than 5%), one would reject the hypothesis of no statistical association in the target population. A concern that arises in these kinds of tests is that the hypothesis to be tested is usually very specific (i.e., the statistical association in the target population is equal to zero). With a very large sample size it becomes quite likely that the so-called test statistic will lead a person to reject the hypothesis even if it is only slightly wrong. With a very small sample size, the test statistic is less likely to lead one to reject the hypothesis even if it is very wrong. With this in mind, it is important for researchers to remember that hypothesis tests based on the relative frequency approach are not tests of whether the statistical association in question is large or substantively meaningful. It is also important to keep in mind that the interpretation of statistical tests outside of the framework of well-defined target populations and probability samples is much more ambiguous and controversial.

## Bayesian Methods

Researchers often find the relative frequency framework to be technically easy to use but conceptually difficult to interpret. In fact, researchers and policymakers are not necessarily so concerned with the truth or falsehood of a specific hypothesis (e.g., that a population parameter is equal to zero) as they are with the probability distribution of that parameter. For example, it might be of more interest to estimate the probability that a parameter is greater than zero rather than the probability that a sample test statistic could be as least as large as it is if the population parameter is equal to zero. Analysis conducted in the *Bayesian tradition* (named after the Rev. Thomas Bayes, who developed the well-known conditional probability theorem) places most of its emphasis on the estimation of the full probability distribution of the parameter(s) of interest. In general, Bayesian methods tend not to be as widely used as relative frequency (or *frequentist*) methods in CCJ research. This is probably due to the training received by most criminologists, which tends to underemphasize Bayesian analysis. Because Bayesian analyses can often be presented in terms that are easier for policy and lay audiences to understand, it is likely that Bayesian methods will become more prominent in the years ahead.

## Parameter Estimation and Model Selection

CCJ researchers typically rely on quantitative criteria to estimate parameters and select statistical models. Common criteria for parameter estimation include least squares (LS)

and maximum likelihood (ML). *LS estimators* minimize the sum of the squared deviations between the predicted and actual values of the outcome variable. *ML estimators* produce estimates that maximize the probability of the data looking the way they do. Provided the necessary assumptions are met, LS estimators are unbiased and exhibit minimum sampling variation (efficiency). ML estimators, on the other hand, are typically consistent, and they become efficient as the sample size grows (asymptotic efficiency).

Model selection involves the choice of one model from a comparison of two or more models (i.e., a *model space*). The most prominent model selection tools include *F* tests (selection based on explained variation) and likelihood-ratio tests (selection based on likelihood comparisons). An important issue with these tests is that they typically require that one model be a special case of the other models in the model space. For these approaches, tests are therefore limited to comparisons of models that are closely related to each other. Increasingly, model selection problems require researchers to make comparisons between models that are not special cases of each other. In recent years, two more general model selection criteria have become more widely used: (1) the Akaike information criterion (AIC) and (2) the Bayesian information criterion (BIC). These criteria can be used to compare both nested and non-nested models provided the outcome data being used for the comparison are the same. Like *F* tests and likelihood-ratio tests, AIC and BIC penalize for the number of parameters being estimated. The logic for penalizing is that, all other things equal, we expect a model with more parameters to be more consistent with the observed data. In addition to penalizing for parameters, the BIC also penalizes for increasing sample size. This provides a counterweight to tests of statistical significance, such as the *F* test and the likelihood-ratio test, which are more likely to select more complicated models when the sample size is large. As modeling choices continue to proliferate, it seems likely that use of AIC and BIC will continue to increase.

## Methods for Descriptive Inference

This section briefly considers some descriptive parameters often studied in CCJ research. The first two subsections deal with parameters that are usually of interest to all social scientists. The final three subsections emphasize issues of particular importance for CCJ research.

### Measures of Central Tendency

*Central tendency* measures provide researchers with information about what is typical for the cases involved in a study for a particular variable. The *mean* or arithmetic average (i.e., the sum of the variable scores divided by the number of scores) is a common measure of central tendency for quantitative variables. The mean has an advantage in that each case's numerical value has a direct effect

on the estimate; thus, the mean uses all of the information in the scores to describe the "typical" case. A problem with the mean is that cases with extreme scores can cause the mean to be much higher or much lower than what is typical for the cases in the study. In situations where the mean is affected by extreme scores, researchers often prefer to use the *median* as a measure of central tendency. The median is the middle score of the distribution; half of the cases have scores above the median, and the other half have scores below the median. The median can also be viewed as the 50th percentile of the distribution. Unlike the mean, the median does not use all of the information in the data, but it is also not susceptible to the influence of extreme scores. For categorical variables, the *mode* (i.e., the most frequently occurring category) is often used as a measure of central tendency. For dichotomous or two-category variables, the most commonly used measure of central tendency is the *proportion* of cases in one of the categories.

### Measures of Dispersion

In addition to summarizing what is typical for the cases in a study, researchers usually consider the amount of variation as well. Several common summaries of variation, or *dispersion*, are commonly reported in the literature. The most common measure of dispersion for quantitative variables is the *variance* and/or its square root, the *standard deviation*. Many interesting social science variables are either normally or approximately normally distributed (i.e., the distribution looks like a bell-shaped curve). In these types of distributions, approximately two thirds of the cases fall within 1 standard deviation of the mean, and about 95% of the cases fall within 2 standard deviations of the mean. Thus, for variables with a bell-shaped distribution, the standard deviation has a very clear interpretation. This is particularly important because sampling distributions are often assumed to have normal distributions. Thus, the standard error calculation that appears in much quantitative CCJ research is actually an estimate of the standard deviation of the sampling distribution. It can be used to form confidence intervals and other measures of uncertainty for parameter estimates in the relative frequency framework.

For qualitative or categorical variables, a common measure of dispersion is the *diversity index*, which measures the probability that cases come from different categories. Some CCJ researchers have used the diversity index to study offending specialization and ethnic-racial heterogeneity in communities and neighborhoods. A generalized version of the diversity index that adjusts for the number of categories is the *index of qualitative variation*, which indicates the extent to which individuals are clustered within the same category or distributed across multiple categories.

### Criminal Careers

Over the past three to four decades, criminologists have developed the concept of the *criminal career*. According to

researchers who study criminal career issues, within any given time period the population can be divided into two groups: (1) active offenders and (2) everyone else. The percentage of the population in the active offender category is the *crime participation rate*. Within that same time period, active offenders vary in several respects: (a) the number of offenses committed, (b) the seriousness of the offenses committed, and (c) the length of time the offender is actively involved in criminal activity. A key idea within the criminal career framework is that the causes of participation may not be the same as the causes of offense frequency, seriousness, or the length of time the offender is active.

There is an extensive body of research devoted to estimating these parameters for general and higher-risk populations, and more recent research has treated these criminal career dimensions as outcomes in their own right. For example, a large amount of research has been devoted to the study of *offense frequency distributions*. This literature shows that in both general and high-risk populations offense frequency distributions tend to be highly skewed, with most individuals exhibiting low frequencies and a relatively small number of individuals exhibiting high frequencies. Among the most prominent findings in the field came from Wolfgang et al.'s (1972) study of the 1945 Philadelphia male birth cohort, which showed that about 6% of the boys in the cohort were responsible for over 50% of the police contacts for the entire cohort.

### Recidivism Rates

A particularly important parameter for criminal justice policy is the rate at which individuals who have offended in the past commit new crimes in the future (the *recidivism* or *reoffending* rate). Recidivism rates are based on three key pieces of information: (1) the size of the population of prior offenders at risk to recidivate in the future, (2) the number of individuals who actually do reoffend by whatever measure is used (i.e., self-report of new criminal activity, rearrest, reconviction, return to prison), and (3) a known follow-up period or length of time that individuals will be followed. Recidivism is also sometimes studied in terms of the length of time that lapses between one's entry into the population of offenders at risk to recidivate and the timing of one's first recidivism incident.

### Trajectories and Developmental Pathways

With the advent of a large number of longitudinal studies of criminal and precriminal antisocial and aggressive behaviors, researchers have become increasingly interested in the developmental course of criminality as people age. To aid in the discovery of developmental trends and patterns, criminologists have turned to several types of statistical models that provide helpful lenses through which to view behavior change. The most prominent of these models are *growth curve models*, *semiparametric trajectory models*, and *growth curve mixture models*. These all assume that

there is important variation in longitudinal patterns of offending. Some individuals begin offending early and continue at a sustained high rate of offending throughout their lives, whereas others who begin offending early seem to stop offending during adolescence and early adulthood. Some individuals avoid offending at all, whereas others offend in fairly unsystematic ways over time. Growth and trajectory models provide ways of summarizing and describing variation in the development of criminal behavior as individuals move through the life span.

### Analytic Methods for Causal Inference

The foundation of a sound quantitative criminology is a solid base of descriptive information. *Descriptive inference* in criminology turns out to be quite challenging. Criminal offending is covert activity, and exclusive reliance on official records leads to highly deficient inferences. Despite important challenges in descriptive analysis, researchers and policymakers still strive to reach a better understanding of the effects of interventions, policies, and life experiences on criminal behavior. Much of the CCJ literature is therefore focused on efforts to develop valid causal inferences. This section discusses some of the most prominent analytic methods used for studying cause and effect in CCJ research.

### Independent Variables and Outcomes

CCJ researchers typically distinguish between *independent variables* and *dependent* or *outcome variables*. In general, researchers conceive of dependent or outcome variables as variation that depends on the independent or predictor variables. Thus, independent variables explain variation in dependent or outcome variables. Sometimes researchers use stronger language, suggesting that independent variables cause variation in dependent variables. The burden of proof for use of the word *cause* is very high, however, and many researchers are careful to qualify their results if they do not think this burden of proof has been met.

### Contingency Tables

*Contingency tables* are a useful way of presenting frequency distributions for two or three categorical variables at the same time. For example, if a person wanted to create a measure of offending participation (either someone offends in a particular time period or he or she does not) and then compare the distribution of that variable for individuals who are employed and those who are not employed, a contingency table could be constructed to display this information. Several measures of the strength of the statistical association (analogous to a correlation coefficient) have been designed for contingency tables. Although contingency tables are not often used for studying cause-effect relationships (except in

randomized experiments), they are quite useful for exploratory data analysis and foundational work for more elaborate statistical models.

### Measures of Association

Researchers often want to summarize the strength of the statistical association between two variables. Correlation coefficients and other measures of association are used for this purpose. In general, measures of association are arrayed on a scale of  $-1$  to  $1$  or  $0$  to  $1$ , where  $0$  usually represents no association at all and  $-1$  or  $1$  represents a perfect negative or positive association. Measures of association have been developed for categorical and quantitative variables. Some measures of association, such as the *relative risk ratio* and the *odds ratio*, are calibrated so that  $1$  implies no statistical association, whereas numbers close to zero and large positive numbers indicate strong association. Researchers often conduct tests of statistical significance to test the hypothesis of “no association” in the population.

### Chi-Square, *t* Tests, and Analysis of Variance

CCJ researchers are able to draw on a wide variety of tools for conducting tests of statistical significance. In a contingency table setting, researchers often are interested in testing the hypothesis that two categorical variables are statistically independent. The *chi-square test of independence* is frequently used for this purpose. Sometimes, a researcher will want to test the hypothesis that the mean of a continuous variable is the same for two populations. The *independent samples t test* is most often used to conduct this test. In addition, researchers may need to test the hypothesis that the mean of a continuous variable remains the same at two time points. In this setting, the *paired samples t test* will most likely be used. Finally, if a researcher wants to test the hypothesis that a continuous variable has the same mean in three or more populations, then *analysis of variance* will be used. There are many statistical tests for many types of problems. Although these are among the most common applications, many others are available for more complicated situations.

### Linear Regression

*Linear regression models* are a class of statistical models summarizing the relationship between a quantitative or continuous outcome variable and one or more independent variables. Careful use of these models requires attention to a number of assumptions about the distribution of the outcome variable, the correctness of the model’s specification, and the independence of the observations in the analysis. If the assumptions underlying the model are valid, then the parameter estimates can provide useful information about the relationship between the independent variable or variables and the outcome variable.

### Regression for Qualitative and Counted Outcomes

Many outcome variables in CCJ are not continuous or do not meet some of the distributional assumptions required for linear regression. Statistical models for these variables, therefore, do not fit well into the linear regression framework. Examples of this problem include dichotomous and event-count outcomes. For dichotomous outcomes, researchers often estimate *logistic* or *probit regression models*; for counted outcomes, specialized models for event counts are usually estimated (i.e., binomial, Poisson, negative binomial).

### Structural Equation Models

CCJ researchers sometimes have well-developed ideas about the relationships between a complex system of independent and dependent variables. These ideas are usually based on theories or findings from previous empirical research. *Structural equation models* can be used to investigate whether the relationships between the variables in the system are in accord with the researcher’s predictions.

### Interrupted Time Series Analysis

A *time series analysis* is based on the study of a particular cross-sectional unit (e.g., a community or city) over a sustained period of time. Over that period of time, the study takes repeated measurements of the phenomenon of interest (e.g., the number of gun homicides each month). Sometimes, an intervention occurs (e.g., the introduction of a new law restricting access to handguns) and the researcher has access to both the preintervention time series and the postintervention time series. These time series can be combined into a single interrupted time series analysis to study the effect of the intervention on the series. Researchers conducting interrupted time series analysis usually include both a series in which the intervention occurs and a series in which there is no intervention (a control series). If there is an apparent effect of the intervention in the interrupted time series analysis and the effect reflects a genuine causal effect, then there should be no corresponding change in the control series.

### Models for Hierarchical and Panel Data

As discussed earlier (see the “Unit of Analysis” section), some data sets have more than one logical unit of analysis. For example, the National Longitudinal Survey of Youth follows the same individuals repeatedly over a sustained period of time (panel data). Other studies, such as the MTF study, sample schools and then sample multiple individuals within each school. A variety of modeling tools (i.e., fixed effect, random effect, hierarchical, and multilevel models) exist for working these kinds of data. An important feature

of all of these tools is that they attend specifically to dependence within higher order units of analysis.

### Counterfactual Reasoning and Treatment Effects

Increasingly, CCJ researchers are thinking about cause and effect in terms of *counterfactual reasoning*. Ultimately, this is an exercise in observing what actually occurs under a specific set of circumstances and then asking how things might have occurred differently if the circumstances had been different. The hypothetical aspect of the problem is a counterfactual, because it involves speculation about what might have occurred but actually did not occur. Counterfactual reasoning is particularly applicable to the problem of estimating treatment effects. For example, a researcher considers a group of people who received a particular treatment and observes their outcomes. What he would like to know (but cannot know for sure) is what outcomes these same people would have experienced if they had not received the treatment. The difference between the actual, observed outcome and the hypothetical outcome is the treatment effect. CCJ researchers usually look to the experience of a control group to estimate the hypothetical outcome. An important problem in CCJ research is the identification of appropriate control groups.

### Randomized Experiments

A *randomized experiment* is a study in which individuals are randomly assigned to treatment or control groups prior to treatment. They provide a useful framework for estimating valid counterfactuals because random assignment to treatment and control conditions ensures that the groups are statistically comparable to each other prior to treatment. Thus, the experience of the control group provides a very convincing answer to the question of what would happen to the treatment group if the treatment group did not receive treatment.

### Natural Experiments and Instrumental Variable Estimators

For a variety of reasons, randomized experiments are not possible in many instances, but sometimes conditions that closely approximate an experiment occur because of a key event or policy change. When researchers recognize these conditions, a *natural experiment* is possible—even when more conventional studies fail. Consider the problem of estimating the effect of police strength on crime rates. Estimating correlations and conventional regression models cannot help much with this problem. The critical ambiguity is that street crime almost certainly has an effect on police strength and that police strength almost certainly has some effect on street crime. Natural experiments can provide more convincing evidence. A recent study conducted in

Washington, D.C., is illustrative (Klick & Tabarrok, 2005). It was based on the insight that changes in terror alert levels lead to meaningful changes in the presence of police on the street. The researchers examined what happened to crime rates when street-level police presence increased and decreased as terror alert levels changed. Researchers sometimes refer to natural experimentally based treatments as *instrumental variable estimators*, and they can provide a powerful method for estimating treatment effects when randomized experiments cannot be conducted.

### Matching

Another approach to developing valid counterfactuals is to identify a group of cases that receive treatment and then identify another group of cases—the control group—that are similar to the treatment cases but do not receive treatment. To ensure that the treatment and control groups are similar, researchers match the groups on characteristics that are thought to be important. The *direct matching approach* guarantees that the treatment and control groups look alike on the matched characteristics. A problem is that the groups may look different from each other on characteristics that were not matched. Thus, in general, counterfactuals produced by the matching approach will not be as convincing as those produced by a randomized or natural experiment. However, in instances where experiments are not possible, direct matching designs can still provide convincing evidence about treatment effects. A generalization of the matching design involves matching on indexes based on combinations of variables. *Propensity scores*, which increasingly appear in the CCJ literature, are one such index. It can be shown that matching on a properly created index can lead to treatment and control groups that look like each other on many characteristics. It is likely that CCJ researchers will rely more and more heavily on matching designs and propensity scores to study treatment effects, in particular when randomized experiments are not possible.

### Conclusion

Some aspects of quantitative CCJ research have remained relatively constant throughout the field's history. Some CCJ research problems are very much like problems studied in other fields, and some are quite different, yet there has always been a major emphasis on description and learning about how much crime is occurring and what populations are at highest risk of criminal involvement and victimization. Other aspects, such as repeatedly and systematically following the same individuals over time and rigorously measuring the effects of changing policies, are more recent developments. CCJ is an interdisciplinary field that relies on insights from sociology, psychology, economics, political science, and statistics as well as its own rapidly emerging traditions. One thing is certain: Analytic methods in the field will

continue to evolve. It is critical that quantitative CCJ researchers monitor developments in their own field and stay well connected with developments in other allied fields to strengthen their efforts at descriptive and causal inference.

## References and Further Readings

- Bachman, R., & Paternoster, R. (1997). *Statistical methods for criminology and criminal justice*. New York: McGraw-Hill.
- Berk, R. A. (1991). Drug use, prostitution and the prevalence of AIDS: An analysis using census tracts. *Journal of Sex Research, 27*, 607–621.
- Blumstein, A., & Cohen, J. (1987, August 28). Characterizing criminal careers. *Science, 237*, 985–991.
- Blumstein, A., Cohen, J., Roth, J., & Visser, C. A. (Eds.). (1986). *Criminal careers and "career criminals."* Washington, DC: National Academy Press.
- Bushway, S. D., Thornberry, T. P., & Krohn, M. D. (2003). Desistance as a developmental process: A comparison of static and dynamic approaches. *Journal of Quantitative Criminology, 19*, 129–153.
- Campbell, A., Berk, R. A., & Fyfe, J. J. (1998). Deployment of violence: The Los Angeles Police Department's use of dogs. *Evaluation Review, 22*, 535–565.
- Elliott, D. S., Huizinga, D., & Menard, S. (1989). *Multiple problem youth: Delinquency, substance use, and mental health problems*. New York: Springer-Verlag.
- Ezell, M. E., & Cohen, L. E. (2005). *Desisting from crime: Continuity and change in long-term patterns of serious chronic offenders*. Oxford, UK: Oxford University Press.
- Fox, J. A. (Ed.). (1981). *Models in quantitative criminology*. New York: Academic Press.
- Greenberg, D. F. (1979). *Mathematical criminology*. New Brunswick, NJ: Rutgers University Press.
- Haviland, A. M., & Nagin, D. S. (2005). Causal inferences with group based trajectory models. *Psychometrika, 70*, 1–22.
- Johnston, L. D., O'Malley, P. M., Bachman, J. G., & Schulenberg, J. E. (2007). *Monitoring the Future national survey results on drug use, 1975–2006*. Bethesda, MD: National Institute on Drug Abuse.
- Klick, J., & Tabarrok, A. (2005). Using terror alert levels to estimate the effect of police on crime. *Journal of Law and Economics, 48*, 267–279.
- Land, K. C. (1992). Models of criminal careers: Some suggestions for moving beyond the current debate. *Criminology, 30*, 149–155.
- Langan, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994*. Washington, DC: Bureau of Justice Statistics.
- Laub, J. H., & Sampson, R. J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA: Harvard University Press.
- Loftin, C., McDowall, D., Wiersema, B., & Cottey, T. J. (1991). Effects of restrictive licensing of handguns on homicide and suicide in the District of Columbia. *New England Journal of Medicine, 325*, 1615–1620.
- Maltz, M. D. (1984). *Recidivism*. New York: Academic Press.
- Mulvey, E. P., Steinberg, L. D., Fagan, J., Cauffman, E., Piquero, A. R., Chassin, L., et al. (2004). Theory and research on desistance from antisocial activity among serious adolescent offenders. *Youth Violence and Juvenile Justice, 2*, 213–236.
- Nagin, D. S. (2005). *Group-based modeling of development*. Cambridge, MA: Harvard University Press.
- Osgood, D. W. (2000). Poisson-based regression analysis of aggregate crime rates. *Journal of Quantitative Criminology, 16*, 21–43.
- Osgood, D. W., & Rowe, D. C. (1994). Bridging criminal careers, theory, and policy through latent variable models of individual offending. *Criminology, 32*, 517–554.
- Piquero, A. R., Farrington, D. P., & Blumstein, A. (2007). *Key issues in criminal career research*. New York: Cambridge University Press.
- Rubin, D. B. (2006). *Matched sampling for causal effects*. New York: Cambridge University Press.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Schmidt, P., & Witte, A. D. (1984). *An economic analysis of crime and justice*. Orlando, FL: Academic Press.
- Thornberry, T. P., & Krohn, M. D. (Eds.). (2003). *Taking stock of delinquency: An overview of findings from contemporary longitudinal studies*. New York: Plenum Press.
- Tracy, P., & Kempf-Leonard, K. (1996). *Continuity and discontinuity in criminal careers*. New York: Plenum Press.
- Widom, C. S. (1989, April 14). The cycle of violence. *Science, 244*, 160–166.
- Wolfgang, M. E., Figlio, R. M., & Sellin, T. (1972). *Delinquency in a birth cohort*. Chicago: University of Chicago Press.

# PART V

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## TYPES OF CRIME

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## CAMPUS CRIME

JOHN J. SLOAN III

*University of Alabama at Birmingham*

Illegal activities occurring within the boundaries of postsecondary institutions (PSIs), including assaults, rapes, and even homicide, are not new, nor have college campuses escaped various forms of “high-tech” offenses such as cyberstalking or illegal sharing of copyrighted material such as videos and music. However, until very recently, crime on college and university campuses was something college and university administrators in the United States were reluctant to discuss. Typically, criminal incidents occurring on campus that involved students were either handled internally via closed campus disciplinary proceedings, the results of which were not publicly available, or they were quietly handled by the local authorities. PSIs were not forthcoming about how much crime occurred within their institutional boundaries, nor were they forthcoming about their security policies, including whether they even existed. In short, campus crime was a “dirty little secret” that few schools were willing to discuss, let alone admit was problematic, and schools went to great lengths to keep the secret.

That reality changed in the early morning hours of April 5, 1986, when Jeanne Clery, then a sophomore at Lehigh University in Bethlehem, Pennsylvania, was raped, tortured, and strangled to death in her own bed in a campus residence hall by another student who had gained entry to her dormitory through a series of doors that had either been propped open or whose locks were defective. Ms. Clery’s death resulted in Lehigh being held civilly

liable, as well as nearly a 5-year lobbying effort by her parents to get Congress to pass legislation that forced PSIs to “come clean” with their campus crime statistics and security policies.

To better understand campus crime, one needs to realize that it involves several contexts—the legal, the social, and the security—and that each context is interrelated with the others (Fisher & Sloan, 2007). The legal context involves judicial and legislative efforts to address campus crime, including institutional liability for on-campus victimizations and Congressional and state legislative efforts to address the problem. The social context involves efforts to develop more accurate measures of the extent and nature of campus crime, identify its major correlates, and understand better its temporal and spatial distribution. Finally, the security context involves not only law enforcement and security efforts to reduce or prevent crime on campus, but also recently has involved efforts to address “high tech” crimes such as identity theft or network intrusions occurring on college campuses.

By understanding that campus crime involves the intersection of these three contexts, one can then understand that campus crime is not simply about answering basic questions such as “how much is there” at a particular school, but is rather a multidimensional phenomenon that touches the lives of members of the campus community—students, staff, and faculty members—in a variety of ways.



## The Legal Context of Campus Crime

The legal context of campus crime focuses on two branches of government: the judicial and the legislative. The judicial side involves court rulings that PSIs can be held civilly liable for victimizations occurring on campus, while the legislative side includes efforts by Congress and state-level legislatures to pass laws designed to address the problem of campus crime. Both judicial and legislative attention to campus crime is relatively recent and is continuing.

### Postsecondary Institutional Liability

Turning first to liability issues relating to campus crime (Burling, 2003), courts have repeatedly ruled that PSIs may be liable for criminal victimization occurring on campus. This interpretation arises primarily through the law of torts, specifically negligence, although some courts have used contract law as the basis for their rulings (Burling, 2003). Under a negligence action, a victim can shift to the institution some, if not all, losses he or she incurred, but only when the plaintiff (victim) proves the following: (a) The university or college owed him or her a duty; (b) the university or college acted (or failed to act) in such a way as to breach that duty; (c) as a result of the breach, the plaintiff was injured; and (d) if the PSI had not acted (or failed to act) as it had, the plaintiff would not have been injured. Under contract law, the plaintiff/victim must prove the existence of either an expressed or an implied contract, the resulting breach of which resulted in his or her personal injury or property loss.

Generally, in negligence cases involving PSIs, the key issue for the court is to determine whether the institution had a duty to the victim and, if so, the basis of that duty. In making this determination, courts first have to establish that the relationship between the parties was such that from it, the PSI had a duty to the victim to prevent the victimization. To establish this, the courts have relied on three theories. First, some courts have argued that the relationship between the institution and victim, especially if a student, is intrinsically “special.” Other courts have argued the relationship between the victim and institution is comparable to that of landowner–business invitee, and thus specific duties arise on the part of the PSI. Finally, still other courts have argued the relationship between the PSI and victim is more protective than that of a landowner–business invitee, and instead is comparable to that of a landlord and tenant, which again gives rise to specific duties on the part of the PSI (Burling, 2003). Crucial here is that no one consensus theory has emerged nor has a national-level standard been created. Rather, courts in various jurisdictions have used one or more of these theories in their rulings.

Finally, some courts have not relied upon theories of negligence in establishing PSI liability, but have instead used breach of express or implied contract to hold them

liable for campus crime–related victimizations. Courts using this theory have done so in cases where the PSI provided housing to students in dorms or university-owned apartments, and ruled the PSI may be liable for lax security under what is known as an “implied contract of habitability” that is included in the typical housing contract signed by the PSI and the student resident. In addition, because PSIs use advertising relating to housing as a way to attract prospective students, the courts have held that a PSI may, through its advertising, form either an express or implied contract with a prospective student to provide security measures to him or her in the dormitory, and if the measures are implemented incorrectly or are relaxed, the PSI may be held liable for damages under the theory of breach of contract.

### Legislative Responses to Campus Crime

Beginning in the 1990s and extending into the present, Congress and nearly half of the states passed “campus crime” statutes. The first significant piece of federal legislation (Carter & Bath, 2007) was the Student Right-to-Know and Campus Security Act of 1990 (hereafter, “Security Act”), which for the first time mandated that all postsecondary institutions eligible to receive federal financial aid funds under Title IV of the Higher Education Act of 1965, annually report and make available to the public their campus crime statistics and security policies. Institutional noncompliance could result in civil fines of up to \$25,000 per violation, and in extreme cases, loss of eligibility to receive federal financial aid funds.

The significance of this legislation was its reporting requirements (Carter & Bath, 2007). Prior to passage of the Security Act, the only source of data on campus crime was available through the Federal Bureau of Investigation’s (FBI) Uniform Crime Reports (UCR) program, which annually compiles and presents statistical analyses of crimes reported to law enforcement agencies at the municipal, county, and state levels of government, and is probably the best known and most widely used source of information on crime in the United States. The UCR published data on campus crime, but prior to passage of the Security Act, less than 5% of all PSIs in the United States provided their data to the FBI for inclusion in the UCR. Further, there was variability from year to year in not only the total number of schools participating in the UCR reporting program, but also in whether a specific school participated every year. Not uncommon was the situation where a school would participate 1 year, then drop out for 2 or 3 years, then return to the program (Sloan, Fisher, & Cullen, 1997). This kind of movement into and out of the UCR program made it difficult, if not impossible, to identify overall national-level trends in campus crime as well as trends at a particular campus.

With passage of the Security Act, Congress mandated that all PSIs make available to the public, on an annual

basis, a compilation of crimes known to campus police/security and to publicly report the school's security policies, including whether the school had a campus police department with full arrest powers and the department's jurisdiction. The Security Act was subsequently amended several times during the 1990s, until in 1998 it was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereafter, "Clery") in remembrance of Jeanne Clery (Carter & Bath, 2007).

In its present form, Clery contains three key revisions to the original Security Act involving the reporting of campus crime data, dissemination of timely crime information to the campus community, and ensuring the protection of basic rights of both accuser and accused in sexual assault cases addressed using campus disciplinary mechanisms. As a result of these revisions, the security report now requires all PSIs, by October 1 of each year, to make publicly available a statistical compilation of serious violent and property crimes reported on their campuses, including hate crimes, by location of the incident, and violations involving drugs/alcohol/weapons that resulted either in an arrest or student disciplinary proceeding, as well as a description of the PSI's security policies, including those relating to sexual assault and the power/authority/jurisdiction of campus police or security. The requirement of timely dissemination of information involves making crime logs available to the public that include the date, time, nature, general location, and known disposition of each reported offense, and—through warnings issued to the campus community—providing notice of serious incidents on campus that pose an ongoing threat to members of the community. Finally, PSIs are required to disclose specific policies in place to ensure basic rights for both accuser and accused in sexual assault cases handled via campus disciplinary proceedings. Clery also requires postsecondary institutions to publicly disclose where the public can find information on registered sex offenders attending classes at the school.

State legislatures have also passed their own Clery-style legislation (Sloan & Shoemaker, 2007). As of 2006, over 50% of the states had passed some type of "campus crime" legislation that involved either enabling statutes allowing colleges or universities in a particular state to create a fully functional campus law enforcement agency whose officers had full arrest powers and could use deadly force should the situation arise, or statutes that required PSIs to report their crime statistics to a designated state agency, such as the attorney general's office, although there is a great deal of variation in the specific mandates of these statutes.

Proponents of Clery and similar state-type legislation argue that greater public awareness of campus crime will result in reduced levels of on-campus victimization, as people will take better precautions once they know the danger they face. Critics, however, argue that Clery and its state-level clones represent little more than symbolic efforts by Congress and the states to address campus crime because (a) the statutes' reporting requirements are based only on incidents actually known to campus police/security,

which victimization research shows accounts for only a small portion of all crime occurring on campus and as a result, seriously undercounts the true extent and nature of campus crime; (b) the statutes fail to include reporting requirements for the most common form of campus crime—thefts—and as a result, the reporting requirements *overemphasize* the reporting of violence while *underemphasizing* the reporting of property crimes like theft; and (c) sanctions for institutional noncompliance (civil fines of up to \$25,000 per violation in the case of Clery) are minimal and have rarely been implemented, while none of the current state-level statutes contains *any* sanctions for noncompliance.

In summary, the legal context of campus crime involves efforts by both the judicial and legislative branches of government to address such crime. These efforts have involved determining that PSIs can be held liable for on-campus victimizations, particularly of students, under several theories of negligence or under contract law. Legislative efforts, particularly those of Congress, resulted in statutes mandating that all PSIs annually report their crime statistics and security policies, thus breaking the "wall of silence" that had surrounded campus crime for decades. While proponents of such legislation argue that these statutes will reduce on-campus victimization by educating members of the campus community about the extent and nature of crime on a particular campus, critics argue that because of flaws in the legislation, including omission of any reporting requirements for certain commonly occurring crimes like theft, a lack of significant sanctions for noncompliance, and the fact that the reporting requirements rely only on data compiled from crimes actually reported to campus authorities, legislative efforts are little more than symbolic attempts to address the problem.

## The Social Context of Campus Crime

The social context of campus crime includes research efforts in such areas as developing better measures of its extent and nature, identifying its major correlates, and exploring its spatial distribution. Two key areas here have involved social science efforts to accurately estimate the extent and nature of the sexual victimization of college women and to identify and examine the role students' lifestyles play in contributing to campus victimization.

During the past 15 years, four national-level surveys have gathered data on the victimization experiences of college students in general, and college women in particular (Fisher, Cullen, & Turner, 2000; Fisher, Sloan, Cullen, & Liu, 1998; Fisher & Wilkes, 2003; Gross, Winslett, Roberts, & Gohm, 2006; Koss, Gidycz, & Wisniewski, 1987). These studies reported that students generally had lower overall rates of criminal victimization compared to nonstudents of similar ages, including overall levels of violence. Further, the surveys showed the most common form of on-campus victimization involves the theft of property. In

addition, the surveys found that most students were victimized by other students who were known by (or at least familiar to) the victim, and that many victims had not taken any steps to prevent their victimization (e.g., asking someone to watch their property or not parking their vehicle in a dark lot). The surveys also reported that alcohol or drugs were involved in many instances of on-campus victimization. The surveys discovered that a large portion of all students who were victimized did not report the incident to any campus authority or law enforcement agency. Finally, the surveys almost universally found that a large minority of college women experienced a wide continuum of sexual victimization, ranging from harassment to rape, in a given year. In short, for the first time, surveys had accurately described *who* was being victimized; *where* victimizations were occurring (on- or off-campus); *what* had occurred; *who* was *perpetrating* the victimizations; what steps, if any, the victim had taken to try and *reduce* his or her chances of being victimized; once the victimization happened, *what* the victim had done about it; and what *role*, if any, alcohol or drug use had played in the victimization.

Studies of violence against college women, besides finding that a significant portion of women experienced some form of sexual victimization during their college years, also found that few female victims ever reported their experiences to the proper authorities and either blamed themselves for what had happened or did not even perceive themselves as victims and therefore sought no help (Koss & Oros, 1982). In addition, the studies reported strong links between alcohol or drug consumption and sexual victimization, including presenting evidence that college men often planned their assaults of women by trying to debilitate them with alcohol, drugs, or some combination of the two. Finally, the studies found that college women experiencing sexual victimization reported suffering higher levels of depression, anxiety, hostility, and other mental health problems than did nonvictims (Fisher et al., 2000).

Another key area of research has examined the role that students' lifestyles play in explaining campus crime, particularly the use of alcohol and drugs (Tewksbury & Mustaine, 2003). Students' lifestyles and their "routine activities" such as traveling to and from the campus, studying in the library, walking on the campus at night, parking in public lots, and socializing at both on- and off-campus locations where drugs or alcohol are available and consumed in large quantities, all create opportunities for criminal victimization (a) by exposing students to would-be offenders, (b) by making them desirable targets because of their possessions, or (c) because they failed to exert guardianship over their person or material possessions.

In general, victimization research shows that the people with whom one spends one's time are important to understanding one's exposure to potential offenders; this may be particularly relevant in the case of student victims, since many of them are victimized by other students. Campus victimization research shows that students attending a college or university with a greater proportion of minority students tend

to experience higher rates of victimization than students enrolled at schools with small numbers of minority students. Students who spend a great deal of their time at home alone have a decreased risk of experiencing a violent victimization, as do students who spend more time with strangers in public places (in contrast to spending time with friends, family, or acquaintances).

Where students spend their time and at what time of day are also important in determining students' proximity to potential offenders. Research shows, for example, that fraternity houses are an especially risky location for violent victimization, particularly for college women (Fisher et al., 2000). Students who spend their time away from home in the evenings are at generally higher risk for experiencing a violent victimization, while being away from home during the late afternoon seems to put students at the greatest risk for experiencing theft victimization at their homes.

Finally, students who spend time in activities that result in the victimization of others (typically involving a group-type setting) are, themselves, more likely to become crime victims. Engaging in risk-taking behaviors, such as being involved in a fight or being aggressive or threatening, increases students' risk for both violent and theft victimization, especially when these activities are combined with living in a dormitory.

Students' lifestyles also contribute to their attractiveness as targets. Research more generally shows the risk of victimization increases for those unable to mount effective resistance, who possess property that is valuable or desirable, who find themselves in circumstances inhibiting effective self-protective actions, or who are frequently exposed to potential offenders. In the case of students, those living in residence halls and possessing desirable property, such as computers and other electronic equipment, are more suitable targets than are students who live alone in an apartment or with their parents. Students who spend multiple nights per week out "partying"—especially if they are consuming alcohol—also increase their attractiveness as targets.

Beyond exposure to prospective offenders and being a suitable target, the absence of capable guardians is a third key aspect of how students' routine activities increase their risk for victimization. Generally, what little research that has been done on guardianship shows that students do not regularly employ tools or activities in their daily routines that reduce their chances for victimization. Further, college students who spend more time with strangers are seemingly more trusting and show lower levels of guardianship activities, and students who mainly rely on automobile transportation in the evening to get them to and from campus are less likely to employ effective guardianship activities.

One of the most important findings about students' campus victimization is the role of alcohol, a key factor in college students' lifestyles (Goldman, Boyd, & Faden, 2002). Evidence compiled by the Harvard School of Public Health's College Alcohol Study (CAS), based on four

national-level studies of college student drinking patterns conducted during the mid- to late 1990s, indicated that about 80% of students enrolled at 4-year colleges and universities on a full-time basis self-reported that they regularly drank alcohol; about 50% of these students routinely “drank to get drunk”; some 40% engaged in binge drinking (drank four or more drinks in a row at one sitting in the 2 weeks prior to completing the survey); and roughly 20% of students frequently binge drank—at least three times during a 2-week period.

A final component of the social context of campus crime involves recent efforts to use crime-mapping technology to identify “hot spots” of crime on college campuses (Paulsen & Robinson, 2004). Research on crime more generally shows that it is not randomly distributed in space. Rather, it tends to cluster in certain places and tends to involve specific kinds of offending. Using sophisticated mapping technology and calls-for-service data compiled by police departments, researchers have identified “hot spots,” that is, places—residences, bars, hotels, convenience stores, etc.—about which a disproportionate number of police calls for service arise. They have also been able to identify the specific offense(s) that characterize a particular hot spot—for example, domestic violence.

Crime-mapping technology and hot spots analyses are being used both by campus crime researchers and by campus police departments to better understand the spatial distribution of campus crime, including how crime clusters within a particular building (e.g., a residence hall or classroom building). Recent research confirms that “hot spots” of crime exist on college campuses and that student residence halls, in particular, are hot spots for such offenses as drug violations, breaking and entering, assault, and sexual assault. Areas of high pedestrian traffic, such as those that join two segments of a campus or that directly surround major parking lots or decks, have also been identified as hot spots for such offenses as breaking and entering of vehicles. Using hot spots analyses, researchers and police officials can help to design and implement interventions designed to “cool” campus hot spots. For example, installing closed-circuit television (CCTV) in parking lots or decks may help to reduce breaking and entering of motor vehicles or vandalism of them.

In summary, national-level studies of college students’ victimization patterns show that college students, compared to people of similar ages who are not students, have lower overall levels of victimization, particularly violent victimization. These studies show that theft, and not violence (despite media obsession with shootings and other violent acts on campus), is by far the most frequent type of victimization. The surveys also show that a significant percentage of college women are victims of various forms of sexual assaults and that many victims never report the incident to proper authorities. Victimization surveys also show that students’ lifestyles—their routine activities—contribute to their on-campus victimization, particularly when those activities involve consuming alcohol or taking

illegal drugs. Finally, recent research into the spatial distribution of campus crime shows that college campuses, like neighborhoods, have “hot spots” of crime—places where crime clusters and from which a disproportionate number of police calls for service originate. Using high-tech analyses, researchers and campus law enforcement officials can design and implement interventions to “cool” hot spots of crime on campus. Thus, while overall levels of on-campus victimization do not warrant describing PSIs as “ivory towers,” neither do they warrant characterizing them as “war zones” or “free fire zones” as some media sources have described them.

## The Security Context of Campus Crime

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The security context of campus crime is actually a sub-component of a larger set of activities relating to *campus safety*. Because of liability issues facing PSIs, many campuses have developed sophisticated policing and security agencies and activities to address a variety of issues involving campus safety including physical security (such as controlling access to campus, to buildings or offices in them, or to public areas such as parking decks or lots); law enforcement (which includes responding to and investigating alleged illegalities occurring on the campus); and information technology security (such as infrastructure protection from cyber attacks or hacking, and securing sensitive information such as student records).

### Major Eras in the Development of Campus Police

While the first campus police officers were actually two off-duty City of New Haven (Connecticut) officers hired to patrol the campus in 1894, research shows the evolution of campus police agencies occurred over three specific eras, each of which had unique features (Sloan, 1992). For example, during the “watchmen era” of the 18th and 19th centuries, a variety of college or university personnel, from university presidents to custodians, performed security functions on campus that ranged from preventing fires, to ensuring property was protected, to enforcing disciplinary codes in the dorms.

Between 1900 and the late 1960s, a new era arose in which formal campus security departments were created whose “officers” had two primary duties: enforce campus disciplinary codes of conduct and protect university property from fire, theft, or vandalism. At some schools, these departments were organizationally affiliated with the school’s physical plant operations, while at others the department was organizationally linked to the Dean of Students. In either instance, PSIs often hired ex-municipal police officers to serve as “directors” of campus security, who then brought with them law enforcement experience and who tried to inject some of that experience into the daily operations of their departments. This change in

orientation planted the seed for what was to become the modern campus law enforcement agency.

The third era in the development of campus law enforcement occurred between the late 1960s and the 1980s. It was here that profound changes occurred in both the organizational structure and responsibilities of campus security departments. During the late 1960s, campus administrators, faced with the prospect of having armed, municipal police on their campuses in response to the social unrest that seemed to disproportionately touch college campuses, had to make a decision about how to best handle their law enforcement needs. Student protests, along with the emergence of radical groups bent on disrupting campus life through bombing campaigns and other activities, combined with the influx of recreational drug use among students, created an environment in which conflict between students and municipal police officers responding to campus unrest was inevitable and occasionally turned deadly. As a result, administrators realized that, on the one hand, while they needed a law enforcement presence on campus, they also realized a college campus needed a specialized type of agency to deal with its unique needs.

Out of this dynamic was born what some scholars (e.g., Sloan, 1992) have called the “modern campus law enforcement agency.” Led by progressive campus police executives who recognized the need for a professional law enforcement presence on campus but also that their agency had a special niche to fill, they systematically worked to create training for prospective campus police officers that combined traditional police academy training with additional training to help officers adapt to the unique campus environment and its dynamics. Soon, autonomous campus police agencies began to appear that resembled municipal police agencies in terms of their operational, tactical, and administrative dimensions. In short, during the 1970s and 1980s, campus law enforcement underwent a rapid and intense period of professionalization in which it adopted many of the common characteristics of municipal police agencies and thus gained “credibility” in the eyes of students, staff, and faculty members alike, since these campus officers were no longer “security guards,” but actual sworn law enforcement authorities who had undergone at least the same training as that experienced by municipal police officers. There has also been a decoupling of law enforcement from physical security under this model.

As campus law enforcement agencies evolved, they not only adopted organizational dynamics and characteristics similar to their municipal counterparts, but also embraced emerging technology as routine additions to their tactical and operational activities (Bromley & Reaves, 1998a, 1998b). For example, many campus police agencies now routinely use closed-circuit television to monitor such areas as parking decks, green space, or particular buildings seen as high-level security risks due to research or other activities occurring there. As mentioned earlier, campus police and security agencies have also begun using “hot spots” analysis to identify places on campus disproportionately

responsible for calls for service and are reallocating personnel accordingly. In addition, most campus police agencies have adopted nonlethal technology, such as pepper spray, for use in the field.

Finally, during the past 20 years, like their municipal counterparts, an increasing number of campus law enforcement agencies in the United States have adopted Community Oriented Policing (COP) as their new organizational model (Paoline & Sloan, 2003). This model involves decentralizing operations, reducing the level of specialization in the agency, reducing organizational distances created by rank structures, creating closer contact and bonds with the campus community via changes in tactical operations, and seeking greater emphasis on problem solving by patrol officers.

### High-Tech Crime and Victimization

A recent challenge for the security context of campus crime involves the appearance of high-tech crime and victimization, including but not limited to writing and distributing *malware*, such as viruses; disrupting computer service capabilities; spying and network intrusions, including computer hacking; fraudulent schemes, including identity theft; illegal file sharing and downloading of copyrighted material such as music or software; academic and scientific misconduct, including purchasing academic papers online; and online harassment, including threats and cyberstalking, activities that McQuade (2007) describes as “information technology-enabled” (ITE) crime and victimization occurring on college campuses.

McQuade (2006, 2007) has argued that understanding ITE crime involves recognizing there is a *systems* component, which comprises the wired/wireless computer networks that allow computers and other types of electronic devices to send and receive data and which serves as the backbone of the university, and a *devices* component, which is specific electronic equipment such as personal computers (PCs), scanner/FAX/copier equipment, cell phones, and electronic pagers that are becoming progressively smaller, more affordable, and more powerful than previous-generation devices, and which allow users the extensive ability to multitask. College campuses possess both components and, as a result, create numerous opportunities for ITE crime and victimization.

McQuade (2007) has suggested that to understand how the two components combine to create opportunities for ITE campus crime, one must understand that motivated offenders adapt systems and device technology for purposes *other than* those for which they were originally designed. Such adaptations are then diffused throughout the campus community via electronic communication and the Internet, which in turn creates more opportunities for additional motivated offenders to engage in these behaviors, since they learn how to do so from the successes of others.

By their very design, according to McQuade (2007), college and university campuses create environments in

which illegal use of technology can be easily concealed and difficult to detect, except through the use of electronic monitoring. An illustration would be a student sitting in the school library, ostensibly studying, but using a cell phone to text someone else. The student may simply be responding to a previous message he or she received, but it is equally possible that he or she may be sending a threatening text message to a fellow student (cyberstalking). This illegal behavior is occurring “out in the open,” and yet no one is the wiser because no one is paying close attention to what the student is doing. As a result, ITE crime that is able to occur out in the open makes prevention or intervention all the more difficult. ITE crime is also problematic because many times victims do not even know they have been victimized; having your identity stolen or your academic records compromised is harder to detect than coming home and finding your residence has been burglarized. Such victimization is further facilitated by failure of members of the campus community to adequately protect sensitive information, such as their bank account or social security numbers; this exacerbates the problem and encourages offenders to exploit the opportunities they find.

McQuade (2006, 2007) points out that ITE crime does leave evidentiary traces—it does not occur “just” in cyberspace. Evidence of ITE crime is left on computer hard drives and in email communications. There is electronic evidence that can link a particular computer to a specific log-in to a secure network. All this evidence can be retrieved, analyzed, and used to pursue criminal investigations and prosecutions. Thus, a relatively new challenge for campus law enforcement is to have the necessary training and expertise to facilitate the retrieval, analysis, and presentation of evidence relating to ITE crime.

Recent surveys of college students at three major research and technical universities reveal the extent of self-reported student involvement in ITE crime as both victims and offenders (see McQuade, 2007). The results show that nearly half the students reported they had been harmed by malicious codes, such as computer viruses or similar destructive programs, while about 1 in 5 students reported they had experienced online harassment, including cyberstalking, and 1 in 10 students reported their computers had been “hacked.” Further, on the offending side, over three fourths of the students reported they had illegally shared music files, videos, or other copyrighted material more than once, with over half reporting they had illegally shared music files 31 times or more. Also fairly common were such behaviors as unauthorized software sharing, purchasing papers on the Internet, or using information technology to cheat on examinations. How well these data represent college students’ ITE criminal behavior more generally remains unknown, as no large-scale, national-level surveys of such behavior have been conducted to date.

One response by PSIs to ITE crime is to create Information Security Offices within the IT department of the college or university (McQuade, 2007). Staff working

in these offices are responsible for installing and maintaining technological safeguards; monitoring network traffic and activity; and preventing, detecting, and responding to instances of ITE crime. Personnel in Information Security Offices also work in tandem with campus law enforcement and other authorities (e.g., the FBI) to pursue investigations of ITE crime.

In summary, PSIs face a huge challenge in the realm of ITE crime and are increasingly devoting the time, energy, and resources necessary to help prevent, detect, and respond to such activities. As information technology becomes an ever-increasing lifeline for institutional functioning, PSIs’ ability to adequately safeguard sensitive information, design and implement safeguards to prevent behaviors such as network intrusions or denial-of-service attacks, and educate students about the responsible use of electronic devices and the ethical and legal choices they face when using such devices become a more and more important part of the security context of campus crime.

The security context of campus crime has undergone fundamental change over the past 100 years, and the pace of change is accelerating with each passing year. During the past century, campus security evolved from activities in which a variety of personnel engaged, to an agency in which highly trained and professional law enforcement officials now address the security and safety needs of PSIs in this country. Autonomous campus police agencies emerged, adapted to the unique needs of college and university campuses, and decoupled themselves from traditional kinds of security activities, such as issuing keys or identification credentials. More recently, campus security has come to include efforts to address high-tech opportunities for illegal behavior, and as a result, information technology security has become a key part of campus security operations.

## Conclusion

Illegal behavior occurring on college campuses includes both traditional types of crime like burglary and rape, as well as emerging forms of crime that involve the use of technology, such as cyberstalking or hacking into computer networks. These behaviors involve at least three contexts: the legal, the social, and the security. Each context comes with its own set of basic issues, which touch the lives of members of the campus community—students, faculty members, and staff. For decades, however, postsecondary institutions (PSIs) treated campus crime as a “dirty little secret” and were less than forthcoming in revealing the extent and nature of the problem or in revealing how they would address the problem via security policies. As a result, members of the campus community and interested observers were literally “in the dark” about the problem.

For the past 20 years, PSIs have been forced to “come clean” about their crime problem. For example, in the legal

context, the courts have shown a willingness to hold PSIs liable for on-campus victimizations under legal theories of negligence and breach of contract. This litigation helped force PSIs to be more proactive in acknowledging and addressing the problem. In addition, through congressional and state-level actions, legislation was passed that forced PSIs to begin publicly reporting their crime statistics and security policies, and ensuring that in cases involving on-campus sexual assaults, both accuser and accused were guaranteed basic rights. Proponents of such legislation argue that greater dissemination of campus crime information would lead to reductions in on-campus victimizations because students, faculty members, and staff would begin taking better precautions to reduce their chances of victimization. However, critics suggest that the legislation is seriously flawed and represents little more than a symbolic effort by legislatures to address the problem.

In addition, the past 20 years have seen tremendous increases in social scientific research, resulting in several large-scale victimization surveys being conducted that have helped to uncover trends and patterns in campus crime, including the magnitude of the problem of violence against women on college campuses and the role played by students' lifestyles in contributing to their victimization, especially the role of alcohol (the social context). These studies have documented that college students' overall levels of on-campus victimization are lower than nonstudents' of comparable ages; that theft and not violence is the most common form of on-campus victimization facing students; that students victimize other students; that many victims do not report their victimization to any campus or law enforcement authorities; and that a significant portion of college women experience a wide range of sexual victimization during their college years, including harassment, stalking, assault, and rape. These studies further show that students' lifestyles result in their exposure to motivated offenders while simultaneously making them attractive targets for victimization, yet students routinely fail to take self-protective steps to reduce their risk of victimization.

Finally, in the past 20 years, the security context of campus crime has become increasingly important as PSIs have been forced by the courts, legislation, and pressure from members of the campus community to address safety and security issues on their campuses. As a result of these pressures, campus law enforcement agencies have emerged as an important component of the security context as these agencies have taken steps to become more "legitimate" in the eyes of the campus community and "user friendly" by focusing more attention on connecting with the needs of the campus community. PSIs and their security operations also have had to address a new form of campus crime involving the use of information technology, which threatens the very lifeline of the college or university through such activities as network intrusions or hacking into sensitive databases, or through such activities as cyberstalking or illegal file sharing.

The issue of campus crime is no longer simply about determining "how much is there," but is instead a multidimensional problem that poses challenges and opportunities on several fronts. How PSIs address these challenges and opportunities will certainly shape understanding of campus crime as well as the risks it poses to members of the campus community.

## References and Further Readings

- Bromley, M., & Reaves, B. (1998a). Comparing campus and municipal police operational practices. *Journal of Security Administration, 21*, 41–54.
- Bromley, M., & Reaves, B. (1998b). Comparing campus and municipal police: The human resources dimension. *Policing: An International Journal of Police Strategies & Management, 21*, 534–546.
- Burling, P. (2003). *Crime on campus: Analyzing and managing the increasing risk of institutional liability* (2nd ed.). Washington, DC: National Association of College and University Attorneys.
- Carter, S. D., & Bath, C. (2007). The evolution and components of the Jeanne Clery Act: Implications for higher education. In B. S. Fisher & J. J. Sloan III (Eds.), *Campus crime: Legal, social, and policy perspectives* (2nd ed., pp. 27–44). Springfield, IL: Charles C Thomas.
- Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women* (NCJ 182369). Washington, DC: National Institute of Justice.
- Fisher, B. S., & Sloan, J. J. (Eds.). (2007). *Campus crime: Legal, social, and policy perspectives* (2nd ed.). Springfield, IL: Charles C Thomas.
- Fisher, B. S., Sloan, J. J., Cullen, F. T., & Liu, C. (1998). Crime in the ivory tower: The level and sources of student victimization. *Criminology, 36*, 671–710.
- Fisher, B. S., & Wilkes, A. (2003). A tale of two ivory towers: A comparative analysis of victimization rates and risks between university students in the United States and England. *British Journal of Criminology, 43*, 526–545.
- Goldman, M. S., Boyd, G. M., & Faden, V. (2002). College drinking—What it is, and what to do about it: A review of the state of the science. *Journal of Studies on Alcohol, Supplement No. 14*, 23–37.
- Gross, A. M., Winslett, A., Roberts, M., & Gohm, G. L. (2006). An examination of sexual violence against college women. *Violence Against Women, 12*, 288–300.
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1082[f] (1990).
- Koss, M. P., Gidycz, C. A., & Wisniewski, N. (1987). The scope of rape: Incidence and prevalence of sexual aggression and victimization in a national sample of higher education students. *Journal of Consulting and Clinical Psychology, 55*, 162–170.
- Koss, M. P., & Oros, C. J. (1982). The Sexual Experiences Survey: A research instrument investigating sexual aggression and victimization. *Journal of Consulting and Clinical Psychology, 50*, 455–457.
- McQuade, S. C. (2006). *Understanding and managing cyber-crime*. Boston: Allyn & Bacon.

- McQuade, S. C. (2007). High-tech abuse and crime on college and university campuses: Evolving forms of victimization, offending, and their interplay in higher education. In B. S. Fisher & J. J. Sloan III (Eds.), *Campus crime: Legal, social, and policy perspectives* (2nd ed., pp. 304–325). Springfield, IL: Charles C Thomas.
- Paoline, E., & Sloan, J. (2003). Variability in the organizational structure of contemporary campus law enforcement agencies: A national-level analysis. *Policing: An International Journal of Police Strategies & Management*, 26, 612–639.
- Paulsen, D., & Robinson, M. (2004). *Spatial aspects of crime: Theory and practice*. Boston: Allyn & Bacon.
- Security On Campus, Inc.: <http://www.securityoncampus.org>
- Sloan, J. J. (1992). The modern campus police: An analysis of their evolution, structure, and function. *American Journal of Police*, 11, 85–104.
- Sloan, J. J., Fisher, B. S., & Cullen, F. T. (1997). Assessing the Student Right-to-Know and Campus Security Act of 1990: An analysis of the victim reporting practices of college and university students. *Crime & Delinquency*, 43, 168–185.
- Sloan, J. J., & Shoemaker, J. (2007). State-level Clery Act initiatives: Symbolic politics or substantive policy? In B. S. Fisher & J. J. Sloan III (Eds.), *Campus crime: Legal, social, and policy perspectives* (2nd ed., pp. 102–121). Springfield, IL: Charles C Thomas.
- Tewksbury, R., & Mustaine, E. E. (2003). College students' lifestyles and self-protective behaviors: Further considerations of the guardianship concept in routine activities theory. *Criminal Justice and Behavior*, 30, 302–327.
- U.S. Department of Education, Office of Postsecondary Education: <http://www.ed.gov/admins/lead/safety/campus.html>



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## CHILD ABUSE

ELIZABETH ERHARDT MUSTAINE

*University of Central Florida*

Childhood serves as the basis for growth, development, and socialization. Throughout adolescence, children are taught how to become productive and positive, functioning members of society. Much of the socializing of children, particularly in their very earliest years, comes at the hands of family members. Unfortunately, the messages conveyed to and the actions against children by their families are not always the positive building blocks for which one would hope.

Child abuse is a very real and prominent social problem today. The impact of child abuse affects more than one's childhood, as the psychological and physical injuries often extend well into adulthood. Most children are defenseless against abuse, are dependent on their caretakers, and are unable to protect themselves from these acts.

In 2008, the Children's Defense Fund reported that each day in America, 2,421 children are confirmed as abused or neglected, 4 children are killed by abuse or neglect, and 78 babies die before their first birthday. These daily estimates translate into tremendous national figures. In 2006, caseworkers substantiated an estimated 905,000 reports of child abuse or neglect. Of these, 64% suffered neglect, 16% were physically abused, 9% were sexually abused, 7% were emotionally or psychologically maltreated, and 2% were medically neglected. In addition, 15% of the victims experienced "other" types of maltreatment such as abandonment, threats of harm to the child, and congenital drug

addiction (National Child Abuse and Neglect Data System, 2006). Obviously, this problem is a substantial one.

### **Estimates of Child Abuse: Methodological Limitations**

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Several issues arise when considering the amount of child abuse that occurs annually in the United States. Child abuse is very hard to estimate because much (or most) of it is not reported. Children who are abused are unlikely to report their victimization because they may not know any better, they still love their abusers and do not want to see them taken away (or do not themselves want to be taken away from their abusers), they have been threatened into not reporting, or they do not know to whom they should report their victimizations. Still further, children may report their abuse only to find the person to whom they report does not believe them or take any action on their behalf. Continuing to muddy the waters, child abuse can be disguised as legitimate injury, particularly because young children are often somewhat uncoordinated and are still learning to accomplish physical tasks, may not know their physical limitations, and are often legitimately injured during regular play. In the end, children rarely report child abuse; most often it is an adult who makes a report based on suspicion (e.g., teacher, counselor, doctor, etc.).

Even when child abuse is reported, social service agents and investigators may not follow up or substantiate reports for a variety of reasons. Parents can pretend, lie, or cover up injuries or stories of how injuries occurred when social service agents come to investigate. Further, there is not always agreement about what should be counted as abuse by service providers and researchers. In addition, social service agencies/agents have huge caseloads and may only be able to deal with the most serious forms of child abuse, leaving the more “minor” forms of abuse unsupervised and unmanaged (and uncounted in the statistical totals).

### Child Abuse and Neglect: The Legalities

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While most laws about child abuse and neglect fall at the state levels, federal legislation provides a foundation for states by identifying a minimum set of acts and behaviors that define child abuse and neglect. The Federal Child Abuse Prevention and Treatment Act (CAPTA), which stems from the Keeping Children and Families Safe Act of 2003, defines child abuse and neglect as, at minimum, “(1) any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse, or exploitation; or (2) an act or failure to act which presents an imminent risk or serious harm.”

Using these minimum standards, each state is responsible for providing its own definition of maltreatment within civil and criminal statutes. When defining types of child abuse, many states incorporate similar elements and definitions into their legal statutes. For example, neglect is often defined as failure to provide for a child’s basic needs. Neglect can encompass physical elements (e.g., failure to provide necessary food or shelter, or lack of appropriate supervision), medical elements (e.g., failure to provide necessary medical or mental health treatment), educational elements (e.g., failure to educate a child or attend to special educational needs), and emotional elements (e.g., inattention to a child’s emotional needs, failure to provide psychological care, or permitting the child to use alcohol or other drugs). Failure to meet needs does not always mean a child is neglected, as situations such as poverty, cultural values, and community standards can influence the application of legal statutes. In addition, several states distinguish between failure to provide based on financial inability and failure to provide for no apparent financial reason.

Statutes on physical abuse typically include elements of physical injury (ranging from minor bruises to severe fractures or death) as a result of punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting (with a hand, stick, strap, or other object), burning, or otherwise harming a child. Such injury is considered abuse regardless of the intention of the caretaker. In addition, many state statutes include allowing or encouraging another person to

physically harm a child (such as noted above) as another form of physical abuse in and of itself.

Sexual abuse usually includes activities by a parent or caretaker such as fondling a child’s genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials.

Finally, emotional or psychological abuse typically is defined as a pattern of behavior that impairs a child’s emotional development or sense of self-worth. This may include constant criticism, threats, or rejection, as well as withholding love, support, or guidance. Emotional abuse is often the most difficult to prove and, therefore, child protective services may not be able to intervene without evidence of harm to the child. Some states suggest that harm may be evidenced by an observable or substantial change in behavior, emotional response, or cognition, or by anxiety, depression, withdrawal, or aggressive behavior. At a practical level, emotional abuse is almost always present when other types of abuse are identified.

Some states include an element of substance abuse in their statutes on child abuse. Circumstances that can be considered substance abuse include (a) the manufacture of a controlled substance in the presence of a child or on the premises occupied by a child (Colorado, Indiana, Iowa, Montana, South Dakota, Tennessee, and Virginia); (b) allowing a child to be present where the chemicals or equipment for the manufacture of controlled substances are used (Arizona, New Mexico); (c) selling, distributing, or giving drugs or alcohol to a child (Florida, Hawaii, Illinois, Minnesota, and Texas); (d) use of a controlled substance by a caregiver that impairs the caregiver’s ability to adequately care for the child (Kentucky, New York, Rhode Island, and Texas); and (e) exposure of the child to drug paraphernalia (North Dakota), the criminal sale or distribution of drugs (Montana, Virginia), or drug-related activity (District of Columbia).

### Corporal Punishment Versus Child Abuse

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One of the most difficult issues with which the U.S. legal system must contend is that of allowing parents the right to use corporal punishment when disciplining a child, while not letting them cross over the line into the realm of child abuse. Some parents may abuse their children under the guise of discipline, and many instances of child abuse arise from angry parents who go too far when disciplining their children with physical punishment. Generally, state statutes use terms such as “reasonable discipline of a minor,” “causes only temporary, short-term pain,” and may cause “the potential for bruising” but not “permanent damage, disability, disfigurement or injury” to the child as ways of indicating the types of discipline behaviors that are legal. However, corporal punishment that is “excessive,” “malicious,” “endangers the bodily safety of,” or is “an intentional

infliction of injury” is not allowed under most state statutes (e.g., state of Florida child abuse statute).

Most research finds that the use of physical punishment (most often spanking) is not an effective method of discipline. The literature on this issue tends to find that spanking stops misbehavior, but no more effectively than other firm measures. Further, it seems to hinder rather than improve general compliance/obedience (particularly when the child is not in the presence of the punisher). Researchers have also explained why physical punishment is not any more effective at gaining child compliance than nonviolent forms of discipline. Some of the problems that arise when parents use spanking or other forms of physical punishment include the fact that spanking does not teach what children should do, nor does it provide them with alternative behavior options should the circumstance arise again. Spanking also undermines reasoning, explanation, or other forms of parental instruction because children cannot learn, reason, or problem solve well while experiencing threat, pain, fear, or anger. Further, the use of physical punishment is inconsistent with nonviolent principles, or parental modeling. In addition, the use of spanking chips away at the bonds of affection between parents and children, and tends to induce resentment and fear. Finally, it hinders the development of empathy and compassion in children, and they do not learn to take responsibility for their own behavior (Pitzer, 1997).

One of the biggest problems with the use of corporal punishment is that it can escalate into much more severe forms of violence. Usually, parents spank because they are angry (and somewhat out of control) and they can't think of other ways to discipline. When parents are acting as a result of emotional triggers, the notion of discipline is lost while punishment and pain become the foci.

## Child Abuse Victims: The Patterns

In 2006, of the children who were found to be victims of child abuse, nearly 75% of them were first-time victims (or had not come to the attention of authorities prior). A slight majority of child abuse victims were girls—51.5%, compared to 48% of abuse victims being boys. The younger the child, the more at risk he or she is for child abuse and neglect victimization. Specifically, the rate for infants (birth to 1 year old) was approximately 24 per 1,000 children of the same age group. The victimization rate for children 1–3 years old was 14 per 1,000 children of the same age group. The abuse rate for children aged 4–7 years old declined further to 13 per 1,000 children of the same age group. African American, American Indian, and Alaska Native children, as well as children of multiple races, had the highest rates of victimization. White and Latino children had lower rates, and Asian children had the lowest rates of child abuse and neglect victimization. Regarding living arrangements, nearly 27% of victims

were living with a single mother, 20% were living with married parents, while 22% were living with both parents but the marital status was unknown. (This reporting element had nearly 40% missing data, however.) Regarding disability, nearly 8% of child abuse victims had some degree of mental retardation, emotional disturbance, visual or hearing impairment, learning disability, physical disability, behavioral problems, or other medical problems. Unfortunately, data indicate that for many victims, the efforts of the child protection services system were not successful in preventing subsequent victimization. Children who had been prior victims of maltreatment were 96% more likely to experience another occurrence than those who were not prior victims. Further, child victims who were reported to have a disability were 52% more likely to experience recurrence than children without a disability. Finally, the oldest victims (16–21 years of age) were the least likely to experience a recurrence, and were 51% less likely to be victimized again than were infants (younger than age 1) (National Child Abuse and Neglect Data System, 2006).

Child fatalities are the most tragic consequence of maltreatment. Yet, each year, children die from abuse and neglect. In 2006, an estimated 1,530 children in the United States died due to abuse or neglect. The overall rate of child fatalities was 2 deaths per 100,000 children. More than 40% of child fatalities were attributed to neglect, but physical abuse also was a major contributor. Approximately 78% of the children who died due to child abuse and neglect were younger than 4 years old, and infant boys (younger than 1) had the highest rate of fatalities at 18.5 deaths per 100,000 boys of the same age in the national population. Infant girls had a rate of 14.7 deaths per 100,000 girls of the same age (National Child Abuse and Neglect Data System, 2006).

One question to be addressed regarding child fatalities is why infants have such a high rate of death when compared to toddlers and adolescents. Children under 1 year old pose an immense amount of responsibility for their caretakers: they are completely dependent and need constant attention. Children this age are needy, impulsive, and not amenable to verbal control or effective communication. This can easily overwhelm vulnerable parents. Another difficulty associated with infants is that they are physically weak and small. Injuries to infants can be fatal, while similar injuries to older children might not be. The most common cause of death in children less than 1 year is cerebral trauma (often the result of shaken-baby syndrome). Exasperated parents can deliver shakes or blows without realizing how little it takes to cause irreparable or fatal damage to an infant. Research informs us that two of the most common triggers for fatal child abuse are crying that will not cease and toileting accidents. Both of these circumstances are common in infants and toddlers whose only means of communication often is crying, and who are limited in mobility and cannot use the toilet. Finally, very young children cannot assist in injury diagnoses. Children

who have been injured due to abuse or neglect often cannot communicate to medical professionals about where it hurts, how it hurts, and so forth. Also, nonfatal injuries can turn fatal in the absence of care by neglectful parents or parents who do not want medical professionals to possibly identify an injury as being the result of abuse.

### Child Abuse Perpetrators: The Patterns

Estimates reveal that nearly 80% of perpetrators of child abuse were parents of the victim. Other relatives accounted for nearly 7%, and unmarried partners of parents made up 4% of perpetrators. Of those perpetrators that were parents, over 90% were biological parents, 4% were stepparents, and 0.7% were adoptive parents. Of this group, approximately 58% of perpetrators were women and 42% were men. Women perpetrators are typically younger than men. The average age for women abusers was 31 years old, while for men the average was 34 years old. Forty percent of women who abused were younger than 30 years of age, compared with 33% of men being under 30. The racial distribution of perpetrators is similar to that of victims. Fifty-four percent were white, 21% were African American, and 20% were Hispanic/Latino (National Child Abuse and Neglect Data System, 2006).

### Explanations for Child Abuse

There are many factors that are associated with child abuse. Some of the more common/well-accepted explanations are individual pathology, parent-child interaction, past abuse in the family (or social learning), situational factors, and cultural support for physical punishment along with a lack of cultural support for helping parents here in the United States.

The first explanation centers on the individual pathology of a parent or caretaker who is abusive. This theory focuses on the idea that people who abuse their children have something wrong with their individual personality or biological makeup. Such psychological pathologies may include having anger control problems; being depressed or having post-partum depression; having a low tolerance for frustration (e.g., children can be extremely frustrating: they don't always listen; they constantly push the line of how far they can go; and once the line has been established, they are constantly treading on it to make sure it hasn't moved. They are dependent and self-centered, so caretakers have very little privacy or time to themselves); being rigid (e.g., having no tolerance for differences—for example, what if your son wanted to play with dolls? A rigid father would not let him, laugh at him for wanting to, punish him when he does, etc.); having deficits in empathy (parents who cannot put themselves in the shoes of their children cannot fully understand what their children need

emotionally); or being disorganized, inefficient, and ineffectual. (Parents who are unable to manage their own lives are unlikely to be successful at managing the lives of their children, and since many children want and need limits, these parents are unable to set them or adhere to them.)

Biological pathologies that may increase the likelihood of someone becoming a child abuser include having substance abuse or dependence problems, or having persistent or reoccurring physical health problems (especially health problems that can be extremely painful and can cause a person to become more self-absorbed, both qualities that can give rise to a lack of patience, lower frustration tolerance, and increased stress).

The second explanation for child abuse centers on the interaction between the parent and the child, noting that certain types of parents are more likely to abuse, and certain types of children are more likely to be abused, and when these less-skilled parents are coupled with these more difficult children, child abuse is the most likely to occur. Discussion here focuses on what makes a parent less skilled, and what makes a child more difficult. Characteristics of unskilled parents are likely to include such traits as only pointing out what children do wrong and never giving any encouragement for good behavior, and failing to be sensitive to the emotional needs of children. Less skilled parents tend to have unrealistic expectations of children. They may engage in role reversal—where the parents make the child take care of them—and view the parent's happiness and well-being as the responsibility of the child. Some parents view the parental role as extremely stressful and experience little enjoyment from being a parent. Finally, less-skilled parents tend to have more negative perceptions regarding their child(ren). For example, perhaps the child has a different shade of skin than they expected and this may disappoint or anger them, they may feel the child is being manipulative (long before children have this capability), or they may view the child as the scapegoat for all the parents' or family's problems. Theoretically, parents with these characteristics would be more likely to abuse their children, but if they are coupled with having a difficult child, they would be especially likely to be abusive. So, what makes a child more difficult? Certainly, through no fault of their own, children may have characteristics that are associated with child care that is more demanding and difficult than in the "normal" or "average" situation. Such characteristics can include having physical and mental disabilities (autism, attention deficit hyperactivity disorder [ADHD], hyperactivity, etc.); the child may be colicky, frequently sick, be particularly needy, or cry more often. In addition, some babies are simply unhappier than other babies for reasons that cannot be known. Further, infants are difficult even in the best of circumstances. They are unable to communicate effectively, and they are completely dependent on their caretakers for everything, including eating, diaper changing, moving

around, entertainment, and emotional bonding. Again, these types of children, being more difficult, are more likely to be victims of child abuse.

Nonetheless, each of these types of parents and children alone cannot explain the abuse of children, but it is the interaction between them that becomes the key. Unskilled parents may produce children that are happy and not as needy, and even though they are unskilled, they do not abuse because the child takes less effort. At the same time, children who are more difficult may have parents who are skilled and are able to handle and manage the extra effort these children take with aplomb. However, risks for child abuse increase when unskilled parents must contend with difficult children.

Social learning or past abuse in the family is a third common explanation for child abuse. Here, the theory concentrates not only on what children learn when they see or experience violence in their homes, but additionally on what they do not learn as a result of these experiences. Social learning theory in the context of family violence stresses that if children are abused or see abuse (toward siblings or a parent), those interactions and violent family members become the representations and role models for their future familial interactions. In this way, what children learn is just as important as what they do not learn. Children who witness or experience violence may learn that this is the way parents deal with children, or that violence is an acceptable method of child rearing and discipline. They may think when they become parents that “violence worked on me when I was a child, and I turned out fine.” They may learn unhealthy relationship interaction patterns; children may witness the negative interactions of parents and they may learn the maladaptive or violent methods of expressing anger, reacting to stress, or coping with conflict.

What is equally as important, though, is that they are unlikely to learn more acceptable and nonviolent ways of rearing children, interacting with family members, and working out conflict. Here it may happen that an adult who was abused as a child would like to be nonviolent toward his or her own children, but when the chips are down and the child is misbehaving, this abused-child-turned-adult does not have a repertoire of nonviolent strategies to try. This parent is more likely to fall back on what he or she knows as methods of discipline.

Something important to note here is that not all abused children grow up to become abusive adults. Children who break the cycle were often able to establish and maintain one healthy emotional relationship with someone during their childhoods (or period of young adulthood). For instance, they may have received emotional support from a nonabusing parent, or they received social support and had a positive relationship with another adult during their childhood (e.g., teacher, coach, minister, neighbor, etc.). Abused children who participate in therapy during some period of their lives can often break the cycle of violence.

In addition, adults who were abused but are able to form an emotionally supportive and satisfying relationship with a mate can make the transition to being nonviolent in their family interactions.

Moving on to a fourth familiar explanation for child abuse, there are some common situational factors that influence families and parents and increase the risks for child abuse. Typically, these are factors that increase family stress or social isolation. Specifically, such factors may include receiving public assistance or having low socioeconomic status (a combination of low income and low education). Other factors include having family members who are unemployed, underemployed (working in a job that requires lower qualifications than an individual possesses), or employed only part time. These financial difficulties cause great stress for families in meeting the needs of the individual members. Other stress-inducing familial characteristics are single-parent households and larger family size. Finally, social isolation can be devastating for families and family members. Having friends to talk to, who can be relied upon, and with whom kids can be dropped off occasionally is tremendously important for personal growth and satisfaction in life. In addition, social isolation and stress can cause individuals to be quick to lose their tempers, as well as cause people to be less rational in their decision making and to make mountains out of mole hills. These situations can lead families to be at greater risk for child abuse.

Finally, cultural views and supports (or lack thereof) can lead to greater amounts of child abuse in a society such as the United States. One such cultural view is that of societal support for physical punishment. This is problematic because there are similarities between the way criminals are dealt with and the way errant children are handled. The use of capital punishment is advocated for seriously violent criminals, and people are quick to use such idioms as “spare the rod and spoil the child” when it comes to the discipline or punishment of children. In fact, it was not until quite recently that parenting books began to encourage parents to use other strategies than spanking or other forms of corporal punishment in the discipline of their children. Only recently, the American Academy of Pediatrics has come out and recommended that parents do not spank or use other forms of violence on their children because of the deleterious effects such methods have on youngsters and their bonds with their parents. Nevertheless, regardless of recommendations, the culture of corporal punishment persists.

Another cultural view in the United States that can give rise to greater incidents of child abuse is the belief that after getting married, couples *of course* should want and have children. Culturally, Americans consider that children are a blessing, raising kids is the most wonderful thing a person can do, and everyone should have children. Along with this notion is the idea that motherhood is always wonderful; it is the most fulfilling thing a woman

can do; and the bond between a mother and her child is strong, glorious, and automatic—all women love being mothers. Thus, culturally (and theoretically), society nearly insists that married couples have children and that they will love having children. But, after children are born, there is not much support for couples who have trouble adjusting to parenthood, or who do not absolutely love their new roles as parents. People look askance at parents who need help, and cannot believe parents who say anything negative about parenthood. As such, theoretically, society has set up a situation where couples are strongly encouraged to have kids, are told they will love kids, but then society turns a blind or disdainful eye when these same parents need emotional, financial, or other forms of help or support. It is these types of cultural viewpoints that increase the risks for child abuse in society.

### Consequences of Child Abuse and Neglect

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The consequences of child abuse are tremendous and long lasting. Research has shown that the traumatic experience of childhood abuse is life changing. These costs may surface during adolescence, or they may not become evident until abused children have grown up and become abusing parents or abused spouses. Early identification and treatment is important to minimize these potential long-term effects. Whenever children say they have been abused, it is imperative that they be taken seriously and their abuse be reported. Suspicions of child abuse must be reported as well. If there is a possibility that a child is or has been abused, an investigation must be conducted.

Children who have been abused may exhibit traits such as the inability to love or have faith in others. This often translates into adults who are unable to establish lasting and stable personal relationships. These individuals have trouble with physical closeness and touching as well as emotional intimacy and trust. Further, these qualities tend to cause a fear of entering into new relationships, as well as the sabotaging of any current ones.

Psychologically, children who have been abused tend to have poor self-images or are passive, withdrawn, or clingy. They may be angry individuals who are filled with rage, anxiety, and a variety of fears. They are often aggressive, disruptive, and depressed. Many abused children have flashbacks and nightmares about the abuse they have experienced, and this may cause sleep problems as well as drug and alcohol problems. Posttraumatic stress disorder (PTSD) and antisocial personality disorder are both typical among maltreated children. Research has also shown that most abused children fail to reach “successful psychosocial functioning,” and are thus not resilient and do not resume a “normal life” after the abuse has ended.

Socially (and likely because of these psychological injuries), abused children have trouble in school, will have difficulty getting and remaining employed, and may commit a variety of illegal or socially inappropriate behaviors.

Many studies have shown that victims of child abuse are likely to participate in high-risk behaviors such as alcohol or drug abuse, the use of tobacco, and high-risk sexual behaviors (e.g., unprotected sex, large numbers of sexual partners). Later in life, abused children are more likely to have been arrested and homeless. They are also less able to defend themselves in conflict situations and guard themselves against repeated victimizations.

Medically, abused children likely will experience health problems due to the high frequency of physical injuries they receive. In addition, abused children experience a great deal of emotional turmoil and stress, which can also have a significant impact on their physical condition. These health problems are likely to continue occurring into adulthood. Some of these longer-lasting health problems include headaches; eating problems; problems with toileting; and chronic pain in the back, stomach, chest, and genital areas. Some researchers have noted that abused children may experience neurological impairment and problems with intellectual functioning, while others have found a correlation between abuse and heart, lung, and liver disease, as well as cancer (Thomas, 2004).

Victims of sexual abuse show an alarming number of disturbances as adults. Some dislike and avoid sex, or experience sexual problems or disorders, while other victims appear to enjoy sexual activities that are self-defeating or maladaptive—normally called “dysfunctional sexual behavior”—and have many sexual partners.

Abused children also experience a wide variety of developmental delays. Many do not reach physical, cognitive, or emotional developmental milestones at the typical time, and some never accomplish what they are supposed to during childhood socialization. In the next section, these developmental delays are discussed as a means of identifying children who may be abused.

### Determining Abuse: How to Tell Whether a Child Is Abused or Neglected

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There are two primary ways of identifying children who are abused: spotting and evaluating physical injuries, and detecting and appraising developmental delays. Distinguishing physical injuries due to abuse can be difficult, particularly among younger children who are likely to get hurt or receive injuries while they are playing and learning to become ambulatory. Nonetheless, there are several types of wounds that children are unlikely to give themselves during their normal course of play and exploration. These less likely injuries may signal instances of child abuse.

While it is true that children are likely to get bruises, particularly when they are learning to walk or crawl, bruises on infants are not normal. Also, the back of the legs, upper arms, or on the chest, neck, head, or genitals are also locations where bruises are unlikely to occur during normal childhood activity. Further, bruises with clean

patterns, like hand prints, buckle prints, or hangers (to name a few), are good examples of the types of bruises children do not give themselves.

Another area of physical injury where the source of the injury can be difficult to detect is fractures. Again, children fall out of trees, or crash their bikes, and can break limbs. These can be normal parts of growing up. However, fractures in infants less than 12 months old are particularly suspect, as infants are unlikely to be able to accomplish the types of movement necessary to actually break a leg or an arm. Further, multiple fractures, particularly more than one on a bone, should be examined more closely. Spiral or torsion fractures (when the bone is broken by twisting) are suspect because when children break their bones due to play injuries, the fractures are usually some other type (e.g., linear, oblique, compacted). In addition, when parents don't know about the fracture(s) or how it occurred, abuse should be considered, because when children get these types of injuries, they need comfort and attention.

Head and internal injuries are also those that may signal abuse. Serious blows to the head cause internal head injuries, and this is very different from the injuries that result from bumping into things. Abused children are also likely to experience internal injuries like those to the abdomen, liver, kidney, and bladder. They may suffer a ruptured spleen, or intestinal perforation. These types of damages rarely happen by accident.

Burns are another type of physical injury that can happen by accident or by abuse. Nevertheless, there are ways to tell these types of burn injuries apart. The types of burns that should be examined and investigated are those where the burns are in particular locations. Burns to the bottom of the feet, genitals, abdomen, or other inaccessible spots should be closely considered. Burns of the whole hand or those to the buttocks are also unlikely to happen as a result of an accident.

Turning to the detection and appraisal of developmental delays, one can more readily assess possible abuse by considering what children of various ages *should* be able to accomplish, than by noting when children are delayed and how many milestones on which they are behind schedule. Importantly, a few delays in reaching milestones can be expected, since children develop individually and not always according to the norm. Nonetheless, when children are abused, their development is likely to be delayed in numerous areas and across many milestones.

As children develop and grow, they *should* be able to crawl, walk, run, talk, control going to the bathroom, write, set priorities, plan ahead, trust others, make friends, develop a good self-image, differentiate between feeling and behavior, and get their needs met in appropriate ways. As such, when children do not accomplish these feats, their circumstances should be examined.

Infants who are abused or neglected typically develop what is termed *failure to thrive syndrome*. This syndrome is characterized by slow, inadequate growth, or not "filling out" physically. They have a pale, colorless complexion

and dull eyes. They are not likely to spend much time looking around, and nothing catches their eyes. They may show other signs of lack of nutrition such as cuts, bruises that do not heal in a timely way, and discolored fingernails. They are also not trusting and may not cry much, as they are not expecting to have their needs met. Older infants may not have developed any language skills, or these developments are quite slow. This includes both verbal and nonverbal means of communication.

Toddlers who are abused often become hypervigilant about their environments and others' moods. They are more outwardly focused than a typical toddler (who is quite self-centered) and may be unable to separate themselves as individuals, or consider themselves as distinct beings. In this way, abused toddlers cannot focus on tasks at hand because they are too concerned about others' reactions. They don't play with toys, have no interest in exploration, and seem unable to enjoy life. They are likely to accept losses with little reaction, and may have age-inappropriate knowledge of sex and sexual relations. Finally, toddlers, whether they are abused or not, begin to mirror their parents' behaviors. Thus, toddlers who are abused may mimic the abuse when they are playing with dolls or "playing house."

Developmental delays can also be detected among abused young adolescents. Some signs include the failure to learn cause and effect, since their parents are so inconsistent. They have no energy for learning and have not developed beyond one- or two-word commands. They probably cannot follow complicated directions (such as two to three tasks per instruction), and they are unlikely to be able to think for themselves. Typically, they have learned that failure is totally unacceptable, but they are more concerned with the teacher's mood than with learning and listening to instruction. Finally, they are apt to have been inadequately toilet trained and thus may be unable to control their bladders.

Older adolescents, because they are likely to have been abused for a longer period of time, continue to get further and further behind in their developmental achievements. Abused children this age become family nurturers. They take care of their parents and cater to their parents' needs, rather than the other way around. In addition, they probably take care of any younger siblings and do the household chores. Because of these default responsibilities, they usually do not participate in school activities; they frequently miss days at school; and they have few, if any, friends. Because they have become so hypervigilant and have increasingly delayed development, they lose interest in and become disillusioned with education. They develop low self-esteem and little confidence, but seem old for their years. Children this age who are abused are still likely to be unable to control their bladders and may have frequent toileting accidents.

Other developmental delays can occur and be observed in abused and neglected children of any age. For example, malnutrition and withdrawal can be noticed in infants

through teenagers. Maltreated children frequently have persistent or untreated illnesses, and these can become permanent disabilities if medical conditions go untreated for a long enough time. Another example can be the consequences of neurological damage. Beyond being a medical issue, this type of damage can cause problems with social behavior and impulse control, which, again, can be discerned in various ages of children.

### Determining Abuse: Interviewing Children

Once child abuse is suspected, law enforcement officers, child protection workers, or various other practitioners may need to interview the child about the abuse or neglect he or she may have suffered. Interviewing children can be extremely difficult because children at various stages of development can remember only certain parts or aspects of the events in their lives. Also, interviewers must be careful that they do not put ideas or answers into the heads of the children they are interviewing. There are several general recommendations when interviewing children about the abuse they may have experienced. First, interviewers must acknowledge that even when children are abused, they likely still love their parents. They do not want to be taken away from their parents, nor do they want to see their parents get into trouble. Interviewers must not blame the parents or be judgmental about them or the child's family. Beyond that, interviews should take place in a safe, neutral location. Interviewers can use dolls and role-play to help children express the types of abuse of which they may be victims.

Finally, interviewers must ask age-appropriate questions. For example, 3-year-olds can probably only answer questions about what happened and who was involved. Four- to five-year-olds can also discuss where the incidents occurred. Along with what, who, and where, 6- to 8-year-olds can talk about the element of time, or when the abuse occurred. Nine- to 10-year-olds are able to add commentary about the number of times the abuse occurred. Finally, 11-year-olds and older children can additionally inform interviewers about the circumstances of abusive instances.

### How Can Society Help Abused Children and Abusive Families?

Child advocates recommend a variety of strategies to aid families and children experiencing abuse. These recommendations tend to focus on societal efforts as well as more individual efforts. One common strategy advocated is the use of public service announcements that encourage individuals to report *any suspected* child abuse. Currently, many mandatory reporters (those required by law to report abuse such as teachers, doctors, and social service agency

employees) and members of communities feel that child abuse should not be reported unless there is substantial evidence that abuse is indeed occurring. Child advocates stress that this notion should be changed, and that people should report child abuse even if it is only suspected. Public service announcements should stress that if people report suspected child abuse, the worst that can happen is that they might be wrong, but in the grander scheme of things that is really not so bad.

Child advocates also stress that greater interagency cooperation is needed. This cooperation should be evident between women's shelters, child protection agencies, programs for at-risk children, medical agencies, and law enforcement officers. These agencies typically do not share information, and if they did, more instances of child abuse would come to the attention of various authorities and could be investigated and managed. Along these lines, child protection agencies and programs should receive more funding. When budgets are cut, social services are often the first things to go or to get less financial support. Child advocates insist that with more resources, child protection agencies could hire more workers, handle more cases, conduct more investigations, and follow up with more children and families.

Continuing, more educational efforts must be initiated about issues such as punishment and discipline styles and strategies; having greater respect for children; as well as informing the community about what child abuse is, and how to recognize it. In addition, Americans must alter the cultural orientation about child bearing and child rearing. Couples who wish to remain child-free must be allowed to do so without disdain. And, it must be acknowledged that raising children is very difficult, is not always gloriously wonderful, and that parents who seek help should be lauded and not criticized. These kinds of efforts can help more children to be raised in nonviolent, emotionally satisfying families, and thus become better adults.

### References and Further Readings

- American Academy of Pediatrics: <http://www.aap.org>  
 Bancroft, L., & Silverman, J. G. (2002). *The batterer as parent*. Thousand Oaks, CA: Sage.  
 Child Abuse Prevention and Treatment Act, 42 U.S.C.A. § 5106g (1998).  
 Child Abuse Prevention Network: <http://child-abuse.com>  
 Childhelp: Prevention and Treatment of Child Abuse: <http://www.childhelp.org/resources/learning-center/statistics>  
 Children's Bureau Express: <http://cbexpress.acf.hhs.gov>  
 Children's Defense Fund: <http://www.childrensdefense.org>  
 Children's Defense Fund. (2008). Retrieved December 1, 2008, from [http://www.childrensdefense.org/site/PageServer?pagename=research\\_national\\_data\\_each\\_day](http://www.childrensdefense.org/site/PageServer?pagename=research_national_data_each_day)  
 Child Stats.gov: <http://www.childstats.gov/index.asp>  
 Child Welfare Information Gateway: <http://www.childwelfare.gov>  
 Child Welfare League of America: <http://www.cwla.org>  
 Crimes Against Children Research Center: <http://www.unh.edu/ccrc>



- Crosson-Tower, C. (2008). *Understanding child abuse and neglect* (7th ed.). Boston: Allyn & Bacon.
- DeBecker, G. (1999). *Protecting the gift: Keeping children and teenagers safe (and parents sane)*. New York: Bantam Dell.
- Domestic violence resources: <http://www.growing.com/nonviolent/research/dvlinks.htm>
- Family Research Laboratory at the University of New Hampshire: <http://www.unh.edu/frl>
- Guterman, N. B. (2001). *Stopping child maltreatment before it starts: Emerging horizons in early home visitation services*. Thousand Oaks, CA: Sage.
- Haley's Rights: <http://www.haleysrights.org>
- Herman, J. L. (2000). *Father-daughter incest*. Cambridge, MA: Harvard University Press.
- Phoenix College Library listing of statistics sites: <http://www.pc.maricopa.edu/departments/library/internet/webliographies/statistics.html>
- Medline Plus, Child Abuse: <http://www.nlm.nih.gov/medlineplus/childabuse.html>
- Myers, J. E. B. (Ed.). (1994). *The backlash: Child protection under fire*. Newbury Park, CA: Sage.
- National Center for Missing and Exploited Children: [http://missingkids.com/missingkids/servlet/PublicHomeServlet?LanguageCountry=en\\_US](http://missingkids.com/missingkids/servlet/PublicHomeServlet?LanguageCountry=en_US)
- National Child Abuse and Neglect Data System. (2006). *Child maltreatment 2006: Reports from the states to the National Child Abuse and Neglect Data System*. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families.
- National Clearinghouse on Child Abuse and Neglect Information: <http://www.happinessonline.org/LoveAndHelpChildren/p7.htm>
- New York University Silver School of Social Work: <http://www.nyu.edu/socialwork>
- Pitzer, R. L. (1997). *Corporal punishment in the discipline of children in the home: Research update for practitioners*. Paper presented at the National Council on Family Relations Annual Conference, Washington, DC. Retrieved December 1, 2008, from <http://www.extension.umn.edu/distribution/familydevelopment/DE7266.html>
- Prevent Child Abuse America: [http://member.preventchildabuse.org/site/PageServer?pagename=research\\_index](http://member.preventchildabuse.org/site/PageServer?pagename=research_index)
- RAND California, Health and Socioeconomic Statistics: <http://ca.rand.org/stats/health/childabuse.html>
- Richards, C. E. (2001). *The loss of innocents: Child killers and their victims*. Wilmington, DE: Scholarly Resources.
- Social Work Webliography: <http://cr02info.org/ala/mgrps/divs/acrl/about/sections/ebss/social/web/webliography.cfm>
- Scout Report for Social Sciences and Humanities: <http://scout.wisc.edu/Reports/SocSci/2001/ss-010515.html>
- Straus, M. A. (2001). *Beating the devil out of them: Corporal punishment in American families and its effects on children*. Edison, NJ: Transaction.
- Thomas, P. M. (2004). Protection, dissociation, and internal roles: Modeling and treating the effects of child abuse. *Review of General Psychology*, 7(15).
- U.S. Department of Health and Human Services, Administration for Children and Families: <http://www.acf.hhs.gov/index.html>

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## CYBERCRIME

GEORGE E. HIGGINS

*University of Louisville*

SCOTT E. WOLFE

*Arizona State University*

Computer crime has been an issue in criminal justice and criminology since the 1970s. In this venue, the types of computer crimes have been categorized in two ways. First, a prevalent activity is that of criminals stealing computers. Second, criminals use computers to commit crimes. The recent development of the Internet has created a substantial increase in criminals using computers to commit crimes. Thus, an emerging area of criminal behavior is *cybercrime*.

Cybercrime is a criminal act using a computer that occurs over the Internet. The Internet has become the source for multiple types of crime and different ways to perform these crimes. The types of cybercrime may be loosely grouped into three categories of cybercrimes. First, the Internet allows for the creation and maintenance of cybercrime markets. Second, the Internet provides a venue for fraudulent behavior (i.e., cyberfraud). Third, the Internet has become a place for the development of cybercriminal communities. The purpose of this chapter is to outline and exemplify these different forms of communities. The chapter then shifts into a discussion of policy steps to reduce some forms of cybercrime.

### Cybercrime Markets

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The Internet allows for illicit markets to be created and maintained. The Internet provides its users with an opportunity to

hide their identities and to be in remote locations to create and be part of illicit markets. For instance, cybercriminals can use different Web sites to trade (i.e., buy or sell) merchandise illegally through legitimate sources (e.g., eBay) or through illegal sites. Some of these Web sites are not able to be traced back to their original sources. While a host of illicit markets exists (e.g., illegal adoptions, surrogate mothers, egg donors, obtaining banned substances, organ donors thieves, forbidden animals, endangered species, and illegal gambling), four markets will be discussed here.

One of the most pervasive forms of cybercrime is digital piracy (Gopal, Sanders, Bhattacharjee, Agrawal, & Wagner, 2004). Digital piracy is defined as the illegal act of copying digital goods, software, digital documents, digital audio (including music and voice), and digital video for any reason without explicit permission from and compensation to the copyright holder (Gopal et al., 2004; Higgins, Fell, & Wilson, 2006). The Internet has facilitated an increase in digital piracy in recent years. Wall (2005) notes four characteristics of the Internet that have enabled individuals to easily commit criminal activity: It allows anonymous communication, it is transnational, it has created a shift in thinking from the ownership of physical property to the ownership of ideas, and it is relatively easy. In addition, Wall contends that the Internet facilitates piracy because it allows the offense to take place detached from the copyright holder, which provides the offender with the perception that the act is victimless.

Several researchers have acknowledged subforms of digital piracy (i.e., audio and video piracy) as being increasingly pervasive (Gopal et al., 2004; Hinduja, 2003). Higgins et al. (2006) defined audio and video piracy as the “illegal act of uploading or downloading digital sound or video without explicit permission from and compensation to the copyright holder” (p. 4). Technological advancements are partly responsible for the increased ease and accessibility of digital piracy. The International Federation of Phonographic Industries (IFPI) (2006) estimates that one in three music discs purchased around the world is an illegal copy. The IFPI further estimates that 37% of all CDs purchased in 2005 were pirated, resulting in 1.2 billion illegal copies purchased worldwide. In fact, the IFPI concludes that pirate CD sales outnumbered legitimate CD sales in 30 markets across the world and resulted in a loss of \$4.5 billion from the music industry.

Similar issues take place in the context of the movie industry. To be clear, industry figures indicate that the costs of unauthorized copying and redistribution of movies via physical media (e.g., video cassettes, DVDs, VCDs, etc.) exceed several billion dollars annually. In 2005, the Motion Picture Association of American (MPAA) reported that over 90% of the movies that are initially pirated are due to the use of camcording in movie theaters. The Internet has allowed movie pirates to be able to illegally download movies (MPAA, 2004). In 2004, the MPAA reported that \$2.3 billion were lost due to Internet piracy.

Several researchers have argued that college students are likely to pirate almost all forms of digital media (Hinduja, 2003; Higgins et al., 2006). This includes software piracy. According to the Business Software Alliance (BSA, 2007), the trend of piracy among college students has been going up slightly compared to 2003 and 2005 rates. Importantly, two thirds of the students surveyed still believe that it is okay to swap or illegally download software without paying for it (BSA, 2007).

Since the Copyright Act of 1976, digital piracy has been a criminal act (Higgins et al., 2006). Mass copyright violations of movies and music were made a felony offense in 1982 by the Piracy and Counterfeiting Amendments Act, which was amended to include the distribution of copyrighted materials over the Internet via the No Electronic Theft Act (Koen & Im, 1997). That is, when an individual proceeds to burn an extra copy of a music CD, download music from the Internet without paying, or use a peer-to-peer network to download music information, he or she is pirating music. This is especially true for digital music piracy that is committed through a multitude of modi operandi (e.g., CD burning, peer-to-peer networks, LAN file sharing, digital stream ripping, and mobile piracy [see <http://www.IFPI.org> for a discussion of these techniques]). The penalties for these acts may be civil (e.g., \$10,000 per pirated copy) as well as criminal (e.g., possible jail sentences) (Koen & Im, 1997).

Cybercrime includes the promotion and the distribution of pornography. When done over the Internet, this is known as *cyberpornography*. While viewing pornography may not be criminal for those who are of age, the Internet does not discriminate based on age. That is, teenagers’ fantasies about nudity may easily be replaced by hardcore pornographic images of every conceivable sexual activity.

In the academic literature, some researchers have shown that access to and viewing of cyberpornography is a behavior that is increasing. Ybarra and Mitchell (2005) used data from kids and young adults to examine exposure to cyberpornography. They showed that individuals that sought out cyberpornography were likely to be male, 14 years old and older, and more depressed, whereas those younger than 14 were more likely to be exposed to pornography through traditional means—movies and magazines.

Others have shown that cyberpornography is not just for teenagers, making the behavior non-age specific. Stack, Wasserman, and Kern (2004) used the General Social Science Survey to examine who viewed pornography using the Internet and the reasons why. They showed that individuals that had weak religious ties, unhappy marriages, and past sexual deviance are more likely to view pornography via the Internet. Buzzell (2005) examined the factors that influence access to cyberpornography. The study showed that when employment status increases, technology does play a role in the access to cyberpornography.

The Internet allows cybercriminals to participate in underage liaisons. One form of this particular type of cybercrime is the online solicitation of children for sex. This is exploitation that involves an adult who engages in discussion with a child online and uses his or her manipulation skills to coerce the child to meet in person for sexual purposes. Importantly, the number of children that are approached on the Internet for these types of offenses is staggering. Finkelhor, Mitchell, and Wolak (2000) showed that 1 out of every 5 youths is solicited by someone online for sexual relations.

The anonymity of the Internet allows cybercriminals to disguise their postings, responses, and identities. This affords the cybercriminals the opportunity to disappear at a moment’s notice. In short, the Internet allows cybercrimes to be performed more easily and simply while making criminals’ detection, apprehension, and prosecution more difficult. Therefore, the Internet makes cybercrimes through illicit markets more difficult to examine.

## Cyberfraud

*Cyberfraud* includes behaviors that occur with guile and deceit. An example of this behavior is identity theft that may lead to identity fraud. Hoar (2001) argues that identity theft is a criminal activity for the new millennium. Unfortunately, the definition of identity theft varies. For instance, one definition of identity theft is “the unlawful

use of another's personal identifying information" (Bellah, 2001, p. 222). Others have defined identity theft as "involv[ing] financial or other personal information stolen with intent of establishing another person's identity as the thief's own" (Identity Theft, 2004). The Federal Trade Commission (FTC, 2006) sees identity theft as "occur[ring] when someone uses your personally identifying information, like your name, social security number, or credit card number without your permission, to commit fraud or other crimes." The present article adopts the FTC's definition of identity theft, although some may regard this definition as identity fraud. In one sense, identity fraud involves financial or other private information stolen, or totally invented, to make purchases or gain access to financial accounts (Higgins, Hughes, Ricketts, & Fell, 2005).

The FTC's definition clarifies some of the potential forms of personal information that may be used in identity theft. Other forms of personal information include address, date of birth, alien registration number, and government passport. While these forms of personal information and the definition of identity theft provide some context, identity theft can be summed up as constituting the unauthorized use of someone else's personal information for criminal activity.

The crime of identity theft has received substantial coverage from a wide variety of legal mechanisms. A substantial number of federal and state statutes relate to the criminality of identity theft and those who suffer its victimization. In the federal arena, the laws relating to identity theft are convoluted. They can, however, be divided into statutes that relate to criminality and penalties, and statutes that provide consumers with information or rights. The primary criminal statute in the federal system is the Identity Theft and Assumption Deterrence Act of 1998. Specifically, 18 U.S.C. § 1028 makes it a federal crime when anyone acts as follows:

Knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law.

In 2004, the Identity Theft Penalty Enhancement Act was enacted.<sup>1</sup> This act provides for enhanced punishments for identity thieves. For example, the act requires an additional 2 years of punishment for those violators using another's identity in the commission of a crime and 5-year sentences for the use of a false identity in the commission of a terror offense.<sup>2</sup> Sentencing discretion is also restricted in that sentences may not run concurrently for offenses, and probation is prohibited for those convicted under the statute.

Other federal statutes provide some aid for victims of identity theft.<sup>3</sup> The Fair Credit Reporting Act establishes procedures for persons seeking to correct mistakes on their credit record and ensures that credit histories are

only provided for legitimate business needs.<sup>4</sup> The Fair and Accurate Credit Transactions Act allows consumers to obtain free copies of their credit reports as well as restricts what information can be placed on a sales receipt. Similarly, the Fair Credit Billing Act establishes procedures for resolving billing errors on credit card accounts and establishes limits on a consumer's liability for fraudulent credit card charges.<sup>5</sup> Finally, the Electronic Fund Transfer Act focuses upon transactions using debit cards or electronic means to debit or credit an account and limits the liability for unauthorized electronic fund transfers.<sup>6</sup>

Since the majority of all criminal prosecutions occur in state court systems, state legal schemes are critically important. All 30 states and the District of Columbia have criminal laws relating to identity theft (FTC, 2006). Thirty-one states have created freeze laws for persons fearing identity theft. These laws generally lock access to credit reports and credit scores.<sup>7</sup> While these laws vary greatly, there is generally no charge for the creation, temporary lifting, or complete termination of a freeze (a so-called credit thaw) for the victim of identity theft. Others wishing to limit their risks may have to pay between \$5 and \$20 (see <http://www.consumersunion.com>). While these freezes will not completely shield a consumer from victimization, they will stop the creation of any new victimization where the issuer relies upon a credit report to provide credit. A few states have credit information-blocking statutes that require the credit reporting agencies to block false information from consumer victims' credit reports within a certain time frame or upon the receipt of a police report.

California was the first state to pass a mandatory disclosure law for persons whose information has been compromised. Currently, at least 35 states have some form of breach notification statute. These laws vary greatly by state (Krebs, 2007). The threshold for notification may be mandatory upon a security breach. For example, Massachusetts recently passed a mandatory notification law similar to California's.<sup>8</sup> Other states have a risk-based analysis requiring notification only in cases of substantial risk of harm. These laws are based on three rationales. First, with timely notice, consumers can take preventive measures to limit or reduce the potential for identity theft. Second, reporting provides an ability to accurately measure the true number of breaches and thus aids in research on identity theft. Finally, the social and pecuniary costs associated with notification provide substantial motivation to protect consumer information (Schneier, 2006). Notification laws differ from fraud alert protections. An alert requirement forces notification if a person's credit file receives an inquiry. A breach notification law requires that a consumer be informed that his or her information has been compromised.

Identity theft or identity fraud is responsible for a large number of issues concerning the theft of information. Identity thieves commit fraudulent acts to obtain identities

of other individuals. For instance, identity thieves may *hack* (i.e., break into network databases) via the Internet to obtain personal information. Another form of fraudulent activity is the use of *phishing*. Phishing is when an identity criminal goes online and poses as a corporation (e.g., Western Union, Amazon, eBay, or PayPal) or an individual in need and requests personal information. Phishing schemes include travel scams, stock frauds, financial transfers, nondelivery of merchandise, Internet auction fraud, credit card fraud, and so forth. An emerging form of identity theft is *pharming*, which is when a hacker redirects an individual from a legitimate site to a fraudulent site without the user's knowledge.

These forms of identity theft over the Internet are costly to the economy and the victim. For instance, Allison, Shuck, and Lersch (2005) argue that the U.S. economy is particularly susceptible to identity theft. In the United States, identity theft has resulted in actual losses ranging from \$442 million to \$745 million over a span of 3 years (U.S. General Accounting Office, 2002, cited in Allison et al., 2005). Others have estimated that identity theft costs between \$53 billion and \$73.8 billion per year (Weingart, 2003). While this gives some perspective, the true extent of identity theft is unknown. Identity theft can also have profound individual costs. For instance, a victim can expect to pay up to \$3,000 and spend a substantial amount of time restoring his or her identity (FTC, 2006). Therefore, cyber-fraud is an important criminal activity that needs further exploration.

## Cybercrime Communities

The Internet provides a place for cybercriminal communities to exist and flourish. The communities may be seen as *subcultures*. Subcultures are cohesive cultural systems that vary in form and substance from the dominant culture. To be clear, a subculture maintains its own values, beliefs, and traditions that differ from the dominant culture. Thus, the individual performs behaviors that are consistent with those of his or her subculture, but that differ from the dominant culture. Some subcultures may be based on ethnic groups, delinquent gangs, or religious sects. Subcultures may take place through the Internet or the cyber environment.

For instance, subcultures harbor some of the individuals that seek to understand computer operating systems (i.e., *hackers*), individuals that seek to destroy or do harm within a computer system (i.e., *crackers*), or individuals that seek to steal telephone services (i.e., *phreakers*). Other deviants or criminals may also be part of an online subculture (e.g., pedophiles, depressives, anorectics, and bulimics). Cybercrime communities function as the venue where the criminal activity is reinforced and encouraged. The cybercrime communities provide an opportunity for transmittal of knowledge that make the criminal behavior more

effective and legitimate. In short, the individual participating in these deviant subcultures learns new techniques for performing his or her behavior and how to handle potential issues (e.g., dealing with outsiders, securing legal or medical services). The cybercrime communities provide a place for the sharing of knowledge to take place on a level playing field. That is, in most other communities, individuals are alienated, rebuked, or ostracized based on age, race, sex, marital status, ethnicity, or socioeconomic status. However, in cybercrime communities, all that is required is a computer and an Internet connection and the individual is able to participate. The cybercrime communities provide an opportunity for individuals to be in touch with others from different geographical locations. Thus, someone in the United States can participate in a community in Australia.

## Criminal Justice Response to Cybercrime

The criminal justice system response to cybercrime is the advent and development of the field of digital forensics, which has its roots in data recovery methods. That is, digital forensics has evolved into a field of complex, controlled procedures that allow for near real-time analysis leading to accurate feedback. Such analysis allows individuals in criminal justice to track the changes and key issues that are pertinent to good investigation of cybercrime.

Another method that criminal justice uses to combat cybercrime is through education of the public. This includes publishing important tips for reducing victimization. For instance, the National White Collar Crime Center's (NW3C) 2007 report suggested several ways that various forms of cybercrime may be reduced. For example, cyberstalking may be reduced by following these steps:

- Use a gender-neutral user name and email address.
- Use a free email account such as Hotmail (<http://www.hotmail.com>) or YAHOO! (<http://www.yahoo.com>) for newsgroups/ mailing lists, chat rooms, instant messages (IMs), emails from strangers, message boards, filling out forms, and other online activities.
- Don't give your primary email address to anyone you do not know or trust.
- Instruct children to never give out their real name, age, address, or phone number over the Internet without your permission.
- Don't provide your credit card number or other information to access or subscribe to a Web site with which you are not familiar.
- Monitor/observe newsgroups, mailing lists, and chat rooms before "speaking" or posting messages.
- When you do participate online, be careful—type only what you would say to someone's face.

- When communicating online, don't reveal personal things about yourself until you really and truly know the other person.
- The first instinct when someone attacks you online may be to defend yourself—Don't. This is how most online harassment situations begin.
- If it looks too good to be true, it probably is.

The National White Collar Crime Center's (2007) report indicates some tips to reduce instances of identity theft:

- Check your credit reports once a year from all three of the credit reporting agencies (Experian, Transunion, and Equifax).
- Guard your social security number. When possible, don't carry your social security card with you.
- Don't put your social security number or driver's license number on your checks.
- Guard your personal information. You should never give your social security number to anyone unless you can verify that the person is required to collect it.
- Carefully destroy papers you discard, especially those with sensitive or identifying information such as bank account and credit card statements.
- Be suspicious of telephone solicitors. Never provide information unless you have initiated the call.
- Delete any suspicious email requests without replying. Remember, if your bank or credit card company needs you to contact it, there are telephone numbers and Web site information on your statement. You do not have to click on unsolicited emails to contact the company.

Here are some steps to take if victimized:

- Contact the fraud departments of each of the three major credit bureaus and report that your identity has been stolen.
- Get a "fraud alert" placed in your file so that no new credit will be granted without your approval.
- Contact the security departments of the appropriate creditors or financial institutions for any accounts that may have been fraudulently accessed. Close these accounts. Create new passwords on any new accounts that you open.
- File a report with your local police or the police where the identity theft took place.
- Retain a copy of the police report because it may be needed by the bank, credit card company, or other businesses as evidence that your identity was stolen. (NW3C, 2007)

## Notes

1. 18 U.S.C. § 1028A.
2. As enumerated in section 2332b(g)(5)(B).
3. The Fair Debt Collection Practices Act focuses on debt collectors' practices.

4. 15 U.S.C. § 1681 to 1681u.

5. 15 U.S.C. 1666i.

6. 15 U.S.C. 41, 1693.

7. Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. Other states have statutes that will go online in the next 2 years (Krebs, 2007).

8. In part the statute reads, "A person or agency that maintains or stores, but does not own or license data that includes personal information about a resident of the commonwealth, shall provide notice, as soon as practicable and without unreasonable delay, when such person or agency (1) knows or has reason to know of a breach of security or (2) when the person or agency knows or has reason to know that the personal information of such resident was acquired or used by an unauthorized person or used for an unauthorized purpose, to the owner or licensor in accordance with this chapter" (Chapter 93H).

## References and Further Readings

- Allison, S. F. H., Schuck, A. M., & Lersch, K. M. (2005). Exploring the crime of identity theft: Prevalence, clearance rates, and victim/offender characteristics. *Journal of Criminal Justice*, 33(1), 19–29.
- Bellah, J. (2001). Training: Identity theft. *Law & Order*, 49(10), 222–226.
- Business Software Alliance. (2007). *Fifth annual piracy study*. Retrieved February 17, 2009, from [http://global.bsa.org/idcglobalstudy2007/studies/2007\\_global\\_piracy\\_study.pdf](http://global.bsa.org/idcglobalstudy2007/studies/2007_global_piracy_study.pdf)
- Buzzell, T. (2005). Demographic characteristics of persons using pornography in three technological contexts. *Sexuality & Culture: An Interdisciplinary Quarterly*, 9, 28–48.
- Federal Trade Commission. (2006). *National and state trends in fraud & identity theft: January–December 2005*. Retrieved September 13, 2007, from <http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm>
- Finkelhor, D., Mitchell, K. J., & Wolak, J. (2000). *Online victimization: A report on the nation's youth*. Alexandria, VA: National Center for Missing & Exploited Children. (No. 6–00–020)
- Gopal, R. D., Sanders, G. L., Bhattacharjee, S., Agrawal, M., & Wagner, S. (2004). A behavioral model of digital music piracy. *Journal of Organizational Computing and Electronic Commerce*, 14, 89–105.
- Higgins, G. E., Fell, B. D., & Wilson, A. L. (2006). Digital piracy: Assessing the contributions of an integrated self-control theory and social learning theory. *Criminal Justice Studies*, 19, 3–22.
- Higgins, G. E., Hughes, T., Ricketts, M. L., & Fell, B. D. (2005). Student perception and understanding identity theft: We're just dancing in the dark. *Law Enforcement Executive Forum*, 5(5), 163–178.
- Hinduja, S. (2003). Trends and patterns among online software pirates. *Ethics and Information Technology*, 5, 49–61.

- Hoar, S. (2001). Identity theft: The crime of the new millennium. *USA Bulletin 49*. Retrieved March 7, 2005, from [http://www.usdoj.gov/criminal/cybercrime/usamarch2001\\_3.htm](http://www.usdoj.gov/criminal/cybercrime/usamarch2001_3.htm)
- Identity Theft. (2004, December 15). Confusion between fraud, identity theft frustrates industry. *LRP Publications, 8*, 12.
- International Federation of Phonographic Industries (IFPI). (2006). *The recording industry 2006 piracy report: Protecting creativity in music*. Retrieved December 7, 2006, from <http://www.ifpi.org>
- Koen, C. M., & Im, J. H. (1997). Software piracy and its legal implications. *Security Journal, 31*, 265–272.
- Krebs, B. (2007). TransUnion to offer credit freeze in all U.S. states. *Washingtonpost.com*. Retrieved November 2, 2007, from [http://blog.washingtonpost.com/securityfix/2007/09/transunion\\_to\\_offers\\_credit\\_fr.html](http://blog.washingtonpost.com/securityfix/2007/09/transunion_to_offers_credit_fr.html)
- Motion Picture Association of America. (2004). *U.S. piracy fact sheet*. Retrieved December 12, 2004, from <http://www.mpaa.org/leksummaryMPA%20revised.pdf>
- Motion Picture Association of America. (2005). U.S. piracy fact sheet. Retrieved December 10, 2006, from <http://www.mpaa.org/USPiracyFactSheet.PDF>
- National White Collar Crime Center. (2007). *2007 Internet crime report*. Retrieved August 12, 2008, from [http://www.nw3c.org/research/site\\_files.cfm?mode=r](http://www.nw3c.org/research/site_files.cfm?mode=r)
- Schneier, B. (2006). The anti-ID-theft bill that isn't. *Wired.com*. Retrieved November 1, 2007, from <http://www.wired.com/politics/security/commentary/securitymatters/2006/04/70690>
- Stack, S., Wasserman, I., & Kern, R. (2004). Adult social bonds and use of Internet pornography. *Social Science Quarterly, 85*, 75–88.
- Wall, D. S. (2005). The Internet as a conduit for criminal activity. In A. Pattavina (Ed.), *Information Technology and the Criminal Justice System* (pp. 78–94). Thousand Oaks, CA: Sage.
- Weingart, J. (2003). *Identity theft* (Northeast ed.). Mountainside, NJ: Metropolitan Corporate Counsel.
- Ybarra, M. L., & Mitchell, K. J. (2005). Exposure to Internet pornography among children and adolescents: A national survey. *Cyberpsychology & Behavior, 8*, 473–486.

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## DOMESTIC VIOLENCE

ANGELA R. GOVER

*University of Colorado Denver*

**D**omestic violence occurs when a current or former intimate partner exerts dominance and control in a relationship through physical, sexual, or psychological-emotional abuse, resulting in physical or emotional trauma to the victim. Other forms of domestic violence include stalking and dating violence. Other terms used for domestic violence include intimate partner violence, domestic abuse, family violence, spousal abuse, dating violence, wife abuse, and battering.

Domestic violence exists within all cultures, ethnicities, faiths, age groups, education levels, income levels, and sexual orientations. Domestic violence can occur between many different kinds of couples: married or unmarried couples, couples who live in rural areas and urban areas, those that cohabit or live separately, couples that had been formerly married or had dated, and between heterosexual or same-sex couples. Furthermore, sexual intimacy is not required to be present in a relationship in order for domestic violence to occur.

While the statutory term for domestic violence in most states usually includes other family members besides intimate partners, such as children, parents, siblings, sometimes roommates, and so forth, practitioners typically apply the term *domestic violence* to a coercive, systemic pattern of physical, sexual, or psychological abuse between intimate partners. Victims of domestic violence can be women or men; however, the overwhelming majority of domestic violence involves women as victims and

men as perpetrators. For this reason, many organizations concerned with domestic violence focus their attention and services specifically on violence against women and their children.

The following section of this chapter discusses the types and prevalence of domestic violence. It also discusses domestic violence warning signs, stalking, dating violence, and domestic violence in the lesbian, gay, bisexual, and transgender (LGBT) community. The chapter concludes with a discussion of the judicial response to domestic violence such as domestic violence and family courts.

### History

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The *domestic violence movement*, also referred to as the *battered women's movement*, has a long history, although it picked up steam with the advent of the feminist movement of the late 1960s and early 1970s. In 1971, Erin Pizzey opened the first battered women's shelter in Chiswick, England. The first shelters in the United States opened their doors in Minneapolis-St. Paul, Minnesota; Pasadena, California; and Phoenix, Arizona, in 1972. Soon thereafter, a shelter opened in Boston, Massachusetts, and Casa Myrna Vasquez, also in Boston, opened its doors as the first shelter providing services primarily for Latinas. The first support group for battered lesbians began in



Seattle in 1985. Awareness and services have increased exponentially over the past three decades, and as of September 2007, a total of 1,949 domestic violence programs were operational across the United States (National Center for Victims of Crime, 2008).

## Types of Abuse

The underlying commonality behind all types of abusive behaviors associated with domestic violence is the intent to gain power and control over one's partner or ex-partner through patterns of physical, sexual, or psychological abuse. As previously mentioned, physical, sexual, and psychological violence, stalking, and dating violence are different types of abuse experienced by victims of domestic violence on a daily basis. Each type of abuse is discussed below.

### Physical Violence

Physical violence involves the use of force, possibly resulting in physical harm, disability, or death. Examples of physical abuse include hitting, scratching, shoving, grabbing, biting, throwing, choking, shaking, kicking, burning, physical restraint, use of a weapon, or otherwise causing intentional physical injury to the victim.

### Sexual Violence

Sexual violence occurs when one forces or compels a person to engage in a sexual act or experiences sexual contact against his or her will. If a participant cannot communicate an understanding of and willingness to engage in a sexual act for any reason, including but not limited to disability, illness, and alcohol or drug intoxication, and the sex act is nonetheless attempted or completed by a perpetrator, an act of sexual violence transpires. In addition, sexual violence sometimes occurs within physically or emotionally abusive relationships where the victim agrees to sexual activity solely as a means to avoid additional abuse or intimidation. Examples of sexual violence include rape (including marital and date rape), attempted rape, inappropriate touching, unwanted voyeurism or exhibitionism, sexual harassment, or any other type of sexual activity to which one does not willingly agree.

### Psychological Violence

Psychological violence is also commonly called emotional abuse and refers to behaviors of intimidation, control, or coercion resulting in emotional trauma. While a relationship does not need to include physical or sexual violence to be abusive, any prior acts or threats of physical or sexual violence do constitute psychological violence. Additional examples of psychological violence include

stalking; limiting or controlling the victim's activities or behaviors; isolating the victim from contact with friends or family; limiting or denying the victim's access to basic or financial resources; destroying the victim's personal property; abusive behavior toward a victim's loved ones; verbal threats; humiliation; put-downs; and any other behaviors intended to cause emotional pain, embarrassment, diminishment, or powerlessness.

A relationship does not have to include all of the above behaviors in order to be considered abusive; a partner who attempts to wield dominance and control within a relationship through any threat or act of physical, sexual, or psychological abuse is committing an act of domestic violence. It is also important to note that while a few of the above behaviors are not necessarily prosecutable in criminal court, they nevertheless constitute abuse.

### Stalking

As defined by the National Center for Victims of Crime (NCVC, 2008), stalking is "a pattern of repeated, unwanted attention, harassment, and contact." Today, stalking is considered to be an example of abusive behavior within the framework of domestic violence because the dangers that victims face frequently continue even after they leave an abusive relationship. Research has indicated that many victims of domestic violence have experienced stalking behavior from a current or former intimate partner. Examples of stalking behaviors include following the victim, sending unwanted gifts and notes, repeated harassment such as phone calls or showing up at the victim's place of work, and other behaviors that a stalker uses to inappropriately invade the victim's life. These incursions may increase in frequency as a stalker tries to exert more control over a victim, sometimes in response to the loss of control he or she experienced at the end of the relationship. When stalking behaviors escalate, they may lead to outright threats or incidents of physical violence.

Nationally, all 50 of the United States have implemented anti-stalking laws and protective orders for victims. However, not all states treat the first offense of stalking as a felony; in most states, first-time offenders are charged with a misdemeanor. In some cases, a felony conviction occurs only after a third offense.

### Dating Violence

Dating violence is a form of domestic violence that has been receiving much attention in recent years from the research and practice community (those who work with abuse victims). However, there are a few notable differences between dating violence within adolescent and young adult couples (high school and college age) and domestic violence within older couples who perhaps live together, have children in common, or are married. Many young people who are involved in dating relationships

experience unhealthy and abusive behaviors, but the problem is often overlooked because the relationship is less likely to be viewed as long-term or dependent in nature. Young people in relationships today do not necessarily view their relationships as long-term, as relationships were once assumed to be. In addition, both men and women view relationships as being more casual in general today, compared to previous generations. Finally, changing women's roles in society may have had an impact on how female adolescents conduct themselves in relationships today.

Statistics show that dating violence is a serious problem among youth. Research suggests that college students are highly vulnerable to dating violence because so many are involved in romantic relationships during these formative years. Dating violence research has produced interesting findings regarding the relationship between gender and victimization. Early research on adolescent dating violence suggested that females were more likely than males to be victimized by their dating partners (Roscoe & Kelsey, 1986). Some studies have reported similar dating violence victimization rates for males and females (Arriaga & Foshee, 2004). According to a recent study of approximately 2,500 college students attending two large southeastern U.S. universities, 24% of males perpetrated physical violence against a partner, 32% of females perpetrated physical violence against a partner, 57% of females perpetrated psychological abuse against a partner, and 50% of male respondents perpetrated psychological abuse against a partner (Gover, Kaukinen, & Fox, 2008). This is consistent with a Fact Sheet distributed by the National Coalition Against Domestic Violence (NCADV, 2008), which reports that 1 in 5 college students say they have experienced violence within a current dating relationship, about a third have experienced dating violence within a previous relationship, and over half of acquaintance rapes on college campuses occur within the context of a dating relationship. Overall, the relationship between gender and dating violence is one that needs to continue to be explored because there are many questions that current research is unable to answer. Specifically, while there are many studies that discuss the prevalence of different forms of dating violence, these studies very rarely also inquire as to the context in which this violence occurs. This makes it hard to understand the quantitative data, and it makes it difficult to move forward on the best way to educate the community and respond to the issue given the fact that nondating violence research indicates that women are significantly more likely to be victims of intimate partner violence compared to men.

In many states, the law simply overlooks victims of dating violence when it comes to protection. As reported by NCADV (2008), in many states the criminal and civil domestic violence laws only apply to victims who are married to, cohabitate with, or have a child in common with the perpetrator. Thirty-nine states and the District of Columbia allow victims of dating violence to apply for

orders of protection against a perpetrator. Eleven states do not recognize dating violence in their statutes.

## Prevalence of Domestic Violence

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The National Violence Against Women Survey indicates that 1 in every 4 women will experience domestic violence in her lifetime (Tjaden & Thoennes, 2000). In addition, the Bureau of Justice Statistics (2005, 2006) reports that females represent an overwhelming majority of family violence victims, spousal abuse victims, and dating violence victims, with women at the greatest risk for intimate partner violence between the ages of 20 and 24.

A few studies have reported that males are victims of domestic violence in similar numbers to women (Straus, 1999); however, it is often argued that domestic violence perpetrated by women toward male victims rarely result in injuries as serious as those experienced by female victims of male perpetrators (Stets & Straus, 1990). Many victim advocates suspect that the majority of violence committed by women in abusive relationships takes place for purposes of self-defense against an abusive male partner.

In September 2007, the National Network to End Domestic Violence (NNEDV, 2007) conducted a 24-hour point-in-time survey known as the National Census of Domestic Violence Services. With participation by 69% of domestic violence programs across the United States, results indicated that 52,203 victims of domestic violence were served within one 24-hour period. Of those served, about half sought shelter. Also during that time, 20,582 domestic violence hotline calls were answered across the country. The report also found that 7,707 requests for services were unmet due to lack of space or resources. Clearly, the pervasiveness of domestic violence across the United States is overwhelming, with a tremendous need for services for victims and their children on a daily basis.

## Explaining Domestic Violence

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Scholars have had a difficult time developing explanations for the occurrence of domestic violence. Yet, it is widely understood that perpetrators turn to abusive behaviors as a means to gain power and control over their partner. Behaviors of emotional, physical, and sexual abuse within a relationship typically increase in their severity over time, as the perpetrator seeks to dominate the victim more fully. But abusers may differ from one another when it comes to the reasons why they seek to increase their power through abuse.

## Cycle of Violence

The majority of relationships characterized by domestic violence experience what is referred to as the *cycle of violence*, which consists of three stages: (1) the tension-building

stage, (2) the explosive stage, and (3) the honeymoon stage. The cycle is not the same for all victims in terms of duration, but there is evidence that the violence escalates as the cycle increases in frequency. Victims become so accustomed to the cycle that based on the behavior of their partner, they can usually anticipate when their batterer will become abusive. The first stage, the tension-building stage, is a time that can be characterized by extremely high stress. The batterer may vent this increased tension by taking it out on objects or by acting aggressively in other ways, and it is common for the batterer to act overly jealous of his partner and attempt to isolate the partner from family and friends more than normal. While this is happening, many victims feel like they are walking on eggshells and they try to do anything they can to stop their batterer from becoming physically abusive.

The tension-building stage is followed by the explosive stage. The term for this stage is appropriate because this is the point in the cycle when the batterer releases his accumulation of stress by perpetrating violence against his partner in an act of rage. This may consist of either physical or sexual violence. During this stage, the batterer believes that the victim has caused him to be violent and that she must be put in her place, which is the batterer's effort to control the situation. Law enforcement may or may not become involved at this stage, depending on whether the victim or a third party calls the police. If law enforcement does become involved during this stage, many batterers who remain at the scene often appear very calm and collected to the officer, since their stress was released through their perpetration of violence. On the other hand, victims often appear confused, hysterical, terrified, shocked, angry, afraid, and degraded. Batterers often use the victim's demeanor to manipulate the situation by lying about what had transpired and denying that they perpetrated violence.

The final stage is referred to as the honeymoon stage. This stage is composed of acts on the part of the batterer to convince the victim to stay in the relationship, including promises to the victim that things will change. The batterer will typically ask for forgiveness and shower the victim with various presents as an expression of love and commitment to the relationship. During this stage, batterers also may seek counseling or go to church to show the victim that they are committed to changing their behavior. Unfortunately, victims who have been through the cycle before want to believe the promises that are being made, but instead feel depressed, helpless, hopeless, and trapped. While the batterer may feel somewhat in control again, he is still fearful that the victim may leave or obtain the involvement of the criminal justice system. Although apologies are made, batterers tend to minimize the abuse they inflicted on the victim.

In sum, the honeymoon stage eventually cycles back to the tension-building phase, since the cycle of violence is a continual repetitious pattern. Many women find it difficult to break out of the cycle of violence because of the new

hope that comes out of the honeymoon stage, which is a reminder that their partner has the capability of also being a good person and isn't *always* a bad person.

### Psychopathology

One explanation behind domestic abuse is that the perpetrator suffers from certain mental disorders that lead him to seek psychological gratification through dysfunctional relationships. Detractors of this theory point out that most domestic abusers manage to function normally in other relationships, not necessarily behaving aggressively toward others in their daily life. While some abusers probably do suffer from mental illness or exhibit some signs of personality disorders, it is difficult to claim psychopathology as the main cause of domestic violence.

### Perceived Gender Roles

A more widely accepted theory from the feminist school of thought, gender role theory is a perspective that sees institutionalized patriarchy as an explanation for domestic violence. Abusers look to society's heterosexual behavior norms as reinforcing male power and control, and reflect them in their intimate relationships. As such, an abuser who expects his partner to fill a traditionally subservient feminine gender role may resort to power and control behaviors to assert his power in the relationship. While this explanation rings true for many couples in abusive relationships, it fails to explain the occurrence of domestic violence within lesbian and gay relationships. There are specific reasons for domestic violence between same-sex couples, which will be discussed later in this chapter. However, one may argue that gender role theory can apply to homosexual relationships as well, in that the abuser may be trying to achieve a perceived societal gender norm within the relationship.

It is difficult to pinpoint one distinct explanation for the epidemic of domestic violence; every relationship is unique, and abusers exhibit violent behaviors for a variety of reasons. Ultimately, it is most likely a combination of social, psychological, cultural, and individual factors that lead abusers to control their victims through domestic violence.

## Domestic Violence and the GLBT Community

While the majority of research on domestic violence refers to heterosexual couples, studies focusing on intimate partner abuse within gay, lesbian, bisexual, and transgendered (GLBT) relationships show that it happens at the same rates (Renzetti, 1992). Since their inception, domestic violence shelters have become more inclusive in welcoming and assisting gay women. Nonetheless, as stated by the New York Anti-Violence Project,

Services are fraught with potentials for re-victimization that pivots on homophobia, transphobia and heterosexism. To this end, the deleterious effects of homophobia and heterosexism cannot be discounted in the lives of lesbian, gay, bisexual and transgender (LGBT) survivors of IPV [interpersonal violence].” (Fountain & Skolnik, 2006)

In addition to societal stereotypes in regard to homosexuality, myths also exist around intimate partner abuse within GLBT relationships. Stereotypical beliefs about gender roles and expectations may lead others to think that women are not capable of battering and that men cannot be labeled as victims. As with heterosexual couples, abuse in GLBT relationships is not always physical, does not only occur between couples who cohabit, and it happens between young dating partners as well as adults.

Legislation in regard to abuse within GLBT relationships is limited. According to the National Coalition Against Domestic Violence (2008), 30 states and the District of Columbia have domestic violence laws that are gender neutral and include dating partners as well as those living together. Conversely, three states (Delaware, Montana, and South Carolina) have language that explicitly excludes same-sex partners from legal protection in cases of abuse.

### Domestic Violence: Myth Versus Fact

One of the major efforts of the domestic violence movement, from the beginning, has been to debunk commonly believed stereotypes and myths about domestic violence. This is important because an accurate awareness of the issue cannot occur within society if the general public believes that domestic violence is a problem that only affects certain groups of people and is therefore not in need of attention since it is not that common. In addition, one of the easiest ways to acquire an overall understanding of the basic elements of domestic violence is to debunk commonly believed stereotypes. For example, it is commonly believed that domestic violence only affects certain populations. As mentioned above, domestic violence occurs across all cultures, religions, ethnicities, income levels, sexual orientations, age groups, and education levels. Another myth is that domestic violence is not a common or serious problem when in fact, in the United States, a woman is battered every 9 seconds (NCVC, 2008). Another myth is that domestic violence is caused by substance abuse. In fact, many batterers abuse alcohol or drugs, but it is not an excuse for their violence, as not all abusers are alcoholics or addicts and not all alcoholics or addicts abuse their partners. While some substance abusers blame their addiction for their battering behavior, they mistakenly assume that if the substance abuse stops, so will the abuse. It is best to think of substance abuse as being *correlated* with the incidence of domestic violence.

Many believe that if a victim really wants to stop the abuse, she could easily just walk out. The fact is that it is often very difficult for an abuse victim to end the relationship. Victims stay with the batterer for many reasons, including but not limited to economic constraints, child issues, fear, and intimidation. People also assume that as soon as a victim leaves her abuser, she is safe. In reality, abuse victims are in the most danger after the relationship has ended. Another commonly accepted myth is that battering incidents are isolated behaviors. In reality, batterers use a cycle of power and control to keep their partner in the relationship. Abuse rarely happens just once. It can happen often, or only once a year, but most physical violence continues to escalate and happens more often as the relationship progresses.

Another commonly accepted myth is that domestic violence can only occur in instances of physical aggression. In fact, emotional and psychological abuse and control are just as damaging and dangerous to the victim as physical abuse. Finally, many believe the myth that abusers just have anger issues—that the battering can be stopped through anger management courses. The fact of the matter is that although many abusers batter when they are angry, they are using violence to maintain power and control over their partner. They do not batter just because their partner did something to make them mad. While there are intervention programs for batterers, anger management is only a small part of the process. Other issues such as the need for control; the misuse of power; and what constitutes a healthy, functioning relationship must be worked on as well. For this reason, batterer intervention treatment is much more comprehensive than anger management counseling.

### Domestic Violence Legislation

While domestic violence has been criminalized in some way in every state, the degrees of the offense and penalties for offenders vary significantly from state to state. For a breakdown of the criminal code provisions, criminal procedure, and police and prosecutor training and guidelines as they vary among states, see *Domestic Violence: A Review of State Legislation Defining Police and Prosecution Duties and Powers* (N. Miller, 2004).

The criminal justice system has made substantial improvements and changes pertaining to domestic violence offenses over the past 15 years. According to Miller (2004), some of the more noteworthy changes include the adoption of anti-stalking laws in every state, the repeal or limitation of states' spousal exemption laws in rape cases, and the passage of new domestic violence laws that provide unique penalties in family-related assault cases. In addition, every U.S. state now allows law enforcement personnel to make an arrest without a warrant for domestic violence cases, and penalties that offenders' have to pay

have been increased for violations of protective orders. In many states, reduced court fees and protection for non-married couples have made court protection more accessible. While each of these changes is a step in the right direction, domestic violence legislation remains inconsistent across the nation. Significant variations exist from state to state in the degree to which new laws have been adopted and in prosecution rates for offenders.

The most obvious indicator of the way a particular state legislates domestic violence offenses can be seen in whether it categorizes the offense as a misdemeanor or a felony. At the time this chapter was written, 11 states have yet to adopt laws explicitly dealing with domestic violence. Within the other 39 states, the first domestic violence offense can be treated as a felony in 9 states; the second domestic violence offense is treated as a felony in 7 states; and in 18 states, the third domestic violence offense is a felony. In addition, 13 states have enhanced penalties for violations of domestic violence law committed in the presence of a minor, and 3 states have instituted enhanced penalties for the assault of a pregnant woman (N. Miller, 2004).

As the recent changes in domestic violence law have benefited the domestic violence movement to a great extent, advances within law enforcement policies and enhanced prosecutor training have also been making a positive difference. Across the nation, entry-level training for police in most states now includes a domestic violence requirement, with a few states including in-service instruction as well as entry-level training. Also, some states have begun to require knowledge of written policies and procedures as they pertain to domestic violence as a component of law enforcement training (N. Miller, 2004). While the current advancements in police training have yet to reach consistency across the nation, they do provide a stark contrast to such training in the past. For example, police training as it existed in Chicago 40 years ago provided no training for domestic violence; however, it did include 1 hour of instruction on dealing with disturbances in general, out of a total 490 hours of training (Parnas, 1967). Prosecutor training for domestic violence cases has seen a slight improvement, but it lags behind law enforcement. To date, a mere four states require training for prosecutors in handling domestic violence cases; three others offer domestic violence instruction for prosecutors, but not as a requirement (N. Miller, 2004).

Overall, great strides have been made in domestic violence legislation, enforcement, and prosecution. However, the vast inconsistencies among states reveal the need for comprehensive, nationwide policies pertaining to the arrest and prosecution of offenders.

### Effects of Legislation

The Minneapolis Domestic Violence Experiment (MDVE) was conducted to determine whether arresting

offenders for domestic violence significantly reduced subsequent arrests (Sherman & Berk, 1984). Many in the legislative community and elsewhere interpreted the MDVE results, which suggested that mandatory arrest could reduce future arrests, as a strong support for mandatory arrest laws for the law enforcement response to domestic violence. In fact, most states soon passed pro/mandatory arrest statutes, and law enforcement agencies implemented pro/mandatory arrest policies for cases of domestic violence. It did not take long, however, for the practice community to realize that there were going to be several unintended consequences of mandatory arrest policies. For example, as a result of mandatory arrest policies, female arrests for domestic violence have increased dramatically because often, officers who respond to domestic violence calls are unsure which partner is the primary aggressor. If the perpetrator has wounds as well as the victim, the officer is often unable to conclusively identify whose wounds are offensive and whose are defensive. Having not witnessed the altercation, the responding officer has no choice but to arrest both parties (Parmley, 2004). Some feel that as a result of the increased risk for arrest, victims of domestic violence may be less likely to contact the police, thus risking their safety and further enabling the abuser.

Others point to the more hidden consequences that mandatory arrests pose in regard to issues of race and class. As previously discussed, dual arrest rates surged as a result of mandatory arrest policies. For example, the rates of female arrests for domestic violence rose from 12.9% to 21% in the state of Maryland; from 6% to 16.5% in a California study; and shockingly, in the city of Sacramento alone, there was a 91% increase in women arrested, and a 7% decrease in men arrested (Chesney-Lind, 2002). Concurrently, African American females were arrested at almost 3 times the rate of Caucasian women in 1998 (Chesney-Lind, 2002).

In addition, various forms of racial bias have come to light as a result of increased arrest for domestic violence. For example, Maxwell, Garner, and Fagan's (2001) reanalysis of the MDVE replication studies cites official arrest data showing that men of color are more likely to recidivate. On the other hand, victim interviews have shown that white men were more likely to batter again (Chesney-Lind, 2002). It is theorized that the disparity stems from a stronger likelihood for police to arrest suspects of color, as it has been shown that African American women are more likely to alert authorities when domestic violence has occurred. Accordingly, official data may reflect a disproportionate number of men of color as domestic violence offenders, which promotes racial stereotypes and leads to the over-policing of people of color (Chesney-Lind, 2002).

Mandatory arrest policies may have caused unintended consequences for victims of lower socioeconomic class as well. For example, victims with limited resources may look to law enforcement as their best option to keep them safe. However, mandatory arrest policies increase the chances

that the primary provider will be taken from the home, resulting in a loss of income. As a result, these victims may become less likely to call the police (S. Miller, 1989).

Others debate the issue of whether mandatory arrest policies have been helpful to victims or disempowered them. Many feminists profess ambivalence because they want to hold law enforcement accountable for keeping citizens safe, but they also feel that often a police officers' power comes at the expense of women, particularly women of color and women of lower socioeconomic status (Coker, 2000).

Coker (2000) also discusses the consequence of having resources focused on arrests to the detriment of other benefits to victims, such as social programs leading to empowerment through education and job training. Having fewer social systems in place to support change leaves the criminal justice system with increased responsibility to produce results. Consequently, a failure on the part of the criminal justice system may breed victims' antagonism toward the system, thus reducing their likelihood of using police and court assistance in the future, particularly if the consequences include dual arrest or even arrest of the offender against the victim's wishes (Smith, 2000).

It is important to reiterate that there are benefits to mandatory arrest. For example, a mandatory arrest policy takes the decision out of the hands of the victims, and therefore the batterer should not hold the victim responsible for his or her prosecution. In addition, mandatory arrest policies send a punitive message to batterers and to the community that the criminal justice system responds to the crime of domestic violence in a harsh manner and holds offenders accountable. However, the unintended consequences of mandatory arrest must also be weighed when determining the best policy approach to this crime.

## Domestic Violence Courts

Victims of domestic violence have long endured a culture of ignorance on the subject of domestic violence. Thus, it is no surprise that until the late 1970s, a wife was not able to file a protection order against her husband unless she also filed for divorce. Even so, restraining orders offered little in the way of protection by law enforcement or the criminal justice system; they were rarely monitored or enforced. The problem of domestic violence was largely viewed as a dilemma best addressed through counseling or crisis intervention programs rather than through the legal system. Yet, as the domestic violence movement worked to increase public awareness on the subject, it began to receive more attention from the legal system. Finally, domestic violence gradually came to be seen more seriously as a crime that is more appropriately addressed through the courts instead of family counseling sessions. However, even though awareness improved, negative stereotypes persisted as an impediment to prosecution. Offenders were rarely sentenced, and courts continued to

turn toward family crisis intervention programs instead of taking punitive measures (Fagan, 1996).

The court system has seen a large influx of domestic violence cases since the implementation of mandatory arrest laws for offenders. Unfortunately, there is little conclusive research as to how these cases fared within the legal system (Henning & Feder, 2005). Advocates and the legal system began to grapple with an emerging need for across-the-board legal processes that could successfully resolve the social, human, and legal dilemmas pertaining to domestic violence cases. As a result, domestic violence cases are now commonly viewed as a distinctive legal phenomenon that should be handled similarly to drug or mental health cases that are handled in specialized drug courts or mental health courts (Mazur & Aldrich, 2003).

Although domestic abuse is a crime, the traditional court system is ill-equipped to deal with all of the complexities involved in domestic violence cases. Because these cases typically include extenuating concerns pertaining to children, property, finances, and victim safety, they necessitate legal services and procedures that are different from those in regular courts. As attention has turned to the unique circumstances of domestic violence cases, specialized courts have emerged in the United States to meet victims' needs.

Similar to drug courts, there is no particular model that has been determined to be the "example court" model. What has emerged over the years, however, are common programming aspects that are usually indicative of a more progressive specialized court. Examples of these include case assignment, specialized judges, screening for related cases, intake units and case processing, service provision, and case monitoring. Ideally, cases are assigned to specific judges who specialize in domestic violence cases. The screening process determines whether victims or families are involved in other open cases or have prior involvement in domestic violence court. Often, however, screening is hampered by poor technology or limited information exchange. Thus, current court models seek to simplify the screening process and open information channels in order to obtain documents pertaining to specific victims or families. Because victims and offenders require community resources that apply specifically to their situation, domestic violence courts and community programs must be able to work together in order to provide needed services. Efficient domestic violence courts also include case monitoring. Effective coordination of services among the legal system, treatment providers, and victim advocates is enhanced through frequent meetings to exchange thoughts and ideas for improvements (Mazur & Aldrich, 2003). Overall, a common theme among successful models for domestic violence courts seeks to meet two main goals: victim safety and offender accountability.

Tsai (2000) did a multisite study to evaluate domestic violence court models. One of the specialized courts Tsai evaluated is located in Quincy, Massachusetts, an urban

community outside of Boston. The Quincy court coordinates an integrated system of judges, clerks, law enforcement, social services, and local agencies to provide a comprehensive community response. Tsai concluded that the primary effectiveness of Quincy's coordinated system stems from its ability to increase the victim's sense of empowerment through an adequate provision of legal and community resources. Due to its ability to provide victims with the services they need to maintain their safety and successfully escape their abusive situation, Quincy's domestic violence court is often used as a model for other cities.

Tsai (2000) also evaluated the domestic violence court of Dade County, Florida. The Dade County court model is based on *therapeutic jurisprudence*, which has its roots in mental health cases but has also come to the attention of experts as an appropriate response for domestic violence cases. The idea behind therapeutic jurisprudence is to enhance the psychological well-being of those who come into contact with the legal system (Winick, 1997). The Dade County domestic violence court prides itself on expanding its ideas and roles beyond that of the traditional legal system in order to reinforce victim empowerment, increase victim safety, and provide treatment alternatives to traditional penalties for offenders.

Positive findings were reported by a process and outcome evaluation of the Lexington County Domestic Violence Court in South Carolina (Gover, MacDonald, & Alpert, 2003). This study found that offenders who were processed in the specialized court had a 40% lower recidivism rate compared to a historical control group of offenders who were processed in traditional courts. This court also followed the tenets of therapeutic jurisprudence. In addition, Gover, Brank, and MacDonald (2007) reported that victims and offenders whose cases were processed in the domestic violence court found the court to have treated them with respect and thought that the process was fair, and also felt that they had a "voice" in the process in the sense that the judge listened to their side of the story and seemed concerned.

## Conclusion

The purpose of this chapter was to review the topic of domestic violence from a criminology and criminal justice perspective. Domestic violence is the attempt by one person to obtain power and control over his or her intimate partner through psychological, physical, or sexual abuse. Victims of domestic violence are familiar with what is called the "cycle of violence," which consists of three stages that victims of domestic violence continually cycle through at the hands of their batterers.

Although there is no specific way to identify a batterer before the abuse starts, the following are some common red flags to be aware of in a relationship: extreme jealousy or possessiveness, the need for control, rigid stereotypical

views on gender roles, isolation from friends and family, economic control, extreme insecurity regarding the self or the relationship, and constantly checking up on or questioning the other's whereabouts. Similarly, there is no way to identify a victim prior to the person's victimization because this form of violence is pervasive in all cultures, faiths, educational levels, income levels, and sexual orientations. The domestic violence movement, with the help of the women's movement, has made many strides toward improving the criminal justice system's response to the crime of domestic violence. For example, although somewhat controversial, the passage of mandatory arrest laws have shown society that law enforcement officers are committed to holding offenders accountable for their actions. The development of domestic violence courts has indicated that the judicial system views domestic violence differently from other crimes and that it therefore needs its own system of offender processing. Despite the many ways in which the criminal justice system has evolved in its response to domestic violence in the past 40 years (Parnas, 1967), there is still much more work to do in the fight against domestic violence.

## References and Further Readings

- Alabama Coalition of Domestic Violence. (2008). *Dating violence*. Retrieved February 1, 2008, from <http://www.acadv.org/dating.html>
- Arriaga, X. A. B., & Foshee, V. A. (2004). Adolescent dating violence: Do adolescents follow in their friends' or their parents' footsteps? *Journal of Interpersonal Violence, 19*, 162–184.
- Bureau of Justice Statistics. (2005). *Family violence statistics*. Washington, DC: Office of Justice Programs, U.S. Department of Justice.
- Bureau of Justice Statistics. (2006). *Intimate partner violence in the United States*. Washington, DC: Office of Justice Programs, U.S. Department of Justice.
- Chesney-Lind, M. (2002). Criminalizing victimization: The unintended consequences of pro-arrest policies for girls and women. *Criminology and Public Policy, 2*, 81–90.
- Coker, D. (2000). Crime control and feminist law reform in domestic violence law: A critical review. *Buffalo Criminal Law Review, 4*, 801–860.
- Fagan, J. (1996). *The criminalization of domestic violence: Promises and limits*. Washington, DC: National Institute of Justice Report.
- Fountain, K., & Skolnik, A. A. (2006). *Lesbian, gay, bisexual, and transgender domestic violence in the United States in 2006*. New York: National Coalition of Anti-Violence Programs (NCAVP).
- Gover, A. R., Brank, E. M., & MacDonald, J. M. (2007). A specialized domestic violence court in South Carolina: An example of procedural justice for victims and defendants. *Violence Against Women, 13*, 603–626.
- Gover, A. R., Kaukinen, C., & Fox, K. A. (2008). The relationship between violence in the family of origin and dating violence among college students. *Journal of Interpersonal Violence, 23*(12), 1667–1693.

- Gover, A. R., MacDonald, J. M., & Alpert, G. A. (2003). Combating domestic violence in rural America: Findings from an evaluation of a local domestic violence court. *Criminology and Public Policy*, 3, 109–132.
- Henning, K., & Feder, L. (2005). Criminal prosecution of domestic violence offenses: An investigation of factors predictive of court outcomes. *Criminal Justice and Behavior*, 32, 612–642.
- Maxwell, C. D., Garner, J. H., & Fagan, J. A. (2001). *The effects of arrest on intimate partner violence: New evidence from the Spouse Assault Replication Program* (NCJ 188199). Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Mazur, R., & Aldrich, L. (2003). What makes domestic violence court work? Lessons from New York. *Judges Journal*, 42, 2.
- Miller, N. (2004). Domestic violence: A review of state legislation defining police and prosecution duties and powers. Alexandria, VA: Institute for Law and Justice.
- Miller, S. (1989). Unintended side effects of pro-arrest policies and their race and class implications for battered women: A cautionary note. *Criminal Justice Policy Review*, 3, 299–316.
- National Center for Victims of Crime. (2008). *Stalking*. Retrieved February 1, 2008, from <http://www.ncvc.org/ncvc/Main.aspx>
- National Coalition Against Domestic Violence. (2008). *Domestic violence and lesbian, gay, bisexual and transgender relationships*. Retrieved February 1, 2008, from <http://www.ncadv.org>
- National Network to End Domestic Violence. (2007). *Domestic Violence Counts: 07. A 24-hour census of domestic violence shelters and services across the United States*. Washington, DC: Author. Retrieved February 1, 2008, from [http://nmedv.org/docs/Census/DVCounts2007/DVCounts07\\_Report\\_BW.pdf](http://nmedv.org/docs/Census/DVCounts2007/DVCounts07_Report_BW.pdf)
- Parmley, A. M. (2004). Violence against women research post VAWA. *Violence Against Women*, 10, 1417–1430.
- Parnas, R. I. (1967). The police response to the domestic disturbance. *Wisconsin Law Review*, 2, 914–960.
- Renzetti, C. M. (1992). *Violent betrayal: Partner abuse in lesbian relationships*. Thousand Oaks, CA: Sage.
- Roscoe, B., & Kelsey, T. (1986). Dating violence among high school students. *Psychology*, 23, 53–57.
- Sherman, L. W., Berk, R. A. (1984). The specific deterrent effects of arrest for domestic assault. *American Sociological Review*, 49, 261–272.
- Smith, A. (2000). It's my decision, isn't it? A research note on battered women's perceptions of mandatory intervention laws. *Violence Against Women*, 6, 1384–1402.
- Stets, J. E., & Straus, M. A. (1990). Gender differences in reporting marital violence and its medial and psychological consequences. In M. A. Straus & R. J. Gelles (Eds.), *Physical violence in American families: Risk factors and adaptations to violence in 8,145 families* (pp. 151–166). New Brunswick, NJ: Transaction.
- Straus, M. A. (1999). The controversy over domestic violence by women: A methodological, theoretical, and sociology of science analysis. In X. Arriaga & S. Oskamp (Eds.), *Violence in intimate relationships* (pp. 17–44). Thousand Oaks, CA: Sage.
- Tjaden P., & Thoennes, N. (2000). *Full report of the prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey* (NCJ 183781). Washington, DC: National Institute of Justice, Office of Justice Programs, U.S. Department of Justice, and Centers for Disease Control and Prevention.
- Tsai, B. (2000). The trend toward specialized domestic violence courts: Improvements on an effective innovation. *Fordham Law Review*, 1285–1327.
- U.S. Department of Justice, Bureau of Justice Statistics. (2001). *Special report: Intimate partner violence and age of victim, 1993–1999*. Washington, DC: U.S. Government Printing Office.
- Winick, B. J. (1997). The jurisprudence of therapeutic jurisprudence. *Psychology, Public Policy, and Law*, 184–206.



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## ENVIRONMENTAL CRIME

RONALD G. BURNS

*Texas Christian University*

Societal recognition of, and concern for, environmental issues waxes and wanes according to various factors and developments. For instance, recent concerns about global warming and increased costs of oil have contributed to enhanced societal concerns for environmental issues. Similar concern regarding oil shortages in the 1980s generated public concern for environmental issues, including the need for alternatives to fossil fuel–operated vehicles. The term *environmental issues* encompasses many different issues, including protection of the environment, sustainability, and environmental crimes. The last of these is the focus of this chapter.

Scientific and academic focus on environmental issues has contributed to the emergence of environmental studies as a distinct academic discipline. Such programs typically require an interdisciplinary approach to address the varied nature of environmental science. Studying environmental crime demands an interdisciplinary approach that includes fields such as biology, criminology, criminal justice, economics, sociology, chemistry, and psychology. Accordingly, criminologists have much to contribute to the study of environmental issues, primarily due to the significant occurrence of environmental crimes. Unfortunately, the study of environmental crime is in its infancy and much work remains to be completed.

Annually, far more people are killed from environmental crimes than from traditional homicides (Burns & Lynch, 2004), and millions more suffer ill effects from

environmental harms. Yet, the study of environmental crime is largely absent from the criminal justice and criminology research literatures. Medical and environmental scientists, as well as sociologists, have studied various aspects of environmental harms; however, there is scant coverage of the crime- and justice-related elements of environmental harms in the research literature. Criminologists have long studied traditional, or street crimes, often at the expense of environmental crime and other white collar offenses.

Environmental harms have traditionally been recognized by much of society as simply “the costs of doing business.” Fortunately, such acts are increasingly being recognized as the crimes they are. Most attention devoted to environmental crimes highlights the direct, visible, or primary harms associated with offenses against the environment. However, the initial, or direct harms stemming from environmental crimes often signify only a small portion of the associated harms. Many environmental crimes have substantial secondary, or indirect harms that may initially go unnoticed. Accordingly, these harms are sometimes not attributed to the criminal act.

Take, for instance, the harms associated with polluting a lake. The most obvious and direct harms associated with such an act may be the death of the fish in the lake or the discoloration of the water. Consider, however, the secondary effects such as individuals consuming the contaminated fish, swimming in the dirty lake, and drinking the

polluted well water located close by the lake. These secondary harms from polluting the lake, which may very well result in serious illnesses or deaths, may not appear for years. The initial disconnect between the crime and the recognizable harms will likely result in any penalties for the offense being significantly disproportionate to the associated harms.

The term *environmental crime* has been used somewhat loosely thus far in this chapter. The following section discusses what, specifically, constitutes environmental crime. From a legal perspective, a crime cannot occur without a related law. Accordingly, the discussion of what constitutes an environmental crime is followed by an overview of environmental law. Laws serve little purpose if they aren't enforced; thus, the section on environmental law is followed by coverage of enforcement efforts pertaining to environmental crime. The final section of this chapter addresses several issues likely to impact the future of the environment and, specifically, environmental crime.

## What Is Environmental Crime?

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There are several ways to define environmental crime. From a legal perspective, one could define environmental crime as harms committed against the environment that are in violation of statutorily defined terms. Philosophers may expand this definition to include environmental harms that do not fall under legally proscribed guidelines. The varied interpretations of what specifically constitutes environmental crime generate particular challenges for many groups, including industry leaders, environmentalists, criminologists, and politicians. For the purposes of this chapter, environmental crime is defined as any act, or attempted act, committed against the environment that violates statutorily defined laws.

Environmental crime is often viewed as a form of white collar crime, particularly when considering that the actors involved in committing the illegal act often represent corporate interests. However, it is possible for individuals who don't necessarily fit the mold of a white collar criminal, or are not committing crime on behalf of a business or corporation, to commit environmental crime. For instance, the individual who illegally disposes of his or her used car battery in a secluded area wouldn't necessarily be considered a white collar criminal, yet he or she is certainly committing an environmental crime.

Similar to traditional crimes, environmental crime is committed by various groups and individuals in society. As noted, corporations are responsible for much environmental crime, particularly with regard to pollution and the disposal of hazardous waste. Individuals and small businesses also engage in environmental crime, for instance, when they illegally dump hazardous materials or simply engage in littering. Organized crime syndicates also engage in environmental crime, such as through

illegally disposing of toxic and biohazardous materials for other enterprises.

Much crime and justice research effort and policy making are directed toward traditional crimes such as rape, robbery, burglary, and drug offenses. These and related offenses are certainly important to study and address; however, a strong argument could be made that environmental crimes are equally important. Even so, environmental crime remains understudied. Much of the discrepancy in the attention devoted to the two forms of crime (environmental crime and traditional crime) stems from the differences between the acts and the actors involved in each type. For instance, as mentioned, the harms resulting from environmental crime are often indirect. Environmental crimes also differ in that they are often committed by corporations. Further, environmental crimes differ from traditional crimes in that multiple individuals are often involved in their commission, and identifying who is responsible may be difficult. Identifying the perpetrator(s) of traditional crimes is often more easily done.

There are many other differences between environmental crimes and traditional crimes. For instance, environmental crimes are typically more multidimensional than traditional crimes. To illustrate, investigating an environmental crime requires specific skills and knowledge not often needed during investigations of traditional crimes. Environmental crimes often involve multiple victims, whereas traditional crimes typically involve one offender and one victim. Further, environmental crimes are often committed outside of the public's view. For example, the public may be unaware that a factory is producing an illegal level of pollution. Finally, environmental crimes differ from traditional crimes in the legal responses they generate. For instance, environmental crimes are often considered civil matters that result in financial penalties, while traditional crimes are processed in criminal courts. In sum, environmental crime is different from traditional crimes in many ways, yet the two types of crime are similar in that they both pose notable threats to society and are responsible for substantial harms. Perhaps most critical to any discussion of environmental crime are the legal aspects associated with harming the environment.

## Environmental Law

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Significant legislation targeted toward environmental crime didn't emerge until the latter half of the 20th century. Increased societal concern for the environment in the 1960s and 1970s generated major pieces of legislation designed to address environmental crime. Former President Richard Nixon, through executive order, created the federal-level Environmental Protection Agency (EPA) in 1970. Prior to that date, there was scant societal attention directed toward environmental crimes and few sanctions available to address them. In other words, formal regulation

of environmental crime existed in piecemeal fashion prior to 1970. The creation of the EPA generally coincided with a series of significant laws targeted at environmental crime.

Environmental laws are often complex given the atypical nature of environmental crime, the toxicity involved in many of the offenses, and the difficulty of translating scientific information into laws. Such laws must identify what constitutes a violation, the exposure level requirements, appropriate testing methods and equipment to be used, and the expected protocols. Further, environmental laws are often complex due to the political process in which multiple interests must be served. Particularly, legislators must consider the interests of industry, the public, and various interest groups. Adding to the complexity of environmental law is overlap among jurisdictions (e.g., state and federal) often associated with environmental crime, and the fact that multiple bodies of law may apply in particular situations (e.g., civil and criminal law). Finally, environmental laws are relatively new and many specifics have yet to be clarified in the courts. The laws are routinely challenged and often reinterpreted and redefined.

Among the more significant pieces of legislation regulating environmental protection are the Clean Water Act; Clean Air Act; the Resource Conservation and Recovery Act; and the Comprehensive Environmental Response, Compensation, and Liability Act. Discussion of the vast body of environmental law is beyond the scope of this chapter. Thus, this discussion is restricted to an overview of four pieces of major federal legislation regulating harms against the environment, with the goal of sharing the range of such laws.

The Clean Air Act was created in 1963 and amended in 1970, 1977, and 1990. Prior to passage of this act, there were no national standards regarding clean air in the United States. The legislation was designed to reduce air pollution levels through creating national, uniform standards for air quality. These standards are primarily assessed through evaluation of pollution emissions.

The Clean Water Act was originally passed as the Federal Water Pollution Control Act in 1972. The Clean Water Act (passed in 1977) was designed to prevent pollution discharges into waterways over which the federal government has constitutional authority. Further, the act was targeted to create fishable and swimmable waterways that protect marine animals and wildlife. To do so, the Clean Water Act utilizes a permit system and the designation of water quality standards.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the Superfund Act, provides the EPA broad powers to protect and restore the environment through requiring offenders to clean up hazardous waste sites. Under CERCLA, the EPA is permitted to take the necessary steps to protect public health and the environment with regard to hazardous waste sites that present an imminent hazard. The EPA may

employ civil remedies to recover remediation costs in cases where a corporation or individual created a hazardous waste site. Provisions in CERCLA also allow the EPA to sue defendants for costs incurred by the federal government when cleanup or other remediation actions are needed.

The Resource Conservation and Recovery Act (RCRA) pertains to management of solid and hazardous wastes. RCRA seeks to establish a tracking system for hazardous solid waste that regulates its transport, handling, storage, and disposal. Through its provisions, the RCRA encourages reductions in solid waste via recycling and improvement in manufacturing technology, alternatives to land disposal, safe land disposal when such disposal is required, and increased state responsibility for managing solid waste disposal.

This discussion highlights only a few aspects of federal legislation pertaining to environmental protection. To be sure, there are many more pieces of federal legislation pertaining to environmental harms, and it is anticipated that there will be more to come. However, the federal government is not alone in legislating environmental protection. States create and enforce their own laws, which vary from state to state, and local governments may create specific statutes that address environmental crime. Federal environmental laws provide the legal minimums for environmental protection by which each state and municipality must abide.

Laws have little impact if they are not considered by potential or actual offenders, nor are laws necessarily effective if they are not enforced by regulating parties. Whether they be restrictions against polluting the environment or statutes regulating the transport or disposal of hazardous waste, laws provide boundaries for acceptable behavior and sometimes prescribe penalties for unacceptable behavior. Accordingly, legislation must be considered with regard to its ability to deter or dissuade criminal behavior, and the extent to which laws are enforced. Legislative bodies are continuously creating laws to protect the environment, although some interested parties would argue that more laws are needed. Of particular concern with regard to legislative actions, especially those pertaining to the environment, are the enforcement practices of regulatory and law enforcement agencies.

## Enforcing Environmental Laws

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The existence of environmental laws dictates the need for enforcement actions. Accordingly, numerous federal law enforcement and regulatory agencies oversee environmental protection; however, environmental laws are primarily enforced by the EPA (including its regional offices spread throughout the country) and state environmental regulatory agencies. Local law enforcement agencies also have responsibility for enforcing environmental laws;

however, their role has been notably limited in this area given local law enforcement's preoccupation with traditional, or street crime.

Environmental laws are enforced in a different manner from traditional crimes. For instance, the EPA regulates industry by gathering information via industry self-monitoring, industry record keeping and reporting, inspections by government officials (most of which are announced prior to the visit, and occur infrequently), and citizen complaints. When confronting violators, the EPA engages in administrative, criminal, or civil enforcement. The enforcement process typically is initiated by the EPA gathering information and requesting the alleged violator to cease the violating behavior. No further action is taken if the violator complies. Informal negotiations between the EPA and the violator, with the goal of remedying the problem, follow should the violator fail to comply. Civil or criminal actions may be imposed if the violator fails to comply with the request. Criminal enforcement is used as a last resort and requires the cases to be turned over to the U.S. Department of Justice for prosecution. Very few environmental offenses are prosecuted in criminal court.

Enforcing environmental laws places the EPA and other agencies in a volatile, yet important position. For instance, the EPA is criticized by industry groups for impeding industrial progress, while environmentalists believe the EPA doesn't do enough to protect the environment. Accordingly, the EPA must consider the interests of multiple groups in its enforcement practices.

### The Federal Level

The EPA performs many duties and has numerous responsibilities. Although the agency's objectives fluctuate over time, the EPA consistently focuses on regulating air and water pollution, hazardous waste, and hazardous chemicals. Organizationally, the EPA's national office is in Washington, D.C., and it maintains 10 regional offices throughout the country. Each regional office is responsible for the execution of EPA programs throughout the region. Most EPA employees are located in regional offices.

Given its vast charges, the EPA is particularly vulnerable to changes in society. For instance, societal changes (e.g., enhanced public concern for pollution) may dictate that varying levels of emphasis be placed on specific issues, and the agency might adjust priorities based on changing EPA administrators and presidents. The EPA has been responsible for many great achievements and has conducted impressive work in protecting the environment. Given its challenging task of representing multiple interests, however, the EPA has been criticized for having unclear agency objectives, succumbing to strong political influences, and corrupt leadership.

The EPA is the primary, but not the sole federal agency responsible for protection of the environment. Other federal agencies maintain partial jurisdiction over the environment,

including the Department of Agriculture, which has authority over the National Forest Service, grasslands, and natural resources; the Department of Justice, which is responsible for prosecuting criminal cases related to the environment; the Department of Defense, which has jurisdiction over military installations, including the handling and disposition of chemical and nuclear weapons; the Department of Energy, including the Office of Environmental Management; and the Nuclear Regulatory Commission, which works closely with the Department of Defense concerning issues pertaining to nuclear fuel and radioactive materials/waste.

Several other federal agencies have some level of environmental authority, including the Department of Health and Human Services, the Department of Labor, the Department of Housing and Urban Development, the Department of Transportation, the National Highway Traffic Safety Administration, the Consumer Product Safety Commission, the Federal Maritime Commission, and the Federal Trade Commission. The EPA also works closely with other groups and agencies that are interested in protecting the environment, including the Council on Environmental Quality and the Department of the Interior (DOI). The EPA also works closely with the Department of Homeland Security (DHS). For instance, in April 2008 the DHS and the EPA jointly hosted a 3-day conference to address high-priority technical challenges for assessing risk of exposure to pathogens.

### State-Level Environmental Enforcement

By 1990, each U.S. state had an environmental regulatory agency charged with protecting the environment. Each state regulatory agency must address the unique challenges posed by environmental concerns in its respective state. The EPA works closely with state environmental regulatory agencies, primarily through its regional offices. This decentralized approach to environmental protection is beneficial, as each state can focus on specific environmental issues. Such decentralization, however, limits the EPA's environmental protection efforts, as decision-making authority is dispersed among multiple levels of government.

State environmental regulatory agencies must adopt federal environmental protection standards, although they may impose more stringent regulations than those required at the federal level. As such, there exists much variation among the enforcement practices of the state regulatory bodies. Further contributing to the variation among state environmental regulatory agency practices are differing societal views of particular environmental issues, state fiscal issues, the influence of various interest groups, and the geographic distribution of particular industries and natural resources across the country. State environmental regulatory agencies provide significant protection of the environment.

## Law Enforcement and the Environment

Aside from state and federal environmental regulatory agencies, law enforcement agencies at all levels enforce environmental law. Historically, local law enforcement has played a limited role in environmental law enforcement, although their involvement in this area has expanded in recent years as local agencies have become increasingly aware of environmental crime. Through their routine activities such as patrolling, local law enforcement officers are aptly situated to identify and react to environmental harms. The training of local-level law enforcement officers to identify and respond to environmental crimes has been limited, and, historically, officers generally believed that environmental crimes were not worthy of their attention or were the responsibility of other agencies. However, increased concern for homeland security has encouraged local law enforcement officers to become more cognizant of issues beyond street crime, and they are increasingly being trained to detect and respond to environmental crimes.

Issues pertaining to homeland security garnered much public attention following the terrorist attacks against the United States on September 11, 2001. To some extent, the wars in Afghanistan and Iraq, and fear surrounding the possibility of additional terrorist attacks on U.S. soil, shifted public attention away from environmental harms. In response to concerns over homeland security, local-level law enforcement agencies are tasked with the additional and substantial burden of recognizing and reacting to terrorist threats, which could distract them from dealing with environmental crimes. However, efforts toward homeland security certainly involve recognizing terrorist attacks against sites that fall under the jurisdiction of environmental protection agencies, which could lead to enhanced scrutiny of these locations. Further, terrorist threats could increase local law enforcement's recognition of environmental harms as law enforcement agencies increase in size and officers become increasingly responsible for identifying and responding to unusual activity.

## Public Involvement in Addressing Environmental Crime

The general public performs a vital role in addressing environmental crime. Public attitudes help shape societal action, and public action typically follows enhanced societal concern for the environment. The actions may include government and industry responses to public pressure, or they can be the result of the public taking a proactive approach to environmental concerns—for instance, as recognized in the contributions of the various environmental movements in recent history.

Recent concern for environmental issues has contributed to the public becoming more responsive to environmental

crimes. This is not a unique situation; for example, public attitudes toward environmental crime shifted during the 1980s when the general public became more likely to view environmental crimes as notably harmful acts and not simply the costs of doing business.

Currently, many Americans are troubled by the “greenhouse effect;” global warming; contamination of soil and water by toxic waste; maintenance of the nation's supply of fresh water for household needs; and pollution of drinking water, rivers, lakes, and reservoirs. Some of this concern undoubtedly stems from Nobel Peace Prize-winner Al Gore's documentary *An Inconvenient Truth*, which highlighted the effects of environmental degradation and won an Academy Award.

Grassroots efforts have contributed much to environmental protection, particularly with regard to the detection of environmental crimes. Such efforts facilitate the prevention and resolution of environmental crime at a local level by addressing particular concerns often overlooked by corporations, politicians, and government entities such as law enforcement and regulatory agencies. Accordingly, there is a demonstrated need to confront environmental harms at the local level as opposed to the historical practice of relying on the seemingly distant federal and state agencies to confront environmental issues. Similar to the recent emphasis on community-oriented policing in which the police have greater interaction with the public and rely on citizens to assist in crime-fighting endeavors, grassroots efforts provide a vital supplement to bureaucratic state and federal regulatory efforts regarding environmental law enforcement.

The many challenges associated with addressing environmental crime undoubtedly hamper efforts to protect the public. For instance, consider that *regulatory* agencies are primarily responsible for enforcing environmental laws, and the penalties associated with committing environmental crime are arguably ineffective as a form of deterrence, rehabilitation, or retribution. The approach taken by regulatory agencies in response to environmental crime largely contrasts with approaches to dealing with traditional crimes (i.e., regulation versus prosecution).

## What to Expect and What's Needed With Regard to Environmental Crime

Societal concerns regarding oil prices and global warming have encouraged citizens to become more environmentally conscious. Increasing oil costs have resulted in large SUVs becoming less visible on U.S. roadways and automakers developing alternatives to fossil-fueled vehicles. Recycling efforts are popular, as evidenced for instance in the marketing strategies of numerous large corporations who wish to appeal to environmentally friendly consumers. These and related developments bode well for the future of the environment.

Continuous protection of the environment, particularly through addressing environmental crime, is dependent upon many factors. The following addresses several issues of consideration with regard to effective environmental protection, with an emphasis on addressing environmental crime. While not a comprehensive list, these items will undoubtedly have significant impacts on environmental protection, including the prevention, detection, and enforcement of environmental crimes.

### Scholarly Attention

Traditional crimes are highlighted by the media in news reports, on television, and in movies. Media coverage of environmental crime is much less obvious in society. For instance, empirical research on environmental crime doesn't go back much further than the mid-1980s and early 1990s, as there were few empirical studies of environmental crimes prior to this time. Such skewed coverage of crime distorts public perceptions regarding the nature, seriousness, and frequency of both environmental and street crime. Increased research focus on environmental crime, including responses to such offenses, will presumably contribute to more effective regulation of the environment.

From a research perspective, the study of environmental crime is seemingly overshadowed by issues of conventional crime. To address this limitation, additional research on environmental crime could, among other things, assess the applicability of theoretical explanations of crime with regard to environmental offenses; identify challenges environmental crimes pose to the criminal justice system (e.g., evidence collection procedures, jurisdictional issues, etc.); highlight the harms associated with environmental crime; and observe the impact of particular sanctions imposed on environmental crime offenders. To be sure, environmental crime is an understudied, yet important area of focus.

The dearth of environmental crime research can be attributable to a historical lack of data available to researchers. In other words, there is little historical research in this area simply because researchers struggled to obtain data. Accordingly, it is important that useful environmental crime and related data be collected and made available to researchers to analyze and possibly impact policy practices. The EPA and other environmental regulatory agencies have made substantial progress in disseminating data that can be used to study environmental crime. Arguably, researchers can no longer cite the lack of data as a reason for neglecting the study of environmental crime.

Researchers suggest that the EPA and state environmental regulatory agencies should continue their current data collection process and provide more detailed and helpful information. Increasing the extent to which the EPA and other agencies collect data will undoubtedly require additional resources. Nevertheless, the future for the study of environmental crime seems promising, as the EPA and other environmental regulatory agencies have

made considerable progress in providing data for environmental crime researchers and have offered grants and various forms of support for empirical evaluations. The increasing popularity of computer mapping programs, the continued development of academic studies/programs on environmental issues, and the ease with which environmental crime data can be collected online, among other factors, point to increased levels of environmental crime research in the years ahead.

Several obstacles could prevent enhanced levels of environmental crime research. Of particular importance is the government practice of removing "sensitive" information from public access. Concern for homeland security resulted in public agencies throughout the United States removing what were deemed sensitive documents from public access. The attacks on the World Trade Center and the Pentagon on September 11, 2001, prompted fears about additional attacks and the subsequent removal of information that could contribute to the study of environmental crime, although much information remains freely accessible. Time will tell if the heightened concern regarding terrorism continues and additional information is removed from public access.

The perpetuation of interdisciplinary studies is critical to the continued momentum of environmental crime research. The historical lack of cooperative work among researchers in various fields must be addressed if the study of environmental crime is to reach its potential. The various disciplines involved with the study of environmental crime dictate that more collaborative efforts are needed.

### Sustainability

In simple terms, sustainability refers to the practice of continuously producing the necessities of human life with little to no harm to the environment. Sustainability, which involves substantial long-term planning, relies on effectively managing society's material and energy needs and wants. Such management requires cooperation among various government agencies, with the goal of maximizing and replenishing natural resources. Accordingly, sustainability requires collaborative and cooperative efforts from various agencies and disciplines, and effective enforcement of environmental laws to protect against continued harms to the environment.

How can sustainability be practiced, and ultimately achieved? The answer to this question is quite complex; however, many efforts are currently underway as society moves closer to sustainable living. For instance, as mentioned earlier, recycling efforts are becoming increasingly popular. Recycling bottles, paper, and other products prevents the continued destruction of environmental resources. The manufacturing and driving of automobiles that don't rely on fossil fuel provide additional examples. Automakers are currently seeking and

increasingly producing alternatives to fossil fuel–powered vehicles in response to public demand. The use of reusable grocery sacks, as opposed to the environmentally harmful plastic bags, is another example of efforts toward sustainability, as is the effective prevention of environmental crime and enforcement of environmental laws.

“Green living,” which involves a demonstrated concern for the protection of environmental resources, is becoming more popular as society moves toward sustainable living. Much work remains for society to ensure that the necessary environmental resources will be available for future generations. Nevertheless, current concerns for sustainability, the enforcement of environmental laws, and every small effort individuals make toward environmental protection contribute to a more promising future.

### **Enhanced Enforcement Efforts**

Consider a society in which there was a notably inappropriate level of social control. For instance, imagine what it would be like if street crimes were regularly dealt with in a piecemeal fashion, and the penalty for serious crimes such as rape and robbery was a warning, or perhaps a fine that provided little deterrent to offenders. What if police patrol efforts were announced, and those caught committing serious crimes were simply granted an opportunity to discontinue their criminal behavior? Such a situation would undoubtedly generate substantial public outcry and the need for enhanced social control efforts. Why, then, has society not effectively voiced concern over environmental crime and responses to it?

Society has not voiced substantial concern about environmental crime primarily because of the differences between environmental crime and street crime. For instance, as noted earlier, environmental crime is often viewed as the “costs of doing business,” and strong political interests often shield the true effects of environmental crime from the general public. Significant enhancements are needed for the effective enforcement of environmental laws.

Such enforcement is complex, however, and involves various groups, the criminal justice system, and enhanced legislation. Citizens could contribute, for example, by voicing their concerns and helping to identify harmful practices. Law enforcement agencies could become more cognizant of, and responsive to, harmful environmental practices. Stricter laws, including the increased use of criminal penalties as opposed to civil sanctions, would contribute to the enforcement of environmental laws, and the courts could increasingly recognize and treat environmental harms as something more than “business costs.” Further, correctional agencies could focus less on incapacitating those convicted of environmental crimes and more on deterrence, rehabilitation, and punishment. Needless to say, addressing environmental crime effectively is going to take commitment on behalf of many individuals, groups, and government and industry leaders.

As noted, recent concern about terrorism and homeland security could contribute to the enhanced enforcement of environmental laws. Federal law enforcement efforts seemingly became better organized with the creation of the Department of Homeland Security, and many state, county, and local law enforcement agencies have redirected their efforts toward identifying terrorist activities. These efforts, in turn, could substantially contribute to dealing more effectively with environmental crime as law enforcement agents become increasingly involved in the day-to-day activities of citizens and businesses alike. For instance, law enforcement efforts that result in the intrusion into industry for the purposes of national security could potentially expose environmental harms, or at the very least deter violators who perceive a greater sense of vulnerability given the government’s enhanced interest in their practices.

### **Political Change and Support for the Environment**

Environmental protection in the United States is heavily dependent upon the actions of the federal government, and is particularly influenced by the president and the party affiliation of those controlling Congress. For instance, the president has substantial impact on environmental protection simply through being able to choose the administrator of the EPA. Historically, Republicans have promoted less regulation than Democrats, primarily due to Republicans maintaining greater support of industry. However, politicians are dependent on the public for votes and support, and in theory they respond to public opinion.

Environmental issues are regularly among the topics of discussion and debate in political elections, particularly those at the national level. Voters are often able to develop a better understanding of political candidates through recognizing how those who wish to be elected consider environmental issues. Those in support of environmental protection applauded former President Bill Clinton when he chose the environmentally friendly Al Gore for vice president. In contrast, those who were concerned about the environment were discouraged to see George W. Bush be elected to the presidency and even more discouraged when he chose Dick Cheney as vice president. Both Bush and Cheney have strong ties to industry, which signaled to environmentalists that they were going to be faced with numerous challenges during Bush’s presidency.

### **Increased Globalism**

Addressing environmental crime will require much greater cooperative and collaborative efforts among countries as international commerce and more general interaction increasingly occurs. Such a change poses particular challenges to current enforcement efforts regarding domestic environmental crimes. International cooperation requires, at minimum, agreement by all involved parties

that work is needed to protect the environment. Getting numerous countries with diverse cultural backgrounds and varied economic interests to agree on environmental crime prevention and resolution efforts is a daunting, albeit necessary task.

The need to consider issues beyond national boundaries is becoming popular in many countries, and global environmentalism is increasingly an area of concern. For instance, the 2002 World Summit on Sustainable Development in Johannesburg, South Africa, demonstrated the overall move toward global considerations of environmental issues. The summit involved a series of workshops, presentations, and exchanges between international organizations, industries, and various interest groups. Further, the fact that the EPA maintains an "Office of International Affairs" suggests that environmental concerns are not simply restricted to the United States, and the federal government recognizes the need for international efforts to protect the environment. Nevertheless, the United States, as a world leader in production and manufactured goods, faces specific challenges and maintains particular responsibilities that must be addressed with consideration given to environmental protection. Much work remains in the area of international environmentalism.

## Conclusion

Environmental crimes continue to impact society. The significance of environmental harms, particularly with regard to public health and sustainability, is real. Much progress has been made in the short time that major environmental laws, and the EPA, have been in existence. While it is easy to draw attention to the limitations of environmental protection efforts, one must consider the progress that has taken place since 1970. Fifty years ago, there was no EPA. There were no substantial environmental laws. Environmental protection was a nonissue to many.

Now, consider the shape of the environment 50 years into the future. Is enough being done to ensure that the generations to come will not suffer the ill effects of today's neglectful environmental practices? Continued development with regard to environmental protection will undoubtedly result in a safer, healthier environment for those who follow.

The future of environmental protection is full of hope. Progress toward a better environment demands consideration of the complexities inherent in environmental crime. For example, progress will require law enforcement and regulatory agencies to become increasingly familiar with enforcement practices related to environmental crime. Legislation will need to continuously emerge and develop, society must maintain its interest in environmental protection, and sustainability will hopefully be the status quo and not simply a buzzword. Further, researchers will need to extend beyond their academic boundaries, and countries will need to work collaboratively as expansive efforts are

required for environmental protection. Anything less would be a step backward in the evolution of environmental protection and contribute to the ignorance of environmental crime.

## References and Further Readings

- Adler, R., & Lord, C. (1991). Environmental crimes: Raising the stakes. *George Washington Law Review*, 59, 781–861.
- Anderton, D., Oakes, J., & Egan, K. (1997). Environmental equity in superfund: Demographics of the discovery and prioritization of abandoned toxic sites. *Evaluation Research*, 21(1), 3–26.
- Beirne, P., & South, N. (Eds.). (2007). *Issues in green criminology: Confronting harms against environments, other animals and humanity*. Devon, UK: Willan.
- Bullard, R. (1990, 1994). *Dumping in Dixie: Race, class, and environmental quality*. Boulder, CO: Westview Press.
- Bullard, R., & Wright, B. (1987). Environmentalism and the politics of equity: Emergent trends in the black community. *Mid-American Review of Sociology*, 12(1), 21–38.
- Burns, R. G., & Lynch, M. J. (2004). *Environmental crime: A sourcebook*. New York: LFB Scholarly Publishing.
- Burns, R. G., Lynch, M. J., & Stretesky, P. (2008). *Environmental law, crime, and justice: An introduction*. New York: LFB Scholarly Publishing.
- Cable, S., & Cable, C. A. (1995). *Environmental problems, grassroots solutions: The politics of grassroots environmental conflict*. New York: St. Martin's Press.
- Carson, R. (1962). *Silent spring*. Boston: Houghton Mifflin.
- Clifford, M. (Ed.). (1998). *Environmental crime: Enforcement, policy, and social responsibility*. Gaithersburg, MD: Aspen.
- Clifford, M., & Edwards, T. D. (1998). Defining "environmental crime." In M. Clifford (Ed.), *Environmental crime: Enforcement, policy, and social responsibility* (pp. 397–410). Gaithersburg, MD: Aspen.
- Cohen, M. A. (1992). Environmental crime and punishment: Legal/economic theory and empirical evidence on enforcement of environmental statutes. *Journal of Criminal Law and Criminology*, 82, 1054–1108.
- Couch, S. R., & Kroll-Smith, S. (1997). Environmental movements and expert knowledge: Evidence for a new populism. *International Journal of Contemporary Sociology*, 34(2), 185–210.
- Edwards, S. M., Edwards, T. D., & Fields, C. B. (Eds.). (1996). *Environmental crime and criminality: Theoretical and practical issues*. New York: Garland.
- Ehrlich, P. R. (1969). *The population bomb*. New York: Ballantine Books.
- Ehrlich, P. R., & Ehrlich, A. H. (1996). *Betrayal of science and reason: How anti-environmental rhetoric threatens our future*. Washington, DC: Island Press.
- Epstein, J. (1998). State and local environmental enforcement. In M. Clifford (Ed.), *Environmental crime: Enforcement, policy, and social responsibility* (pp. 145–169). Gaithersburg, MD: Aspen.
- Ferrey, S. (1997). *Environmental law: Examples and explanations*. New York: Aspen.
- Findley, R. W., & Farber, D. A. (2000). *Environmental law: In a nutshell*. St. Paul, MN: West Group.



- Hird, J. (1993). Environmental policy and equity: The case of Superfund. *Journal of Policy Analysis and Management*, 12(2), 323–343.
- Hird, J., & Reese, M. (1998). The distribution of environmental quality: An empirical analysis. *Social Science Quarterly*, 79(4), 693–716.
- Hunter, S., & Waterman, R. W. (1996). *Enforcing the law: The case of clean water acts*. Armonk, NY: M.E. Sharpe.
- Hyatt, B. (1988). The federal environmental regulatory structure. In M. Clifford (Ed.), *Environmental crime: Enforcement, policy, and social responsibility* (pp. 115–141). Gaithersburg, MD: Aspen.
- Kraft, M. E. (2001). *Environmental policy and politics* (2nd ed.). New York: Longman.
- Landy, M. K., Roberts, M. J., & Thomas, S. R. (1990). *The Environmental Protection Agency: Asking the wrong questions*. Oxford, UK: Oxford University Press.
- Liu, F. (2000). *Environmental justice analysis: Theories, methods, and practice*. Boca Raton, FL: Lewis.
- Lynch, M. J., McGurrin, D., & Fenwick, M. (2004). Disappearing act: The representation of corporate crime research in criminological literature. *Journal of Criminal Justice*, 32(5), 389–398.
- Lynch, M. J., & Stretesky, P. B. (2003). The meaning of green: Towards a clarification of the term *green* and its meaning for the development of a green criminology. *Theoretical Criminology*, 7(2), 217–238.
- Lynch, M. J., Stretesky, P. B., & Burns, R. G. (2004). Determinants of environmental law violation fines against petroleum refineries: Race, ethnicity, income, and aggregation effects. *Society and Natural Resources*, 17(4), 333–347.
- Markowitz, G., & Rosner, D. (2002). *Deceit and denial: The deadly politics of industrial pollution*. Berkeley: University of California Press/Milbank Memorial Fund.
- McMurry, R. I., & Ramsey, S. D. (1986). Environmental crime: The use of criminal sanctions in enforcing environmental laws. *Loyola of Los Angeles Law Review*, 19, 1133–1170.
- Mertig, A. G., Dunlap, R. E., & Morrison, D. R. (2002). The environmental movement in the United States. In R. E. Dunlap & W. Michelson (Eds.), *Handbook of environmental sociology* (pp. 448–481). Westport, CT: Greenwood Press.
- Mintz, J. A. (1995). *Enforcement at the EPA: High stakes and hard choices*. Austin: University of Texas Press.
- Nash, R. (1976). *The American environment: Readings in the history of conservation*. Reading, MA: Addison-Wesley.
- Oakes, J., Anderton, D., & Anderson, A. (1996). A longitudinal analysis of environmental equity in communities with hazardous waste facilities. *Social Science Research*, 23, 125–148.
- Pearce, F., & Tombs, S. (1998). *Toxic capitalism: Corporate crime and the chemical industry*. Aldershot, UK: Ashgate.
- Pollock, P., & Vittas, E. (1995). Who bears the burdens of environmental pollution? Race, ethnicity, and environmental equity in Florida. *Social Science Quarterly*, 76(2), 294–310.
- Rebovich, D. J. (1998). Environmental crime research. In M. Clifford (Ed.), *Environmental crime: Enforcement, policy, and social responsibility* (pp. 341–354). Gaithersburg, MD: Aspen.
- Rebovich, D. J. (2002). Prosecuting environmental crime in the twenty-first century. In R. Muraskin & A. R. Roberts (Eds.), *Visions for change: Crime and justice in the twenty-first century* (pp. 331–350). Upper Saddle River, NJ: Prentice Hall.
- Ringquist, E. J. (1998). A question of justice: Equity in environmental litigation, 1974–1991. *Journal of Politics*, 60(4), 1148–1165.
- Situ-Liu, Y., & Emmons, D. (2000). *Environmental crime: The criminal justice system's role in protecting the environment*. Thousand Oaks, CA: Sage.
- Steingraber, S. (1998). *Living downstream: A scientist's personal investigation of cancer and the environment*. New York: Vintage.
- Stretesky, P. B. (2006). Corporate self-policing and the environment. *Criminology*, 44, 671–708.
- Stretesky, P. B., & Hogan, M. J. (1998). Environmental justice: An analysis of Superfund sites in Florida. *Social Problems*, 42(2), 268–287.
- Stretesky, P. B., & Lynch, M. J. (2001). The relationship between lead exposure and homicide. *Archives of Pediatrics and Adolescent Medicine*, 155, 579–582.
- Switzer, J. V., & Bryner, G. (1998). *Environmental politics: Domestic and global dimensions* (2nd ed.). New York: St. Martin's Press.
- Szasz, A. (1994). *Ecopopulism: Toxic waste and the movement for environmental justice*. Minneapolis: University of Minnesota Press.
- Vig, N. J. (2003). Presidential leadership and the environment. In N. J. Vig & M. E. Kraft (Eds.), *Environmental policy: New directions for the twenty-first century* (5th ed., pp. 103–125). Washington, DC: CQ Press.
- Vig, N. J., & Kraft, M. E. (2003). Toward sustainable development? In N. J. Vig & M. E. Kraft (Eds.), *Environmental policy: New directions for the twenty-first century* (5th ed., pp. 391–407). Washington, DC: CQ Press.

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## HATE CRIME

HOLLY A. MILLER

*Sam Houston State University*

BITNA KIM

*Indiana University of Pennsylvania*

The term *hate crime* became part of the American lexicon in 1985 when it was coined by United States Representatives John Conyers and Mario Biaggi. Although the term hate crime and societal interest in it are relatively recent developments, hate crime has deep historical roots. Throughout U.S. history, a significant proportion of all murders, assaults, and acts of vandalism and desecration have been fueled by hatred. As Native Americans have been described as the first hate crime victims, hate crimes have existed since the United States' inception. Since then, members of all immigrant groups have been subjected to discrimination, harassment, and violence.

Although there are variations in definition, and certainly variations among state hate crime laws, in general a hate crime is considered to be an illegal act against a person, institution, or property that is motivated (in whole or in part) by the offender's prejudice against the victim's group membership status. Although not all jurisdictions, academics, or professionals agree about who should be protected by hate crime laws, the majority of such laws describe the offender's motivation based on prejudice against the victim's, race, color, nationality, religion, gender, ethnicity, sexual orientation, or disability status.

While hate crime behavior has a long history, it has only been in the last couple of decades that research to understand this type of crime has been conducted. The purpose of this chapter is to present the hate crime knowledge that has

accumulated over these last decades. This chapter will present the history of hate crime law, the scope of the problem, the theory and psychology behind hateful/prejudicial behaviors, characteristics of perpetrators and victims, policing hate crime, and responding to and preventing hate crime.

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### Hate Crime Laws

#### For and Against Hate Crime Legislation

Proponents of hate crime laws feel strongly about society making a statement that biased (or hate) crimes will not be tolerated and that serious penalties will be applied to those who commit such crimes. In addition, these laws are important in order to deter potential hate crime offenders who intentionally target members of subordinate groups. Hate crime laws are also symbolic and promote social cohesion by officially stating that victimization of people who are "different" is not accepted or tolerated in a modern society.

There have also been arguments against the formation of hate crime laws. Not all believe that hate crimes have been a significant problem in society; rather, some see it as a media-exaggerated issue—a product of a society that is highly sensitive to prejudice and discrimination. Thus, a special set of criminal laws that include hate is not warranted, and the generic criminal laws will suffice. Those

who oppose hate crime laws also argue that attempting to determine motivation for an already criminal act is difficult and may pose moral problems in that the offender is being punished for a criminal act *and* for his or her motivation. It has also been argued that hate crime laws do not deter people from engaging in these crimes. Others argue that the disagreement over which subordinate groups to include in the hate crime laws actually causes added discrimination and marginalization. Critics state that what these laws effectively are saying is that one group is more worthy of protection and care than another. Critics also wonder why anger/hate is more punishable than other motives such as greed. Although there has been (and still is) debate about hate crime laws, the mere fact that they exist in several countries around the world, as well as within the United States, indicates that reasoning in favor of these laws has outweighed that against them.

### Federal and State Hate Crime Laws

Hate crime laws in the United States exist at the federal and state levels. Although federal and state laws differ, most protected characteristics include race, national origin, ethnicity, and religion. Some laws also include sexual orientation, gender, gender identity, and disability. The federal hate crime system includes laws, acts, and data collection statutes. The current federal hate crime law permits federal prosecution of crimes committed based upon the victim's race, color, religion, or nation of origin when the victim is engaging in a federally protected activity (e.g., attending a public school; working at a place of employment). The Local Law Enforcement Hate Crime Prevention Act of 2007 (i.e., the Matthew Shepard Act), which is under consideration as of this writing, would extend the existing federal hate crime law to include crimes based upon the victim's gender, sexual orientation, gender identity, and disability, and would drop the existing requirement that the victim be involved in a federally protected activity. The Violent Crime Control and Law Enforcement Act of 1994 requires that the U.S. Sentencing Commission enhance criminal penalties (up to 30%) for offenders who commit a federal crime that was motivated by the victim's race, religion, color, national origin, ethnicity, gender, disability, or sexual orientation.

There are two federal data collection statutes. The first, the Hate Crime Statistics Act of 1990, requires that the U.S. Attorney General collect data on all crimes that are motivated by the victim's race, ethnicity, religion, sexual orientation, or disability. Since 1992, the Department of Justice and the Federal Bureau of Investigation (FBI) have jointly published hate crime statistics on an annual basis. The Campus Hate Crimes Right to Know Act of 1997 requires college and university campus security authorities to collect and report data on crimes committed on the basis of the victim's race, gender, religion, sexual orientation, ethnicity, and disability.

The majority of states have some sort of hate crime legislation, but it differs from state to state. For example, some states treat hate crimes as low-severity offenses, while other states have more general hate crime laws or sentence enhancing for crimes that are motivated by bias. In some states, maximum criminal sentences may be doubled, tripled, or increased even more for a hate crime. The states also differ in the subordinate groups that transform a general crime to a hate crime and as to what degree this bias must be shown (e.g., beliefs, character). All state statutes include at least race, religion, and ethnicity, but differ on inclusion of other subordinate groups. For example, about 70% of the states also include gender and sexual orientation, while fewer include disability, political affiliation, or age.

### Hate Crime Statistics

At the national level, data on hate crimes come from two principal resources: the Uniform Crime Reporting (UCR) Program and the National Crime Victimization Survey (NCVS). In addition, several anti-hate groups collect data and report rates of hate crime victimization at both the national and regional levels. It is important to note that each agency collects the data in a different manner and thus, each report varies in terms of rates, types, and focus of hate crime. For example, since the NCVS collects information through anonymous surveys, the rates of hate crime are significantly higher than the official police records reported in the UCR. Also, since state laws differ, what is considered a hate crime in one state may not be considered a hate crime in another state and therefore may not be counted in the UCR. Thus, data reporting sources differ on the number and types of hate crimes reported.

#### National Hate Crime Statistics Reported Through Summary UCR

Based on the hate crime reports from law enforcement agencies across the United States, the UCR data reflect aggregate frequencies of incidents, victims, suspected offenders, and categories of bias motivation. Since 1991, participation in the program has increased substantially from 29% to 85% of the United States population being represented. Nationally, the number of hate crimes reported has fluctuated between about 6,000 and 10,000 incidents annually since 1991 (U.S. Department of Justice, FBI, 2008).

Historically, racial animosity consistently has been the leading motivation for hate crime, followed by religious intolerance, and sexual orientation bias motives. According to the FBI's most recent report, *Hate Crime Statistics, 2006*, a total of 7,772 criminal incidents involving 9,080 offenses and 9,652 victims were reported in 2006 as a result of bias against a particular race, religion, sexual

orientation, ethnicity/national origin, or physical or mental disability. The majority of hate crime incidents, 51.8%, were motivated by racial bias, and an additional 12.7% were driven by hatred for a particular ethnicity or nationality. Roughly 19% were motivated by religious intolerance, and 15.5% were triggered by bias against a sexual orientation. One percent involved bias against physical or mental disabilities (U.S. Department of Justice, FBI, 2008).

Sixty-six percent of racial bias incidents were anti-black, and 22% were anti-white. Fifty-eight percent of ethnicity bias incidents were anti-Hispanic. Sixty-six percent of religious bias incidents were anti-Jewish, while 11% were anti-Islamic. According to data for the 7,330 known offenders reported in 2006, an estimated 58.6 percent were white, and 20.6% were black. The race of the offender was unknown for 12.9%, and other races accounted for the remaining known offenders. The majority (31.0%) of hate crime incidents in 2006 occurred in or near residences or homes; followed by 18.0% on highways, roads, alleys, or streets; 12.2% at colleges or schools; 6.1% in parking lots or garages; and 3.9% at churches, synagogues, or temples. The remaining 28.8% of hate crime incidents occurred at other specified locations, multiple locations, or other/unknown locations.

### **National Hate Crime Statistics Through NCVS**

On July 1, 2000, the Bureau of Justice Statistics (BJS), a branch of the U.S. Department of Justice, initiated the addition of new items to the National Crime Victimization Survey that are designed to uncover hate crime victimizations that go underreported to the police. The NCVS hate crime questions ask victims about the basis for their belief that the crime they experienced was motivated by prejudice or bigotry, as well as the specific behavior of the offender or evidence that may have led to the victim's perception of bias. Crimes reported to the NCVS—sexual assaults, robbery, assault, burglary, larceny, or vandalism—with evidence of hatred toward any of these specific groups are classified as crimes motivated by hate. However, NCVS does not include crimes covered by the UCR, such as murder, arson, commercial crimes, and crimes against children under the age of 12. In addition, the NCVS does not include reports of crime from institutions, organizations, churches, schools, and businesses, although persons involved in these entities are included. The data for hate crimes from the NCVS include information about victims, offenders, and characteristics of crimes—both crimes reported to police and those not reported (U.S. Department of Justice, BJS, 2008).

According to the Bureau of Justice Statistics special report on victims derived from the NCVS from July 2000 through December 2003, an annual average of 210,000 hate crime victimizations occurred. During that period, an average of 191,000 hate crime incidents involving one or more victims occurred annually in the United States. About 3%

of all violent crimes and 0.2% of all property crimes revealed to the NCVS by victims were perceived to be hate crimes. Victims also indicated that 92,000 of these hate crime victimizations (approximately 44%) were reported to police. That is, NCVS data indicate that the majority of hate crime victims, like victims of many other crimes, do not report the incident to law enforcement. When the victims themselves reported to police, they did so primarily to prevent the offender from committing further offenses (35%) and to obtain help from the police (33%).

### **Hate Crime Theory**

It is important to note that although several explanations may be applicable to prejudice and hate crime occurrence, no existing criminological theory can fully account for the transformation from prejudice into criminal behavior. Experts argue that in order to explain hate crimes, consideration of the interplay of a number of different factors (social, psychological, criminogenic, and contextual) as well as a wide range of aspects that contribute to hate crime (i.e., perpetrators' motives, victims' characteristics, and cultural ideologies about the victims' social groups) is necessary. The criminological theories most often employed to explain hate crime are group conflict theory, social learning theory, and strain theory.

### **Group Conflict Theory**

This theory is based on the fact that humans are more likely to have relationships with other humans holding similar presuppositions for the purpose of comfort, ease, and friendliness, which in turn contributes to the formation of "in-groups" and "out-groups." The formation and development of in-group loyalty serve strong individual desires for relationship and acceptance.

In-group versus out-group conflict strongly facilitates group cohesiveness, affiliation, and identity. In addition, such conflict increases out-group rejection, as revealed by group members' tendencies to stress between-group dissimilarities and ignore between-group similarities. Out-groups are often stereotyped, dehumanized, or perceived as dishonest or malicious, whereas the in-group is idealized as good, powerful, and wholly justified in its views and actions toward others. Previous research has consistently shown that organized in-group preferences and out-group prejudices, and sometimes hostilities, even when the out-group was one with whom in-group members had never met, had never interacted, and about whom they knew very little.

### **Social Learning Theory**

Social learning theories suggest that attitudes, values, and beliefs about individuals who belong to specific groups are learned through interaction with influencing

figures, such as peers and family who reward for adopting their views. Some of the literature on perpetrators of hate crimes stresses the impact of intimate acquaintances and family members, and the influence of localized social norms on the development of a child's prejudice. According to social learning theory, the attitudes of parents profoundly affect a child's prejudice, as a child grows up listening to those views. That is, prejudice toward specific targets is learned and reinforced through children's interactions with their parents, and those relations may even provide both justifications and rewards for committing acts of violence or harassment against out-group members.

### Strain Theory

Strain theory holds that crime is a product of the gap between the culturally emphasized goals (e.g., success, wealth, and material possessions) and the legitimate means available to individuals to achieve those goals (e.g., access to high-quality education, participation in social networks). While society by its very nature pressures everyone to achieve those valued goals, not everyone is able to legitimately achieve success because of unemployment, poor education, lack of skills, and so on. Those who are unlikely to legitimately achieve the goals valued by society, according to strain theory, would be placed under a "strain." In essence, then, the frustration, or strain, caused by the desire for "success" and the inability to achieve it legitimately gives rise to criminal behavior. It is achieving society's goals that is important and not the means of achieving them.

### Hate Crime Perpetrators

Although hate crime and prejudice theories provide hypotheses for why individuals develop hatred or biases toward others, there is little information on how this prejudice/bias translates into criminal or violent action. Research examining hate crime perpetrators has indicated the most common characteristic profile, situational factors associated with hate crime, an emerging typology, and knowledge of organized hate group members.

#### Characteristics of Hate Crime Perpetrators

Contrary to common belief, most hate crimes are not committed by people who belong to organized hate groups, but are generally perpetrated by individuals who are considered to be "average" teenagers or young adults. In fact, studies indicate that the most common profile of a hate crime perpetrator is that of a young, white male, who perpetrates with a small group of individuals, has had little previous contact with the criminal justice system, and is not a member of an organized hate group. Although examining overall data on hate crime perpetrators to form a

broad picture of the offender may be important, it is cautioned that not all such perpetrators fit this profile. For example, a percentage of hate crime perpetrators do belong to organized hate groups, are non-white, and range in age from teenage to older adult.

### Situational Factors Associated With Hate Crime

There are situational factors that seem to influence and interact with the human factors that affect the occurrence and the brutality of hate crime. These situational factors include that (a) the crime is often conducted in small groups, (b) the victim is most often a stranger, and (c) the crime is expressive (verbal harassment) rather than instrumental (physical aggression).

As previously mentioned, hate crimes are usually not committed by lone offenders, or by members of organized hate groups, but by small groups of young friends. This, coupled with the fact that most hate crime offenders do not have a history of hate crime perpetration, indicates that offender motivation for hate crime may have more to do with group dynamics than individual levels of bias or prejudice. Previous research on group and authority influence has unequivocally indicated its strong persuasive power. This strong influence stems from a few important dynamics. First, engaging in a group assault allows diffusion of responsibility. In other words, acting in a group allows each individual to "blame" the others and not take full responsibility for his or her actions or feel like he or she is anonymous. Second, since hate crime offenders are typically young males, there is a likelihood that each offender may attempt to impress the others as well as encourage another member in an effort to affiliate/identify with those individuals.

Two other factors that affect the brutality of hate crime are stranger victims and the motivation of offenders. Research indicates that it is much easier to dehumanize or hate a person who is not known personally. Thus, since hate crime perpetrators most often offend against strangers, this increases the likelihood that the victim will be dehumanized and hurt significantly more. In addition, since the motivation of the offenders is typically not instrumental (e.g., to gain money), there is no end point to the offending behavior. Offenses that are instrumental have a stopping point—the assault ends when the victim hands over his or her purse or wallet. Since hate crimes are expressive, there is no end point—making higher levels of brutality more likely.

### Emerging Typology

In recent years, researchers have begun to examine possible types of hate crime offenders. Thus far, four types of hate crime perpetrators have been identified: thrill seekers, reactive/defensive, mission, and retaliatory (McDevitt, Levin, & Bennett, 2002). The most common type of hate

crime offender is the thrill type. As stated previously, these are usually young males who act in groups. They do not belong to organized hate groups and describe their offense motivation as being bored or looking for some excitement. Although these individuals may have some level of prejudice/bias, their motivation seems to be influenced more by thrill seeking and peer influence. Studies indicate that this type of hate crime offender accounts for approximately two thirds of hate crimes.

The second type is the reactive or defensive type. This offender type commits a hate crime because the person feels that his or her rights or territory has been invaded. For example, the offender may engage in a hate crime because he doesn't feel like a subordinate group member should live in his neighborhood. The third type of hate crime perpetrator is the mission type. This type is the least frequent and usually includes those individuals who are organized hate group members on a "mission" to rid the world of what/who they consider to be immoral or wrong, or to keep a race "pure" and separate. The fourth type, the retaliatory type, commits hate crime in order to "get back at" or "get even with" a group because the perpetrator witnessed or heard of this group committing hate crime against his or her own group.

## Organized Hate Group Members

The Southern Poverty Law Center indicates that there are approximately 670 different hate groups in the United States. Most organized hate crime groups focus on one or more of the following: racial bias (e.g., anti-white or anti-black), religious bias (e.g., anti-Jewish or anti-Catholic), ethnic/national origin bias (e.g., anti-Arab or anti-Hispanic), or sexual orientation bias (e.g., anti-gay or anti-transgender). Although there is no single profile of an organized hate crime group member, research has indicated that it is not necessarily the individual's bias/prejudice that gets the person involved, but the need to affiliate. It seems an individual's need to belong may make the person more susceptible to recruitment and then, once a member, to become biased against particular groups. In other words, racism may not cause someone to join a hate group, but joining the hate group may cause racism.

## Hate Crime Victims

### Problems in Identifying Hate Crime Victims

While trends and patterns can be identified, it is impossible to know exactly what percentage of hate crimes get reported to police. In general, many victims of hate crimes do not report the crime. In addition, once a hate crime is reported, there remain problems in recording, processing, and accurately accounting for all hate crime.

There are a variety of reasons why victims of hate crimes may not report the offense to the police. Nonreporting of

hate crimes is primarily a consequence of lack of trust of the police, fear of discrimination, abuse and mistreatment by law enforcement, or belief that the police are not interested in investigating such crimes. Members of certain groups that are frequently targeted for hate crimes are particularly unlikely to report a hate crime because they have poor relations with the police. This situation is reflected in the huge differences in figures that are consistently found between official police records of hate incidents against blacks or homosexuals and national and local victim surveys.

Even when hate crimes are reported to the police, many potential barriers exist between the reporting of the crime, and the offender's eventual conviction and "counting" of the event as a hate crime. These potential barriers include police officer bias against victims and their avoidance of recording because of the additional paperwork required by the department's hate crime policy. In addition, what is and is not classified as a hate crime varies greatly across different states. The way that hate crime is defined by different jurisdictions greatly affects what, and how much, is recorded in the official figures. Therefore, there are serious difficulties in interpreting the data because important differences exist from officer to officer and agency to agency, as well as among the various states' records.

## Hate Crime Victim Types

Little is known about the experiences of hate crime victims. It is clear, however, that race is the most common motivation for hate crime in the United States, followed by religion and sexual orientation. Depending upon the particular state law, disabled individuals and women are also common victims of hate crimes.

### *Hate Crimes Based on Race and Ethnicity*

Racial and ethnic differences are by far the most common motivation for hate crime. Of the different races and ethnicities in the United States, African Americans have been the most common victims of hate crimes. In addition, hate crimes on the basis of ethnicity are far from rare. Americans of Hispanic/Latino, Asian, or Middle Eastern ancestries have been victimized because of their ethnicity, no matter how long their family may have lived in the United States. Hatred against these people has a long history in America. During the same time that blacks were being victimized in the South (following the conclusion of the Civil War and up to and including the 1960s), Asian Americans and Mexican Americans were receiving similar treatment in the West and Southwest. Official discrimination based on ethnic group membership went on throughout the 20th century and continues into the 21st.

### *Hate Crimes Based on Religion*

In reality, the boundaries between race/ethnicity and religion may be especially unclear. Agencies may have trouble

determining the group of the victim because individuals do not always fit neatly into predetermined categories. For example, in early United States history, Irish immigrants were discriminated against because of their adherence to Catholicism. However, it is clear that historically anti-Semitism has been the most universal, deep, and persistent ethnic/religious prejudice, even predating the formation of the United States. Although the situation in the United States was considerably better than in Europe, anti-Semitism was common and served as the core of almost all white supremacist doctrine in the United States as well.

Anti-Semitism is hardly extinct today. A prime factor that contributes to the continuing existence of anti-Semitism is the persistent belief by many non-Jews that Jews killed Christ. For members of the Christian Identity church, for example, hatred of Jews is not only acceptable, but it is actually required. Another factor contributing to modern-day anti-Semitism is Zionism. Many people equate Jews with Israel. When Israel takes action with which non-Jews disagree, such as Israel's treatment of Palestinians, some of the non-Jews blame all Jewish people.

Although anti-Semitism is the most common form of hate crime based on religion, since the attacks on the World Trade Center and the Pentagon of September 11, 2001, there has been a drastic increase in hate crimes against people of the Muslim faith in the United States. For example, during 2001 (after 9/11), about 480 incidents were anti-Islamic in nature (U.S. Department of Justice, BJS, 2008).

#### *Hate Crimes Based on Sexual Orientation and Gender Identity*

Similar to biases based on race and ethnicity, heterosexism remains persistent in the United States. Despite recent improvement in attitudes toward gays, antigay violence is still common and widespread. The official data imply that homosexuals are one of the primary victims of hate crimes. What is unique about sexual orientation and gender identity victims is that they can also be members of any of the groups discussed in this chapter, as well as be a minority within their own family.

Antigay ideology remains institutionalized throughout America. Those who are already homophobic can defend their behaviors as socially acceptable. To those who are not especially biased but who are seeking thrills and excitement, as appears to be the case with the majority of hate crime offenders, many believe that gays are suitable targets. Another influence on antigay sentiment is religion; many religious organizations continue to denounce homosexuality, and others have pursued a specifically antigay agenda. In many cases, antigay and antitransgender violence is probably also provoked by offenders' perceptions that gays have violated gender roles, as gay men have voluntarily relinquished the privilege of male domination over women. Heterosexual men's attitudes toward gay men are much more negative than those toward lesbians. Lesbians are seen as less threatening to masculinity and the male

gender role. Thus, homosexual and transgendered men are significantly more likely to be victims of hate crime than lesbians and transgendered women.

As of 2006, a total of 29 of the 48 states that have hate crime laws include sexual orientation and 7 include gender identity. In addition, there are currently no federal hate crime laws that protect victims based upon sexual orientation or gender identity, even though these hate crimes tend to be the most brutal and deadly. In fact, transgendered males are significantly more likely to be murdered than all other groups including African American males (U.S. Department of Justice, BJS, 2008).

#### *Hate Crimes Based on Disability*

Each year the FBI records few hate crimes that were perpetrated based on the victim's physical or mental disability. However, there is good reason to think that the true number is much higher. That is, some victims, especially those with mental disabilities, may be unable to report the crimes, police officers may be unlikely to categorize their victimization as a hate crime, and most states do not include disability in the law and therefore do not keep count of these crimes. Compared with all the other latent victims of hate crimes, disabled people are a highly vulnerable population. They are more likely to rely on other people who might take advantage of them for daily necessities, and they may be physically or mentally unable to protect themselves from predation. Some insist that crimes committed on the basis of disability should not be considered hate crimes because these offenders do not truly hate the victims; they are merely choosing them because they are vulnerable.

#### *Hate Crimes Based on Gender*

The inclusion of gender within hate crime laws has been controversial and currently is not included in federal law or in the UCR reporting of hate crime statistics. Some argue that there are potential dangers in treating gender-based crimes as hate crimes. One possibility is that, given the large number of rapes and domestic violence incidents, gender-based hate crimes could overwhelm the area of hate crimes, and other forms of bias-motivated crime might not get the attention they deserve. On the other hand, rape and domestic abuse, which surely merit consideration in their own right, could possibly receive less attention under the broader rubric of hate crimes.

## **Responding to Hate Crime**

Crimes motivated by hate and prejudice are nothing new; however, recent hate crime legislation has presented the criminal justice system and society with a unique type of offender. As stated previously, these crimes are distinctive in that they concern both criminal behavior *and* the motivation

behind the behavior. Thus, most agree that the criminal justice system needs to consider both when responding to this type of offender.

### Police Response to Hate Crime

Many, if not all, subordinate groups within the United States have had a number of hostile and prejudiced encounters with the police that have increased the likelihood that they will hold negative perceptions of law enforcement. Subordinate group members have reported feeling both under-protected and over-policed by law enforcement. The issue of the over-policing of minority groups can be traced back over the course of the past century when minority communities felt that the police used oppressive tactics and operations disproportionately targeted at minorities. Subordinate groups describe under-policing as law enforcement delaying their response to incidents, not doing enough to apprehend the offender, being disinterested and impolite, and making mistakes or handling matters badly. In other words, minority communities increasingly saw themselves as the targets of policing. Because trust and confidence in the police is lost, the minority groups do not turn to the police for assistance when they are subjected to ongoing violence and harassment. In fact, hate crimes in general are significantly underreported.

There are a number of positive activities that the police can undertake to improve their response to hate crimes. While the police cannot directly lessen hate, they can contribute considerably to the establishment of an environment that lessens the chance that hatred will result in interpersonal violence by providing a fair, effective, and open service to all members of their community. If the police can be fair, effective, and open, then it follows that subordinate group members will be more willing to report crimes as well as assist law enforcement efforts. In addition, if police utilize a deliberately broad and inclusive, but specific, definition of hate crime, it would restrict the discretion of individual officers and possibly encourage better recording of hate crimes. Several jurisdictions have responded to the need by requiring hate crime training while police officers are at the law enforcement academy, using specially trained investigators for hate crime, or forming specialist investigative units with officers dedicated to hate crime investigations.

### Courts' Response to Hate Crime

As with other types of crime, the courts main response to hate crime is to mete out punishment. However, since hate crimes include both motivation and illegal behavior, rehabilitation is also necessary. The following methods have been utilized or discussed as ways to work with the hate crime offender: the punishment model, the restorative justice model, counseling or education programs, and civil remedies.

Hate crime offenders can be responded to by simply placing them in prison as punishment. However, few believe that

prison punishment alone will be enough to increase the offender's tolerance of others—and may even increase a hate crime offender's bias, since most prison situations are quite segregated along racial and ethnic lines. In fact, many prisons are rife with hate group recruitment and membership. Most agree that some form of rehabilitation of the hate crime perpetrator in addition to the punishment is warranted.

The *restorative justice model* emphasizes the restoration of the victim and community as much as possible. One component of restorative justice includes victim-offender mediation. During mediation, the offender and victim come together; the victim has the opportunity to explain how the offense impacted him or her and ask any questions of the offender, and the offender has the opportunity to provide apologies and explanations. This offers the venue for the victim to speak of his or her experience and allows the offender to understand his or her impact on the victim and to obtain a more realistic picture of the victim (which is helpful because much prejudice against the victim is based on stereotypes and myths of that particular subordinate group). The goal is for the people involved to reach an agreeable reconciliation.

Another approach to rehabilitating hate crime offenders is to provide them with some sort of educational or *counseling* program. Depending on the offender's unique circumstances, the rehabilitation could involve several aspects such as diversity education, individual or group treatment of prejudice, mentorship of the offender by a member of the victim's subordinate group, and visiting relevant museums (e.g., the Holocaust Museum). Because a portion of hate crime offenders have a history of violence, it may be important to not only focus treatment on bias but also to provide anger management or interpersonal effectiveness treatment as a part of the offender's rehabilitation.

Finally, some states offer *civil remedies* to the victims of hate crime. For example, the state of Illinois offers victims of hate crimes free attorneys that will sue hate crime offenders for physical and emotional damage (in addition to free attorneys for criminal court). Previous victims of hate crimes have been successful at suing both hate crime offenders as well as organized hate groups to which the offender belonged.

### Preventing Hate Crime

While responding to hate crime involves working or dealing with offenders or victims once a crime has happened, preventing hate crime focuses on making appropriate changes in society that would prevent future violence related to hate and bias. Since it is known that individuals are not born with prejudice, bias, or hate—that these things are learned—it becomes obvious that these harmful attitudes and feelings can be prevented. Thus, educating individuals to value and embrace diversity would work to reduce prejudice and bias. Several anti-hate organizations



have developed in response to hate crime in order to track these crimes and offer prevention services.

### Preventing Hate Crime Through Education

Education and training of individuals to prevent future hate crime and decrease prejudice may take several forms, including school curriculum change, training for educators, specific classroom/school experiences and programs, and public awareness campaigns. Researchers, educators, and individuals who work with specific anti-hate groups have suggested curricula, programs, and exercises that have either been demonstrated to reduce prejudice or seem promising to do so.

Research indicates that typically a certain type of interaction is needed to change bias—specifically, individuals who are different from one another working together to complete a goal. For example, Jigsaw Classrooms have been developed and utilized that reduce stereotypes. In the Jigsaw Classrooms, children are placed in diverse small groups that require each child to “teach” the other children part of the lesson that they are required to learn. In order for the children to do well, they have to rely on the others in the group—as each student holds a piece of the “puzzle.” Examining the effectiveness of this technique has indicated it serves to help the children’s willingness to work together, increase friendship between diverse students, and increase subordinate group children’s grades.

An increasingly popular way to reduce hate and bias has been through public awareness campaigns. These campaigns may consist of mass media publicity (e.g., MTV playing *The Matthew Shepard Story* and listing names of hate crime victims as part of an anti-hate campaign) or specific drives by independent organizations, advocacy groups, or government or law enforcement agencies. These campaigns and drives may provide information and awareness through literature, media programming, advertising, and fund-raising. Research has generally indicated positive outcomes from these types of campaigns.

### Anti-Hate Organizations

As there are several hundred organized hate groups, fortunately there are also numerous organized anti-hate groups. These anti-hate organizations range from local and regional to national and international groups. The largest of them will be discussed briefly.

Partners Against Hate (PAH) is an organization funded by the U.S. government that offers education and tools for young people and professionals who work and interact with youth, parents, law enforcement officials, educators, and community leaders. The Partners Against Hate Web site provides numerous links to educational materials, training programs, and tools for individuals interested in reducing bias and hate.

The Anti-Defamation League (ADL) is a Jewish group initially founded in 1913 to reduce Jewish stereotypes and

prejudice. During the 1960s, the ADL broadened its scope to include civil rights issues. Today, the ADL is one of the United States’ largest civil rights/human relations agencies that fight anti-Semitism and all forms of bigotry. The ADL develops materials, programs, and services through over 30 regional and satellite offices throughout the United States and abroad.

The Southern Poverty Law Center (SPLC) was founded in 1971 as a civil rights organization. The SPLC is headquartered in Alabama and monitors organized hate. As the organization was founded by two civil rights attorneys, the SPLC has provided legal counsel in a number of prominent cases against white supremacists and hate group organizations. Since its development, the organization has also become active in educational efforts through publishing resources for educators, parents, and children. The SPLC publishes a semiannual magazine aimed at teachers called *Teaching Tolerance*.

The National Gay and Lesbian Task Force (NGLTF) was founded in 1973 to promote the civil rights of gay, lesbian, bisexual, and transgendered people. This organization tracks antigay and -transgendered violence, advocates for rights, and provides educational activities and information. The NGLTF’s Web site provides information on each state’s legal issues related to the rights of gays and lesbians, information on gay violence and hate crime in general, and links for several informational documents and manuals.

The Simon Wiesenthal Center (SWC) was founded in 1977 by a rabbi who was a Holocaust survivor and is an international Jewish human rights organization. This anti-hate organization focuses its efforts on education by operating the Museum of Tolerance in Los Angeles, California. The SWC also offers training to educators and law enforcement officials on diversity and hate crime.

There are several other anti-hate organizations and agencies throughout the United States that focus both generally on combating hate and specifically on particular hate problems. For example, the American-Arab Anti-Discrimination Committee (ADC) is committed to empowering Arab Americans, defending the rights of Arab Americans, and advocating a balanced Middle East policy. The Mexican American Legal Defense and Educational Fund (MALDEF) works to foster sound public policies, laws, and programs to safeguard the civil rights of Hispanics/Latinos living in the United States and to empower that community to fully participate in U.S. society. All of these organizations, big and small, work to offer knowledge and aid to diverse groups within the United States and to serve communities by providing resources.

### Conclusion

Hate crime is defined as an illegal act against a person, institution, or property that is motivated, in whole or in part, by the offender’s bias against the victim’s group membership. Although hate crime is a relatively new category

of crime, the United States has a long history of biased actions against individuals because of their race, ethnicity, religion, sexual orientation, gender identity, disability, and gender. Since the late 1980s and early 1990s, the federal government and states have collected data on hate crime occurrences as well as developed specific laws against such crimes. There are differences between the federal and state laws as well as differences among the states. Most differences include varied group coverage in the law. Because of these differences and the underreporting of incidents, the true rates remain unknown.

Research in the last few decades has indicated that African Americans are the most likely victims of hate crime in the United States, followed by people of the Jewish faith and individuals of differing sexual orientation or gender identity. Initial typology study has indicated the most common type of hate crime offender commits hate crime because of thrill/excitement, followed by defensive, retaliatory, and mission reasons. Research has also specified that the most common hate crime perpetrator is a young, white male, who is not associated with an organized hate group. Research also shows that brutality is more likely for this crime because of the group perpetration, victims are typically strangers, and the crime is expressive rather than instrumental in nature.

Law enforcement, the overall criminal justice system, and anti-hate organizations have developed programs and tools to help respond to and prevent hate crime. For example, several police agencies have developed hate crime teams, several jurisdictions require treatment for hate crime perpetrators, and both national and regional anti-hate organizations have developed Web sites to provide communities with information and aid in the prevention of these horrific crimes. It is encouraging to know that as hate organizations have developed over the United States' history, so too have anti-hate groups that work just as hard in prevention.

## References and Further Readings

- Allport, G. W. (1954). *The nature of prejudice*. Reading, MA: Addison-Wesley.
- Anti-Defamation League: <http://www.adl.org>
- Brown, R. (1995). *Prejudice: Its social psychology*. Oxford, UK: Blackwell.
- Craig-Henderson, K., & Sloan, L. R. (2003). After the hate: Helping psychologists help victims of racist hate crime. *Clinical Psychology: Science and Practice*, 10(4), 481–490.
- Deane, C., & Fears, D. (2006, March 9). Negative perception of Islam increasing. *Washington Post*, 1.
- Dovidio, J. F., Gaertner, S. L., Kawakami, K., & Hodson, G. (2002). Why can't we just get along? Interpersonal biases and interracial distrust. *Cultural Diversity and Ethnic Minority Psychology*, 8(2), 88–102.
- Gaylin, W. (2003). *Hatred: The psychological descent into violence*. New York: Public Affairs.
- Gerstenfeld, P. B. (2004). *Hate crimes: Causes, controls, and controversies*. Thousand Oaks, CA: Sage.
- Gerstenfeld, P. B., & Grant, D. R. (2004). *Crimes of hate: Selected readings*. Thousand Oaks, CA: Sage.
- Grattet, R., & Jenness, V. (2001). Examining the boundaries of hate crime law: Disabilities and the "dilemma of difference." *Journal of Criminal Law and Criminology*, 91, 653–697.
- Grieve, J. (2004). The investigation of hate crimes: Art, science or philosophy? In N. R. J. Hall, N. Abdullah-Kahn, D. Blackburn, R. Fletcher, & J. Grieve (Eds.), *Hate crime*. Portsmouth, UK: Institute of Criminal Justice Studies.
- Hall, N. (2005). *Hate crime*. Devon, UK: Willan.
- Harlow, C. W. (2005, November). *National Crime Victimization Survey and Uniform Crime Reporting: Hate crime reported by victims and police* (NCJ 209911). Washington, DC: Bureau of Justice Statistics.
- Herek, G. M., Gillis, J. R., Cogan, J. C., & Glunt, E. K. (1997). Hate crime victimization among lesbian, gay, and bisexual adults: Prevalence, psychological correlates, and methodological issues. *Journal of Interpersonal Violence*, 12(2), 195–215.
- Levin, J. (2007). *The violence of hate: Confronting racism, anti-Semitism, and other forms of bigotry* (2nd ed.). Boston: Allyn & Bacon.
- McDevitt, J., Levin, J., & Bennett, S. (2002). Hate crime offenders: An expanded typology. *Journal of Social Issues*, 58(2), 303–317.
- National Gay and Lesbian Task Force: <http://www.thetaskforce.org>
- Nolan, J. J., & Akiyama, Y. (1999). An analysis of factors that affect law enforcement participation in hate crime reporting. *Journal of Contemporary Criminal Justice*, 15, 111–127.
- Partners Against Hate: <http://www.partnersagainsthate.org>
- Petrosino, C. (1999). Connecting the past to the future: Hate crime in America. *Journal of Contemporary Criminal Justice*, 15(1), 22–47.
- Shenk, A. H. (2001). Victim-offender mediation: The road to repairing hate crime injustice. *Ohio State Journal on Dispute Resolution*, 17, 185–217.
- Simon Wiesenthal Center: <http://www.wiesenthal.com>
- Southern Poverty Law Center: <http://www.splcenter.org>
- Torres, S. (1999). Hate crimes against African Americans: The extent of the problem. *Journal of Contemporary Criminal Justice*, 15(1), 48–63.
- U.S. Department of Justice, Bureau of Justice Statistics. (2008, April). *Crime and victims statistics*. Retrieved July 10, 2008, from <http://www.ojp.usdoj.gov/bjs/cvict.htm>
- U.S. Department of Justice, Federal Bureau of Investigation. (2008). *Uniform Crime Reports: Hate crime statistics*. Retrieved July 10, 2008, from <http://www.fbi.gov/ucr/ucr.htm>
- Wang, L-W. (2002). Hate crime and everyday discrimination: Influences of and on the social context. *Rutgers Race and Law Review*, 4, 1–31.

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## HOMICIDE

AMY RECKDENWALD

*Florida Atlantic University*

KAREN F. PARKER

*University of Delaware*

Criminal homicide is classified by the Uniform Crime Reporting (UCR) Program as both murder and nonnegligent manslaughter or as manslaughter by negligence. Homicide research generally examines murder and nonnegligent manslaughter, defined as the willful killing of one by another. Justifiable homicide, manslaughter caused by negligence, suicide, or attempts to murder are not included in this definition. For UCR purposes, justifiable homicide is limited to the killing of a felon by an officer in the line of duty or the killing of a felon, during the commission of a felony, by a private citizen. Manslaughter by negligence is the killing of a human being by gross negligence.

When researching homicide, scholars generally utilize two national sources of homicide data—the Uniform Crime Reporting Program of the Federal Bureau of Investigation (FBI) and mortality files from the Vital Statistics Division of the National Center for Health Statistics (NCHS). These two data sources vary greatly in the information collected.

The UCR is an official source of crime statistics based on reported crimes. That is, it is based on the number of arrests voluntarily reported to the FBI by law enforcement agencies. These crimes include murder, rape, robbery, aggravated assault, burglary, larceny-theft, vehicle theft, and arson. In addition to monthly criminal offense information compiled for UCR purposes, law enforcement agencies submit supplemental data to the FBI on homicide.

Supplemental Homicide Reports (SHRs) contain supplemental information on homicide incidents. SHRs include detailed, incident-level data on nearly all murders and nonnegligent manslaughters that have occurred in the United States in a given year. These reports contain information for each homicide incident, including information on trends, demographics of persons arrested, and the characteristics of the homicide (i.e., demographics of victims, victim–offender relationships, weapon used, and circumstances surrounding the homicide).

Though a rich source of homicide data, the UCR Program has weaknesses of which researchers are well aware. Missing information regarding the homicide incident is problematic in the UCR and probably its main weakness. This may be due to the fact that participation by police agencies in the UCR Program is completely voluntary. Therefore, some law enforcement agencies fail to report their homicide incidents to the FBI or fail to fully record all relevant information. Despite this fact, official sources like the Bureau of Justice Statistics (BJS) have found that the SHRs are just over 90% complete. Though the coverage is high, there are still a number of homicides that go unaccounted for. Some researchers have taken steps to correct for underreporting by law enforcement agencies by statistically adjusting for the total number of homicide incidents reported to the UCR (see Fox, 2004). The ability to adjust for missing data based on known homicide cases has increased the popularity of this data source among

researchers. However, one growing problem, particularly with homicide offender information, is the increase in the number of unsolved or uncleared murders by police agencies. Stranger homicides take longer to clear by arrest and therefore often get submitted as “unknown.” Ignoring homicides with missing offender information understates homicide offending. Thus, there is greater dependency on researchers to use weighting strategies that statistically adjust for missing offender data (see Fox, 2004, for a detailed discussion of this specific issue).

The mortality reporting system is far simpler compared to the UCR. In this system, homicide information is gathered by medical examiners in the completion of standardized death certificates. Once verified, death certificates are entered into a national mortality dataset by the NCHS. According to the NCHS, these data represent at least 90% of all homicides that have occurred in the United States. This type of data contains information on the victim of the homicide. Victim information includes demographics, occupation, education, time of death, place of death, and cause of death. Just as seen for the UCR, there are weaknesses in mortality data such as omissions and under-reporting. Unfortunately, for a variety of reasons not all death certificates are received by NCHS, and in some incidents information on death certificates is not entered into mortality figures. In addition, unlike with the UCR, offender information is not available and unable to be collected. Even with these notable limitations, homicide remains the most accurately measured and reported offense relative to other types of criminal offenses.

One of the reasons these data issues are so critical is that researchers and policymakers are interested in documenting and understanding the changes in homicide offending over time. That is, researchers and policy makers alike want to know how much homicide offending is occurring, why homicides occur and if the level of homicide offending is increasing or decreasing in certain areas (i.e., states, cities, or counties) over time.

## Homicide Trends Over Time

One of the most remarkable findings in the study of urban violence is that homicide rates fell sharply in U.S. cities in the 1990s. In fact, homicides plunged to their lowest point in 35 years, making this drop critical to any discussion of homicide. That is, any effort to understand homicide requires an examination of homicide trends over time, particularly this rather remarkable, unexpected crime drop of the 1990s. To that end, this chapter will provide statistical information on urban homicide trends since the 1980s, drawing specifically on SHRs. After documenting some important changes, some of the leading explanations for the crime drop will then be outlined, to give the reader an understanding of the level and nature of work being conducted to understand this precipitous decline.

## The Crime Drop

Researchers use time series data of total homicide rates to document the crime drop. As stated in the introduction, homicide is the most accurately measured and reported offense, making it the best benchmark when trying to illustrate changes in criminal offending over time. In addition, homicide is the most serious crime, leading it to be the most widely used among academicians. For these reasons and others, homicides provide a useful and accurate account of crime trends.

Time series data show that homicides averaged 19.0 per 100,000 population in 1980, and rates tended to fluctuate between 19 and 22.5 until 1991, when homicides peaked (22.5 per 100,000 population). That is, examination of SHR data reveals that homicides dropped by 20% from 1980 to 1985, but then rose by 47% from 1985 to 1991. Starting in 1991, homicides started a steady decline until 2000, falling to their lowest rate in 2000, or a drop of 46%. Since 2000, the rate of homicide has been largely stable until 2006 or so when an increase was observed. Overall, SHR data have documented a dramatic rise in homicides in the late 1980s, followed by the precipitous decline in the 1990s. This incredible crime drop has gained widespread attention as scholars have searched for answers (FBI, 2008).

## Explanations for the Crime Drop

The drop in homicide rates occurred without warning, leading to an explosion of newspaper articles, TV reports, and other media accounts. Scholarly attention soon followed with a list of potential explanations, including greater police presence, prison expansion, reduced handgun availability, tapering drug (specifically crack cocaine) markets, gains in the economy, and age shifts in the population (Blumstein & Wallman, 2001). While the list continues to grow, some of the explanations receiving the greatest attention in the literature are outlined below.

*Rise in Imprisonment Rates.* An understanding of the changes in crime rates cannot occur without some consideration of the political and legal context of the time period. The enormous growth in “get tough on crime” policies that began in the 1970s is no exception. The expansion of the incarcerated population started in the mid-1970s, and by 2000 more than 2 million persons were incarcerated—4 times the prison population of 1970. Because the rise in incarceration rates corresponds closely with the decline in homicide rates, some researchers linked the two. For example, while homicides were dropping from 1991 to 2001 in large cities, the Bureau of Justice Statistics reports incarceration rates rose by 54.2% during this time period (a rate change of 310 to 478 per 100,000 residents nationally). The rise in incarceration, backed by structured sentencing (i.e., “get tough” on violent and drug-related criminal offenders) and other conservative criminal justice policies, is one of

the longest trends documented in the literature. Given the steady and prolonged trends in both rates of violence and incarcerations, it is not surprising that a number of scholars argue for the association between the two.

*Increase in Police Presence.* One response to rising crime rates is to hire more police officers. There is evidence that this was indeed a response to crime trends based on annual figures in the UCR. These reports tell of more police on the street, particularly in the 1990s when the FBI reports an extra 50,000–60,000 officers nationally (Levitt, 2004). On average, the police force size was 236.1 per 100,000 city residents in 2000, up from 206.9 per 100,000 persons in 1980 in large U.S. cities (Parker, 2008). These trends provide scholars with reasons to argue that increasing police presence is a likely predictor of the crime decline in the 1990s.

*Diminishing Drug Markets.* A link between violence and illicit drug markets is another major theme in the crime drop debate. Crack cocaine markets, which grew throughout the mid-1980s and peaked in the early 1990s, were related to homicide trends during this same time period (Blumstein, 1995). In fact, researchers found that drug markets contribute to violence, and studies have pointed to crack cocaine patterns specifically as related to trends in urban violence (Blumstein & Rosenfeld, 1998; Cook & Laub, 1998; Goldstein 1985). While determining how to best capture the impact of drug markets has hindered much of this research, police arrests for drug (specifically cocaine) sales represent one way to tap the level of drug activity in a given area or city. The UCR has shown that drug arrests for sales/manufacturing have exploded, growing by two and a half times from 1982 to 2003 alone (from 137,900 to 330,600). Thus, evidence of the waning crack market in the 1990s, or at least the growing enforcement of drug sales in recent times, has placed drug markets at the forefront of the crime drop debate.

*Improving Economy of the 1990s.* The link between economic factors and crime cannot be understated, so it comes as no surprise that the economic improvements of the 1990s have gained attention as a plausible explanation for the crime decline. In fact, in accord with labor statistics, the unemployment rate rose during the recessions of the early 1980s and early 1990s, recovering after both periods. On the other hand, the unemployment rate steadily declined throughout the 1990s, where employment gains for males and females correspond to the crime drop of this period. The unemployment rate alone fell from 6.8 in 1991 to 4.8 in 2001 (a drop of 30% in 10 years). Other economic performance indicators suggest better times for many Americans in the 1990s, as well as growth in major industries like information technology and services. Given that the 1990s mark a time of sustained economic growth and prosperity, these economic improvements are likely contributors to the crime drop.

*Guns and Gun Control Policies.* Finally, while explanations derived from guns and gun control policies drew a lot of attention early in the crime drop debate, mainly because such a large percentage of homicides are gun-related (Cook & Laub, 1998), interest in this explanation has diminished over time. The early interest in the relationship between violent crime and firearms made sense—the rate of violent crimes committed with firearms rose in the 1980s and 1990s and subsequently dropped. But over time, scholars have downplayed the degree to which gun control and concealed weapon laws contributed to the crime drop (Levitt, 2004). For example, some researchers found that the percentage of total killings by young males remained stable during the time of the crime drop, which was troubling since young males are much more likely to use a gun in a homicide than others, and other researchers discovered that the passage of the Brady Act gun control legislation in 1993 had no influence on homicide trends. Adding to the downfall of this explanation, researchers evaluating gun buyback programs and other gun control policies found that these programs also had little to do with reduction in gun violence. Even the highly publicized concealed weapon laws link to lower violent crime came under scrutiny (Lott & Mustard, 1997) when researchers revealed that the decline in crime actually predated the passage of many concealed weapon laws.

Since many of these explanations represent early responses to the crime drop, the chapter will now turn to more recent trends in the study of homicide. Clearly understanding homicide trends, particularly the crime drop of the 1990s, remains a critical focus. Moving beyond time series data of total homicide rates, scholars have acknowledged that since homicide trends differ across groups (Blumstein & Rosenfeld, 1998; Cook & Laub, 2002; Parker, 2008), these characteristics need to be accounted for in the crime drop debate. Current examples include Heimer and Lauritsen's (in press) examination of trends in violence against women; LaFree, O'Brien, and Baumer's (2006) exploration into racial patterns in arrest rates for multiple violent offenses; and Parker's (2008) effort to account for the role of local labor markets in the study of race-specific homicide trends since the 1980s. All of these efforts acknowledge the diversity in the American population, including the differential levels of involvement in violence by the various groups, and argue that accounting for the differences across groups will advance understanding of the crime drop. To illustrate, a closer look at homicide trends is offered, involving two specific characteristics—racial groups and intimate partners.

## Race-Specific Homicide Trends

As described, the changes in total homicide rates since the 1980s were dramatic, particularly the now well-documented decline of the 1990s. But the reality is that the trends are

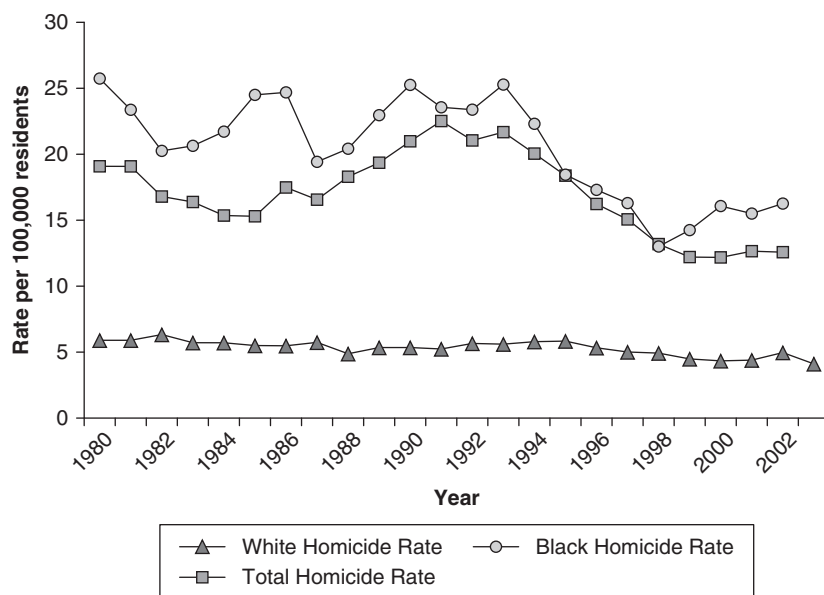
even more striking when separated by racial groups during this time period. When homicide trends are examined for whites and blacks separately, for example, two important differences are revealed. First, the homicide victim rate among blacks is much higher, with more extreme peaks and drops than the white homicide rate or the total homicide rate (see Figure 58.1). In fact, the black homicide rate was 25.8 in 1980, as compared to 19.0 per 100,000 city residents for total homicide. Between 1980 and 1985, the drop in black homicide rates is similar to the rate drop in total homicides (16% versus 20%, respectively). The exception is a large dip in black homicide rates in 1987 (19.43 per 100,000 population). By the 1990s, however, the crime drop in black homicide rates was considerable in magnitude, marking a 45% drop; that is, the rate was nearly cut in half. Subsequent years, on the other hand, show an increase in black homicide rates during the 2000s (approximately ranging from 14.4 to 16.5 per 100,000).

Second, the change in white homicide rates over time is modest, to say the least, suggesting stability rather than variability when compared to black homicide rates and total homicide rates. That is, white homicide rates peaked in 1980, reaching a rate of 5.89 per 100,000 white residents, while in comparison, the total homicide rate peaked in the early 1990s. From 1980 to 1985, white homicide rates dropped 6.8% (from 5.89 to 5.49) and then dropped again in the late 1980s (a 4.5% drop), only to continue to descend throughout the 1990s and into 2000 by another 17%. This drop was far lower in magnitude when compared to total and black homicide rates. Overall, then, white homicides averaged 5 per 100,000 white residents throughout the 1980s and into the 1990s. By 1998, white

homicide rates dropped below 5 per 100,000 white residents for the first time, staying in the mid to low 4s since then (Parker, 2008). Thus, among the notable differences in white homicide rates is the lack of a peak around 1991 and little to no change in offending rates throughout the 1990s. On the other hand, there were considerable shifts and fluctuations in the rates for black homicide rates and total homicide rates over the last three decades. These trends, specifically the differences across racial groups, required researchers to move the discussion away from total homicide rates. Furthermore, it drew attention to whether white and black homicide rates were converging for the first time.

### Divergence or Convergence

The racial patterns in homicide trends reveal some interesting findings. First, the trends in black and total homicide rates are similar over time, but white homicide rates follow a different pattern. That is, while both black and total homicide rates experienced a decline in the early 1980s, followed by increases in the late 1980s, only to drop again in the 1990s, the decline in white homicide rates was more modest and steady over the 24-year period. An equally important issue is whether the racial gap in homicide is persisting or narrowing over time. Recent evidence suggests that the racial gap has indeed narrowed, and the racial disparities between groups have declined with the crime drop. That is, by examining the racial difference in homicide offending rates (based on the ratio of black to white homicide rates), it is now known that both black and white homicide rates decreased in the late 1990s and that the racial gap between these groups also narrowed considerably (in fact,



**Figure 58.1** Homicide Rate per 100,000 Residents in Total and by Race, 1980–2003 (Adjusted Supplemental Homicide Reports)  
 SOURCE: Parker, K. F. (2008). *Unequal Crime Decline*. New York: New York University Press.

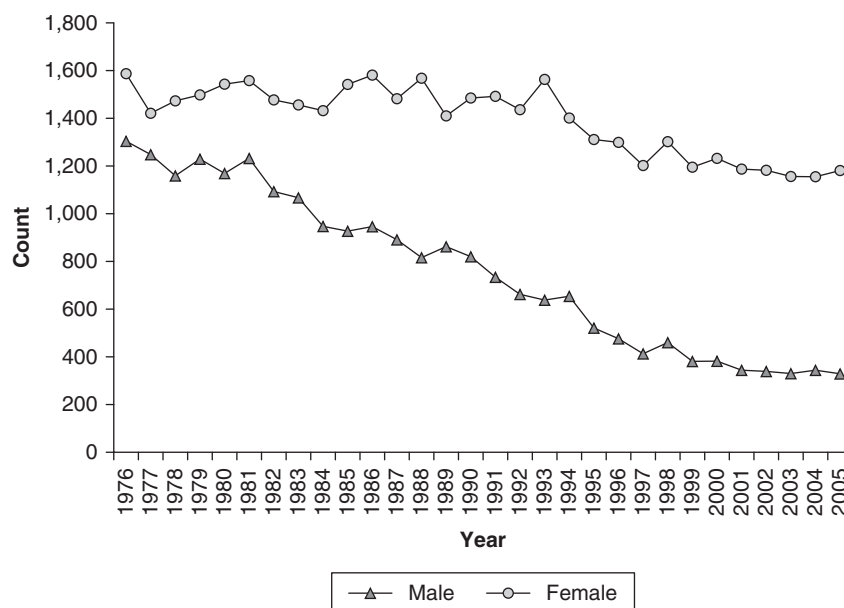
by approximately 37%). This is an important reality about homicide that only recently gained attention, largely due to the work by LaFree et al. (2006), and it cannot be understated. In LaFree et al.'s work, they reveal that the black–white gap in violence was exceptionally high during the 1960s, but that gap has decreased over time. They argue that the narrowing of the racial gap is likely linked to the narrowing of crime-generating structural characteristics, such as social and economic indicators. According to LaFree et al., only by examining homicide trends separately by racial groups is it apparent that the racial gap has narrowed. Furthermore, evidence has surfaced that the narrowing of the gap is largely attributed to the rapid decline in black homicide rates during the 1990s, more than to any changes in white homicide rates (see Parker, 2008). This finding alone adds considerable weight to the efforts to diversify the study of homicide.

### Intimate Partner Homicide Trends

Intimate partner homicide has also gained attention in recent years, partly because of the efforts by feminist scholars to bring awareness to violence among intimate groups. While intimate partners (i.e., spouses, ex-spouses, boyfriends, and girlfriends) make up approximately 11% of all homicides, females are much more likely to be killed by an intimate partner than males. According to the

Bureau of Justice Statistics, while both the number of male and female victims of intimate partner homicides dropped from 1976 to 2005, the number of males killed by an intimate partner had the most significant drop (75%) since 1976. On the other hand, the decline for females killed by an intimate partner was only witnessed after 1993 (see Figure 58.2).

As research in this area grows, descriptive accounts reveal that intimate partner homicide trends differ not only by the gender of the victim and offender, but also by the type of victim–offender relationship and the race of the victim (Browne & Williams, 1993; Gallup-Black, 2005; Puzone, Saltzman, Kresnow, Thompson, & Mercy, 2000). Essentially, while total intimate partner homicide has decreased over time, much like total homicide rates, once these rates are examined separately by gender, relationship type, or race, significant differences emerge. For instance, males have experienced a greater decline in intimate partner homicide victimization than females, and blacks more so than whites. In addition, intimate partner homicide among married persons has decreased, but homicide involving nonmarried persons has increased over time. In fact, the rise in nonmarried intimate partner victimization is most pronounced among white females. A number of reasons for the specific trends in violence among intimate partners, particularly the differences across gender and relationship type over time, have been offered. Some of these explanations are outlined here.



**Figure 58.2** Intimate Partner Homicides by Gender, 1976–2005

SOURCE: Federal Bureau of Investigation. (2008). *Supplemental Homicide Files*. Washington, DC: Bureau of Justice Statistics.

## Exposure Reduction

The exposure reduction hypothesis proposes that factors that reduce the exposure or contact between violent intimate partners should decrease the probability of intimate partner homicide, because the opportunity for violence would be removed. A number of factors have been examined to determine the exposure reduction effects on intimate partner homicide. These factors include access to domestic violence resources, declining domesticity, and improved economic status of females.

Access to domestic violence resources, specifically the availability of legal (i.e., presence of statutes pertaining to domestic violence) and extra-legal services (i.e., number of shelters and other programs), is related to the decline in the rates of female-perpetrated intimate partner homicide, but less so for male-perpetrated intimate partner homicide (Browne & Williams, 1989; Dugan, Nagin, & Rosenfeld, 1999, 2003). On the other hand, research has also shown that some domestic violence resources (e.g., prosecutors' willingness to prosecute) have the unintended consequence of putting women more at risk for intimate partner homicide victimization (Dugan et al., 2003). Because the role of domestic violence resources has been largely inconclusive, increasing divorce rates, declining marriage rates, an improved economic status of women, as well as other economic conditions, have received attention, partly because they consistently have been found to predict intimate partner homicide (Dugan et al., 1999, 2003; Reckdenwald, 2008; Rosenfeld, 1997).

Reflecting a decline in domesticity, rising divorce rates and the general trend toward declining marriage in the United States have surfaced as strong predictors of intimate partner homicide largely because these factors reduce the exposure to violence. For instance, divorce rates would result in fewer married couples living together and would therefore reduce the exposure of violent couples. The same idea applies to falling marriage rates, which would reduce the exposure of violent couples because fewer individuals would be getting married and living together. Rosenfeld (1997) examined intimate partner homicide trends in St. Louis, Missouri, and found that 30% of the decline in African American spousal homicides was attributable to falling marriage rates and rising divorce rates.

However, decreasing marriage rates may mean that more individuals are cohabitating without getting married. Cohabitation has been shown to be an important risk factor in intimate partner homicide. Wilson, Johnson, and Daly (1995) found that females that cohabit with their partner are 9 times more likely to be killed by their intimate partner than are married females. Interestingly, other researchers have found that cohabitating men with female partners are 10 times more likely to be victims of intimate partner homicide compared to men in married relationships.

Improvement in the economic status of women has an exposure-reducing effect, reducing the rates of intimate

partner homicide. Improvements such as higher educational attainment, income, and employment increase the opportunities available to women, and thus reduce the likelihood that they will resort to killing their male partners. Dugan et al. (1999) found that females' improved status was associated with a reduction in intimate partner homicide victimization, particularly male intimate partner homicide victimization. That is, the increase in females' relative income is associated with a decline in married female-perpetrated homicide. Furthermore, an increase in females' relative educational attainment is associated with a decline in nonmarried male victimization. They suggest that "more educated women are better able, and perhaps more willing, to exit violent relationships and thus avoid killing their partner" (pp. 204–205).

## Backlash or Retaliation

While research has shown the importance of reducing the exposure between intimate partners in violent relationships, it is well-known that the highest risk for homicide is when the victim leaves the relationship, and this is especially true for females who are killed by their male partners (Block, 2000). Thus, retaliation by the abusive partner from domestic violence interventions is another important consideration. Dugan et al. (2003) found a retaliation effect where domestic violence resources actually increased homicide between intimate partners because they failed to effectively reduce exposure between intimate partners. In fact, the prosecutor's willingness to prosecute violators of protection orders, though intended to reduce exposure between violent intimate partners, actually caused a retaliation effect where homicide increased for married and unmarried white females and African American unmarried males. They concluded that "being willing to prosecute without providing adequate protection may be harmful" (p. 192). Reckdenwald (2008) also found that the number of shelters per 100,000 females was significantly related to intimate partner homicide. Despite all the efforts to increase shelter availability to females in violent relationships, it appears that the increase in availability is actually associated with an increase in intimate partner homicide. For instance, in 1990 and 2000, the increase in the shelter rate was related to an increase in male-perpetrated intimate partner homicide. It was concluded that efforts to prevent domestic violence and homicide need to also provide adequate protection during times that are characterized by increased violence.

## Economic Deprivation

Aside from exposure reduction and retaliation effects, recent research has explored the link between economic deprivation and intimate partner homicide over time (Reckdenwald, 2008). The main idea is that, even though women have experienced improvements economically



since the 1960s, they still lag behind their male counterparts in regard to occupational prestige and income levels. Furthermore, women are much more likely to be impoverished than males. Economic deprivation arguments allows researchers to tap the influence of poverty, unemployment, and the dependency on public assistance on the trends in male- and female-perpetrated intimate partner homicides over time, particularly since patterns of intimate partner homicide involving males and females diverge over time. Reckdenwald (2008) found that cities that had the greatest levels of change in female poverty, unemployment, and public assistance from 1990 to 2000 were also areas that experienced significant changes in female-perpetrated intimate partner homicides, suggesting that trends in such homicide were largely influenced by persisting economic deprivation among females.

As noted, overall attempts to explain the different trends in male and female intimate partner homicide have examined a number of different factors, including domestic violence resources, declining domesticity, improving economic status of females, and economic deprivation. Though a conclusive explanation has not surfaced, separating homicide trends by gender and the victim-offender relationship gives a better understanding of the nature of the crime drop in the 1990s.

## Conclusion

The study of homicide invokes a scientific investigation of the frequency, nature, and causes of one human being killing another. As researchers explore criminal homicide, they tend to examine murder and nonnegligent manslaughter as defined by official sources (such as the UCR), which excludes justifiable homicide, manslaughter caused by negligence, suicide, or attempted murders. There are generally two national sources of homicide data—the Uniform Crime Reporting Program of the FBI and mortality files from the Vital Statistics Division of the National Center for Health Statistics. Even though these data sources are not without limitations, particularly as they relate to missing data on key characteristics of victims or offenders involved in these incidents, homicide remains the most accurately recorded and documented offense relative to other types of criminal behavior.

One of the most critical questions facing scholars and policymakers today is this: Why did homicide rates decline so considerably during the 1990s? As described here, UCR Supplemental Homicide Reports show that homicide rates fell sharply in U.S. cities in the 1990s. In fact, homicides were almost cut in half, declining approximately 46% during this 10-year period and plunging to their lowest point in 35 years. Scholars have offered a number of potential explanations, including greater police presence, prison expansion, reduced handgun availability, tapering drug (specifically crack cocaine) markets, gains in the economy, and age shifts in the population. Unfortunately, a lack of

data and other measurement issues restrict definitive tests of these ideas and explanations.

Because the reasons for the crime drop remain largely unanswered, scholars have moved toward both documenting the potential differences in homicide trends across specific groups and exploring the nature of homicide trends in more detail. Two examples of recent efforts are provided: (1) the study of racial patterns in homicide trends and evidence of a convergence in black and white homicide rates over time and (2) research on how homicide among intimate partners differ by gender of the victim, type of relationship, and race, and recent attempts to explain the different trends in intimate partner homicides over time. As these examples clearly show, total homicide rates mask the nature of the crime drop, ignoring the diversity in trends and differences in life circumstances across groups based on race, gender, and other characteristics. The reality of the crime drop and an understanding of homicide trends over time require moving beyond a general investigation of total homicide rates to explore homicides among distinct groups more closely.

## References and Further Readings

- Block, C. R. (2000). *The Chicago Women's Health Risk Study. Risk of serious injury or death in intimate violence: A collaborative research project* [Final report to the National Institute of Justice]. Retrieved February 1, 2009, from <http://www.icjia.state.il.us/public/pdf/cwhrs/cwhrs.pdf>
- Blumstein, A. (1995). Youth violence, guns, and the illicit-drug industry. *Journal of Criminal Law and Criminology*, 86(1), 10–36.
- Blumstein, A., & Rosenfeld, R. (1998). Explaining recent trends in U.S. homicide rates. *Journal of Criminal Law and Criminology*, 88, 1175–1216.
- Blumstein, A., & Wallman, J. (2001). *The crime drop in America*. New York: Cambridge University Press.
- Browne, A., & Williams, K. R. (1989). Exploring the effect of resource availability and the likelihood of female-perpetrated homicides. *Law and Society Review*, 23, 75–94.
- Browne, A., & Williams, K. R. (1993). Gender, intimacy, and lethal violence. *Gender & Society*, 7, 78–98.
- Cook, P., & Laub, J. (1998). The unprecedented epidemic in youth violence. In M. Tonry & M. H. Moore (Eds.), *Youth violence: Crime and justice* (Vol. 24, pp. 27–64). Chicago: University of Chicago Press.
- Cook, P., & Laub, J. (2002). After the epidemic: Recent trends in youth violence in the United States. In M. Tonry (Ed.), *Crime and justice: A review of research: Vol. 4* (pp. 1–37). Chicago: University of Chicago Press.
- Dugan, L., Nagin, D. S., & Rosenfeld, R. (1999). Explaining the decline in intimate partner homicide: The effects of changing domesticity, women's status, and domestic violence resources. *Homicide Studies*, 3, 187–214.
- Dugan, L., Nagin, D. S., & Rosenfeld, R. (2003). Exposure reduction or retaliation? The effects of domestic violence resources on intimate-partner homicide. *Law & Society Review*, 37, 169–198.

- Federal Bureau of Investigation. (2008). *Supplemental homicide files*. Washington, DC: Bureau of Justice Statistics.
- Fox, J. A. (2004). Missing data problems in the SHR. *Homicide Studies*, 8, 214–254.
- Gallup-Black, A. (2005). Twenty years of rural and urban trends in family and intimate partner homicide. *Homicide Studies*, 9, 149–173.
- Goldstein, P. J. (1985). The drug-violence nexus: A tri-partite conceptual framework. *Journal of Drug Issues*, 15, 493–506.
- Heimer, K., & Lauritsen, J. L. (in press). Gender and violence in the United States: Trends in offending and victimization. In R. Rosenfeld & A. Goldberger (Eds.), *Understanding crime trends*. Washington, DC: National Academy Press.
- LaFree, G., O'Brien, R., & Baumer, E. (2006). Is the gap between black and white arrest rates narrowing? National trends for personal contact crimes, 1960 to 2002. In R. Peterson, L. Krivo, & J. Hagan (Eds.), *The many colors of crime: Inequalities of race, ethnicity, and crime in America* (pp. 179–198). New York: New York University Press.
- Levitt, S. D. (2004). Understanding why crime fell in the 1990s: Four factors that explain the decline and six that do not. *Journal of Economic Perspectives*, 18, 163–190.
- Lott, J. R., & Mustard, D. B. (1997). Crime, deterrence, and right-to-carry concealed handguns. *Journal of Legal Studies*, 26, 1–68.
- Parker, K. F. (2008). *Unequal crime decline: Theorizing race, urban inequality, and criminal violence*. New York: New York University Press.
- Puzone, C. A., Saltzman, L. E., Kresnow, M.-J., Thompson, M. P., & Mercy, J. A. (2000). National trends in intimate partner homicide. *Violence Against Women*, 6, 409–426.
- Reckdenwald, A. (2008). *Examining trends in intimate partner homicide over time, 1990–2000*. Unpublished doctoral dissertation, University of Florida, Gainesville.
- Rosenfeld, R. (1997). Changing relationships between men and women: A note on the decline in intimate partner homicide. *Homicide Studies*, 1, 72–83.
- Wilson, M., Johnson, H., & Daly, M. (1995). Lethal and nonlethal violence against wives. *Canadian Journal of Criminology*, 37, 331–361.

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## ROBBERY

JOHN D. McCLUSKEY

*University of Texas at San Antonio*

The crime of *robbery* is defined by the Federal Bureau of Investigation (FBI, 2002) as “the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.” Concern over this crime and its consequences is so ubiquitous that Daniel Defoe, of *Robinson Crusoe* fame, opined about it hundreds of years ago. In the more modern era, some robbers were given heroic status, including Billy the Kid and, to some extent, John Dillinger and other outlaws who robbed banks in the 1930s.

The crime bridges the gap of violence and property crime as it, by definition, features a face-to-face confrontation between the perpetrator and the victim. The amount of violence and coercion that occurs in the context of robbery, however, varies quite widely across events that are labeled as robberies.

In this chapter, the measurement of robbery, robbery-homicides, victimization and its consequences, as well as types of robbery and robbers, are explored. As will become clear, the underlying phenomenon labeled as robbery is quite varied. Robbing banks, for example, requires a somewhat different approach from robbing a drug dealer. The outcomes of this crime, from reporting to authorities to clearing the crime by an arrest, are highly dependent upon the nature of the targeted victim. Similarly, a street robbery that features a gun will likely provoke different responses from a victim compared to one that features a perpetrator with no convincing means of making a lethal threat. Such

robbers may instead have to rely on assaults to convince victims that they “mean business.” These important dimensions of robbery are explored in detail below.

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### Measuring Robbery in the United States

The National Crime Victimization Survey (NCVS) and the FBI’s Uniform Crime Reports (UCR) seek to measure the annual number of robberies in the United States. These methods of data collection have different strengths and weaknesses for describing robbery patterns. Nevertheless, each contributes valuable information to the understanding of robbery.

The NCVS is a survey composed of a nationally representative sample of respondents who are asked directly about types of victimizations they may have suffered. This method, by virtue of directly soliciting information from citizens, therefore uncovers a substantial number of crimes that might otherwise go unreported to authorities. In particular, robberies by acquaintances and attempted robberies are much more prevalent in NCVS data when compared with official data sources. Clearly, some victims would seek to protect acquaintances from legal entanglements. Others may seek to avoid potential retribution from the perpetrator for informing police. Similarly, unsuccessful robberies, where no property is lost, may not be worth the victim’s time in terms of reporting. In addition, the robberies recorded in the NCVS involve far fewer guns than

those recorded by the police in the UCR. The official police data compiled in the UCR clearly suffer from non-reporting, which appears to be somewhat of a problem as only about 60% of victims report robbery victimizations to police (Hart & Rennison, 2003). Thus, the picture of robbery in the UCR tends to involve more gun robberies, many more completed robberies, and more robberies by strangers than the NCVS data depict.

To illustrate the data source differences, in 2006 the NCVS estimated that there were 645,950 personal, non-commercial robbery victimizations, and the UCR estimated about 261,000 such events for the same year. Thus, the nonreporting by victims and nonrecording or “unfounding” of robberies by police, where the investigation of the incident leads them to the belief that the event brought to their attention should not be classified as a robbery, both contribute to the differences in observed robbery levels in the United States across the two series.

Another important distinction between the NCVS and the UCR data is that commercial robberies are not captured as robbery victimizations in the NCVS and are only captured in the UCR. Thus, the UCR offers a more expansive picture of victimization in the sense that approximately one quarter of robberies recorded in 2006 involved commercial interests as the direct victim. Since commercial robbery is likely to have a higher level of reporting, this does not translate into a large knowledge gap regarding the extent of this particular type of robbery.

Despite the differences in the two data collection efforts, the contemporary trends from 1990 to 2006 indicate that robbery has declined. The NCVS indicates that during that period, robbery fell from levels of approximately 600 per 100,000 to approximately 250 per 100,000 residents over the age of 12 in the United States. The UCR tracked a decline from 250 recorded robberies per 100,000 U.S. residents down to levels of approximately 150 per 100,000. Thus, both measures agree that the crime of robbery was much rarer in the middle of the 2000s than it had been during the early 1990s.

Overall, individuals should be cautioned that neither the UCR nor the NCVS offers a complete picture of robbery prevalence in the United States. The concept of convergence of the two—that is, UCR and NCVS measuring the same underlying phenomenon—is unlikely to occur precisely because many crimes go unreported and because of coverage and reporting issues that emanate from the UCR data collection effort. Taken together, however, the two data series’ complementary treatment of the crime of robbery offer a good sense of the nature, trends, and extent of robbery.

### **Robbery Consequences: Death, Injury, and Losses**

A potential consequence of a robbery is the killing of the victim or, in rare cases, the killing of the offender in a thwarted robbery. More commonly, injuries occur in the

context of robberies as offenders are frustrated by the victim’s response and use force to, as Wright and Decker (1997b) observed, establish “the illusion of impending death.” Consideration of the number and rate of homicides that result from robberies is possible by examining data from the Supplemental Homicide Reports (SHR). These reports provide data on the number of homicides that take place in the context of robberies. SHRs are submitted to the FBI from local law enforcement, and they establish data about age, sex, race of offenders and victims, as well as weapons used and the circumstances under which the homicide occurred. One circumstance code denotes homicides that emanate from robberies, and thus the SHR data are used to determine the numbers and rates of homicides that occur in the context of robberies. The SHR data collection dates to 1976, and an examination of long-term trends in robbery-homicides indicates they are relatively less frequent than in the past. During the late 1970s and the early 1990s, there were more than 2,000 robbery-homicides recorded yearly in the SHR. More recently, the number of robbery-homicides had dropped to below 1,000 per year by the mid-2000s.

It is probably most useful to consider the robbery-homicide relative to the number of robberies recorded in any particular year. Such an examination would help in understanding if robbery is becoming more lethally violent over time. In examining the proportion of robberies that become homicides, clearly such a situation is relatively rare. In the late 1970s, when at the peak of the rate, there were about 4.5 robbery-homicides for every 1,000 robberies recorded in the UCR data. In contrast, by the beginning of the millennium, the number had declined to approximately 2.6 robbery-homicides for every 1,000 robberies. Thus, the long-term trend is for decreasing lethal violence both in raw numbers as well as in the rate of robbery-homicides.

Zimring and Zuehl (1986) studied a sample of robberies from Chicago, Illinois, and coded data from police reports in that city. Their research indicated that evidence at the scene of homicides is not always clear regarding the temporal order of events. More precisely, it is likely that some apparent robberies are, in fact, thefts that occur after the homicide event. Similarly, Loftin (1986) studied a sample of homicides in Baltimore, Maryland, and used several trained coders to check on the coding of homicide circumstances in official records. That analysis, with explicit attention to robbery, indicated that there is a substantial amount of error in how codes are assigned in the SHR. Nevertheless, the SHR data still must be considered unique in their ability to speak to the robbery-homicide phenomenon on a national level.

Much more common than robbery-homicide is the likelihood of a physical injury that can result from a robbery event. The prevalence and nature of injuries have been captured in interviews with robbery victims in the NCVS since 1973. The most recent data on robbery victims and their injuries, obtained from the NCVS in 2006, indicate

slightly more than 1 in 3 of the victims of a robbery suffered an injury. Closer examination of that data indicates about 7% of the victims had their injuries cared for at a hospital. Black victims, female victims, and victims acquainted with the robber were more likely to suffer an injury during the victimization and to seek care at a hospital for injuries.

Potential for psychological consequences of victimization from the robbery confrontation is understandably great. Victims of robbery can often have a great sense of violation and helplessness. Newspapers have documented evidence of victims being unable to return to work after robberies in the workplace due to overwhelming fear. The systematic study of the consequences of victimization, however, has received limited attention. As a personal crime that involves monetary loss, threats of harm, and actual physical harm, the consequences are likely to have a wide variation based on how the robbery was completed as well as individual victims' predispositions and psychological responses to such stress. More simply, the variation in consequences of crimes of robbery is likely to be extremely wide ranging.

The amount or value of goods lost in a robbery is heavily dependent on the type of robbery that is being considered. According to FBI statistics compiled in 2007, bank robberies were clearly the most lucrative for the offender, as the typical robbery results in \$4,000 in losses. The least lucrative robbery target was convenience stores, where the average amount of reported losses totaled approximately \$800 per event. Considering that individuals are the target of street or highway robberies, the totals associated with loss from that crime were surprisingly high at slightly more than \$1,300. It should be noted that some criminologists argue that as the U.S. economy moves toward more credit and debit card usage, robbery will become more concentrated among the poorest citizens, who typically are more likely to deal in cash transactions. Similarly, the cash associated with drug markets and prostitution also makes illicit targets attractive to those seeking to commit robberies.

## Robbery and Weapon Choices

Surveys of inmates indicate that more lethal weaponry, such as guns compared with knives or no weapon at all, are preferred tools for completing robberies. The preference for guns, paradoxically, is linked to the notion that they make it easier to control victims and thereby reduce the need for overt physical violence. Robberies involving perpetrators with less lethal weapons or no weapon at all are more likely to result in some kind of injury to the victim, because the threat posed by robbers who are not armed with a gun is less persuasive. Therefore, physical force is likely more necessary to control victims in such situations. If one looks at the number of gun robberies that are committed, according to data sources, the use of a gun as

compared with a knife or other weapon is more strongly associated with both successfully completing the robbery and the possibility of lethal outcomes.

The NCVS indicates that about 1 of every 4 or 5 robberies involves a gun, yet the proportion of robbery fatalities that involve a gun is more than 50%, if one traces robbery circumstances and weapons types from 1976 to the present using the SHR data. It is apparent from discussions with robbers, both active and incarcerated, that committing robbery while equipped with a gun helps to establish the "illusion of impending death," as noted by Wright and Decker (1997b). The notion that robbers choose weapons to establish credible threats has been corroborated over time in interviews with robbers in the United States and abroad. For example, interviews with incarcerated English commercial robbers generally echoed the concept of having a gun so that less physical force would be necessary to complete the crime. Interviews with active street robbers in the city of St. Louis, Missouri, also affirmed that sentiment.

An examination of weapon patterns in the NCVS robbery data indicates that, in 2006, of nearly 650,000 robberies that were estimated to have occurred, 41% involved no weapon. Victims reported that robbers wielded a firearm in 23% of robberies and knives in 8%. It should be noted that victims reported that they did not know if the perpetrator had a weapon in 15% of the crimes. Similarly, the UCR data on robbery weapons indicate that in 2006, an estimated 42% of robberies involved a firearm and about 40% were "strong arm" or unarmed robberies. Clearly, while robbery with a gun is the image most frequently evoked by the term, non-gun robbers make up the majority of these events in any given year according to both victimization surveys and official police data.

## Victim Resistance and Robbery

In the 1970s and 1980s, the idea of resisting robbers was generally discouraged. It was argued, by some criminologists and many commentators, that resistance was strongly related to injury and increased the likelihood of suffering retaliation at the hands of the robber. Thus, passive behavior in the face of robbery was considered the wisest course of action. Clearly, robbery is not a homogeneous event and therefore suggestion of a single best practice with regard to dealing with a robbery from the perspective of the victim may not be appropriate. For example, robbers may outnumber the victim, may be well armed, and may have a victim cornered. Certainly, in that situation, a lone victim would wisely surrender his or her items and offer no resistance. However, it is clear from the data obtained from police records and self-reported victimizations that many robberies involve unarmed perpetrators. In these cases, resistance might reduce the likelihood of robbery completion or loss of goods, especially if the victim identifies an escape route.

Criminologists that have analyzed data from victimization surveys tend to find that resistance is beneficial in that many robberies are not completed when victims resist physically or verbally. This contrasts with data collected by police because official reports greatly underrepresent attempted robberies, and studies indicate that police reports may be more likely to be taken if a victim is injured. Thus, although there appears to be a positive relationship between injury and resistance in police data, it may be due to the nature of how police decide whether to record or not record the crime. Victimization surveys overcome these obstacles and thus more completely enumerate robbery circumstances while also providing researchers with the ability to tell if victims' resistance is a consequence of being injured or if it causes injury. The systematic biases in the recording and reporting practices that influence the types of events that appear in official data are not an issue for victimization surveys.

The most recent analyses of victimization survey data from the NCVS make it clear that resistance against robbers is not random but instead reflects choices and consideration of situational cues and risks on the part of the victim. Victims are, for example, more likely to resist against offenders who are unarmed. Outcomes of events indicate that victims use resistance relatively wisely, as illustrated by the fact that resistant victims are less likely to suffer completed crimes. In sum, the wisdom of robbery resistance has swung from sureness that resistance is likely to increase negative consequences for the victim, to a sense that, in many situations, resistance is a wise course of action.

## Robbery Types

Scholarly work has generated a sense that robberies are not a unitary event but encompass a great variety of subtypes. Robbery types include stranger and acquaintance robberies, carjackings, home invasions, commercial robberies, bank robberies, and street robberies or muggings. Each of these types of robberies presents a different set of difficulties for those victimized as well as differing obstacles for the perpetrator. Perhaps the most useful distinction to make when considering variations in robbery is the difference between commercial and personal robberies. For example, the scholarly research indicates that robberies of convenience stores and other commercial establishments may be different in the sense that the robber is asking the victim to surrender someone else's money. This might be easier to accomplish with less forceful action than when convincing someone to give up his or her personal money and property. The carjacking is of relatively recent consideration, but similarly presents difficulties of securing control of an automobile through force and threats.

Commercial robberies commonly include, among other targets, convenience stores and banks. Research from the 1960s and 1970s indicated that commercial robbery was often conducted by professional robbers. That is, commercial

robberies were planned to maximize success in the form of monetary value and likelihood of escape. Interviews of contemporary robbers show that there is typically only minor planning of commercial robberies. Although these crimes do involve offenders whose behaviors are consistent with the concept of professional planning, most contemporary commercial robberies appear to be the work of robbers who try to capitalize on opportunities. There may be variation across convenience stores and bank robbers; however, expectations that the latter are drawn from a pool of highly professional robbers do not appear to be supported.

## Convenience Stores

One setting of particular interest for robbery and its consequences is the convenience store. Convenience stores are, by design, created for quick transactions and generally have little more security than a clear view from the cash register and security cameras. According to UCR data compiled on robberies in 2007, the typical convenience store robbery netted only \$800, which is less than all other forms of robbery recorded in the UCR.

Wellford, MacDonald, and Weiss (1997) interviewed 148 incarcerated convenience store robbers across five states, and approximately one third indicated that they planned the convenience store robbery more than 6 hours in advance, while 16% of the sample also reported abandoning a plan to rob another store. Petrosino and Brensilber (2003) interviewed 28 incarcerated convenience store robbers in Massachusetts, and they indicated a much lower level of planning with 13 robbers reporting no planning, 12 reporting 5 minutes to 4 hours of planning, and only 3 reporting a week or more of planning. An inference can be drawn that *some* effort goes into commercial target selection in the context of American convenience store robberies and other commercial robberies. Conklin (1972), Einstader (1969), and Feeney (1986) refer to the robbers that target businesses as "professional," but such a distinction may not hold in samples of contemporary robbers.

The proliferation of convenience store robberies and homicides involving employees and customers in the 1980s led to a research effort focused on crime prevention through environmental design (CPTED) for these locations. Improving the way cash is handled, including limiting amounts available; making counters visible; illuminating parking lots for surveillance purposes; and staffing stores with at least two clerks were included among some of the recommendations for making convenience stores a less attractive robbery target. Some evidence has accumulated that such target-hardening strategies, which make locations less attractive for criminals, do lower risk of robbery.

## Bank Robbery

Bank robberies, which have notoriety as being a federal offense, are often considered to be crimes committed by professional robbers. This extends from their characterization

as high-value targets. Banks, however, tend to be prepared to convince robbers otherwise with a variety of measures including security cameras, alarm systems, personnel training programs, security mechanisms for tracking bills, time locks, and occasionally armed security. According to 2007 UCR data, there were 7,175 bank robberies reported in the past year in the United States, with an average net of slightly more than \$4,000 (FBI, 2007). Though these robberies appeared to be lucrative, data analyzed by the FBI indicate that bank robberies were cleared (i.e., arrests were made) 58% of the time compared with a typical clearance rate of 25% for other robbery types (FBI, 2002). Data from the FBI's Bank Crime Statistics (BCS) database, from 1996–2000, indicated that just one-third of bank robberies involved a firearm, but data from the National Incident-Based Reporting System (NIBRS) program combined with other data sources indicated slightly less than half of the recorded bank robberies in that data involved a firearm.

The two data sources show that injury in the context of bank robbery is also relatively rare. The NIBRS data indicate victim injury in about 6% of the cases analyzed, and the BCS indicates victim injury in only 2% of bank robberies. The difference in numbers most likely stems from the minimal coverage of the United States by NIBRS data, which are based on crime data reported by a fraction of police agencies, as compared with the more exhaustive data collection on incidents in the BCS data source.

The consideration that bank robbers might be more professional was examined by the FBI and is consistent with the expectation generated by earlier research, which suggested that professional robbers, who more thoroughly plan their crimes, may be more likely to opt for such valuable targets. This research was accomplished by examining each arrested bank robber's prior convictions for bank robbery. Of those caught, only 1 in 5 had a prior conviction for bank robbery, leading the FBI (2002) to conclude that bank robberies are largely conducted by amateur criminals. The high clearance rate also indicates that bank robbers are generally unsuccessful and thus must not be as attentive to managing the risks of apprehension as one might expect from professional criminals. Certainly, some professional robbers may operate among all bank robbers, but generally, those robbing banks are not particularly adept at successfully completing their work.

### Personal or Street Robberies

Personal robberies could include street robberies, home invasions, carjackings, and robbery of drug dealers. These types of events have some differences in terms of the contours of the personal victimizations. The confrontation involved in a street robbery is often opportunistic predation, where a motivated offender finds a suitable target with property or money available. Wright and Decker's (1997a) interviews with active robbers in St. Louis, for example, indicated that much of street robbery is opportunistic in fashion. Street robberies accounted for approximately 45% of the robberies

recorded in the UCR during 2006. NCVS data indicate that robberies that occur on the street or in parking lots are more likely to involve strangers, whereas robberies by non-strangers are likely to occur inside one's home.

Such associations between stranger and nonstranger and locations make sense in the context of opportunities. Few strangers who are motivated to rob are likely to know of a particular dwelling to target, whereas robbers targeting specific persons for their property and cash are likely to find their home a convenient location in which to engage in a robbery. Zimring and Zuehl's (1986) analysis of robbery reports in Chicago found that home invasion robberies were much more likely to result in injuries when compared to street robberies. This could stem from the fact that the robber and victim are not strangers and therefore the definition of the situation as a robbery requires demonstrable force against the occupant. Conversely, a stranger, encountered on the street, might more easily convince a victim, with less overt force, that the event is a robbery.

Carjackings have only recently received academic attention, as the motive and opportunity to conduct such a dangerous crime seem to be somewhat of a departure from the conception of the goals of a robbery. The NCVS data indicate that there were approximately 34,000 carjackings per year from 1993–2002 (Klaus, 2004). Victims in carjackings resisted the offender in two thirds of the incidents. Victim injuries in carjackings were quite high, with 32% of those in completed carjackings and 17% in attempted carjackings suffering an injury (Klaus, 2004). Imagine the car as the location for this particular type of robbery. The nature of removing someone from the vehicle, and the ability of someone to resist by speeding away, make such a transaction very risky and may help to explain why injury appears to be so prevalent in carjackings.

Finally, robberies of drug dealers and other criminals involved in illicit activity represent a subset of personal robberies that is worthy of consideration for a number of reasons. First, the victimization of criminals is unlikely to yield many official crime reports. Second, such individuals are not likely to be accurately represented in the NCVS panel sample. Thus, the extent of robbery of drug dealers is not known from typical data sources. Furthermore, such victimizations are unlikely to come to the attention of authorities unless a severe consequence such as a shooting requiring medical attention or a homicide results. By interviewing robbers, Jacobs (2000) has found that drug dealers, because of their use of large sums of cash and need to avoid law enforcement, are considered good targets for robbery. In areas where drug markets are in operation, it is likely that such victimizations and retaliatory violence are intimately linked.

Robbing drug dealers is a lucrative, if dangerous approach to robbery. Victims tend to have large amounts of valuable commodities such as drugs or cash. This makes them prime targets in terms of benefits. At the same time, the drug dealer may represent a very unwilling victim who defends his or her possessions to the death. Some ethnographers who interviewed active robbers face-to-face found

that those who rob drug dealer indeed reap large rewards, but one must be cautious regarding the amount of information that exists about this relatively hidden crime. A successful drug robbery yields prized possessions, drugs, and cash while simultaneously ensuring minimal exposure to criminal justice sanctions. Some researchers surmise that much of the violence that occurs in such illicit markets, in the vacuum where police presence is unwelcome, is immune to conventional police intervention. Others argue that the nature of police efforts to disrupt drug and prostitution markets will indirectly reduce robbery, as the valuable targets are no longer concentrated in well-defined geographic areas.

It is important to think about the types of robberies as shaping, in many ways, how the event will unfold. Thus, the type of robbery is a variable that helps to understand other outcomes such as completion and injury to the victim. Personal robberies, for example, require a threat that is convincing enough to make one give up a possession. Conversely, a commercial robbery may merely require a note passed over a counter in a bank to convince a teller to give up his or her employer's money. Considering the many different types of events helps one understand the extensive variation that fall within the scope of the definition of robbery.

## Robbery and Correlates

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Consideration of age, sex, and race patterns in robbery offending and robbery victimization is an important part of understanding the phenomenon of robbery. Official police data and victimization surveys are the two data sources that provide the clearest pictures of robbery. Both indicate that, for the most part, offenders tend to be males under the age of 30, and there is an overrepresentation of African Americans. UCR arrest data from 2006 indicate that 56% of arrestees were black, but the NCVS data, which rely on victim self-reports of their perception of the offender's race, indicated that, of offenders who could be identified, only 37% were reported as black. This discrepancy is likely due to several factors including differential police coverage and arrest patterns across racial groups and neighborhoods. Nevertheless, both data sources indicate an overrepresentation of African Americans involved in robbery. This is likely due to the fact that robbers frequently come from economically disadvantaged urban neighborhoods, which in many U.S. cities tend to have high proportions of black and other minority residents.

With respect to sex and age of offenders, the two data sources tend toward close agreement. Males comprised 85% of perceived perpetrators in the 2006 NCVS victimization survey data and about 89% of the offenders arrested for robbery as recorded by the UCR during 2006 (FBI, 2006). Victims interviewed for the NCVS in 2006 reported that approximately 2 out of 3 offenders were under the age of 30. The UCR confirms this pattern with arrest data, which indicated in 2006 that 3 out of

every 4 arrestees were under the age of 30. Clearly, those committing robbery tend to be more youthful and overwhelmingly male.

With respect to victim characteristics, youthful victims between the ages of 16 and 24 suffer the greatest robbery rate, according to victimization survey data. Blacks suffered a robbery rate of 3.8 per 1,000 as compared to the white rate of 2.8 robberies per 1,000. Males also have the highest rate of robbery victimization at 3.9 per 1,000 compared with the female rate of 2.0 per 1,000 in the 2006 NCVS data. As was noted previously in this entry, the robbery rates have fallen dramatically in the decade and a half since 1990. In particular, black male robbery victimization has declined extensively. For example, black male robbery rates in 1996 were 16.7 per 1,000 and dropped to 4.8 per 1,000 by 2006, which is a more than 70% decline in victimization rates.

Some speculation exists regarding the frequent choice of female victims in robbery. Perhaps females are quicker to acquiesce at the hands of a robber when compared with males, who may be more likely to bend to societal pressure and respond to the coercive threat with a macho resistant response.

Female participation as a perpetrator in robbery appears to be relatively rare. What research has been conducted in this area indicates that female robbers have a greater preference for working in teams, with lone female robbers being exceptions. The teams of robbers tend to be mixed in gender, and some have argued that robbery's hyper-masculine requirement of the domination of others are not easily carried off convincingly by a lone female perpetrator. Miller's (1998) seminal work on female robbers also indicated that a significant proportion of robberies by females involve prostitute–john relations, where the victim is particularly vulnerable and unlikely to report the victimization that is suffered, since the underlying activity of seeking a prostitute was illegal.

The data clearly indicate that robbery is not randomly distributed among the population in terms of offenders and victims. Rather, it appears that robbery is disproportionately concentrated among the youthful and male as both victims and offenders. Blacks are similarly overrepresented with regard to victimization in robbery and as perpetrators, although there has been a dramatic decrease in terms of victimization and somewhat of a decrease in terms of offending since the 1990s. Finally, in terms of the geographic location of robberies, they are events that tend to be concentrated in poorer urban neighborhoods.

## Perspectives on Robbers' Attitudes and Lifestyles

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Involvement in robbery is limited by the risk-to-reward ratio of confronting individuals face-to-face. Such encounters are fraught with difficulties. It is most likely that while a large number of individuals participate in the crime of



robbery, only a select few persist and become chronic robbers. The attitude of robbers has been conceived as being one of comfort with chaos and trying to project the image of a “hardman” or tough guy. Traits of the persistent robber are likely to include a desire for establishing control over others and comfort with the possibility of using physical force to achieve one’s ends. The study of persistent robbers and their outlooks is difficult as they are, fortunately, a very small number of individuals.

With respect to the lifestyle of active robbers, it is surmised that, contrary to the rational calculator who seeks out targets to exploit, robbers are often put in a desperate situation with respect to needs requiring resources. This activates their search for an appropriate victim with minimal attention to planning the crime. Their lifestyle often includes spending money on drugs and sexual companions, in the context of a fast lifestyle, which quickly leads to the need for more money to fuel it. Such a pattern lends little opportunity for the individual to engage in systematic planning and targeting. Thus, opportunistic victimizations are thought to be most common among even persistent robbers.

### The Myth of the Noble Robber

The FBI’s early history under J. Edgar Hoover involved a strong focus on bank robbers such as John Dillinger, Bonnie and Clyde, and Ma and Pa Barker (Burrough, 2004). Successfully apprehending these individuals was a test of fire, and of public relations management, for the bureau. Those robbers, by some accounts, represented disenchantment with the Depression-era banking system and were viewed, in some cases, sympathetically by citizens suffering in the throes of Depression-era America. The notion of the noble robber is probably best illustrated by Robin Hood of ancient English folklore. More modern-day celebration of the robber as “noble” is obvious in tales of Billy the Kid, the legendary American frontier outlaw. Thus, the crime of robbery, in some instances, is seen as a way to redress grievances with the powerful, such as the Sheriff of Nottingham in the Robin Hood tales or the railroad barons and their control of developing lands on the Western frontier during the late 19th century.

In addition to robbers gaining wide acclaim and infamy for their exploits, particular robberies similarly enjoy consideration and some admiration for the daring nature of the crime. There are many examples of robberies that have garnered public attention for their daring and the high value of the goods involved. In 1963, the Great Train Robbery netted 2.6 million pounds as a train carrying used currency was hijacked on its way to London, England. The movie *Dog Day Afternoon* highlighted a bank robbery that went horribly wrong in Brooklyn, New York, during the summer of 1972. Similarly, the Great Brinks Robbery of 1950, in Boston, was eventually made into a film. At that time, the robbery netted more than \$1 million in cash as well as other financial instruments of even greater value. Robbers

and robberies clearly make for interesting stories since by definition these crimes involve great risk and the potential for great rewards. Perhaps the bold nature of the crime lends itself to this treatment in popular literature, film, and culture.

### Explaining Robbery

Understanding robbery patterns and the motivations of robbers through a single theory is unlikely to be fruitful, as the phenomenon operates on many levels and involves many questions. It may be most useful to consider different elements of the robbery and apply theories about crime, offender actions, and choices to different analytical questions. For example, one might consider how robbery is distributed in terms of rates of robberies across neighborhoods. Cloward and Ohlin’s (1960) *opportunity theory* is beneficial in that it helps to understand how robberies come to be distributed in the poorest neighborhoods. That theory posits that crime will be distributed in relation to the availability of legitimate means to attain success in society. More simply, in neighborhoods where jobs are scarce and economic mobility out of poverty seems to be a remote possibility, one would expect to find higher rates of robbery. This results from such places having the lowest level of legitimate opportunities, and therefore robbery becomes a plausible illicit opportunity for success.

*Social disorganization theory* offers a similar perspective. This theory argues that neighborhoods with high poverty and population heterogeneity tend to lack strong, informal social control. Social disorganization theory may be useful for understanding how robbery distributions across geographic space are associated with larger structural dynamics in society. In sum, one may expect to find higher robbery rates in neighborhoods with fewer legitimate opportunities and with lower levels of social control. Overall, such theories help explain why robbery is more concentrated in some places when compared with others.

In terms of explaining how individuals come to be involved in robbery, those theories that address individual traits such as low self-control, or differential association theory, are probably most useful for understanding how one initiates and maintains a robbery career. With regard to traits such as low self-control, it is argued that a trait established in childhood, that could be considered similar to impulsiveness, is linked to offending when combined with opportunities. Thus, robbers, described in ethnographies as those who seek a “fast living” and who tend to not dwell on the long-term consequences in favor of short-term gratification, would likely fit the bill as having low self-control. Similarly, *differential association* is essentially a learning theory that argues that humans learn their behaviors, even criminal ones. Thus, one might expect that robbery tactics and behaviors could be transferred across individuals. Both of these theories might help to account for individuals who choose to become involved in robberies—one by

arguing that individual traits such as low self-control or impulsiveness make robbery an activity that is acceptable to the individual, and the other by arguing that one must learn how to conduct a robbery from peers or mentors.

A very different question that one may pose is this: What targets do robbers choose, and why do they choose them? With respect to target choices, routine activities theory and ideas from situational crime prevention are very useful for understanding robbers' behaviors, especially those of commercial robbers. *Routine activities theory* relies on three elements: absence of capable guardians, suitable targets for committing a crime, and motivated offenders. Routine activities theory, as applied to convenience stores, suggests that one can increase capable guardianship (through surveillance) and reduce the suitability of the target (less cash in the till advertised), and thereby reduce the likelihood of being chosen as a robbery target. Evidence from security researchers and criminologists points to the fact that, indeed, increasing surveillance around a business reduces the opportunity for surprise, and decreasing the money in the till decreases the reward and thus reduces the risk of robbery. Manipulation of risks by changing the environmental features, such as lowering shelf height to increase visibility and staffing stores with multiple clerks, is an additional example of tactics that reduce the likelihood that a robber will choose a particular target for a robbery.

A final area where one might consider theory useful for understanding robbery is the victim-offender encounter itself. This is probably best understood as a contest of coercive power in which injury, resistance, and completion of the event could all be outcomes of interest in the context of the robbery transaction. *Social interactionist theory*, for example, would be useful for understanding why robbers choose guns but tend to not use physical force. In the context of this theory, the gun represents overwhelming coercive power and reduces the need to do more than verbalize the threatening potential to gain compliance from the victim. Conversely, unarmed robbers are less likely to be perceived as having overwhelming coercive power, and therefore they may be less apt to complete a robbery and more likely to use physical force since they need to convince the victim that they can coerce them into compliance.

## Conclusion

Overall, the variation in robberies and the levels on which robbery can be understood leave much room for scientific inquiry regarding the distribution of robberies across places, how individuals come to choose to commit robbery, how robbers develop targets, and how offenders and victims

behave in individual encounters. These are a sampling of possible questions that could arise in the context of studying robbery and a set of theoretical frameworks from which the questions can be understood.

## References and Further Readings

- Burrough, B. (2004). *Public enemies: America's greatest crime wave*. New York: Penguin Books.
- Cloward, R., & Ohlin, L. (1960). *Delinquency and opportunity*. New York: Free Press.
- Conklin, J. E. (1972). *Robbery and the criminal justice system*. Philadelphia: J. P. Lippincott.
- Einstadter, W. J. (1969). The social organization of armed robbery. *Social Problems*, 17(1), 64–83.
- Federal Bureau of Investigation. (2002). *Crime in the United States, 2002*. Washington, DC: U.S. Department of Justice.
- Federal Bureau of Investigation. (2006). *Crime in the United States, 2006*. Washington, DC: U.S. Department of Justice.
- Federal Bureau of Investigation. (2007). *Crime in the United States, 2007*. Washington, DC: U.S. Department of Justice.
- Feeney, F. (1986). Robbers as decision-makers. In D. B. Cornish & R. V. Clarke (Eds.), *The reasoning criminal: Rational choice perspectives on offending* (pp. 53–71). New York: Springer-Verlag.
- Hart, T. C., & Rennison, C. M. (2003). *Reporting crime to police, 1992–2000*. Washington, DC: U.S. Government Printing Office.
- Jacobs, B. (2000). *Robbing drug dealers: Violence beyond the law*. Hawthorne, NY: Aldine de Gruyter.
- Klaus, P. (2004). *Carjacking, 1993–2002*. Washington, DC: U.S. Department of Justice.
- Loftin, C. (1986). The validity of robbery-murder classifications in Baltimore. *Violence and Victims*, 1(3), 191–204.
- Miller, J. (1998). Up it up: Gender and the accomplishment of street robbery. *Criminology*, 36(1), 37–66.
- Petrosino, A. J., & Brensilber, D. A. (2003). The motives, methods, and decision making of convenience store robberies: Interviews with 28 incarcerated offenders in Massachusetts. In M. Smith & D. B. Cornish (Eds.), *Theory for practice in situational crime prevention* (pp. 237–263). Monsey, NY: Criminal Justice Press.
- Wellford, C. F., MacDonald, J. M., & Weiss, J. C. (1997). *Multistate study of convenience store robberies: Summary of findings*. Washington, DC: Justice Research and Statistics Association.
- Wright, R. T., & Decker, S. H. (1997a). *Armed robbers in action: Stickups and street culture*. Boston: Northeastern University Press.
- Wright, R. T., & Decker, S. H. (1997b). Creating the illusion of impending death: Armed robbers in action. *Harry Frank Guggenheim Review*, 2(1), 10–18.
- Zimring, F. E., & Zuehl, J. (1986). Victim injury and death in urban robbery: A Chicago study. *Journal of Legal Studies*, 15(1), 1–40.

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## SEX OFFENSES

KAREN J. TERRY

*John Jay College of Criminal Justice*

Sex offenders constitute a heterogeneous group of individuals. The term *sex offender* describes one who has committed any of a variety of offenses, including rape, child sexual abuse, possession of child pornography, exhibitionism (flashing), and even consensual sex among teenagers. Sexual offenders can be adults or juveniles, male or female, and the perpetrators may be strangers, acquaintances, or related to their victims. These offenders have different characteristics and motivations for committing their offenses, and as such, differing responses are appropriate in order to accurately treat, manage, and supervise them. This chapter will review types of offenses and offenders; the prevalence of sexual abuse and recidivism; and responses to sexual offending, including treatment, supervision, and management practices for this population.

### Types of Sexual Offenses and Offenders

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There are few objective standards of what is acceptable sexual behavior, and “normal” sexual behavior is a socially constructed reality that is constantly adapting (Jenkins, 1998). Definitions of deviant sexual behavior are largely culture-bound and vary across religions, nations, and even states. These definitions adapt to the prevailing social norms of the time, and punishments for sexual offenders depend largely upon the political and social ideologies of

the day. Several highly publicized cases of sexual abuse and murder in the 1980s and 1990s have brought forth increased public, political, and academic attention to sex offenders, resulting in substantially enhanced punishment, management, and supervision of sex offenders today. Though these policies primarily intend to target sexual abusers of children, they have been applied to all sex offenders.

Various sexual behaviors are criminalized today. These acts may include sexual contact (touching the intimate parts of the body either without the consent of the victim or when one person is incapable of consenting under the law); no contact (behaviors committed for the purposes of sexual gratification such as exposure of the offender’s genitals or “peeping”); and acts related to the possession or distribution of child pornography (any filming or photographing of a child that is for the purpose of sexually gratifying an adult) (Terry, 2006). The names of these offenses, definitions of the crimes, the class of the crimes (as felonies or misdemeanors), and the punishments for these offenses vary by state. Some sexual behaviors, even when consensual, are considered offenses, such as incest and statutory rape (sexual behavior between an adult and a minor under the age of consent). For most sexual behaviors to be considered criminal, however, there must be a lack of consent on the part of the victim and some level of intent on the part of the offender. The laws in most states stipulate

that consent is lacking from a sexual act when any of the following holds true (Terry, 2006):

- The act is the result of force, threat, or duress.
- A reasonable person would understand that the victim did not consent due to a clear or implied statement that he or she would not want to engage in the sexual act.
- The victim is incapable of consenting because he or she is below the age of consent (this ranges from 16 to 18 in various states); is mentally disabled; is mentally incapacitated; is physically helpless; is under the custody of correctional services; or is placed within the care of Children and Family Services (or any other organization in charge of monitoring and caring for those in the charge of the state).

### Rapists

Rapists are a heterogeneous group of offenders. They commit sexual offenses for a variety of reasons and have largely varying rates of recidivism. Rapists do tend to share certain characteristics, however. Many men who rape women have negative views of women, endorse rape myths, condone violence, and display a hyperidentification with the masculine role. Other common characteristics include low self-esteem, alcohol or substance abuse problems, and an inability to manage aggression; it is not uncommon for rapists to have come from broken homes where punishment was frequent and the parents had alcohol or substance abuse problems (see Marshall, Laws, & Barbaree, 1990; Scully, 1990).

Some researchers, beginning with Groth (1979), attempted to classify rapists into typologies based upon the primary motivation of their offenses. Groth distinguished rapists based upon the degree of aggression used, the underlying motivation of the offender, and the existence of other antisocial behaviors. Knight and Prentky (1990) expanded upon Groth's framework when they developed the MTC:R3 classification system with typologies of opportunistic, pervasively angry, vindictive, and sexual rapists. Within this system, they created nine subtypes of rapists, including opportunistic, low social competence; opportunistic, high social competence; pervasively angry; sexual sadistic, nonfantasy; sexual sadistic, fantasy; sexual, nonsadistic, social competence; sexual, nonsadistic, high social competence; vindictive, low social competence; and vindictive, high social competence.

Until the late 1960s, rape was seen almost entirely as a crime motivated by sexual needs or deviant sexual interests. However, rape is now typically viewed as a crime motivated by the need for power and control. By the 1970s, feminist researchers such as Brownmiller (1975) began to analyze rape from a cultural, political, and historical context. They theorized that sexual assault was systemic to a patriarchal society, and rape was simply an exaggeration of prevailing norms rather than a departure from them. Feminist researchers viewed rape as a tool to dominate and

control women and as a consequence of deep-rooted social traditions of male dominance and female exploitation. Empirical studies such as those by Scully (1990) support the assertions that rape is often motivated by power and control, and that the men who commit such acts make justifications and excuses for their behavior. Though women can also commit the offense of rape, most empirical research today considers only rape committed by men.

### Child Sexual Abusers

Like rapists, child sexual abusers constitute a heterogeneous population of individuals who abuse for a variety of reasons. Many have common characteristics, such as poor social skills, low self-esteem, feelings of inadequacy, a sense of worthlessness and vulnerability, difficulty forming normal adult relationships, or previously frustrating experiences with adult relationships. Many child molesters seek out mutually comforting relationships with children and find comfort with those children who are passive, dependent, psychologically less threatening than adults, and easy to manipulate. Stranger abduction and abuse is rare; the majority of child molesters abuse someone they know, and often a child to whom they are related or with whom they have a nurturing/mentoring relationship. They "groom" their victims, or use various techniques to manipulate potential victims into complying with the sexual abuse. Some of these techniques include games, emotional manipulation, verbal coercion, threats, seduction, and enticements (see Pryor, 1996; Terry, 2006).

Researchers created classification systems for child molesters beginning in the early 1980s. These systems were based upon the offenders' motivation for committing the sexually deviant behavior. Groth, Hobson, and Gary (1982) proposed the fixated/regressed typology system, which is one of the most fundamental classification schemes and is rooted around two basic issues: the degree to which the deviant sexual behavior is entrenched in the abuser and the basis for psychological needs. Fixated abusers are those who are primarily attracted to children, are often exclusively attracted to children, and are usually attracted to children from adolescence. Regressed abusers, on the other hand, tend to commit sexual offenses against children that are situational and precipitated by external stressors such as unemployment; marital problems; substance abuse; or negative affective states such as loneliness, stress, isolation, or anxiety. Regressed offenders are primarily attracted to adults, but regress to the abuse of children to whom they have easy access.

Many researchers have further developed the typologies based upon this fixated/regressed system. Most notably, Knight and Prentky (1990), in their MTC:CM3 classification system, developed multidimensional typologies of offenders on two axes. Axis I addresses the degree to which an offender is fixated with children and also considers the offender's level of social competence. Axis II evaluates the amount of contact an offender has with children, and

the offender is analyzed according to the meaning (interpersonal or sexual) of that contact. This axis further evaluates the amount and type of physical injury involved in the contact. Through this system, each offender is assigned a separate Axis I and Axis II typology (see Finkelhor, 1984, for more information about child sexual abuse).

### Female Sex Offenders

Compared to the vast literature available on male sex offenders, few empirical studies have been conducted regarding female sex offenders. One reason for this is the small number of known female sex offenders—approximately 2% of adult sex offenders and 10% of adolescent offenders. Many of the studies that have been conducted focus on typologies of female offenders, though they often lack sufficient numbers to be statistically tested. Most of the studies that evaluate female sex offender characteristics show that, compared to male sex offenders, female offenders are less likely to use force, are more likely to initiate their behavior at an early age, often commit their offense with a partner, are less likely to be diagnosed with any paraphilia, are more likely to admit their behavior, and are less likely to have offended prior to adulthood.

Typologies of female sex offenders differ substantially from male sex offender typologies. One of the most commonly cited typology systems is that created by Matthews, Matthews, and Speltz (1991), consisting of teacher/lover, male coerced/male accompanied, and predisposed types. However, because of the small number of known sex offenders who are women, it is unlikely that any of the typologies can be empirically tested anytime soon.

### Juvenile Sex Offenders

Juveniles are responsible for committing many sex crimes—approximately 15% of forcible rapes and 17% of other sex crimes reported in the UCR (see Weinrott, 1996, for more information about juvenile sex offenders). These juveniles vary in age, development, maturity, and understanding of sexual issues. Many have academic difficulties, learning disorders, and mental disorders, and many suffer from impulse control. The majority of juvenile sex offenders are male—90%—and the average age of offenders is 14 years. While recent literature shows that few juvenile sex offender continue to commit sexual crimes into adulthood (Zimring, Piquero, & Jennings, 2007), many adult serious sexual offenders began their offending behavior as juveniles. As such, it is important to understand why juveniles commit such offenses and address the underlying problems of the deviancy early.

One difficulty in assessing juvenile sex offenders is understanding whether their actions constitute experimentation or offending behavior. To do this, it is necessary to know how much sexual knowledge the juvenile has. Sexual behavior is learned, and children may learn about sex through peers, television, their parents, or self-exploration.

It is normal for children to explore their own bodies, and it is normal for children to be curious about children of the opposite sex. The question is, at what point does this experimentation become an offense?

To better understand why juveniles commit sexual offenses, many researchers have attempted to create typologies of the offenders. At the most basic level, juveniles can be separated into two categories: those who abuse young children (preadolescents) and those who abuse peers. Those who abuse younger children often target those they know or are related to, while the offenders who abuse peers are likely to target strangers, use weapons, and cause injuries to their victims. Several researchers have created typologies of juvenile offenders (see O'Brien & Bera, 1986; Prentky, Harris, Frizzell, & Righthand, 2000), though more research needs to be done to fully understand who is likely to continue offending into adulthood.

### Cyber Offenders

In the last 10 years, a new type of offender has emerged: the *cyber offender*. This term generally refers to someone who makes available or sends pornographic images of children to others via the Internet, sends children pornographic images, or solicits children online. Though several laws have been passed to protect children from these offenses, it is still difficult to identify and control cyber offending largely due to the anonymity of the Internet.

According to U.S. Code Title 18, Part I, Chapter 110, Section 2256, child pornography is “any visual depiction of a person under the age of 18 engaged in” any of the following: actual or simulated vaginal intercourse, oral or anal intercourse, bestiality, masturbation, sexually sadistic or masochistic behavior, or exhibition of the genitals. States have also included offenses such as penetration of the vagina or rectum digitally or with foreign objects, and excretory functions performed in a lewd manner. Images are also considered pornographic if the child is the focal point of a sexually suggestive setting, the child is in an unnatural pose or inappropriate attire, the depiction suggests coyness or willingness to engage in sexual activity, or the depiction is intended to elicit a sexual response in the viewer.

According to Wortley and Smallbone (2006), those who view child pornography may have differing levels of interest in this material, ranging from recreational to at-risk to sexually compulsive. Citing Krone (2004), they identified nine typologies of child pornographers:

*Browsers*—They may accidentally find child pornography but purposely save the images; they do not network with other offenders or employ strategies to avoid detection.

*Private fantasizers*—They create their own images of children to satisfy their desires; they do not network with other offenders or employ security strategies to avoid detection.

*Trawlers*—They seek child pornography through open browsers; they engage in minimal networking and employ few strategies to avoid detection.

*Nonsecure collectors*—They seek out child pornography in nonsecure chat rooms; they have engaged in high levels of networking and do not employ strategies to avoid detection.

*Secure collectors*—They are members of closed groups or other organizations like pedophile rings; they engage in high levels of networking and employ sophisticated measures to protect their activities from detection.

*Groomers*—They develop online relationships with children and send pornography to children as part of the grooming process; they may or may not network with other offenders, but they are at risk of detection because of their contact with children.

*Physical abusers*—They sexually abuse children; child pornography is one part of the sexual gratification process for them; they may or may not network with other abusers.

*Producers*—They record the sexual abuse of children to disseminate it to others; they likely network with other offenders, but the extent of this networking depends on whether they are also distributors.

*Distributors*—They disseminate images of sexual abuse; the interest in child pornography may be financial and/or sexual; they likely have a large network. (pp. 15–17)

## Paraphilias

Some sexual offenders are diagnosed with *paraphilias*—diagnosable sexual disorders—and the *Diagnostic and Statistical Manual of Mental Disorders (DSM)* lists eight main ones. The features of these paraphilias are recurrent, intense, sexually arousing fantasies or urges involving nonhuman objects, or suffering or humiliation of oneself or one's partner, children, or other nonconsenting persons (American Psychiatric Association, 1994). Paraphilias may be mild (the individual may be markedly distressed by his feelings but not act upon them), moderate (the individual occasionally acts upon his urges), or severe (the individual repeatedly acts upon his urges). The fantasies and stimuli may be episodic or necessary to achieve erotic arousal, but to be diagnosable the behavior, urges, or fantasies must last at least 6 months and lead to distress or impairment in social, occupational, or other areas of functioning. The eight primary paraphilias listed in the *DSM-IV* are the following:

*Exhibitionism*—exposure of genitals to a stranger; may include exposure only or masturbation during the exposure

*Voyeurism*—watching a stranger who is naked, disrobing, or engaging in a sexual act; no sexual activity sought with the victim

*Frotteurism*—touching or rubbing up against a nonconsenting person in a crowded area; may rub genitals against or fondle the victim

*Sadism*—the act of humiliating, binding, beating, or making another person suffer in some way; sexual excitement the result of control over the victim

*Masochism*—the act of being humiliated, bound, beaten, or made to suffer in some way; may occur with a partner or during masturbation

*Fetishism*—sexual attraction to nonliving objects, such as a shoe or undergarment; individual often masturbates while holding the object or has a partner wear the object during sexual encounters

*Transvestic fetishism*—cross-dressing; heterosexual man sexually aroused by himself wearing female clothing

*Pedophilia*—sexual activity with a prepubescent child; may involve own children or children nonrelated, males or females

Other paraphilias are also mentioned in the *DSM*, such as necrophilia (sexual urges about dead people), zoophilia (sexual urges about animals), and telephone scatologia (sexual urges about making obscene phone calls). In addition to these, the *DSM* notes that other behaviors may be labeled paraphilias that are “otherwise not specified.”

## Prevalence and Scope of Sexual Offending

It is impossible to accurately assess the extent of sexual offending because it is highly underreported. For example, from 1992–2000, it is estimated that only 31% of rapes and sexual assaults were reported to the police (Hart & Rennison, 2003). Cases of child sexual abuse are underreported, and when they are reported, it is often after a substantial delay.

There are a number of reasons for this underreporting, including the following (see Arata, 1998; R. F. Hanson, Saunders, Saunders, Kilpatrick, & Best, 1999; Lamb & Edgar-Smith, 1994):

*Gender*—Several researchers have found that females are more likely, both as children and as adults, to report sexual abuse than males.

*Victim–perpetrator relationship*—Victims are less likely to report or delay the report of child sexual abuse if the perpetrator is well-known to the child. This relationship is most significant if the perpetrator is a relative or stepparent.

*Anticipated outcome of the disclosure*—Children are more likely to report abuse if they believe they will be supported by family. Those who do not feel they will be supported often wait until adulthood to report abuse, when they can choose to disclose to someone who will support them. Older children who are able to understand and anticipate social consequences of sexual abuse, and who may feel more shame and guilt about the abuse, are less likely to report than young children.

*Severity of abuse*—Some researchers have found that children are less likely to report sexual abuse if the abuse is severe or they fear that their disclosure will result in further harm. Others, however, have found that the more severe the sexual abuse, the more likely the victims were to report the abuse sooner.

Based on data in the National Crime Victimization Survey, Hart and Rennison (2003) showed that victims of sexual abuse are more likely to report it if the perpetrator

was male, if the offender was black, if the perpetrator was young (12–14 years of age), if there were multiple perpetrators, if the offense was committed by a stranger, or if weapons were used. They also noted that victims said the most common reason for reporting sexual offenses was to prevent future violence, while the most common reason *not* to report was because of privacy issues. It is worth noting that the cases most likely to be reported are the most unusual or extreme cases.

The most common cases, such as sexual assault by someone known to the victim, are the least likely to be reported to the police. As such, it is important to remember that knowledge of sexual offenders is skewed.

Despite these limitations, it is possible to estimate the extent of sexual abuse based upon information from a combination of official data, victimization surveys, and research statistics. The Uniform Crime Report (UCR), which is compiled annually by the FBI and contains information from approximately 17,000 local police departments, shows that the rate of forcible rape in the United States has remained relatively stable over the last 20 years. In 1987, the rape rate was 37.6 per 100,000 residents, and decreased to 30.9 per 100,000 residents by 2006 after brief fluctuations in the 1990s.

Child sexual abuse is more difficult to measure through official statistics because of differences in state statutes, reporting agencies, and methods of compiling the data. The best source of official statistics on the prevalence of child sexual abuse is the annual Child Maltreatment Reports, which contain incident-level reports from state child protective services collected by the National Child Abuse and Neglect Data System (NCANDS). These reports show a decrease in cases of sexual abuse throughout the 1990s, and Jones and Finkelhor (2004) found that Child Protective Services substantiated significantly fewer cases each year in this time period.

Statistics derived from academic studies on the incidence and prevalence of sexual abuse vary greatly, but all show that sexual victimization is common. One meta-analysis showed that the overall prevalence of sexual abuse of male children is 13% and for female children is between 30 and 40% (Bolen & Scannapieco, 1999). In other words, approximately 1 in 6 boys and 1 in 3 girls is abused in his or her lifetime.

Also important is the assessment of recidivism rates of sex offenders. It is often presumed that sex offenders recidivate at very high rates, and many policies have been enacted to control sex offenders based upon this premise. However, research shows that recidivism rates are actually much lower for sex offenders than for almost all other types of offenders. R. K. Hanson and Morton-Bourgon (2004) conducted a meta-analysis of 95 studies of sex offenders and found that nearly 14% recidivated with a new sexual offense and approximately 36% recidivated with any offense within a 5-year follow-up period. Caution should be given, however, because these studies only measure offenses that are officially processed through the criminal justice system. Even so, the research clearly shows that “sex offenders” are actually more likely to commit nonsexual

offenses than sexual ones. Like other types of offenders, sex offenders are more likely to be “generalists” than they are to specialize in a particular type of deviant behavior throughout their careers (see R. K. Hanson & Morton-Bourgon, 2004; Lussier, Beauregard, Proulx, & Nicole, 2005; Miethe, Olson, & Mitchell, 2006; Simon, 2000; and Smallbone & Wortley, 2004, for a discussion about versatility and specialization in offending).

Despite the low levels of recidivism based upon conviction rates, it is clear that sexual victimization is a widespread problem, and it is important to understand why people commit sexual offenses and how they can be prevented from doing so in the future.

## Victims of Sexual Abuse

Much of the research on sexual victimization indicates that it is a severe and intrusive violation against a person and that it can lead to negative physical, psychological, and emotional effects. Child sexual abuse can be particularly traumatic, with psychological effects lasting into adulthood. In addition to the potential physical effects of sexual victimization (e.g., injury, pregnancy, or sexually transmitted diseases), sexual victimization may lead to psychological effects, the most prevalent of which seem to be fear and anxiety. The fear often leads to nervousness, specific anxiety about future sexual abuse, and ultimately a generalized anxiety. Many adults who were sexually abused as children develop anxiety-related disorders, such as phobias, panic disorders, obsessive-compulsive disorder, eating disorders or other weight regulation practices, and sleep disturbances (see Calhoun & Atkeson, 1991; Lundberg-Love, 1999).

Some researchers have found that victims of sexual abuse may develop symptoms similar to posttraumatic stress disorder (PTSD), and delayed disclosure of abuse may enhance those symptoms. Others, however, have noted that PTSD is more likely to result from a discrete event (e.g., a rape), whereas the negative effects of childhood sexual abuse tend to develop as a result of the process of the abusive relationship. The type and severity of abuse, however, does not seem to have an effect on the development of trauma symptoms (see Bal, De Bourdeaudhuij, & Crombez, 2005; Browning & Laumann, 1997; Finkelhor, 1988; Ullman, 2007).

Another psychological consequence of sexual abuse is depression, which is more likely to develop if the abuse was ongoing and the perpetrator was someone close to the victim. Many of those abused experience low self-esteem and self-blame, and they are likely to withdraw from social interaction. This withdrawal can further perpetuate the cycle of depression, because when victims most need social support they are instead avoiding those close to them. Though the effects of such psychological problems fade over time for some victims, others do experience long-term depression or other significant effects such as dissociative disorders that emerge to help them cope with the trauma (see Browning & Laumann, 1997; Calhoun & Atkeson, 1991; Lundberg-Love, 1999).

Sexual abuse also seems to affect the victims' "sexual trajectories." Some victims, both male and female, may experience sexual dysfunction as a result of sexual victimization, particularly if they are experiencing long-term anxiety about the assault. Even if there is no physical dysfunction, victimization may result in altered sexual practices. While some researchers have shown that sexual abuse victims may have an increased likelihood of avoidance or loss of sexual satisfaction, other more extensive studies show that victimization is more likely to result in increased sexual activity (Browning & Laumann, 1997).

For men in particular, sexual abuse can be stigmatizing, lead to confusion and anxiety about sexual identity, and cause concern about their gender identity. Watkins and Bentovim (1992) showed that boys who were sexually abused were 4 times more likely to engage in homosexual activity than boys who were not abused, and boys who were abused and identify as homosexual often link their sexual identity to the abuse. Males who were abused may attempt to reassert their masculinity by acting out and by stigmatizing others.

Some studies have shown a link between childhood victimization and future delinquency, sexual offending, or deviant sexual interests. Alcohol abuse and substance abuse tend to be common coping strategies for those victimized as children (Terry, 2006). Widom, Schuck, and White (2006) found a direct path from early victimization to later violence for males, though not for females. Smallbone and McCabe (2003) found that offenders with a history of sexual abuse reported having begun masturbating at an earlier age than nonabused offenders, hypothesizing that these images of sexual abuse may be associated with this early masturbation and tied to the development of deviant interests through classical conditioning. The Bureau of Justice Statistics (1997) reported that offenders who had perpetrated sexual assaults were substantially more likely than other groups of offenders to report having been physically abused or sexually victimized during childhood, though two thirds of sex offenders did not report having been physically abused or sexually assaulted as a child. Weeks and Widom (1998) found that, among a sample of convicted felons, perpetrators of sexual offenses reported higher rates (26.3%) of childhood sexual victimization than other offenders (12.5%). R. K. Hanson and Slater (1988) found that adult sex offenders who had perpetrated offenses against a male child were more likely to have a history of childhood sexual abuse (39%) than those who had perpetrated offenses against female children (18%). Similarly, Worling (1995) found that adolescents with a history of having assaulted a male child were more likely to have disclosed sexual abuse (75%) than adolescents who had assaulted females, peers, or adults (25%). As Coxe and Holmes (2001) note, factors such as victim age at time of abuse; the relationship between the victim and the perpetrator; response to the report of sexual abuse; as well as the extent, frequency, and duration of abuse may be important with regard to the development of deviant beliefs or offense behaviors.

## Responses to Sexual Offending

### Sex Offender Policy

Many laws have been enacted since the early 1990s that increase the punishment, supervision, and management of sex offenders. The catalyst for most of these was the kidnapping, sexual assault, and/or murder of a child. The aim of these laws is to protect the community from sex offenders who are considered to be at risk to repeat their offenses, and the policies fall into three main categories: registration of sex offenders and notification to the community about where they are living, the restriction of where sex offenders live in the community, and the incapacitation of sex offenders with a "mental abnormality or defect" who are dangerous. The courts have upheld these laws as constitutional because their aim is to protect the public. It is not clear how effective these laws are at preventing recidivism because few methodologically sound studies have been conducted to analyze their efficacy.

#### *Registration and Community Notification Laws (RCNL)*

In 1994, 7-year-old Megan Kanka was raped and killed by recidivist sex offender Jesse Timmendequas, who was living across the street from her. Timmendequas had two prior convictions for violent sexual offenses, but his neighbors in this New Jersey suburb were unaware of his background. As a result of Megan's death, her mother went on a crusade to get laws passed that would allow the community to be notified about sex offenders living in the area. As a result of Mrs. Kanka's advocacy, New Jersey passed "Megan's Law," and the federal government and all states soon followed.

RCNL statutes vary in every state, but there are some commonalities. Sex offenders are required to register with law enforcement or another state agency, and that agency is charged with maintaining the central registry of sex offenders. Sex offenders must provide their names and aliases; addresses where they live and work; and additional information such as the type of car they drive, tattoos, and so forth. The requirement to register is triggered by the conviction of offenses specified by statute. These include any sexually based offenses, completed or attempted, and, in most states, offenses against children such as kidnapping. Each state has a way to assess the risk level of sex offenders, and in most states they are designated into one of three tiers of risk: low, moderate, or high. Low- and moderate-risk offenders must verify their addresses annually, and high-risk offenders must verify their information every 90 days. The offenders must stay on the registry for a set amount of time, ranging from 10 years to life. Failure to register or knowingly providing false information is an offense, ranging from a violation to a felony. Every state now maintains an online registry of sex offenders that can be publicly accessed, and some states also have some type of "active" notification, like sending out flyers or going door-to-door to warn neighbors about offenders living in the community.



RCNL was controversial at its inception and has been challenged often in state and federal courts. Sex offenders challenged nearly all the provisions in RCNL statutes, claiming violations of *ex post facto*, due process, cruel and unusual punishment, equal protection, and search and seizure, among other issues. Other challenges have been brought on grounds that the state failed to notify the offender of his duty to register (another type of due process challenge), that the offense for which the offender was convicted should not have triggered registration under the statute (e.g., a juvenile offense), that the offender did not knowingly violate the registration law, that failure to register was not a continuing offense (a type of *ex post facto* challenge), that the tier risk level assigned was improper, that the court lacked jurisdiction, and that Internet notification is too broad. These challenges have resulted in varying degrees of success, but the courts have unanimously declared that RCNL is constitutional (for a full review of RCNL, see Terry & Furlong, 2008).

### *Residency Restrictions*

Residency restrictions limit the places where sex offenders can live and, sometimes, where they can work. They are based upon the premise that geographical proximity to offense opportunities increases the likelihood that offenders will recidivate. The goal of residency restriction statutes is to increase public safety by limiting sex offenders' access to the places "where children congregate." The places of congregation and the length of the restriction vary by jurisdiction. Residency restrictions typically bar offenders from living within a 1,000- to 2,500-foot distance from schools, day care centers, parks, or other places densely populated by children (see Nieto & Jung, 2006). Though many states—22 as of 2006—have implemented general residency restrictions, these are more commonly implemented on a local (city or county) level.

Sex offenders have challenged residency restrictions in court but, like RCNL, they have been upheld. The Supreme Court has ruled that residency restrictions are not, on their face, unconstitutional, even though they may deprive sex offenders of housing options; may force offenders to move from supportive environments and employment opportunities; and, subsequently, could increase rather than decrease recidivism risk.

Few empirical studies have thus far addressed the outcome of this legislation, and the empirical studies that do exist have produced conflicting results. Studies in Minnesota, Ohio, Colorado, and San Diego, California, have indicated that residency restrictions lead to a shortage of available housing alternatives for sex offenders. This could force sex offenders into isolated areas that lack services, employment opportunities, or adequate social support, which could actually destabilize offenders (see Levenson & Cotter, 2005).

### *Sexually Violent Predator Legislation*

Several states have passed legislation allowing for the civil commitment of "sexually violent predators" (SVP) to a

mental institution if they are assessed as having a mental abnormality or personality disorder and are dangerous to themselves or others. Washington was the first state to enact SVP legislation as part of the Community Protection Act of 1990, and 20 states currently have some version of SVP laws. The goal of this legislation is to incapacitate sex offenders at high risk of reoffending until they are rehabilitated. SVP laws are similar to legislation from the 1930s–1950s, which allowed "sexual psychopaths" to be incapacitated in mental health facilities instead of prison with the understanding that "sexual psychopathy" was a disorder that could be "cured."

To be designated an SVP, a person must generally (a) be convicted of a sexually violent offense and (b) suffer from a mental abnormality or personality disorder that is likely to put the person at high risk of committing a future act of sexual violence. To be committed, an offender is referred to the court before release from prison. There is then a hearing to determine if there is probable cause to believe the sex offender fits the criteria of an SVP and, if so, the offender undergoes a risk assessment evaluation. Sex offenders assessed as dangerous then have a trial to assess whether they should be incapacitated. States differ on their burden of proof necessary at trial to determine if the offender is an SVP; some states require proof beyond a reasonable doubt, but others merely require clear and convincing evidence. Offenders have due process rights throughout the hearing process.

SVP facilities differ across the states. Some use "secure facilities" run by the state (e.g., South Carolina, Illinois, and Iowa), while others have secure facilities run by private corporations (e.g., Florida), state hospitals (e.g., Arizona, California, North Dakota, and Wisconsin), correctional mental health facilities (e.g., Kansas, New Jersey, and Washington), mental health hospitals (e.g., Minnesota, Missouri, and Wisconsin), or even outpatient commitment facilities (e.g., Texas). States have varying regulations about the length of time the SVP can be confined, the most common being indefinite/indeterminate commitment with reviews every set number of years (e.g., every 2 years).

SVP legislation is controversial for several reasons. First, it allows for the confinement of offenders after they have completed their criminal sentences. Second, the risk assessment process is fallible. Assessment processes vary in each state, and no process can accurately predict all those who may or may not be dangerous, resulting in both false negatives and false positives. Third, few offenders are ever released because, once incapacitated, offenders have difficulty showing that they are "rehabilitated." Most releases have been due to technical issues rather than an assessment that the offenders were rehabilitated. Finally, civil commitment is very expensive—approximately 2 to 3 times the cost of incapacitation in maximum security prisons.

Almost immediately after its inception, offenders challenged SVP legislation in the courts on grounds of *ex post facto* application, double jeopardy, due process, equal application, vagueness of the statute, and definition of an SVP. The U.S. Supreme Court stated that the law is constitutional, however, because it is a civil rather than a criminal statute. As such, it does not violate double jeopardy

clauses by adding additional punishment because the purpose of civil commitment is neither retribution nor deterrence (see *Kansas v. Hendricks* 521 U.S. 346 [1997]).

### Treatment for Sex Offenders

Treatment is often required for sex offenders serving some or all of their sentences in the community (e.g., on probation or parole). The most common type of treatment for sex offenders today is cognitive-behavioral therapy (CBT). CBT was developed from earlier behavioral models and focuses on reducing sexually deviant behavior through a number of processes. First, the treatment must address deviant sexual fantasies. Several behavioral approaches are used to accomplish this while at the same time increasing sexual arousal to appropriate stimuli. These include covert sensitization (the pairing of a negative consequence with the sexual arousal stimulus), aversion therapy (the sexual arousal stimulus is paired with an aversive event), and masturbatory satiation (masturbating to ejaculation while verbalizing an appropriate sexual fantasy).

The second step of CBT is to enhance the offenders' social and relationship skills, and help them to understand appropriate social interaction and empathy. CBT targets issues such as social problem solving, conversational skills, social anxiety, assertiveness, conflict resolution, intimacy, anger management, and self-confidence. A third aspect of CBT addresses cognitive restructuring. The goal is to reduce cognitive distortions, or the internal rationalizations, excuses, and justifications that sex offenders make for their behavior (see Marshall & Barbaree, 1990). A final part of CBT is to teach offenders how to manage their own behavior. This phase follows the idea that offenders should understand their high-risk situations and be able to manage them by making appropriate decisions.

Though CBT is the most common form of treatment today, it is sometimes used in combination with other treatment approaches such as "chemical castration." Chemical castration treatments usually consist of taking regular doses of anti-androgens such as medroxyprogesterone acetate (MPA) that reduce the level of serum testosterone in males. Other pharmacological treatments may include selective serotonin reuptake inhibitors (SSRIs) such as sertraline (Zoloft), fluoxetine (Prozac), fluvoxamine, desipramine, and clomipramine.

Studies have varied in their assessment of treatment efficacy (see R. K. Hanson & Bussiere, 1996; Looman, Dickie, & Abracen, 2005; Marques, Day, Nelson, & West, 1994). Overall, it seems that sex offenders who participate in a CBT do have lower levels of recidivism, though this is difficult to measure through methodologically sound studies.

### References and Further Readings

- American Psychiatric Association. (1994). *Diagnostic and statistical manual of mental disorders* (4th ed.). Washington, DC: Author.
- Arata, C. M. (1998). To tell or not to tell: Current functioning of child sexual abuse survivors who disclosed their victimization. *Child Maltreatment, 3*, 63–71.
- Bal, S., De Bourdeaudhuij, I., & Crombez, G. (2005). Predictors of trauma symptomatology in sexually abused adolescents: A 6-month follow-up study. *Journal of Interpersonal Violence, 20*, 1390–1405.
- Bolen, R., & Scannapieco, M. (1999). Prevalence of child sexual abuse: A corrective meta-analysis. *Social Service Review, 73*, 281–313.
- Browning, C. R., & Laumann, E. O. (1997). Sexual contact between children and adults: A life course perspective. *American Sociological Review, 62*, 540–560.
- Brownmiller, S. (1975). *Against our will: Men, women, and rape*. New York: Bantam.
- Bureau of Justice Statistics. (1997). *Sex offenses and offenders: An analysis of data on rape and sexual assault*. Washington, DC: U.S. Department of Justice.
- Calhoun, K. S., & Atkeson, B. M. (1991). *Treatment of rape victims: Facilitating psychosocial adjustment*. Elmsford, NY: Pergamon.
- Coxe, R., & Holmes, W. (2001). A study of the cycle of abuse among child molesters. *Journal of Child Sexual Abuse, 10*, 111–118.
- DiPietro, E. K., Runyan, D. K., & Fredrickson, D. D. (1997). Predictors of disclosure during medical evaluation for suspected sexual abuse. *Journal of Child Sexual Abuse, 6*, 133–142.
- Finkelhor, D. (1984). *Child sexual abuse: New theory and research*. New York: Free Press.
- Finkelhor, D. (1988). The trauma of child sexual abuse: Two models. In G. E. Wyatt & G. J. Powell (Eds.), *Lasting effects of child sexual abuse* (pp. 61–82). Newbury Park, CA: Sage.
- Groth, A. N. (1979). *Men who rape: The psychology of the offender*. New York: Plenum.
- Groth, A. N., Hobson, W. F., & Gary, T. S. (1982). The child molester: Clinical observations. In J. Conte & D. A. Shore (Eds.), *Social work and child sexual abuse* (pp. 129–144). New York: Haworth.
- Hanson, R. F., Saunders, H. S., Saunders, B. E., Kilpatrick, D. G., & Best, C. (1999). Factors related to the reporting of childhood rape. *Child Abuse and Neglect, 23*, 559–569.
- Hanson, R. K., & Bussiere, M. T. (1996). Sex offender risk predictors: A summary of research results. *Forum on Corrections Research, 8*(2), 10–12.
- Hanson, R. K., & Morton-Bourgon, K. (2004). *Predictors of sexual recidivism: An updated meta-analysis (Research Rep. No 2004–02)*. Ottawa, Ont.: Public Safety and Emergency Preparedness Canada.
- Hanson, R. K., & Slater, S. (1988). Sexual victimization in the history of child sexual abusers: A review. *Annals of Sex Research, 1*, 485–499.
- Hart, T. C., & Rennison, C. (2003). *Reporting crime to the police, 1992–2000*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Jenkins, P. (1998). *Moral panic: Changing concepts of the child molester in modern America*. New Haven, CT: Yale University Press.
- Jones, L. M., & Finkelhor, D. (2004). *Sexual abuse decline in the 1990s: Evidence for possible causes* (Juvenile Justice Bulletin No. NCJ1999298). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

- Knight, R. A., & Prentky, R. A. (1990). Classifying sexual offenders. In W. L. Marshall, D. R. Laws, & H. E. Barbaree (Eds.), *Handbook of sexual assault: Issues, theories, and treatment of the offender* (pp. 23–53). New York: Plenum.
- Krone, T. (2004). A typology of online child pornography offending. *Trends & Issues in Crime and Criminal Justice*, 279.
- Lamb, S., & Edgar-Smith, S. (1994). Aspects of disclosure: Mediators of outcome of childhood sexual abuse. *Journal of Interpersonal Violence*, 9, 307–326.
- Levenson, J. S., & Cotter, L. P. (2005). The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168–178.
- Looman, J., Dickie, I., & Abracen, J. (2005). Responsivity issues in the treatment of sexual offenders. *Trauma, Violence, & Abuse*, 6(4), 330–353.
- Lundberg-Love, P. K. (1999). The resilience of the human psyche: Recognition and treatment of the adult survivor of incest. In M. A. Paludi (Ed.), *The psychology of sexual victimization: A handbook* (pp. 3–30). Westport, CT: Greenwood.
- Lussier, P., Beauregard, E., Proulx, J., & Nicole, A. (2005). Developmental factors related to deviant sexual preferences in child molesters. *Journal of Interpersonal Violence*, 20, 999–1017.
- Marques, J., Day, D. M., Nelson, C., & West, M. (1994). Effects of cognitive-behavioral treatment on sex offender recidivism: Preliminary results of a longitudinal study. *Criminal Justice and Behavior*, 21, 28–54.
- Marshall, W. L., & Barbaree, H. E. (1990). Outcome of comprehensive cognitive-behavioral treatment programs. In W. L. Marshall, D. R. Laws, & H. E. Barbaree (Eds.), *Handbook of sexual assault: Issues, theories, and treatment of the offender* (pp. 363–385). New York: Plenum.
- Marshall, W. L., Laws, D. R., & Barbaree, H. E. (1990). Issues in sexual assault. In W. L. Marshall, D. R. Laws, & H. E. Barbaree (Eds.), *Handbook of sexual assault: Issues, theories, and treatment of the offender*. New York: Plenum.
- Matthews, J. K., Matthews, R., & Speltz, K. (1991). Female sexual offenders: A typology. In M. Q. Patton (Ed.), *Family sexual abuse: Frontline research and evaluation* (pp. 199–219). Newbury Park, CA: Sage.
- Miethe, T. D., Olson, J., & Mitchell, O. (2006). Specialization and persistence in the arrest histories of sex offenders: A comparative analysis of alternative measures and offense types. *Journal of Research in Crime and Delinquency*, 43, 204–229.
- Nieto, M., & Jung, D. (2006). *The impact of residency restrictions on sex offenders and correctional management practices: A literature review*. Sacramento: California Research Bureau.
- O'Brien, M., & Bera, W. H. (1986). Adolescent sexual offenders: A descriptive typology. *Preventing Sexual Abuse: A Newsletter of the National Family Life Education Network*, 1, 2–4.
- Prentky, R., Harris, B., Frizzell, K., & Righthand, S. (2000). An actuarial procedure for assessing risk in juvenile sex offenders. *Sexual Abuse: A Journal of Research and Treatment*, 12, 71–93.
- Pryor, D. W. (1996). *Unspeakable acts: Why men sexually abuse children*. New York: New York University Press.
- Scully, D. (1990). *Understanding sexual violence: A study of convicted rapists*. Cambridge, MA: Unwin Hyman.
- Simon, L. M. J. (2000). An examination of the assumptions of specialization, mental disorder, and dangerousness in sex offenders. *Behavioral Sciences and the Law*, 18, 275–308.
- Smallbone, S. W., & McCabe, B. (2003). Childhood attachment, childhood sexual abuse, and onset of masturbation among adult sex offenders. *Sexual Abuse: A Journal of Research and Treatment*, 15, 1–9.
- Smallbone, S. W., & Wortley, R. K. (2004). Criminal diversity and paraphilic interests among adult males convicted of sexual offenses against children. *International Journal of Offender Therapy and Comparative Criminology*, 48, 175–188.
- Terry, K. J. (2006). *Sexual offenses and offenders: Theory, practice, and policy*. Belmont, CA: Wadsworth.
- Terry, K. J., & Furlong, J. (2008). *Sex offender registration and community notification: A "Megan's Law" sourcebook* (2nd ed.). Kingston, NJ: Civic Research Institute.
- Ullman, S. E. (2007). Relationship to perpetrator, disclosure, social reactions, and PTSD symptoms in child sexual abuse survivors. *Journal of Child Sexual Abuse*, 16, 19–36.
- Watkins, B., & Bentovim, A. (1992). The sexual abuse of male children and adolescents: A review of current research. *Journal of Clinical Psychology & Psychiatry*, 33, 197–248.
- Weeks, R., & Widom, C. S. (1998). Self-reports of early childhood victimization among incarcerated adult male felons. *Journal of Interpersonal Violence*, 13, 346–361.
- Weinrott, M. R. (1996). *Juvenile sexual aggression: a critical review*. Portland, OR: Center for the Study and Prevention of Violence.
- Widom, C. S., Schuck, A. M., & White, H. R. (2006). An examination of pathways from childhood victimization to violence: The role of early aggression and problematic alcohol use. *Violence and Victims*, 21, 675–690.
- Worling, J. R. (1995). Sexual abuse histories of adolescent male sex offenders: Differences on the basis of the age and gender of their victims. *Journal of Abnormal Psychology*, 104, 610–613.
- Wortley, R., & Smallbone, S. (2006). *Child pornography on the Internet*. Washington, DC: U.S. Department of Justice.
- Zimring, F. E., Piquero, A. R., & Jennings, W. G. (2007). Sexual delinquency in Racine: Does early sex offending predict later sex offending in youth and young adulthood? *Criminology & Public Policy*, 6, 507–534.

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## JUVENILE DELINQUENCY

MATT DELISI

*Iowa State University*

**J**uvenile delinquency refers to antisocial and criminal behavior committed by persons under the age of 18. Juvenile delinquency is also simply called *delinquency*, and the two terms are used interchangeably in popular discourse. Once persons reach adulthood, antisocial and criminal behavior is known as crime. In this way, juvenile delinquency is the child and adolescent version of crime. Juvenile delinquency encompasses two general types of behaviors, status and delinquent offenses. Status offenses are behaviors that are considered inappropriate or unhealthy for children and adolescents, and the behaviors are proscribed because of the age of the offender. Such behaviors, if committed by adults, are not illegal. Examples of status offenses include smoking or using tobacco, drinking or possessing alcohol, running away from home, truancy or nonattendance at school, and violating curfew. There are also other status offenses that are essentially labels that parents and the juvenile justice system place on young people. These offenses include waywardness, incorrigibility, idleness, and being ungovernable. Depending on the jurisdiction, the juvenile justice system has devised formal labels for adolescents that are in need. These include CHINS (child in need of supervision), PINS (person in need of supervision), MINS (minor in need of supervision), FINS (family in need of supervision), and YINS (youth in need of supervision).

Delinquent offenses are violations of legal statutes that also apply to adults in the criminal justice system.

Delinquent offenses include acts of violence against persons, such as murder, rape, armed robbery, aggravated and simple assault, harassment, stalking, menacing, child abuse, and similar offenses. Delinquent offenses also include acts that are considered property crimes, such as burglary, theft or larceny, motor vehicle theft, arson, damage to property, criminal mischief, vandalism, and others. A variety of miscellaneous crimes sometimes known as public order offenses are also delinquent offenses. These include driving while intoxicated, cruelty to animals, possession and use of a controlled substance, forgery, fraud, disorderly conduct, weapons violations, prostitution and commercialized vice, vagrancy and loitering, traffic violations, and others.

Juvenile delinquency is important in society for several reasons but for three in particular. First, children and adolescents commit a significant amount of delinquent offenses that result in violent, property, or other forms of victimization. Each year, more than one million children and adolescents are arrested by police for their delinquent acts. Second, juvenile delinquency is itself seen as an indicator of the general health and prosperity of a society. In neighborhoods with high levels of delinquency, the antisocial behavior is seen as part of a larger set of social problems. In this sense, juvenile delinquency is troubling because of the victimizations that are inflicted and the perceptual image of society as unable to adequately control and supervise young people. Third, as this chapter will

explore, juvenile delinquency has different meanings depending on its severity and other factors. For many young people, juvenile delinquency is a fairly normal facet of growing up. For a small group of youths, however, juvenile delinquency is simply the beginning stage of what will become a lifetime of antisocial behavior. This chapter offers a comprehensive look at juvenile delinquency including its historical background, major theories of juvenile delinquency, and types or typologies of juvenile delinquents.

## Historical Background

The ways that juvenile delinquency has been defined, perceived, and responded to have changed over time and generally reflect the social conditions of the particular era. During the colonial era of the United States, for example, the conceptualization of juvenile delinquency was heavily influenced by religion. At this time, juvenile delinquency was viewed as not only a legal violation, but also a moral violation. Delinquent acts were viewed as affronts to God and God's law, and as such, wrongdoers were treated in very punitive and vengeful ways.

American colonial society was similarly harsh toward children and the control of children's behavior. Throughout society, there was a general notion that children were particularly susceptible to vice and moral violations. For instance, in 1641, the General Court of Massachusetts Bay Colony passed the Stubborn Child Law, which stated that children who disobeyed their parents would be put to death. The language and the spirit of the law were drawn from the biblical Book of Deuteronomy. The Stubborn Child Law descended from the Puritans' belief that unacknowledged social evils would bring the wrath of God down upon the entire colony. The Puritans believed they had no choice but to react to juvenile misbehavior in a severe and calculated manner. However, not all colonies adopted the Stubborn Child Law. Outside Massachusetts, children found guilty of a serious crime frequently were punished via corporal punishment, which is the infliction of physical pain such as whipping, mutilating, caning, and other methods.

What would today be considered normal and routine adolescent behavior, such as "hanging out with friends," was in early eras considered serious delinquent behavior, such as sloth and idleness. Today, the use of a death penalty or beatings for minor types of delinquency seems shocking; however, there are similarities between colonial juvenile justice and contemporary juvenile justice. In both eras, adult society held ambivalent views about children. On one hand, children and adolescents were seen as innocents that were not fully developed and required compassion, patience, and understanding. From this perspective, the response to juvenile delinquents should be tempered, tolerant, and used to teach or discipline. On the other hand,

children and adolescents were viewed as disrespectful, annoying, and simply different from adults. It was believed that children were born in sin and should submit to adult authority.

Over time, the puritanical approach to defining, correcting, and punishing juvenile delinquency came under attack. Not only had these severe forms of juvenile justice failed to control juvenile delinquency, but also they were portrayed as primitive and brutal. In 1825, a progressive social movement known as the Child Savers changed the course of the response to juvenile delinquency and made corrections a primary part of it. Rather than framing juvenile delinquency as an issue of sin and morality, the Child Savers attributed it to environmental factors, such as poverty, immigration, poor parenting, and urban environments. Based on the doctrine of *parens patriae*, which means the state is the ultimate guardian of children, the Child Savers sought to remove children from the adverse environments that they felt contributed to children's delinquency.

The Child Savers actively pursued the passage of legislation that would permit placing children in reformatories, especially juvenile paupers. The goal of removing children from extreme poverty was admirable, but resulted in transforming children into persons without legal rights. Children were placed into factories, poorhouses, and orphanages where they were generally treated poorly and where almost no attention was given to their individual needs. The first and most infamous of these facilities was the New York House of Refuge, which opened in 1825 and served to incarcerate thousands of children and adolescents viewed as threats to public safety and social order.

Another curious response to juvenile delinquency during this era was the use of transport. For example, between the 1850s and the Great Depression, approximately 250,000 abandoned children from New York were placed on orphan trains and relocated to locations in the West where they were adopted by Christian farm families. The process of finding new homes for the children was haphazard. At town meetings across the country, farming families took their pick of the orphan train riders. Children who were not selected got back on board the train and continued to the next town. The children who were selected and those who adopted them had one year to decide whether they would stay together. If either decided against it, the child would be returned, boarded on the next train out of town, and offered to another family.

Progressive reformers continued looking for new solutions to the growing problem of juvenile delinquency. Their most significant remedy was the creation of the juvenile court in Cook County, Illinois, in July 1899 via the passage of the Chicago Juvenile Court Act. The juvenile court attempted to closely supervise problem children, but unlike the houses of refuge, this new form of supervision was to more often occur within the child's own home and community, not in institutions. In the juvenile court, procedures

were civil as opposed to criminal, perhaps because social workers spearheaded the court movement. They thought that children had to be treated, not punished, and the judge was to be a sort of wise and kind parent. The new court segregated juvenile from adult offenders at all procedural stages.

The juvenile court reaffirmed and extended the doctrine of *parens patriae*. This paternalistic philosophy meant that reformers gave more attention to the “needs” of children than to their rights. In their campaign to meet the needs of children, the Child Savers enlarged the role of the state to include the handling of children in the judicial system. Because of its innovative approach, the juvenile court movement spread quickly, and by 1945, all states had specialized juvenile courts to respond to juvenile delinquency.

As juvenile courts across the United States continued in operation, two concerns emerged that would later motivate additional reforms. First, the informality of juvenile proceedings was seen as good in that justice could be tailored to the needs of individual youth. However, the informality also invited disparate treatment of offenders. The second and related point was that the juvenile court needed to become more formalized to ensure due process rights of delinquents that were comparable to the due process rights of adults in the criminal courts. These rights were established in a series of landmark cases during the 1960s and early 1970s.

An important milestone in the history of juvenile delinquency occurred in 1974 with the passage of the Juvenile Justice and Delinquency Prevention Act. This act was the most sweeping change in juvenile justice since the founding of the juvenile court. There were five major points of the Juvenile Justice and Delinquency Prevention Act. First, it mandated the decriminalization of status offenders so that they were not considered delinquent. Second, it mandated the deinstitutionalization of juvenile corrections so that only the most severe juvenile delinquents would be eligible for confinement. In addition, the act mandated that status offenders should not be institutionalized and that juveniles in adult jails and prisons should be separated by sight and sound from adults. Third, it broadened use of diversion as an alternative to formal processing in juvenile court. Fourth, it continued application of due process constitutional rights to juveniles. Fifth, it created the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), which funded research to evaluate juvenile justice programs and disseminated research findings on the juvenile justice system.

The Juvenile Justice and Delinquency Prevention Act was modified in 1977, 1980, 1984, 1988, and as recently as 2002. For instance, in 1980 the act specified the jail and lockup removal requirement, which meant that juveniles could not be detained or confined in adult jails or lockups. Adult facilities had a 6-hour grace period to ascertain the age of the offender or transport the youth to a juvenile facility. (Rural jails had up to 48 hours.) In 1988, the act specified the disproportionate minority confinement

requirement, which required juvenile corrections to gather data on the racial composition of their population compared to the racial composition of the state. In 2002, this was changed to disproportionate minority *contact*, whereby racial data were mandated for all aspects of the juvenile justice system. Correctional systems must comply with OJJDP guidelines to remain eligible for federal allocations from the Formula Grants Program.

Beginning in the 1960s and continuing until the early to mid-1990s, the United States experienced dramatic increases in the most serious forms of juvenile delinquency, such as murder, and an increasingly visible juvenile gang problem in major American cities. As a result, states enacted more legislation that targeted youths involved in the most serious types of juvenile delinquency. During the 1990s, 45 states made it easier to transfer juvenile offenders to adult criminal courts. Thirty-one states expanded the sentencing options to include blended sentencing, which allows juvenile courts to combine juvenile and adult punishment that is tailored to the needs of the individual offender. For instance, juvenile courts can combine a juvenile disposition with a criminal sentence that is suspended. If the delinquent complies with the juvenile disposition, the criminal sentence is never imposed. If not, the youth is eligible to receive the adult sentence.

In 34 states, there are “once an adult, always an adult” provisions that specify that once a youth has been tried as an adult, any subsequent offenses must also be waived to criminal court. Laws have been modified to reduce or remove traditional juvenile court confidentiality provisions and make juvenile records more open in 47 states. In 22 states, laws have increased the role of victims of juvenile crimes by allowing them more voice in the juvenile justice process.

Nationwide, adolescents account for about 1% of new court commitments to adult state prisons. This means that more than 4,000 adolescents are in adult prisons because they have been convicted of the most serious forms of delinquency, which includes offenses such as armed robbery, assault, burglary, murder, and sexual assault. More punitive measures such as waivers are justified based on the serious violence and chronic delinquencies of the most serious offenders; however, some of these provisions carry unintended consequences. For example, research suggests that youths who are waived to criminal court and receive adult punishments ultimately have higher recidivism levels than youths that receive juvenile court dispositions.

Over the past 20 years, American society has also struggled to understand the place of capital punishment as a way to punish the most violent juvenile delinquents. In 1988, in *Thompson v. Oklahoma*, the Supreme Court held that imposing the death penalty on a person who was 15 years at the time of his or her crime violated the Eighth Amendment’s prohibition against cruel and unusual punishment. One year later, in *Stanford v. Kentucky*, the Supreme Court held that no consensus exists that forbids

the sentencing to death of a person that commits capital murder at age 16 or 17. That changed in 2005 with the landmark case *Roper v. Simmons*, which rendered capital punishment unconstitutional as applied to persons under age 18. The *Roper* decision invalidated the death penalty for juveniles, which is a far different approach from earlier eras. According to the Supreme Court, several factors contributed to a changing consensus about applying the death penalty to juveniles, including the fact that several states had abolished the juvenile death penalty in the intervening years since *Stanford*; most states that retained the juvenile death penalty basically never used it; the juvenile death penalty was not used in most parts of the Western world; and there was greater appreciation for the developmental differences between adolescent and adults in terms of decision making, emotional and behavioral control, and other neurocognitive factors that influence criminal decision making.

It is conventional wisdom within criminology to lament the increasing toughness or punitive stance that society takes toward juvenile delinquents, primarily through the process of transfer to criminal court. But it should be noted that the last 40 years of juvenile justice reflect a profound commitment to due process and the legal rights of adolescents, the abolishment of the juvenile death penalty, and a general hands-off policy stance toward status and low-level delinquents. Indeed, the juvenile justice system and particularly juvenile corrections have noted the diversity of the juvenile delinquent population and have focused resources disproportionately toward the most serious youths.

## Major Theories of Juvenile Delinquency

Any idea about the causes, extent, and correlates of juvenile delinquency is essentially a theory, such as equating juvenile delinquency with sin and violating God's law. For more than two centuries, academic criminologists have developed a host of theories to explain juvenile delinquency. The major difference among them relates to the academic discipline in which the theorist was trained. The various disciplines, such as economics, psychology, and sociology, have differing assumptions about humans and human behavior, and these result in different conceptualizations about what causes juvenile delinquency. This section broadly examines theories of juvenile delinquency from economics, psychology, and—the most common theoretical approach—sociology.

Some of the earliest theories of juvenile delinquency were economic in their perspective. Economic theories are known as classical theories. They generally state that juveniles are rational, intelligent people who have free will, which is the ability to make choices. Young people calculate the costs and benefits of their behavior *before* they act. Delinquency is the result of juveniles imagining greater gains coming from breaking the law than from obeying it. In the same way, children and adolescents that skip school

first weigh the likelihood of getting caught against the potential fun they will have. Similarly, juveniles who commit serious crime weigh the pleasure they imagine they will receive against potentially being arrested, prosecuted, convicted, and sent to prison. Since behavior is a conscious decision that youths make, they may be held responsible for their choices and their consequences.

One of the major figures in classical theory is Cesare Beccaria (1764/1963), who formulated his ideas about crime control during the 18th century when the criminal justice systems throughout Europe were cruel and ruthless and exercised a callous indifference toward human rights. People were punished for crimes against religion, such as atheism and witchcraft, and for crimes against the state, such as criticizing political leaders. Worse yet, “offenders” were rarely told why they were punished. No one was exempt. Any person could be hauled off to jail at any time, for any reason. Wealthy persons were generally spared the most torturous and degrading punishments, which were reserved for ordinary citizens who sometimes were burned alive, whipped, mutilated, or branded.

These conditions inspired Beccaria to write an essay titled “On Crimes and Punishments,” where he laid the framework for a new system of justice that emphasized humanity, consistency, and rationality. According to Beccaria, the system would follow these principles:

1. Social action should be based on the utilitarian principle of the greatest happiness for the greatest number.
2. Crime is an injury to society, and the only rational measure of crime is the extent of the injury.
3. Crime prevention is more important than punishment. Laws must be published so that the citizenry can understand and support them.
4. In criminal procedure, secret accusations and torture must be abolished. There should be speedy trials, and accused persons should have every right to present evidence in their defense.
5. The purpose of punishment is to prevent crime. Punishment must be swift, certain, and severe. Penalties must be based on the social damage caused by the crime. There should be no capital punishment. Life imprisonment is a better deterrent. Capital punishment is irreparable and makes no provision for mistakes.
6. Imprisonment should be widely used, but prison conditions should be improved through better physical quarters and by separating and classifying inmates as to age, sex, and criminal histories.

Another important classical theorist was the English economist Jeremy Bentham who, observing that people naturally seek pleasure and avoid pain, believed that the “best” punishment was one that would produce more pain than whatever pleasure the offender would receive from committing the crime. In other words, punishment must “fit the crime,” and no single punishment was always best. Instead, a variety of punishments should be used.

Today, classical theory is generally known as rational choice theory, which again asserts that people are rational and make calculated choices regarding what they are going to do before they act. Juvenile delinquents collect, process, and evaluate information about the crime and make a decision whether to commit it after they have weighed the costs and benefits of doing so. Juvenile delinquency represents a well-thought-out decision whereby delinquents decide where to commit the crime, who or what to target, and how to execute it.

Psychological theories explain juvenile delinquency with individual-level constructs that exist inside of all people and interact with the social world. For instance, behavioral theory proposes that behavior reflects people's interactions with others throughout their lifetime. A leading behaviorist was the psychologist B. F. Skinner (1953), who theorized that children learn conformity and deviance from the punishments and reinforcements that they receive in response to their behavior. He believed the environment shapes behavior and that children identify those aspects of their environment they find pleasing and which ones are painful; their behavior is the result of the consequences it produces. He concluded that children and adolescents repeat rewarded behavior and terminate punished behavior.

Similarly, Albert Bandura (1977) argues that learning and experiences couple with values and expectations to determine behavior. In his social learning theory, Bandura suggests that children learn by modeling and imitating others. For example, children learn to be aggressive from their life experiences and learn aggression in different ways—for instance, by seeing parents argue, watching their friends fight, viewing violence on television and in movies, and listening to violent music. What children learn is that aggression is sometimes acceptable and can produce the desired outcome. The ideas of Skinner and Bandura would later be adopted by sociologists.

According to psychodynamic theory, unconscious mental processes that developed in early childhood control the personality, and these mental processes influence behavior, including juvenile delinquency. The main author of this theory is Sigmund Freud (1925), who theorized that the personality consists of three parts: the id, ego, and superego. The id, which is present at birth, consists of blind, unreasoning, instinctual desires and motives. The id represents basic biological and psychological drives and does not differentiate between fantasy and reality. The id also is antisocial and knows no rules, boundaries, or limitations. If the id is left unchecked, it will destroy the person. The ego grows from the id and represents the problem-solving dimension of the personality. It deals with reality, differentiates it from fantasy, and teaches children to delay gratification because acting on impulse will get them into trouble. The superego develops from the ego and is the moral code, norms, and values the child has acquired. The superego is responsible for feelings of guilt and shame and is more closely aligned with the conscience. In mentally

healthy children, the three parts of the personality work together. When the parts are in conflict, children may become maladjusted and ready for delinquency. Freud did not write specifically about delinquency. However, he did influence criminologists, who took his ideas and applied them to the study of crime. The lasting importance of Freud and psychodynamic theory is evidenced in the way that early childhood experiences and mental processes have figured prominently in studies of human behavior.

The psychological theory that most explicitly matches the thinking patterns and personality of the individual with his or her subsequent involvement in juvenile delinquency is psychopathy. *Psychopathy* is a clinical construct that is usually referred to as a personality disorder defined by a set of interpersonal, affective, lifestyle, and behavioral characteristics that manifest in wide-ranging antisocial behaviors. The characteristics of psychopathy read like a blueprint for juvenile delinquency. Psychopathic persons are impulsive, grandiose, emotionally cold, manipulative, callous, arrogant, dominant, irresponsible, short-tempered individuals who tend to violate social norms and victimize others without guilt or anxiety.

Psychopathy is a controversial theory, and much disagreement centers on whether the theory should be applied toward children and adolescent delinquents. At the heart of psychopathy is the complete lack of feeling for other people evidenced by callous-unemotional traits, remorselessness, and the absence of empathy. Psychopathic persons do not experience the feelings that naturally inhibit the acting out of violent impulses, and their emotional deficiency is closely related to general under-arousal and the need for sensation seeking. Because of this inability to morally connect to other people, psychopathic persons are distinct from other offender groups. Research has also shown that the callous and unemotional traits that are indicators of psychopathy are present early in life during childhood, and these traits are mostly genetic in origin. In this way, psychopathy does not just implicate the personality and character of a person but also his or her genes.

Sociological theories of juvenile delinquency point to societal factors and social processes that in turn affect human behavior. Unlike other explanations, sociology explains people's behavior using characteristics beyond the individual. Mostly, sociological theories assert that certain negative aspects of neighborhoods and society in general serve as structural inducements for young people to resort to juvenile delinquency. In this way, sociological theories tend to ignore or deny individual-level psychological differences that might partially explain who engages in delinquency.

One of the most prominent sociological theories is the social disorganization theory developed by Clifford Shaw and Henry McKay (1942), who suggested that juvenile delinquency was caused by the neighborhood in which a person lived. Instead of focusing on individual traits, Shaw and McKay studied the impact of the kinds of places, such



as neighborhoods, that created conditions favorable to delinquency. They discovered that delinquency rates declined the farther one moved from the center of the city. They reached this conclusion after dividing Chicago into five concentric circles or zones. At the center was the Loop, the downtown business district where property values were highest (Zone I). Beyond the Loop was the zone of transition (Zone II) containing an inner ring of factories and an outer ring that included places of vice, such as gambling, prostitution, and the like. Zones III and IV were suburban residential areas, and Zone V extended beyond the suburbs. Delinquency rates were highest in the first two zones and declined steadily as one moved farther away from the city center.

Neighboring railroads, stockyards, and industries made Zone II the least desirable residential area, but also the cheapest one. Because of this, people naturally gravitated to this area if they were poor, as many new immigrants to the United States were. What did these findings say about juvenile delinquency? Shaw and McKay interpreted the findings in cultural and environmental terms. The rates of juvenile delinquency remained stable in certain Chicago neighborhoods, regardless of the race or ethnicity of the people who lived there. Areas that were high in juvenile delinquency at the turn of the 20th century were also high in juvenile delinquency several decades later, even though many of the original residents had moved away or died. Shaw and McKay explained juvenile delinquency via the following four points.

First, run-down areas create social disorganization. Cities such as Chicago were expanding industrially, their populations were increasing, and segregation was forcing new immigrants into the slums. These immigrants were not familiar with the city's geography or culture; they arrived with different languages and work experiences; and they immediately faced new and overwhelming problems, including poverty, disease, and confusion.

Second, social disorganization fosters cultural conflicts. In low-delinquency areas of the city, there typically was agreement among parents on which values and attitudes were the "right" ones, with general consensus on the importance of education, constructive leisure, and other child-rearing issues. Local institutions, such as the PTA, churches, and neighborhood centers, reinforced these conventional values. No such consistency prevailed in high-delinquency areas. The norms of a variety of cultures existed side by side, creating a state of normative ambiguity, or anomie (cultural conflict). This condition was aggravated by the presence of individuals who promoted an unconventional lifestyle and defined behaviors such as theft as an acceptable way to acquire wealth. This value system could count on the support of criminal gangs, rackets, and semi-legitimate businesses.

Third, cultural conflict allows delinquency to flourish. Children raised in low-socioeconomic, high-delinquency areas were exposed to both conventional and criminal

value systems. They saw criminal activities and organizations in operation daily. Successful criminals passed on their knowledge to younger residents, who then taught it to even younger children. Delinquency became a tradition in certain neighborhoods through the process of cultural transmission, where criminal values are passed from one generation to the next. Fourth, allowed to flourish, delinquency becomes a full-time career. Children in these Chicago neighborhoods dabbled in initially trivial forms of juvenile delinquency, but their acts became increasingly serious and prone to gang delinquency.

Edwin Sutherland (1947) developed differential association theory, which is one of the most popular and enduring theories of juvenile delinquency. The theory consists of nine principles. First, Sutherland asserted that delinquent behavior is learned and not inherited. Biological and hereditary factors are rejected as explanations for the cause of delinquency. Only sociological factors explain why youth commit delinquency. Second, delinquent behavior is learned through interaction with others by way of communication. The communication can be either verbal or non-verbal. Third, learning occurs in intimate groups. It is in small, face-to-face gatherings that children learn to commit delinquency. Fourth, in small, intimate groups, children learn techniques for committing crime, as well as the appropriate motives, attitudes, and rationalizations. The learning process involves exposure not only to the techniques of committing offenses, but also to the attitudes or rationalizations that justify those acts. Fifth, the specific direction of motives and drives is learned from definitions of the legal code as being favorable or unfavorable. The term *definitions* refers to attitudes.

Sixth, a juvenile becomes delinquent due to an excess of definitions favorable to the violation of law over definitions unfavorable to the violation of law. This sixth principle is the core of the theory. A parent who even hints through words or actions that it is acceptable to fight, treat women as potential conquests, cheat on income tax returns, or lie may promote juvenile delinquency in children unless these statements are outnumbered by definitions or attitudes that favor obeying the law—for example, driving the speed limit. Definitions favorable to the violation of law can be learned from both criminal and non-criminal people.

Seventh, the tendency toward delinquency will be affected by the frequency, duration, priority, and intensity of learning experiences. The longer, earlier, more intensely, and more frequently youths are exposed to attitudes about delinquency, both pro and con, the more likely they will be influenced. Sutherland used the term *intensity* to refer to the degree of respect a person gives to a role model or associate. Thus, correctional officers are not likely to become criminals despite the positive things inmates say about living a life of crime. The reason is that officers do not respect the inmates and therefore do not adopt their beliefs, values, and attitudes.

Eight, learning delinquent behavior involves the same mechanisms involved in any other learning. While the content of what is learned is different, the process for learning any behavior is the same. Ninth, criminal behavior and noncriminal behavior are expressions of the same needs and values. In other words, the goals of delinquents and nondelinquents are similar. What is different are the means they use to pursue their goals.

Decades of research supported the general claims of differential association and what is more broadly known as social learning theory. One of the strongest indicators of juvenile delinquency, for example, is the number of delinquent peers that an individual has. Youths that do not have delinquent peer associations tend not to be involved in juvenile delinquency. On the other hand, youths with many delinquent friends, such as adolescents that are involved in delinquent gangs, are significantly likely to commit status and delinquent offenses.

The other major sociological theory of juvenile delinquency is social control theory. This theory can be traced to 17th-century philosopher Thomas Hobbes, who believed that human beings are naturally aggressive, argumentative, shy creatures in search of glory that would naturally use violence to master other men, their wives, and their children. This profile described all men, not simply criminals. In Hobbes's view, human beings were basically bad and at the very least, self-interested at the expense of others. Because of their fundamentally "bad" nature, a strong state or government was needed to strike fear into their hearts and punish them severely when they broke the law. Twentieth-century criminologists expanded upon Hobbes's ideas and created social control theory. These theorists assumed that without controls, children would break the law. From this perspective, juvenile delinquency was expected behavior. Rather than look for factors that push children into delinquency, the purpose of social control theory is to identify the factors that stop, insulate, or prevent children from participating in delinquency in the first place. In social control theory, what must be explained is why most children conform to society's rules most of the time. It is taken for granted that children break rules. The real question is, why do children *not* commit crime?

Arguably the most important social control theory is Travis Hirschi's (1969) version, which is called social bond theory. A social bond describes a person's connection to society and consists of four elements: attachment, commitment, involvement, and belief. Each component of the social bond forms its own continuum, ranging from low to high. When the continua are merged, they provide a gauge of how strongly a person is tied or bonded to society. The stronger the bond, the less likely the youth will commit juvenile delinquency. Hirschi asserted that the best predictor of delinquent behavior was a youth's attachments to parents, schools, and peers, which are the primary agents of socialization. Decades of criminological research have consistently reported that children who are strongly tied to

parents are less likely to become delinquent. In addition, their positive feelings promote acceptance of the parents' values and beliefs. These children avoid juvenile delinquency because such behavior would jeopardize their parents' affection. Belief in the moral validity of law also has been found to reduce the likelihood that a juvenile will commit crime. Hirschi maintains that in the United States, there is one belief system that centers on conventional values. From this perspective, there are no subcultures that regard theft and assault as proper and permissible, which is contrary to the claims of cultural deviance theories. Belief in the moral validity of law does seem to reduce the likelihood of committing crime.

The commitment component of the social bond is about success, achievement, and ambition. Social bond theory proposes that ambition or motivation to achieve keeps juveniles on the "straight and narrow" path because they know that getting into trouble will hurt their chances of success. In other words, children have a stake in conformity. The more time and energy they have invested in building an education, a career, or a reputation, the less likely they will risk their accomplishments by committing juvenile delinquency. Research examining the importance of commitment has reported that children who are more heavily invested in conventional activities are less likely to be delinquent.

Involvement in conventional activities has been seen as a way of preventing juvenile delinquency as illustrated by the popular phrase "Idle hands are the devil's workshop." The notion that people need to be involved in society and otherwise kept busy has inspired politicians and city planners to call for more and better playgrounds and after-school sports programs to keep children off the streets. If these facilities are available, young people will have less time to engage in delinquent behavior. Unfortunately, involvement does not have as much impact on preventing delinquency as other components of the bond to society. This is because delinquency is not a full-time job. It requires so little time that anyone, no matter how involved in conventional activities, can find time for juvenile delinquency if he or she wants to.

There are many other theories of juvenile delinquency stemming from an array of academic disciplines. But the fields of economics, psychology, and sociology have been the most visible disciplinary starting points for understanding why young people commit criminal acts.

## Types of Juvenile Delinquents

Juvenile delinquents are a diverse group of young people that varies in terms of the severity of delinquent acts they commit, the frequency with which they commit delinquent acts, how early they begin their delinquent career, and how long they commit delinquency. For many youths, juvenile delinquency is a short-lived flirtation that goes away as

quickly as it emerges. It is common and even normal for adolescents to engage in trivial forms of misbehavior and delinquency as they mature through adolescence and enter adulthood. However, for some youths, juvenile delinquency has a more troubling meaning. Several decades of research have shown that a small subset of youths—comprising approximately 5% to 10% of the population—constitute serious, violent, and chronic offenders. Although this group is statistically small, they account for more than half of the juvenile delinquency occurring in a population and even greater levels of the most violent offenses, such as murder, rape, and armed robbery. Researchers have provided evidence of this group using samples from across North America, South America, Europe, Asia, and Australia. Because of the empirical consistency with which the small group of serious delinquents appears in crime data, criminologists have developed theories and helped to influence public policies that are tailored to the various needs and risk profiles of different types of juvenile delinquents.

For example, in 1993, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) published the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders, which is a research-based framework of strategic responses to help local and state juvenile justice systems respond to delinquency. Two years later, the OJJDP conducted a national training and assistance initiative to put the Comprehensive Strategy into place. The Comprehensive Strategy has two main components, prevention and graduated sanctions. Prevention targets youths that are at risk for juvenile delinquency and attempts to enhance their prosocial development by focusing on healthy and nurturing families, safe communities, school attachment, prosocial peer relations, personal development and life skills, and healthy lifestyle choices. In other words, prevention provides education and guidance on the very factors that will insulate youths from selecting a delinquent career. Graduated sanctions, which is the second component of the Comprehensive Strategy, target the same prosocial developmental points but for a different target population of youths—those that have already begun their delinquent career.

The Comprehensive Strategy is multidisciplinary and uses the range or continuum of sanctions that exists in the juvenile justice system to address the needs of the range of youthful offenders, from those first experimenting with problem behaviors to those with sustained and violent records. It is guided by six principles: (1) strengthening the family in its primary responsibilities to instill moral values and provide support and guidance to children; (2) supporting core social institutions, such as schools, churches, and community organizations, to help develop capable, mature, and responsible youth; (3) promoting delinquency prevention as the most cost-effective approach to reducing juvenile delinquency; (4) intervening immediately and effectively when delinquent behavior first emerges to prevent it from becoming worse; (5) establishing a system of

graduated sanctions that holds each juvenile offender accountable, protects public safety, and provides programs and services that meet treatment needs; and (6) identifying and controlling the small percentage of serious, violent, and chronic juvenile offenders who commit the majority of felony offenses.

What happens if nothing is done to prevent or intervene in delinquent careers once they are under way? A study by Kimberly Kempf-Leonard and her colleagues (Kempf-Leonard, Tracy, & Howell, 2001) is telling. Kempf-Leonard et al. studied more than 27,000 delinquent careers from the 1958 Philadelphia Birth Cohort Study and followed the youths until age 27. Among youth that had been serious delinquents, 48% were arrested as adults. For violent delinquents, 53% were arrested as adults. For chronic delinquents, 59% were arrested during adulthood. For those that were serious and chronic juvenile offenders, 63% were arrested during adulthood. For violent and chronic delinquents, over 63% were arrested as adults. In short, the deeper a youth becomes entrenched in his or her delinquency, the more likely antisocial behavior will be a lifelong problem.

## Conclusion

Juvenile delinquency is a tremendous burden on society, and the most antisocial youths impose staggering costs in terms of victimization and correctional fees. A recent study by Brandon Welsh and his colleagues (2008) is illustrative. Welsh and his collaborators estimated the victimization costs created by the self-reported delinquency of 503 boys from the Pittsburgh Youth Study and produced several important findings. The cohort reported 12,514 crimes or about 25 crimes each. These crimes resulted in victimizations that ranged from \$89 million to \$110 million stemming from victims' pain, suffering, and lost quality of life. The 34 chronic offenders averaged 142 crimes, which was nearly 10 times the criminal activity of other delinquents, and this group imposed 5 to 8 times the victimization costs of nonchronic offenders. Other research has shown that chronic criminal offenders, nearly all of whom began their career as serious juvenile delinquents, cost society more than \$1 million per offender. In this way, juvenile delinquency will continue to be an area of intense criminological study because of the various costs that it imposes, the ways that it is viewed as a social indicator, and its relationship to more serious and violent forms of antisocial behavior.

## References and Further Readings

- Bandura, A. (1977). *Social learning theory*. Englewood Cliffs, NJ: Prentice Hall.
- Beccaria, C. (1963). *On crimes and punishments* (Henry Paolucci, Trans.). Indianapolis, IN: Bobbs-Merrill. (Original work published 1764)

- Cleckley, H. (1941). *The mask of sanity*. St. Louis, MO: Mosby.
- Freud, S. (1925). *The standard edition of the complete psychological works of Sigmund Freud*. London: Hogarth Press.
- Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Howell, J. C. (2003). Diffusing research into practice using the comprehensive strategy for serious, violent, and chronic juvenile offenders. *Youth Violence and Juvenile Justice, 1*, 219–245.
- In re Gault, 387 U.S. 1 (1967).
- In re Winshop, 397 U.S. 358 (1970).
- Kempf-Leonard, K., Tracy, P. E., & Howell, J. C. (2001). Serious, violent, and chronic juvenile offenders: The relationship of delinquency career types to adult criminality. *Justice Quarterly, 18*, 449–478.
- Kent v. United States, 383 U.S. 541 (1966).
- Lahey, B. B., Moffitt, T. E., & Caspi, A. (Eds.). (2003). *Causes of conduct disorder and juvenile delinquency*. New York: Guilford Press.
- Loeber, R., & Farrington, D. P. (Eds.). (1998). *Serious and violent juvenile offenders: Risk factors and successful interventions*. Thousand Oaks, CA: Sage.
- McKeiver v. Pennsylvania, 403 U.S. 528 (1971).
- Moffitt, T. E. (1993). “Life-course persistent” and “adolescence-limited” antisocial behavior: A developmental typology. *Psychological Review, 100*, 674–701.
- Platt, A. (1969). *The Child Savers: The invention of delinquency*. Chicago: University of Chicago Press.
- Roper v. Simmons, 543 U.S. 551 (2005).
- Rothman, D. J. (1970). *The discovery of the asylum*. Boston: Little, Brown.
- Schall v. Martin, 467 U.S. 253 (1984).
- Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.
- Skinner, B. F. (1953). *Science and human behavior*. New York: Macmillan.
- Sutherland, E. H. (1947). *Principles of criminology*. Philadelphia: J. B. Lippincott.
- Welsh, B. C., Loeber, R., Stevens, B. R., Stouthamer-Loeber, M., Cohen, M. A., & Farrington, D. P. (2008). Costs of juvenile crime in urban areas: A longitudinal perspective. *Youth Violence and Juvenile Justice, 6*, 3–27.
- Wilson, J. Q., & Herrnstein, R. J. (1985). *Crime and human nature: The definitive study of the causes of crime*. New York: Simon & Schuster.
- Wolfgang, M. E., Figlio, R. M., & Sellin, T. (1972). *Delinquency in a birth cohort*. Chicago: University of Chicago Press.

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## TERRORISM

MATHIEU DEFLEM

*University of South Carolina*

From the viewpoint of criminology, terrorism is a fascinating subject that presents a challenging opportunity for scholarly reflection on a range of theoretical, empirical, and practical issues. The field of terrorism studies broadly encompasses both terrorism as a particular activity involving the infliction of harm for specified purposes, and counter-terrorism, involving practices and institutions concerned with defining and responding to terrorism. It is the unique province of criminology to focus on terrorism as a form of criminal or deviant behavior and on counter-terrorism as social control. Criminological analyses also focus on the dynamic interplay between terrorism and counter-terrorism to offer a unique perspective in the wider field of studies examining terrorism and terrorism-related phenomena. The study of these phenomena is itself part of the historical unfolding of terrorism and counter-terrorism in the context of societal development.

This chapter reviews the central criminological aspects of terrorism and counter-terrorism. It first offers a description of the major types, strategies, and characteristics of terrorism and provides a brief review of terrorist activity throughout history. Next, attention goes to the mechanisms and agencies involved with counter-terrorism to define and respond to terrorism. Subsequently, the major part of this chapter discusses the manner in which criminologists theoretically and empirically approach terrorism and counter-terrorism as elements of their subject matter. Criminology analyzes terrorism as crime or deviance and investigates

counter-terrorism as social control. The unique contributions of criminology make it a valuable addition to the wider field of terrorism studies.

### Definition, Types, and Strategies of Terrorism

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Terrorism is undeservingly notorious for its presumed difficulty to be clearly defined. In actuality, the search for an adequate definition of terrorism is difficult because various institutions compete for the most appropriate approach. Thus, terrorism is defined from the variable viewpoints of law, politics, culture and public opinion, and the sciences. In any one discipline of the sciences, moreover, a plurality of definitions is developed from a multitude of theoretical perspectives. Underlying these approaches, however, are certain recurring elements that can be put forward to develop a minimal definition of terrorism.

Terrorism involves the use of illegitimate means, typically involving the exercise of violence oriented at civilians, for political-ideological purposes. Terrorism thus has both an instrumental component, referring to its means, and a goal-oriented component, referring to its objectives. Differences in the extant definitions of terrorism revolve around the differential emphasis that is placed on either the means or the objectives of terrorism. From the viewpoint of a nation-state, for example, an official definition

of terrorism as it is articulated in a formal legal system typically emphasizes the means of terrorism as involving some unlawful methods, such as the (violent) tactics that are used by a certain type of actors (unlawful combatants). Other definitions, by contrast, focus on the aims of terrorism in seeking to destabilize the social order and endangering the security of a state or population. From a strict analytical viewpoint, it is useful to incorporate more, rather than fewer, dimensions of the acts of violence conceived as terrorism, so that both means and aims should be considered.

Because terrorism typically involves violent tactics employed on a relatively massive scale, it shares certain characteristics with warfare. Yet, terrorism is different from warfare in that it exists outside, and purposely operates against, the principles of war as they are regulated by the international community of nations. Unlike warfare, terrorist acts are often oriented toward civilian populations or are indiscriminate in their infliction of violence. Whereas war operates on the basis of standards of international law, involving legally recognized methods and actors (soldiers), terrorist activities are conducted by individuals and groups who do not enjoy any legally recognized status. Strategically, the means of terrorism involve methods oriented at the power of governments, including the kidnapping or killing of government officials, economic strategies such as sabotage and property damage, and other criminal activities such as drug trafficking and robberies to finance terrorist activities.

Acts of terrorism are politically oriented and ideologically motivated, ranging from specific goals formulated in terms of the might of political nation-states to more general aims related to the plight of certain peoples and groups. Thus, terrorism can result from demands made by ethnic groups to receive representation in an existing political community or have its own state be formed, while terrorism can also be part of ideological fights for the acknowledgment of underrepresented and oppressed expressions of ideas and ways of life. Because of the intrinsically political-ideological objectives of terrorism, the underlying ideas of terrorism are important to consider as the motivating forces that fuel terrorist groups and individuals. Strategically, moreover, the instilling of fear is an important immediate objective of terrorism.

Specific forms of terrorism can be distinguished on the basis of a variety of typologies differentiating more precisely among various means and aims of terrorist activity. From a historical viewpoint, for example, the distinction among revolutionary, nationalist, and religious terrorism can usefully bring out important shifts in terrorist activity over the ages. Revolutionary terrorism is associated with attempts to violently seize political power in the context of nation-states. Nationalist terrorism involves the violent quest by certain groups, who define themselves mostly on the basis of ethnicity as a nation, to gain autonomy and establish a new state. Religious terrorism is ideologically rooted in strands of various religious traditions that typically oppose secularization

processes in society. Historically, terrorism was mostly associated with revolutionary movements involved with seeking to overthrow political regimes. As the establishment of nation-states took on a more permanent hold, nationalist terrorism increased to secure the rights of specific ethnically defined minority groups, such as the Irish in the United Kingdom, the Basques in Spain, and Zionists in the former British Mandate of Palestine. In recent times, religious terrorism has proportionally increased the most, especially on an international level. The most conspicuous examples are al-Qaeda, which is held responsible for the attacks on the World Trade Center and the Pentagon on September 11, 2001, and other extremist groups with connections to Islam.

Historically, the term *terrorism* originated during the aftermath of the French Revolution, when the French National Assembly in 1793 decreed a mass mobilization of all able-bodied men in order to secure the republic and thwart off both internal and external enemies of the revolution. During the resulting “Reign of Terror,” tens of thousands of people, most of them ordinary workers and peasants, were massacred as purported enemies of the people. Other important historical precursors of terrorism can be traced back to the strengthening of conservative political regimes. In the late 19th century, for instance, anarchist terrorism involving various violent means, such as bombings and assassinations, spread across various nation-states. On May 4, 1886, the so-called Haymarket Riot erupted in Chicago, Illinois, when a bomb was thrown at police who were overseeing a rally protesting the police killing of two striking workers the day before. The May 4 bombing resulted in the deaths of several police and civilians. Eight anarchists were tried for murder and four received the death sentence. Although the Haymarket incident was relatively isolated, anarchist violence took on a more systematic character in Europe. In the late 19th century, numerous violent attacks took place that were motivated by anarchist ideas aimed at overthrowing established conservative regimes.

The invention of dynamite, the favorite tool of the 19th-century bomb-throwing anarchist, has been said to signal the beginning of terrorism from a technological point of view. Today, the means employed by terrorist organizations and individuals are more varied than ever, involving both legitimate as well as illegitimate activities and political as well as nonpolitical crimes. In addition to engaging in bombings of civilian populations in hostile lands, modern terrorist groups can branch out into the legitimate world of human affairs by organizing social welfare provisions in friendly territories. Terrorist activity today, furthermore, can involve routine criminal enterprises, such as drug trafficking and money laundering, in order to facilitate other, more violent activities that are politically motivated. An additional characteristic of contemporary terrorism is the increasingly high degree of technological sophistication that marks terrorist organizations and their methods of operation. Aided by newly developed means of transportation and communication, a

relatively high degree of internationalism and cross-border cooperation characterizes many contemporary terrorist groups. The methods of personnel recruitment, training, and intelligence gathering have likewise modernized to high levels of expertise. Modern-day terrorism is also feared to involve the use, or at least the deliberate pursuit, of lethal means of unprecedented proportion (e.g., so-called weapons of mass destruction) and has occasionally taken on a more organized character, involving globally organized terrorist networks. The contemporary world of terrorism is also more complex, involving both multiple domestic and international forms as well as a growing number of causes, as varied as the environment, white supremacy, and abortion, and includes state-sponsored or state terrorism in addition to terrorism committed by a host of nonstate actors.

### Dimensions of Counter-Terrorism

Because terrorism is a highly complex phenomenon, a wide range of counter-terrorism strategies have been developed to deal with the causes and consequences of terrorist activity at the national and international level. Politically, counter-terrorism involves various measures taken by the governments of nation-states as well as by international governing bodies in which nation-states are represented. Such (inter)governmental responses to terrorism are historically most developed, dating back to at least the middle and latter half of the 19th century when governments in Europe sought to disrupt activities of political dissent that were aimed at overthrowing established regimes. In particular, surveillance systems were then set up to oversee and suppress politically suspect ideas, and international legal agreements were reached by intergovernmental accords. In 1898, for example, in the wake of the assassination of the Austrian Empress Elisabeth by an Italian anarchist, the governments of 21 countries agreed upon an international protocol to suppress the spread of anarchist violence. Although the protocol failed to be ratified by the participating states, similar initiatives would from time to time be taken. A first intergovernmental treaty specifically dealing with terrorism was drafted in 1937 in the form of an international Convention for the Prevention and Punishment of Terrorism that was arranged by the League of Nations, the precursor of the United Nations. However, although the convention had been signed by 24 nations, it was ratified only by India.

During the 20th century, intergovernmental counter-terrorism measures would develop in a piecemeal fashion to focus, not on terrorism as such, but on selected issues commonly associated with terrorist activity, such as hijackings and bombings. For example, the United Nations drafted various conventions to fight elements of terrorism, such as the International Convention Against the Taking of Hostages (1979), the International Convention for the Suppression of Terrorist Bombings (1997), and the International Convention for the Suppression of the

Financing of Terrorism (1999). Other international governing bodies, such as the Organization of American States and the Council of Europe, have likewise drafted international protocols to prevent and punish terrorist activity.

International agreements against terrorism have been complemented by similar legislative efforts at the level of individual nation-states. Especially in nations where terrorism has been a long-standing concern, such policies have been developed for a long time. Various nations in Europe, for instance, drafted counter-terrorist legislation throughout the 1970s, when extremist political organizations threatened to destabilize the political order. In the United States, the Act to Combat International Terrorism and the Omnibus Antiterrorism Act were passed in the late 1970s. Subsequently, the attacks that hit the United States in the 1990s, specifically the World Trade Center bombing in 1993 and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995, led to passage of the Antiterrorism and Effective Death Penalty Act during the Bill Clinton Presidency.

In the United States as well as in many other nations of the world, no historical event has had as much of an impact in steering the course of counter-terrorism policies as the attacks of September 11, 2001, when members of al-Qaeda deliberately crashed hijacked airplanes into the World Trade Center towers in New York and the Pentagon building in Washington, D.C., with a fourth plane crashing into a field in the state of Pennsylvania. In the United States, a comprehensive USA PATRIOT Act (the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act) was passed to intensify surveillance against terrorist activity, create the Department of Homeland Security, and institute exceptional measures to detain and try terrorist suspects in military tribunals that lack many of the due process protections afforded in criminal courts. Political policies against terrorism also extended to military operations when the governments of the United States and other NATO countries decided to undertake armed operations against the Taliban government in Afghanistan. The international impact of the events of 9/11 took hold on the legal front as well. Since 2001, many nations across the world have considerably strengthened and expanded their measures against terrorism by means of formal legislative efforts. The focus on terrorism as a matter affecting the national security of states is additionally prevalent at the international level by means of various intergovernmental treaties oriented at fostering more effective methods of cooperation. International agreements against terrorism are often difficult to enforce, however, because of the differences that exist among the legal systems of the world's nations and the different conceptions that exist regarding terrorism and counter-terrorism.

Although political and legal measures against terrorism have increased, they do not stand alone in the complex reality of counter-terrorism. On the contrary, counter-terrorist measures involve a wide range of practices and institutions, including governmental bodies, military and

intelligence forces, legal institutions, public security agencies, economic organizations, and cultural groups. Besides policy and law, counter-terrorism thus involves such varied actions as the efforts taken by businesses to thwart terrorist threats against private enterprise, the promotion of democratic ideas and peaceful means of protest, the actions taken by civil liberty groups to ensure an adequate balance between maintaining security and protecting rights, and the law enforcement efforts by national and international police organizations. The policing of terrorism is an element of counter-terrorism that, as a matter of social control, belongs very distinctly to the province of criminology, closely related to the criminological analysis of terrorism in terms of crime and deviance.

### **Criminology, Terrorism, and Counter-Terrorism**

In the social sciences, terrorism and counter-terrorism have not always enjoyed an undisputed reputation as topics of scholarly reflection. The primary impediment against taking terrorism seriously in the social sciences has been the difficulty presumed to be involved in studying social realities that are often highly divisive in political and ideological terms. Yet, some social science disciplines have traditionally been more readily engaged in the study of terrorism and terrorism-related phenomena. Scholars of political science, international studies, and law, in particular, have examined important dimensions of terrorism, including, respectively, the political and ideological dimensions of (counter-)terrorism, the causes and effects of terrorism in the international community of nation-states, and the legal aspects posed by terrorism and counter-terrorism policies from the viewpoint of criminal and international law. Other fields of social science have been more hesitant to study terrorism and counter-terrorism except in a sporadic fashion in connection with other, more long-standing areas of investigation, such as religion, war, law, and social movements.

As important as the intellectual considerations that pre-occupy the various social sciences, the study of terrorism and counter-terrorism has also waxed and waned relative to the changing societal context, specifically the extent to which societies have experienced terrorist attacks. The field of terrorism studies has generally developed better in Europe than in the United States because of the relatively longer history of terrorism on the European continent. In Europe, terrorist incidents were already receiving much attention throughout the 1970s, when a variety of extremist political groups (for instance, the Red Brigades in Italy, the *Action directe* in France, and the Red Army Faction in Germany) resorted to violent tactics. In even more specific contexts, such as the state of Israel, the occurrence of and responses to terrorism can be of an even more enduring nature, consequently also fostering the development of terrorism studies.

On a global scale, the study of terrorism began to proliferate during the 1990s, when several high-profile incidents took place that moved terrorism to the world stage. Among these incidents were especially those involving the United States, as the sole surviving world power after the cold war, such as the World Trade Center bombing in New York in 1993, the bombings of the U.S. embassies in Kenya and Tanzania in 1998, and the suicide bombing attack against the *USS Cole* naval ship in 2000. No single event in history, however, has influenced the study of terrorism and counter-terrorism in a more drastic and enduring manner than the September 11 attacks on the United States. The events of that day have also contributed greatly to the development of criminological analyses of terrorism and counter-terrorism.

Criminology incorporates the social-scientific study of crime and deviance as well as the practices and institutions of social control, broadly defined as the definition of and response to crime or deviance. The distinction between crime and deviance corresponds to the theoretical demarcation between perspectives that contemplate the causes of criminal behavior and crime rates and those that differentiate between deviance as behavior and crime as the labeling of such behavior. Social control, in turn, is theoretically conceived as a consequence of crime, oriented at restoring social integration and harmony, or as a process of criminalization whereby deviance is treated as crime, most clearly through the development and application of criminal law and measures of enforcement. Social control can be informal, such as in the case of gossip and peer pressure, or formal, as in the case of law enforcement. In criminological discourse, the term *criminal justice* is often used to refer to the formal means of social control, including the institutions of police, courts, and corrections. At the most general level of criminological analysis, then, terrorism and counter-terrorism can be conceived as crime and social control, respectively. It is from within this general framework that more specific criminological perspectives unfold that can meaningfully contribute to the broader area of terrorism studies.

### **Terrorism as Crime or Deviance**

Criminologists have not always been favorable toward incorporating terrorism into their field of study because of the political dimensions of terrorism, which have been claimed to prevent scientific analysis. This argument can be contested, however, because all acts of crime are subject to definitions and responses by a variety of institutions, such as law and police, in addition to their analytical treatment in the sciences. More recently, indeed, criminological models have been forwarded that conceive of terrorism in terms of crime and deviance. From the viewpoint of crime causation perspectives concerned with the etiology of criminal behavior, terrorism can be conceived as a form of violence, the causes of which can be analyzed at the micro- and macrolevel. From the microviewpoint that focuses on



the individual characteristics of terrorist perpetrators, criminological research concentrates on the people who are more likely to become terrorists or to join, or be recruited by, a terrorist organization. From this viewpoint, for instance, social learning theory can unravel the learning processes whereby somebody is initiated into the techniques and values associated with terrorist activities as a specific form of violence. At the macrolevel, criminological analysis of terrorism as crime concentrate on the fluctuations of terrorism as a function of other societal developments, such as periods of political strife, economic conditions, and cultural-ideological conflicts. For example, strain theorists can examine the sociostructural determinants under which terrorism, as a form of rebellion, will be more or less likely as a mode of adaptation, under conditions of blocked opportunities to legitimate means for voicing grievances.

Criminologists examining the causes of crime as a specific form of violent behavior do not take on the task of criminalistics or forensic science to investigate criminal evidence (in order to “solve” a crime), but instead describe and explain the structures and processes of terrorist crimes on the basis of various theoretical models (in order to analyze crime). Like other acts of crime, terrorist violence involves a perpetrator intent on achieving certain aims with particular means. In applying various crime causation theories to terrorism, criminologists view the political and ideological objectives of terrorism as one goal among many others, much like the way nonterrorist acts of violence will also be guided toward achieving a variety of aims, such as retribution or control. As to the consequences of terrorism, criminologists pay attention to the victimization that is brought about. Much as is the case with other forms of criminal conduct, the victims of terrorism involve the direct casualties and fatalities of a terrorist attack but also relate to the wider impact on the population and their sense of security. It is the latter form of victimization from which the expression terrorism is derived as referring to its primary purpose—to terrorize or instill fear.

Among the best-developed explanatory theories that focus on terrorism as a function of macrotheoretical conditions is the perspective of pure sociology. From this viewpoint, terrorism is conceived as behavior that is oriented at unilaterally handling a grievance (crime as a form of social control) whereby organized civilians covertly inflict mass violence on other civilians. Terrorist behavior is deliberately oriented at injuring and killing numerous individuals that are associated with a particular collectivity, such as a race or ethnic group, a nationality, or a religious group, that is defined as hostile. Like warfare, terrorism is very violent. Yet, unlike warfare, terrorism is not bilateral, involving two opposing factions openly engaged in military actions, but is unilateral and covertly planned and executed. In terrorist conduct, there is a high degree of relational and cultural distance between the perpetrators and the victims, often crossing the boundaries of

entire nations. Terrorism is also often upward in direction, oriented at superiors who cannot be reached through nonviolent means such as law or political debate. Especially because of technological developments, terrorism is a largely modern phenomenon that is more typical of advanced societies.

The pure sociological perspective can be broadened to contemplate both the moralistic and nonmoralistic elements of terrorist violence. To the extent that terrorist activity is oriented at addressing grievances, it is moralistic. Yet, inasmuch as terrorism is not provoked by the victim, not even from the offender’s viewpoint, it is predatory. As such, terrorist behavior is both warlike and criminal. Its societal conditions relate primarily to the balance among the institutional powers in society. In the case of contemporary terrorism, the institutional balance has tipped in favor of free-market capitalism, democratic polities, and cultural traditions of secularism and other Western values. Therefore, terrorism is more likely to come from groups who feel economically, politically, and culturally deprived. Institutional imbalances in the contemporary world help explain the rise of religious and ethnic terrorism in both domestic and international contexts. By means of example, some Palestinian groups have resorted to terrorist tactics, such as suicide bombings and indiscriminate rocket attacks, because of the deprivation of political rights they experience by the state of Israel. Likewise, al-Qaeda militants can be explained to be engaged in terrorism because of the repression from Western powers that is felt among certain Muslim communities, even in their own homelands.

From the viewpoint of crime construction theories that examine terrorism as a form of deviance, criminologists focus on at least two interrelated questions. On the one hand, research attention goes to the processes and motives that can be interpreted as meaningfully contributing to the occurrence of terrorist activity as a form of deviance. Based on hermeneutic strategies of analysis that are interested in uncovering the meanings an act or event has for the people who are involved, deviance theorists will be particularly interested in the motives of terrorist conduct. On the other hand, crime construction theorists will also interpret the societal context in which such acts of deviance are formally labeled as (the crime of) terrorism. This criminalization process minimally involves the definition of certain acts as terrorism, for instance by means of a legal description of certain acts as terrorism, and the subsequent application of such a description to concrete instances of terrorist conduct through the enforcement of laws.

Importantly, crime constructionists do not conceive of terrorism in essentialist terms as a kind of behavior (for which the term *deviance* is reserved), but as the result of a labeling process applied to certain kinds of conduct. What this theoretical focus can bring out are the differential conditions under which certain acts are, or are not, defined as terrorism and when and how certain people and groups are similarly seen and treated as terrorists or not. Typically, the

focus of this approach is such that the criminalization of certain kinds of deviance, and not others, as terrorism will be conceived as problematic inasmuch as the criminalization of terrorism will be seen as a function of authoritative people and institutions who have the power to label some acts as terrorism. From this viewpoint, therefore, an analytically useful criminological expression can be given to the otherwise tired slogan that a terrorist in one person's eyes can be a freedom fighter in the eyes of another. Further, a crime construction perspective can also lead to broadening the scope of terrorism studies by focusing on violent acts of a terrorist nature that are perpetrated by state actors in the course of their official duties. Thus, the notion of state terrorism can be introduced.

Crime construction theories are often conducted at an interactional level, involving the dynamic interplay between rule-violator and rule-enforcer, yet they can also be broadened to an institutional level that is situated in the wider sociohistorical context of society. Among the central mechanisms of crime construction in the case of terrorism, criminological research has devoted special attention to the process of a moral panic that surrounds suspected offenders of actual and potential terrorist activities, for instance since the events of 9/11. As those attacks originated from certain extremist elements in the Islamic religious community, an immediate response to the events involved anti-Muslim and, more broadly, anti-foreign sentiments. Soon after the attacks, there were many reports, across the United States, of acts of violence inflicted on people of Muslim or Middle Eastern origin who were held responsible by association. The very labeling of the acts of 9/11 as "Islamic" terrorism brought about a general distrust toward the Islamic religion, despite the best of efforts to divorce the religion from the terrorist violence. Further contributing to the equation of Islam and terrorism was the notion that terrorist cells loosely connected with the al-Qaeda network were globally organized and thus thought to represent a threat to all of civilization, including many predominantly Muslim nations. Moreover, the increasing globalization of the contemporary world, which has brought physically distant parts closer together than ever before, also meant that immigration could be redefined as a security concern rather than a mere administrative issue. As such, the contemporary age of terrorism has brought about a criminalization of immigration.

Among the primary mechanisms of the moral panic of terrorism are political propaganda and media reports. Propaganda derives its impact from the authority of the messenger, be they powerful government officials or civic leaders. The role of the media cannot be divorced from propaganda articulating the official, state-sponsored perspective of terrorism. Via the media, the rhetoric of politics, as much as of entertainment and sensationalist "reality" reporting, can connect with and mold the concerns of the public at large to form a widespread vision of terrorism as a growing menace, irrespective of objective conditions. At the same time, such descriptions of the

problem of terrorism will also help to pave the way to inform policies against terrorism and have them accepted as the necessary and valid responses.

### Counter-Terrorism as Social Control

Although criminology has traditionally focused the most attention on crime and criminality, contemporary criminological perspectives have been broadened to also study the definition of and responses to crime or deviance under the heading of social control. It is from this perspective that counter-terrorism can be criminologically analyzed to focus on the mechanisms and institutions that are involved in treating terrorism as a function of crime and deviance. Counter-terrorism has generally received less scholarly attention than has terrorism, which is no doubt a result of a differential analytical concern that is closely related to the power and authority of the subject matter. Criminologists know much more about criminals and crime than they do about policing and police. Most terrorism studies that have focused on counter-terrorism have examined formal government policies and accompanying pieces of legislation on terrorism that have been enacted at the national and international levels of multiple governing bodies. This orientation toward policy and law harmonizes with the interests of political science and legal scholarship. Yet, a dimension that has been of growing concern, especially among criminologists, is the role played by criminal justice agencies and police institutions in counter-terrorism practices. Because security and police organizations are inevitably targeted at the criminal components of terrorist incidents, their activities in terrorism-related activities are ideally suited for criminological analysis.

Whether social control is conceived in response to terrorism as a crime or as a component in the criminalization of terrorism as deviance, the role of police in counter-terrorism has undeniably been of growing importance. What criminological research has found, especially in the aftermath of highly visible terrorist incidents, is that policing powers are generally strengthened and coordinated among various (local and federal) levels. For example, after the events of 9/11, the Federal Bureau of Investigation (FBI) stepped up its efforts and personnel involved with terrorism investigations. Local U.S. law enforcement agencies likewise began to devote more attention to terrorism-related operations, even when such concerns appeared rather peripheral to local conditions. Other federal agencies that are mainly concerned with administrative issues have likewise reoriented their tasks in terms of the new security situation. The U.S. Immigration and Naturalization Service, for instance, has been abolished in favor of the creation of two new agencies, U.S. Citizenship and Immigration Services and U.S. Customs and Border Protection, of which the latter is concerned with immigration as a security issue. Similar developments to those in the United States have also taken place in many other countries, where police powers have likewise expanded

after the events of 9/11 and terrorism has become a security priority, even when there were no indications of a concrete terrorist threat.

The various security efforts and other components involved with counter-terrorism have been subject to an intensified coordination at the policy level of government as well as at the organizational level of law enforcement. At the level of policy, the policing and security dimensions of counter-terrorism have been subject to increased efforts at supervision and coordination by the governments of nation-states. Police and security measures against terrorism are thereby attempted to be aligned with other counter-terrorism measures in the intelligence community and at the military, political, and legal level. In the United States, most famously, a new Department of Homeland Security was established to protect the nation from future terrorist attacks by coordinating various counter-terrorism functions. The idea for such a department was not newly developed after 9/11, but originated from a number of proposals that were drafted in 1999, 2000, and early 2001 by committees that had been commissioned by U.S. Congress and the Department of Defense. Each proposal called for a coordinated and unified national counter-terrorism program, and two proposals suggested the creation of a new federal agency to oversee such a program. None of the plans were implemented until the events of September 11, when an Office of Homeland Security was established within the executive branch of the U.S. government in October 2001. The office turned into the new Department of Homeland Security by the passage of the Homeland Security Act of November 25, 2002. The department oversees a large number of agencies, offices, and councils involved with various terrorism-related tasks, including health affairs, intelligence and analysis, security, customs and border protection, and immigration.

Internationally, there are also political efforts directed at coordinating the response to terrorism. The United Nations, most notably, has developed a Global Counter-Terrorism Strategy that calls on the nations of the world to unify and unite in their respective efforts against terrorism. The strategy calls for the condemnation of all acts of terrorism, irrespective of purpose, as constituting serious threats to international peace and security, and it urges nations to adopt all necessary measures to prevent and combat terrorism. As part of its counter-terrorism programs, the United Nations also promotes peaceful methods of conflict resolution, economic development programs across the world, and measures of international cooperation and assistance. Similar international initiatives as the ones developed by the United Nations have also been developed by various international organizations at regional levels, such as the Organization of American States, the Commonwealth of Independent States, the League of Arab States, and the European Union.

On the organizational level of law enforcement, it is important to note that police and security agencies have also developed their own, independently created coordination

mechanisms aimed at harmonizing counter-terrorism efforts by law enforcement at both the national and international level. In the United States, the FBI works with other federal agencies as well as state and local law enforcement in cooperation efforts through so-called Joint Terrorism Task Forces. At the international level, counter-terrorist police cooperation is secured through various bilateral and multilateral partnerships. Bilateral police cooperation in counter-terrorism can be conducted on a temporary, case-by-case basis, for instance to facilitate the transformation of information in view of the arrest of a fugitive from justice, or it can be of a more permanent nature through the establishment of joint investigative task forces. Multilateral counter-terrorism cooperation is ensured through international police organizations such as the International Criminal Police Organization (Interpol) and the European Police Office (Europol). Importantly, these multilateral police organizations are of a collaborative character in that they establish direct systems of information exchange among the police of various nations, for the transmission of criminal data as well as the transfer of police technologies, without the creation of a supranational force.

Among the mechanisms of counter-terrorist policing, research has uncovered that while there are undeniable political efforts to bring police institutions in line with the “war on terror,” police institutions are able to resist such political pressures to remain relatively independent in determining the means and specifying the objectives of counter-terrorism enforcement tasks. Organizationally, police agencies can often secure an independent position, remote from governmental control. In the United States, for instance, it is striking that the FBI, the primary enforcement agency for counter-terrorism, is not part of the Department of Homeland Security. As terrorism is in many nations also a law enforcement concern, rather than exclusively an intelligence or military matter, counter-terrorism efforts at the level of policing are an element of criminal justice rather than national security or foreign affairs. With respect to the means of counter-terrorist policing, technological advances are observed to form a primary driving force in determining the police strategies that are used in terrorism investigations. Exemplary of the technological focus are advanced methods of information exchange among police, for instance encrypted Internet-based communications systems, and the focus on the technical dimensions of terrorism operations, such as the weaponry involved and the methods of communication used by terrorist networks. With respect to the objectives of counter-terrorism policing, terrorism is among law enforcement agencies conceived in terms of distinctly criminal components, irrespective of any political dimension or ideological motivation. Police institutions of different nations can on the basis of a shared understanding of terrorism as a crime even accomplish cooperation when they originate from nations that are ideologically and politically diverse. As such, the counter-terrorism efforts of police are central in the criminalization of terrorism, both domestically as well as internationally.

## Conclusion

Terrorism and counter-terrorism have historically evolved in various forms. Terrorism has increasingly diversified in terms of the objectives that are pursued, and counter-terrorism efforts have likewise proliferated across a range of institutions. Criminologists have contributed to the study of terrorism and terrorism-related phenomena by focusing on terrorism as crime or deviance and counter-terrorism as social control. The incorporation of terrorism and counter-terrorism as distinctly criminological topics of research serves to bring important dimensions to terrorism studies that other disciplines do not focus on. The criminological study of terrorism and counter-terrorism also has the added benefit of broadening the scope of existing criminological theories beyond their traditional areas of application.

Terrorism and counter-terrorism present important intellectual challenges for criminological theory and research and are likely to remain important for many years to come. Studying the causes and motives of terrorism, criminologists can unravel many of the complexities in the development and proliferation of terrorist activities across the world. The most critical contribution of criminology in this area is the study not merely of crimes or acts of deviance associated with terrorism, but of terrorism itself as crime or as deviance. Developing theory and undertaking research in this area, criminologists can expand social-scientific knowledge and contribute to building a counter-terrorism policy that is effective and just in tackling terrorist violence.

Studying counter-terrorism as a form of social control and, more specifically, a component of criminal justice, criminological research can bring out the security dimensions of social control that are not of a military or political character. Much of the contemporary public discourse on terrorism, especially in the popular media, typically focuses on counter-terrorism in the world of politics and in relation to war, but criminologists can reveal the manner in which institutions of social control, particularly law enforcement agencies, conceive of and respond to terrorism as a criminal matter. The targets of counter-terrorism are thereby treated as suspects, who are given certain rights of due process on the basis of publicly presented evidence in courts, and who, upon a determination of guilt, can receive punishment. Military counter-terrorism operations, by contrast, are oriented at enemies, not suspects, who can be apprehended or killed in combat. Captured enemies are detained, to be released when a cessation of hostilities has been declared. The respective logics of criminal justice policy and military counter-terrorism actions, then, are very different, although they factually coexist in the wider constellation of counter-terrorism today. Bringing out the essentially multidimensional nature of counter-terrorism is among criminology's most exciting challenges.

## References and Further Readings

- Altheide, D. L. (2006). *Terrorism and the politics of fear*. Lanham, MD: AltaMira Press.
- Black, D. (2004). The geometry of terrorism. *Sociological Theory*, 22, 14–25.
- Clarke, R. V., & Newman, G. R. (2006). *Outsmarting the terrorists*. Westport, CT: Praeger Security International.
- Deflem, M. (2004a). Social control and the policing of terrorism: Foundations for a sociology of counter-terrorism. *The American Sociologist*, 35, 75–92.
- Deflem, M. (Ed.). (2004b). *Terrorism and counter-terrorism: Criminological perspectives*. Amsterdam: Elsevier/JAI Press.
- Deflem, M. (2006a). Europol and the policing of international terrorism: Counter-terrorism in a global perspective. *Justice Quarterly*, 23, 336–359.
- Deflem, M. (2006b). Global rule of law or global rule of law enforcement? International police cooperation and counter-terrorism. *Annals of the American Academy of Political and Social Science*, 603, 240–251.
- Hamm, M. S. (2007). *Terrorism as crime: From Oklahoma City to Al-Qaeda and beyond*. New York: New York University Press.
- Heymann, P. B. (2003). *Terrorism, freedom, and security: Winning without war*. Cambridge: MIT Press.
- Hoffman, B. (2006). *Inside terrorism* (Rev. ed.). New York: Columbia University Press.
- LaFree, G., & Hendrickson, J. (2007). Build a criminal justice policy for terrorism. *Criminology and Public Policy*, 6, 781–790.
- Marks, D. E., & Sun, I. Y. (2007). The impact of 9/11 on organizational development among state and local law enforcement agencies. *Journal of Contemporary Criminal Justice*, 23, 159–173.
- Martin, G. (2006). *Understanding terrorism: Challenges, perspectives, and issues*. Thousand Oaks, CA: Sage.
- Mythen, G., & Walklate, S. (2006). Criminology and terrorism: Which thesis? Risk society or governmentality? *British Journal of Criminology*, 46, 379–398.
- Pious, R. M. (2006). *The war on terrorism and the rule of law*. Los Angeles: Roxbury.
- Rosenfeld, R. (2002). Why criminologists should study terrorism. *Criminologist*, 27(1), 3–4.
- Savelsberg, J. J. (2006). Underused potentials for criminology: Applying the sociology of knowledge to terrorism. *Crime, Law and Social Change*, 46, 35–50.
- Shelley, L. I., & Picarelli, J. T. (2002). Methods not motives: Implications of the convergence of international organized crime and terrorism. *Police Practice and Research*, 3, 305–318.
- Smith, B. L., Damphousse, K. R., & Jackson, F. (2002). The prosecution and punishment of international terrorists in federal courts: 1980–1998. *Criminology & Public Policy*, 1, 311–388.
- Townshend, C. (2002). *Terrorism: A very short introduction*. Oxford, UK: Oxford University Press.
- Ventura, H. E., Miller, J. M., & Deflem, M. (2005). Governmentality and the war on terror: FBI Project Carnivore and the diffusion of disciplinary power. *Critical Criminology*, 13, 55–70.
- Welch, M. (2006). *Scapegoats of September 11th: Hate crimes and state crimes in the war on terror*. New Brunswick, NJ: Rutgers University Press.
- White, J. R. (2006). *Terrorism and homeland security* (5th ed.). Belmont, CA: Thomson-Wadsworth.

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## THEFT AND SHOPLIFTING

TAMMY L. ANDERSON AND PHILIP R. KAVANAUGH

*University of Delaware*

In the United States and elsewhere, *theft* commonly refers to the illegal taking and possessing of another's property, anything of value, with the intent to permanently deprive that person of the item or the value of the item taken. Shoplifting is a certain kind of theft (i.e., larceny-theft) that occurs at retail stores and commercial businesses. Theft and shoplifting are two types of property crime. Other property crimes are burglary, motor vehicle theft, and arson. While there are many kinds of theft, those discussed here are larceny-theft, burglary, and motor vehicle theft. None of these crimes features the use of force against people. Common examples of larceny-theft include stealing a bike or someone's wallet (pickpocketing), or taking things from a retail store, e.g., CDs or clothes.

Theft and shoplifting are important to address because they account for the largest portion of all criminal offending in the United States. Laws against them date back to ancient Roman law (e.g., Hammurabi Codes) and English common law. In those times, the crime of theft was rampant, and proscriptions about what to do with thieves dominated extant law. These codes and laws have played an important role in shaping modern criminal law in the United States. Today, the forces that motivate theft are powerful and ever present, and the consequences of theft are felt by individuals, businesses, communities, and government agencies.

The chapter begins with a discussion of the major types of theft and shoplifting, followed by the prevalence of each

in U.S. society today. Here, some demographic and regional variations in theft rates are examined, as well as the offenders who are involved. From there, the discussion moves to the major schools of thought regarding why theft and shoplifting take place and what society can do to address the problem. The chapter concludes with some observations for future research, theory, and practice.

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### Defining Common Types of Theft

In most societies today, including the United States, there are many different legal classifications of theft across jurisdictions. In the United States, there are state and local laws against a variety of theft categories and another level of codes at the federal level. Most states divide theft into "major" or felony theft and "petty" or misdemeanor theft. Classifications usually depend on the value of the item taken. Below, three different kinds of theft are reviewed: larceny-theft (which includes shoplifting), motor vehicle theft, and burglary.

#### Larceny-Theft

The Federal Bureau of Investigation's (FBI) Uniform Crime Reports (UCR) is the official and leading data source on crimes reported to the police and arrests made by them in the United States. As such, the definitions articulated in

the UCR formally define what is known about crime in society today. According to the UCR, larceny-theft is the “unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another” (FBI, 2008). Common examples of larceny-theft include stealing bicycles, shoplifting goods from retail stores or businesses, pickpocketing, or swiping someone’s laptop at an Internet café or other location. Larceny-theft covers any stealing of property that is not taken by force, violence, or fraud. Included in the FBI’s definition are attempted larcenies.

### Motor Vehicle Theft

The FBI has a separate category of theft for stolen automobiles and other motor vehicles. Motor vehicles are those that are self-propelled on land surfaces, not on water or railways. Examples include cars, motorcycles, trucks, buses, sport utility vehicles, snowmobiles, and so forth. This category of theft does not, however, include farm equipment, airplanes, or any type of boat or Jet Ski. Joyriding, or the temporary taking of a vehicle, is not included in the category of motor vehicle theft.

### Burglary

Burglary is a type of theft very different from larceny-theft and motor vehicle theft because it requires unlawful entry—trespassing into a facility so as to steal a given item. This unlawful entry into a private or secured dwelling for purposes of theft makes burglary a more serious offense than simple larceny or shoplifting. The UCR defines burglary as “the unlawful entry of a structure to commit a felony or theft” (FBI, 2008). One does not have to exert force to enter a facility in order to be guilty of burglary. In fact, there are three subclassifications of burglary specified in the UCR. They include forcible entry, unlawful entry where no force was used, and attempted forcible entry. Common examples of structures that are burglarized include homes, apartments, offices, and retail stores.

### Prevalence of Theft and Shoplifting in Society Today

According to official data (FBI, 2008), there were about 10 million property crimes reported to the police in 2006. This translates to an estimated property crime rate of 3,334.5 for every 100,000 U.S. residents. Nearly two thirds of all property crimes are larceny-thefts (Bureau of Justice Statistics [BJS], 2006). According to the BJS, theft from motor vehicles (a type of larceny-theft and not theft of the actual vehicle, i.e., motor vehicle theft) comprises the largest portion of larceny-thefts annually. This pattern has remained consistent over time. Theft from buildings and shoplifting follow in second and third place, respectively. As indicated above, property crimes like theft yield

significant costs to society. According to the BJS, losses from property crimes in 2006 totaled about \$17.6 billion. Like other crimes, rates of property crime have declined significantly from the early 1990s, when the United States began to see a national crime drop (Blumstein & Wallman, 2005). Rates of property crime offending and victimization are highest in cities and much lower in the suburbs and rural areas (BJS, 2005b, 2006).

Contrary to logic, perhaps, the highest rates of property crime victimization are reported in the poorest of American households (BJS, 2005b). For example, burglary, motor vehicle theft, and major and minor larceny victimizations are higher in households with incomes below \$7,500 per year than in households earning more than that. The exception to this pattern is that larceny-theft victimizations are about as high in households earning \$75,000 or more per year as they are in households earning less than \$7,500.

Below is a comparison of the crime literature on the market value of goods and their risk of theft with claims by routine activities theorists. The market value approach suggests that theft should be highest where goods are most plentiful and most valuable. This would seem to suggest higher rates of theft victimization in higher-income households, a contradiction to the data reported above by the BJS (2005b). However, the routine activities claim that motivated offenders (e.g., lower-income people residing in poorer households) confronted with easy targets (e.g., unattended households not guarded by locks or alarms) leads to high rates of property crime victimization, may help explain greater theft victimization in poorer households.

### Demographic Variations in Theft

Offenses and arrests for theft are not evenly distributed across demographic groups. In general, adult males who live in urban areas are responsible for the highest levels of theft and other property crimes. The exception to this pattern is for motor vehicle theft, which has been historically dominated by adolescent males. While research shows most females offenders are arrested for drug offenses, property crimes, and prostitution (Anderson, 2008), males still outpace females with respect to arrests for theft and shoplifting. However, women have gained ground on men in recent times.

With respect to theft victimizations, data show that African Americans are more likely to have their homes burglarized and their vehicles stolen than are whites (BJS, 2005a). Whites, on the other hand, are more often victims of larceny-theft than are blacks.

Data (BJS, 2005a) show that a large portion of property arrestees at the local and state level committed their offense to get money for drugs. In fact, property arrestees were more likely than violent crime or drug arrestees to commit their crimes for money for drugs. The relationships among theft, shoplifting, and drugs are elaborated below.

## Understanding the Causes of Theft: Criminological Research and Theory

The field of criminology has approached the study of theft with respect to two theoretical issues that have occupied scholarly attention for several decades. The first is the relationship between macrolevel economic forces and theft, typically conceptualized in terms of classic strain theory (Merton, 1938) or social disorganization theory (Shaw & McKay, 1942). The second centers on the extent to which rates of theft reflect the opportunities for crime provided by certain locations and the processes by which potential victims and offenders converge in space and time. This conceptual focus was strongly influenced both by the development of routine activities theory (Cohen & Felson, 1979) and a growing emphasis on the role of the physical and social environment in shaping opportunities for theft (Repetto, 1974). In the following sections, a summary of research in these two main conceptual areas is provided. Following that, research is reviewed that has examined the relationship between drug use and addiction and theft.

### Economic Conditions and Theft

#### *Income Inequality and Theft*

The relationship between income inequality and theft is one of the most enduring in all of criminology and is generally conceptualized in terms of classic strain theory (Merton, 1938). Strain theory posits that theft is the result of the gap between the culturally induced aspirations for economic success and the structurally distributed possibilities for achieving it. Merton predicted that some individuals would respond to the strain between aspiration and the lack of opportunity by engaging in criminal behavior such as theft. The theory assumes similar success aspirations across social classes and posits that crime is disproportionately concentrated in the lower class because they have the fewest legitimate opportunities for achievement and so are the most vulnerable to this pressure or strain. Simply put, overemphasis on material success and lack of opportunity for this kind of success lead to crime.

Recent research indicates that income inequality is the most consistent structural correlate of rates for theft and other forms of property crime (Bursik & Grasmick, 1993; Walsh & Taylor, 2007). All forms of theft tend to occur disproportionately in poor, isolated, socially disadvantaged neighborhoods (Bernasco & Nieuwebeerta, 2005; Reisig & Cancino, 2004). In the United States in particular, social isolation and poverty are highly racialized. Research also finds that residential segregation, which is often a proxy measure for black–white income inequality, is strongly associated with burglary, larceny, and motor vehicle theft (Akins, 2003). Racialized income inequality leading to residential segregation can be traced to fundamental changes in the labor market, which resulted in the elimination of industrial jobs in major cities (Wilson, 1987). This

fundamental economic shift is consistent with both sociological and criminological anomie theories, which predict an inability or failure of certain segments of the population to effectively adapt to major structural or economic changes (Merton, 1938), or that they will react to such changes by engaging in crime.

Similarly, research has also found links between welfare and theft suggested by classic strain, familial support, and variations of social disorganization theory. Both monetary assistance levels and welfare participation rates are negatively associated with all forms of theft (R. C. Allen & Stone, 1999). Basically, if state and local governments take measures to alleviate economic inequality by providing job training, welfare benefits, as well as ground-level efforts to improve communities by providing access to after-school programs and such, rates of theft decline substantially. In general, it is evident that state and local governments with strong welfare and monetary assistance programs will experience lower rates of theft. This research is also consistent with more recent formulations of social disorganization theory (Hunter, 1985; Sampson, Raudenbush, & Earls, 1997). That is, the inability or unwillingness of families and neighbors to come together for the betterment of their community tends to result in higher rates of all forms of crime. These factors are particularly well established as correlates of major forms of theft such as residential burglary, motor vehicle theft, and robbery (Reisig & Cancino, 2004; Rice & Smith, 2002). Accordingly, establishing higher levels of social control and cooperation among families, friends, neighbors, and public organizations such as the police will lead to lower rates of theft.

#### *Unemployment and Theft*

The unemployment rate is one of the most commonly used measures in research on the relationship of economic conditions and theft. Research and theory addressing the connection between unemployment and theft consistently predict that higher rates of unemployment lead to higher rates of theft (Bursik & Grasmick, 1993; Merton, 1938; Wilson, 1987). Given the theoretical consensus, one would assume that the empirical relationship would be fairly strong regardless of its interpretation. Findings, however, are quite inconsistent. Some research has found a positive relationship between unemployment and theft (Carmichael & Ward, 2001; Reilly & Witt, 1996), some research has found a negative relationship (Cantor & Land, 1985; Land, Cantor, & Russell, 1995), and other work has failed to find any appreciable effect (Weatherburn, Lind, & Ku, 2001). The continuation of mixed findings has led some criminologists to question whether the unemployment rate is a useful indicator in conceptualizing the relationship between economic conditions and theft, or at least, to conclude that it must be understood as one of a number of measures of economic hardship (Cantor & Land, 1985).

A growing body of research suggests that the effect of unemployment on theft is not straightforward, but rather,

is contingent on various demographic or contextual factors. One consistent predictor is length of unemployment. Research suggests that individuals are more likely to commit crime the longer they are unemployed (Witt, Clarke, & Fielding, 1996). This indicates that individuals are generally able to endure short-lived instances of economic hardship, but will resort to theft if no legitimate opportunities surface in a reasonable period of time. Other demographic predictors are less reliable. The relationship appears to vary by age, but research is mixed as to the precise nature of the relationship. For example, some research has identified a link between adult male unemployment and theft (Carmichael & Ward, 2001), while other studies have found that unemployment is only related to rates of theft among juveniles (Britt, 1997). The kind of theft that occurs as a result of unemployment also appears to be impacted by considerations related to national or regional culture. For example, one recent study (Herzog, 2005) examined the relationship between unemployment and crime by focusing on the unique framework provided by the large, integrated labor force of Palestinian workers employed in Israel over the past few decades. Overall, a relationship between unemployment among Palestinians and theft in Israel was not found, except in one case: motor vehicle theft. As such, it appears that the relationship between economic hardship and crime may not be a general one, but rather, is specific to certain forms of activity (Herzog, 2005).

The main point to emphasize is that the relationship between unemployment and theft is far more nuanced than previously believed. The complexity of this relationship is further illustrated by Cantor and Land's (1985) seminal work on the differential effects of motivation and opportunity. They argue that although rises in the unemployment rate may increase criminal motivation to commit theft, they may also decrease the opportunity to successfully complete theft. Simply put, if people aren't working, they're likely at home, which increases guardianship (Cantor & Land, 1985; Land et al., 1995). Despite this reasoning, recent research has found that overall, opportunity levels are unrelated to theft rates and do not appear to mediate the unemployment-crime relationship for most forms of theft (Kleck & Chiricos, 2002). Presently, then, it appears that the motivation to commit theft due to unemployment is stronger than the decreased opportunities that are theorized to decrease theft during periods of unemployment.

#### *Market Forces and Theft*

Theft is also directly impacted by the nature of the capitalist economy and the market for certain items, as well as other, more subjective economic indicators such as consumer confidence. A recent study (Rosenfeld & Fernango, 2007) found that consumer confidence and optimism had significant effects on theft rates that were largely independent of objective indicators such as unemployment and economic growth. Consumer sentiment also accounted for

a significant portion of the overall crime decline that began during the early 1990s. This suggests that broad economic conditions, beyond the unemployment rate, are useful in modeling rates of theft in recent decades.

Research also suggests that theft rates are directly impacted by the cycle of the free market. Patterns of theft seem to be initially related to goods production. The relationship is straightforward: with more new items to consume, there is more to steal (Von Hofer & Tham, 2000). Then, when products reach the "saturation" stage, where people who want an item (such as a VCR or CD player) already have it, prices decline and such items are less likely to be stolen (Felson, 1996). This line of research supports a theft market life cycle of innovation, growth, mass market, and saturation. The optimum time to steal goods is during the "growth" phase, where demand for newer items is highest. The most inopportune time to steal goods is during the "saturation" period, where most everyone who wants an item already has it. These factors are also related to both prices and ownership levels of an item (Felson, 1996; Von Hofer & Tham, 2000). This research suggests that instances of theft can likely be reduced by an awareness and manipulation of certain licit markets as well as the pricing of merchandise (Wellsmith & Burrell, 2005).

### **Environment, Opportunity, and Theft**

#### *Routine Activities and Theft*

There is a large amount of literature devoted to conceptualizing the relationship between criminal opportunity and theft. The dominant theoretical framework shaping this line of inquiry is routine activities theory (Cohen & Felson, 1979), which assumes that crime represents a convergence in time and space of motivated offenders, suitable targets, and a lack of effective guardianship (surveillance and protection) of persons and property. These key variables were later refined to incorporate dimensions of exposure (physical visibility), proximity (physical distance), and target attractiveness, and the guardianship variable was extended to account for security guards, bouncers, police presence, and so forth.

Research in this area implies that individual-level efforts to increase the security, surveillance, or guardianship provided should decrease theft victimization risk. Several measures of individual-level guardianship have been linked to burglary victimization, specifically. For example, type of residence (Coupe & Blake, 2006), household composition (Tseloni, Wittebrood, Farrell, & Pease, 2004), and certain leisure activities (Miethe & Meier, 1994; Mustaine & Tewksbury, 1998) are all highly correlated with theft outcomes. Research consistently demonstrates that younger, single persons who are renting, living in transitional neighborhoods, or engaging in nighttime leisure activities experience a substantially higher risk of theft victimization. Specifically, lifestyles that include dining out often and regularly frequenting bars, clubs, and taverns are all highly



correlated with minor theft victimization (Anderson, Kavanaugh, Bachman, & Harrison, 2007; Mustaine & Tewksbury, 1998; Smith, Bowers, & Johnson, 2006). These lifestyle factors are also strong predictors of repeat theft victimization and repeated violent victimizations (Anderson et al., 2007; Wittebrood & Nieuwebeerta, 2000). Other research finds that older people are an increasingly attractive target population for various forms of theft, including residential burglary (Mawby & Jones, 2006) and petty theft (Harris & Benson, 1999).

Conversely, engaging in routine activities that provide protection of homes and vehicles (target hardening), including locking doors, installing alarms, and light timer devices, are negatively correlated with theft victimization (Miethe & Meier, 1994). Accordingly, successful theft reduction initiatives include hardening techniques that overlap with individual-level guardianship. These include improved street lighting (Painter & Farrington, 1998), the establishment of Neighborhood Watch groups (Forrester, Chatterton, & Pease, 1988), alarm systems (Hakim, Gaffney, Rengert, & Shachmurove, 1995), improved locks and doors (Tilley & Webb, 1994), ensuring possessions are out of view (Bromley & Cochran, 2002), and the gating of residential property (Bowers, Johnson, & Hirschfield, 2004).

#### *Environmental Factors and Theft*

Brantingham and Brantingham (1999) suggested that the selection of theft targets is largely dependent on an assessment of the immediate environment of the target. Essentially, this work makes a strong case for incorporating elements of social context in understanding theft. As such, more recent research has incorporated elements of neighborhood control, derived from social disorganization theory (Miethe & Meier, 1994; Wilcox, Madensen, & Tillyer, 2007), in an attempt to offer a more holistic model of theft that accounts for social context and the role of the physical environment. This work has found that environmental cues in neighborhoods extending beyond the specific target are, in fact, important considerations. Findings consistently indicate that all forms of theft tend to occur at higher rates in poor, socially isolated neighborhoods (Akens, 2003; Rice & Smith, 2002; Walsh & Taylor, 2007).

It is important to note that the role of “environment” in theft extends beyond a consideration of the neighborhood. More recent research has begun to conceptualize the role of the environment in broader terms. Other environmental factors such as the time of day, time of week, and season of the year (Bromley & Cochran, 2002; Coupe & Blake, 2006) all function to shape theft outcomes. Local or regional culture can play a role as well (Herzog, 2005; Painter & Farrington, 1998). For example, Burns (2000) found that the southern and western regions of the United States experience higher percentages of stolen trucks than the midwestern and northeastern regions. Burns (2000) suggests that this is because in these regions, trucks are

recognized as ingrained artifacts of their respective cultures. Their attractiveness as targets has increased due to the fact that these vehicles are an integral part of their local culture. Proximity to major roads is another important environmental consideration shaping perceived opportunity for residential burglary (Rengert & Wasilchick, 2000) and especially for auto theft (Lu, 2006). With respect to commercial theft, research has found that it is typically clustered in areas with a large number of liquor licenses—namely, convenience stores, restaurants, and bars—indicating that land use is another important variable in structuring theft outcomes (Smith et al., 2006).

Predicting when and where theft crimes are most likely to occur is crucial for prioritizing police resources (Kane, 2006), and research indicates that theft is highly likely to be deterred by aggressive policing practices that target “hot spots” and certain neighborhoods. The potential deterrent effect, however, is further shaped by environmental factors. With respect to residential burglary, for example, research has found that (1) repeat victimization in general tends to occur in poorer areas; (2) houses located next to a previously victimized house are at a substantially higher risk relative to those located farther away, particularly within one week of an initial burglary; and (3) properties located on the same side of the street as a previously victimized house are at significantly greater risk compared with those opposite (Bowers et al., 2004).

The selection of theft targets is also conditioned by two additional factors related to accessibility: (1) proximity to the homes of the offenders and (2) proximity to the central business and entertainment districts (Bernasco & Nieuwebeerta, 2005; Bromley & Cochran, 2002). This is the case with both residential and auto burglaries (breaking into cars to steal stereos or possessions), as well as auto thefts. Installation of new security measures often fails to deter repeat victimization, suggesting target familiarity is an overriding priority for offenders and can sometimes negate the beneficial effects of target hardening and even police presence (Palmer, Holmes, & Hollon, 2002).

#### **Theft and Drug Use**

Illicit drug use, particularly heroin use, became associated with property crime in the 1970s based on the reasoning that users will turn to burglary, fraud, shoplifting, as well as other forms of crime such as robbery and prostitution, to obtain money to maintain their addictions. Such reports emerged during the Nixon administration, and remain popular in anti-drug campaigns today. In criminology, this reasoning was formalized in Goldstein’s (1985) economic-compulsive model of drug use and crime. Heroin and cocaine, because they are expensive drugs typified by compulsive patterns of use, are the most relevant substances in this category.

While some scholars have framed these claims as exaggerated attempts to drum up public support for “get tough on crime” policies, an empirical link between drug use and

theft does exist. Two things, however, should be noted. First, the onset of participation in crimes such as theft and shoplifting tends to precede induction into drug use (C. Allen, 2005), so the relationship is not directly causal. Second, the relationship between theft and drug use is observable only with serious and prolonged narcotics use. There is a much weaker, almost negligible relationship between regular use of marijuana or other hallucinogens and theft. In studies that have observed a positive relationship, theft and drug use tend to be correlated simply because they are common measures of general delinquency. However, research consistently demonstrates that regular use of harder drugs such as heroin and crack cocaine will eventually lead to participation in theft and is therefore strongly related to, if not a direct cause of, theft (C. Allen, 2005; Best, Sidwell, Gossop, Harris, & Strang, 2001).

Patterns of theft involvement tend to vary with respect to the recent levels of drug activity, with users reporting the highest levels of drug expenditure and accordingly, the highest rates of crime (Best et al., 2001; Manzoni, Brochu, Fischer, & Rehm, 2006). Petty forms of crime by drug users such as shoplifting and bicycle theft tend to be the most common, whereas burglaries and motor vehicle thefts are exceedingly rare (Van der Zanden, Dijkgraaf, Blanken, Van Ree, & Van den Brink, 2006). Violent forms of theft such as street robbery and purse snatchings tend to be one-off occurrences rather than criminal lifestyles (C. Allen, 2005). Frequent crack cocaine and other hard drug users are equally likely to be heavily involved in drug selling or prostitution, as well as the performance of marginal, part-time work in the legal economy (Cross, Johnson, Davis, & Liberty, 2001). The point is that neither serious nor petty theft functions as a primary source of income to support individual drug habits. Drug offenders are far more likely to recidivate with a drug offense than either theft or violent crime.

## Conclusion

Theft has very immediate and costly consequences. It is one of the most prevalent forms of criminal behavior in the United States, consistently accounting for around 80% of all crimes reported to the police in a given year. However, the social processes reflected in theft are extremely complex. More so than almost any other crime, theft is heavily dependent on opportunity. Even the most motivated offenders may ignore attractive targets if they are well guarded. This fundamental consideration has led many criminologists to approach the study of theft in terms of routine activities theory, the most enduring explanatory framework that accounts for variables such as time, place, space, and situations.

Routine activities theory is linked to both opportunity and lifestyle, and living arrangements. This, in turn, has

led to an increasing focus on the role of environmental context in shaping theft outcomes, and more recent research has made an effort to conceptualize routine activities variables in broader terms, incorporating variables related to neighborhood social organization. This inevitably opens the door to readdressing issues of income inequality, unemployment, and community poverty and exploring how these interrelated variables coalesce to constitute risk environments, shaping both opportunity and motivation in new and unique ways.

Such conclusions have important crime-prevention implications. Prior research has focused on either situational theft and theft prevention or aggregate-level rates of theft in countries or states, highlighting socioeconomic inequality. Recent research suggests that incorporating these two broad explanatory frameworks is useful in effectively understanding the whens and whys of theft. Such possibilities suggest the use of more context-driven crime-prevention policies that incorporate new and inventive understandings of social environments as well as economic factors.

## References and Further Readings

- Akins, S. (2003). Racial segregation and property crime: Examining the mediating effect of police strength. *Justice Quarterly, 20*(4), 675–695.
- Allen, C. (2005). The links between heroin, crack cocaine and crime: Where does street crime fit in? *British Journal of Criminology, 45*, 355–372.
- Allen, R. C., & Stone, J. H. (1999). Market and public policy mechanisms in poverty reduction: The differential effects on property crime. *Review of Social Economy, 62*, 156–173.
- Anderson, T. L. (2008). *Neither villain nor victim: Empowerment and agency among women substance abusers*. New Brunswick, NJ: Rutgers University Press.
- Anderson, T. L., Kavanaugh, P. R., Bachman, R., & Harrison, L. D. (2007). *Exploring the drugs–crime connection within the electronic dance music and hip-hop nightclub scenes*. Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Bernasco, W., & Nieuwbeerta, P. (2005). How do residential burglars select target areas? A new approach to the analysis of criminal location choice. *British Journal of Criminology, 45*, 296–315.
- Best, D., Sidwell, C., Gossop, M., Harris, J., & Strang, J. (2001). Crime and expenditure amongst polydrug misusers seeking treatment: The connection between prescribed methadone and crack use, and criminal involvement. *British Journal of Criminology, 41*, 119–126.
- Blumstein, A., & Wallman, J. (Eds.). (2005). *The crime drop in America*. Cambridge, UK: Cambridge University Press.
- Bowers, K. J., Johnson, S. D., & Hirschfield, A. F. (2004). Closing off opportunities for crime: An evaluation of alley-gating. *European Journal on Criminal Policy and Research, 10*, 285–308.
- Brantingham, P. L., & Brantingham, P. J. (1999). A theoretical model of crime hot spot generation. *Studies on Crime and Crime Prevention, 8*, 7–26.

- Britt, C. L. (1997). Reconsidering the unemployment and crime relationship: Variations by age group and historical period. *Journal of Quantitative Criminology*, 13, 405–428.
- Bromley, M. L., & Cochran, J. K. (2002). Auto burglaries in an entertainment district hotspot: Applying the SARA model in a security context. *Security Journal*, 15, 63–72.
- Bureau of Justice Statistics. (2005a). *Drugs and Crime Facts*. Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics. (2005b). *Sourcebook of criminal justice statistics*. Albany: State University of New York Press.
- Bureau of Justice Statistics. (2006). *Sourcebook of criminal justice statistics*. Albany: State University of New York Press.
- Burns, R. (2000). Culture as a determinant of crime: An alternative perspective. *Environment and Behavior*, 32, 347–360.
- Bursik, R. J., Jr., & Grasmick, H. G. (1993). *Neighborhoods and crime: The dimensions of effective community control*. New York: Lexington.
- Cantor, D., & Land, K. C. (1985). Unemployment and crime rates in the post-World War II United States: A theoretical and empirical analysis. *American Sociological Review*, 50, 317–332.
- Carmichael, F., & Ward, R. (2001). Male unemployment and crime in England and Wales. *Economics Letters*, 73, 111–115.
- Cohen, L., & Felson, M. (1979). Social change and crime rate trends: A routine activities approach. *American Sociological Review*, 44, 588–607.
- Coupe, T., & Blake, L. (2006). Daylight and darkness targeting strategies and the risks of being seen at residential burglaries. *Criminology*, 44, 431–464.
- Cross, J. C., Johnson, B. D., Davis, R. W., & Liberty, H. J. (2001). Supporting the habit: Income generation activities of frequent crack users compared with frequent users of other hard drugs. *Drug and Alcohol Dependence*, 64, 191–201.
- Federal Bureau of Investigation. (2008). *Uniform Crime Reports 2006*. Washington, DC: U.S. Department of Justice. See also <http://www.fbi.gov/ucr/cius2006/rankingmessage.htm>
- Felson, M. (1996). Preventing retail theft: An application of environmental criminology. *Security Journal*, 7, 71–75.
- Forrester, D., Chatterton, M., & Pease, K. (1988). *The Kirkholt Burglary Prevention Project, Rochdale* (Crime Prevention Unit Paper 13). London: Home Office.
- Goldstein, P. J. (1985). The drugs/violence nexus: A tripartite conceptual framework. *Journal of Drug Issues*, 15, 493–506.
- Hakim, S., Gaffney, M. A., Rengert, G., & Shachmurove, J. (1995). Costs and benefits of alarms to the community: Burglary patterns and security measures in Tredyffrin Township, Pennsylvania. *Security Journal*, 6, 197–204.
- Harris, D. K., & Benson, M. L. (1999). Theft in nursing homes: An overlooked form of elder abuse. *Journal of Elder Abuse and Neglect*, 11, 73–90.
- Herzog, S. (2005). The relationship between economic hardship and crime: The case of Israel and the Palestinians. *Sociological Perspectives*, 48, 189–211.
- Hunter, A. J. (1985). Private, parochial, and public school orders: The problem of crime and incivility in urban communities. In G. D. Suttles & M. N. Zald (Eds.), *The challenge of social control: Citizenship and institution building in modern society* (pp. 230–242). Norwood, NJ: Ablex.
- Kane, R. J. (2006). On the limits of social control: Structural deterrence and the policing of “suppressible” crimes. *Justice Quarterly*, 23, 186–213.
- Kleck, G., & Chiricos, T. (2002). Unemployment and property crime: A target-specific assessment of opportunity and motivation as mediating factors. *Criminology*, 40, 649–680.
- Land, K. C., Cantor, D., & Russell, S. (1995). Unemployment and crime rate fluctuations in the post-World War II United States: Statistical time-series properties and alternative models. In J. Hagan & R. D. Peterson (Eds.), *Crime and inequality* (pp. 55–79). Stanford, CA: Stanford University Press.
- Lu, Y. (2006). Spatial choice of auto thefts in an urban environment. *Security Journal*, 19, 143–166.
- Manzoni, P., Brochu, S., Fischer, B., & Rehm, J. (2006). Determinants of property crime among illicit opiate users outside of treatment across Canada. *Deviant Behavior*, 27, 351–376.
- Mawby, R. I., & Jones, C. (2006). Evaluation of a national burglary reduction initiative targeting older people. *Crime Prevention and Community Safety*, 8, 209–227.
- Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, 3, 672–682.
- Miethe, T. D., & Meier, R. F. (1994). *Crime and its social context: Toward an integrated theory of offenders, victims, and situations*. Albany: State University of New York Press.
- Mustaine, E. E., & Tewksbury, R. (1998). Predicting risks of larceny theft victimization: A routine activity analysis using refined lifestyle measures. *Criminology*, 36, 829–857.
- Painter, K. A., & Farrington, D. P. (1998). Criminal victimization on a Caribbean island. *International Review of Victimology*, 6, 1–16.
- Palmer, E. J., Holmes, A., & Hollon, C. R. (2002). Investigating burglars’ decisions: Factors influencing target choice, method of entry, reasons for offending, repeat victimization of a property. *Security Journal*, 15, 7–18.
- Rengert, G. F., & Wasilchick, J. (2000). *Suburban burglary: A tale of two suburbs* (2nd ed.). Springfield, IL: Charles C Thomas.
- Reilly, B., & Witt, R. (1996). Crime, deterrence and unemployment in England and Wales: An empirical analysis. *Bulletin of Economic Research*, 48, 137–159.
- Reisig, M. D., & Cancino, J. M. (2004). Incivilities in nonmetropolitan communities: The effects of structural constraints, social conditions, and crime. *Journal of Criminal Justice*, 32, 15–29.
- Reppetto, T. A. (1974). *Residential crime*. Cambridge, MA: Ballinger.
- Rice, K. J., & Smith, W. R. (2002). Socioecological models of automotive theft: Integrating routine activity and social disorganization approaches. *Journal of Research in Crime and Delinquency*, 39, 304–336.
- Rosenfeld, R., & Fornango, R. (2007). The impact of economic conditions on robbery and property crime: The role of consumer sentiment. *Criminology*, 45, 735–769.
- Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997). Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, 277, 918–924.
- Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.
- Smith, C., Bowers, K. J., & Johnson, S. D. (2006). Understanding bag theft within licensed premises in Westminster: Identifying initial steps towards prevention. *Security Journal*, 19, 3–21.
- Tilley, N., & Webb, J. (1994). *Burglary reduction: Findings from Safer Cities schemes*. (Crime Prevention Unit Paper 51). London: Home Office.

- Tseloni, A., Wittebrood, K., Farrell, G., & Pease, K. (2004). Burglary victimization in England and Wales, the United States and the Netherlands. *British Journal of Criminology*, 44, 66–91.
- Van der Zanden, B. P., Dijkgraaf, M. G., Blanken, P., Van Ree, J. M., & Van den Brink, W. (2006). Patterns of acquisitive crime during methadone maintenance treatment among patients eligible for heroin assisted treatment. *Drug and Alcohol Dependence*, 86, 84–90.
- Von Hofer, H., & Tham, H. (2000). Theft in Sweden 1831–1998. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 1, 195–210.
- Walsh, J. A., & Taylor, R. B. (2007). Community structural predictors of spatially aggregated motor vehicle theft rates: Do they replicate? *Journal of Criminal Justice*, 35, 297–311.
- Weatherburn, D., Lind, B., & Ku, S. (2001). The short-run effects of economic adversity on property crime: An Australian case study. *Australian and New Zealand Journal of Criminology*, 34, 134–148.
- Wellsmith, M., & Burrell, A. (2005). The influence of purchase price and ownership levels of theft targets: The example of domestic burglary. *British Journal of Criminology*, 45, 741–764.
- Wilcox, P., Madensen, T. D., & Tillyer, M. S. (2007). Guardianship in context: Implications for burglary victimization risk and prevention. *Criminology*, 45, 771–803.
- Wilson, W. J. (1987). *The truly disadvantaged*. Chicago: University of Chicago Press.
- Witt, R., Clarke, A., & Fielding, N. (1996). *Are higher long-term unemployment rates associated with higher crime?* Surrey, UK: Department of Economics, University of Surrey.
- Wittebrood, K., & Nieuwebeerta, P. (2000). Criminal victimization during one's life course: The effects of previous victimization and patterns of routine activities. *Journal of Research in Crime and Delinquency*, 37, 91–122.

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## WHITE-COLLAR CRIME

MICHAEL L. BENSON  
*University of Cincinnati*

**W**hite-collar crime is a generic term that refers to a broad range of illegal acts committed by seemingly respectable people in business settings as part of their occupational roles. There are many different types of white-collar crime, ranging from antitrust offenses to environmental violations to health care frauds and beyond. These types of crime are important because they impose enormous financial, physical, and social harms on individuals, communities, and society in general. Because of their special characteristics and the techniques by which they are committed, they pose significant problems for law enforcement and regulatory agencies interested in controlling them. Evidence suggests that white-collar crime is pervasive, widespread, and growing.

This chapter begins with a brief discussion of the history of the concept of white-collar crime in the discipline of criminology. The nature and extent of the harms imposed by white-collar crime are then detailed. Next, the characteristics and techniques of white-collar offending are described, and the problems that these features create for societal efforts to reduce white-collar crime are outlined. This section is followed by a summary of some of the major forms of white-collar crime. Finally, the chapter concludes by identifying recent social and economic developments that are likely to ensure that white-collar crime will maintain its status as a major social problem well into the future.

### Definition and Costs of White-Collar Crime

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The phrase “white-collar crime” was coined by the eminent American sociologist Edwin H. Sutherland, in the late 1930s. At the time that Sutherland was writing, most criminologists thought that crime was concentrated among the urban poor and caused by the disadvantages and pathologies associated with poverty. Sutherland disagreed and argued strenuously that respectable people from the upper social classes committed a great deal of harmful criminal acts in the course of their occupations and in the furtherance of their economic and business interests. According to Sutherland (1949), upper-class criminality was ignored by the government and the general public because the perpetrators did not fit the common stereotype of the criminal. His work was aimed at reforming criminological theory by bringing this neglected form of criminality into the realm of scientific and public discourse.

There are two main approaches to defining white-collar crime: offender-based versus offense-based. Sutherland (1940) defined white-collar crime as a crime committed by a person of respectability and high social status in the course of his occupation. This definition is the most well-known and influential example of what has been called the offender-based approach to defining white-collar crime. Offender-based definitions emphasize

as an essential characteristic of white-collar crime the high social status, power, and respectability of the actor. Another approach to defining white-collar crime focuses more on the characteristics of the offense rather than the actor. The most well-known offense-based definition was proposed by Herbert Edelhertz in 1970. Edelhertz defined white-collar crime as an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage. For offense-based definitions, what distinguishes white-collar crimes from other types of crime is the manner in which they are committed rather than the characteristics of the person who commits them.

Regardless of how it is defined, white-collar crime is widely acknowledged to cause tremendous financial, physical, and social harms. The amount of money lost to white-collar crime annually is impossible to establish with any precision, but it clearly exceeds the losses due to ordinary street crime. For example, according to the Federal Bureau of Investigation (FBI, 2007), in 2006 traditional property crimes such as larceny, burglary, auto theft, and robbery accounted for an estimated \$17.6 billion in losses. By comparison, the FBI estimates annual losses due to white-collar crime at \$300 billion.

Although typically thought of as a financial crime, certain types of white-collar crime can have physical effects as well. These include violations of workplace safety laws, the manufacture and distribution of unsafe consumer products, and violation of environmental laws and regulations. Between 1982 and 2002, over 2,000 American workers died as a result of willful violations of safety laws by employers. It is estimated that hundreds of thousands more are injured by such violations. The victims of occupationally related diseases also run into the hundreds of thousands annually. In addition, consumers suffer physically as a result of dangerous products, including most notably toys, food, pharmaceuticals, and medical equipment. The exact number of deaths and injuries caused by dangerous or defective products that can be attributed to lawbreaking by corporations is impossible to determine with any precision. Nevertheless, criminal cases involving some of the largest and most well-known corporations in the world occur regularly. In addition, the physical effects of white-collar crime extend beyond workers and consumers to society in general in the form of violations of environmental protection laws.

Like ordinary street crime, white-collar crime also has social or moral costs that extend beyond its affects on individual victims. Many scholars believe that white-collar crime damages the moral climate in society by undermining people's faith in the legitimacy and fairness of business and government. White-collar crime is thought to create distrust and to undermine public confidence in the morality of big business. By disregarding the rules of free and open competition, business organizations that engage in

white-collar crime gain unfair advantage over their law-abiding competitors. The ability of the market to reduce the costs of goods and services and to improve efficiency through competition is thereby threatened. Thus, white-collar criminal behavior harms the American economy and free enterprise system. The moral and social costs of white-collar crime may extend to political institutions. White-collar crime scholars from Sutherland on have speculated that publicity about white-collar crimes committed by big businesses can delegitimize the government, especially when it appears that corporations and their executives receive special treatment in the justice system. Finally, publicity about white-collar crime also may serve as a justification for other sorts of crime and deviance.

## Characteristics and Techniques of White-Collar Crime

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White-collar crime can be found in all types of businesses, industries, occupations, and professions. Hence, it comes in a large variety of forms and styles. All white-collar crimes, however, share certain characteristics and are committed using particular techniques. These characteristics and techniques distinguish white-collar crimes from most forms of traditional street crime. Three characteristics of white-collar crime are particularly important: (1) The offender has *legitimate access* to the target or victim of the crime on the basis of an occupational position; (2) the offender is *spatially separated* from the victim; and (3) the offender's actions have a superficial *appearance of legality*.

Legitimate access means that white-collar offenders do not have to solve a problem that most predatory offenders confront—the problem of getting close to the target. For example, before a burglar can steal something from a home, he or she must first gain access to the home by somehow entering it. This is usually done by using force to break in a door or window. Breaking in creates additional risk of exposure for the offender. White-collar offenders, on the other hand, are not exposed to this additional risk because their occupational roles give them legitimate access to the targets of their crimes. For example, because of their occupational positions, bank employees have legitimate access to other people's money and can embezzle it without breaking into their homes or physically confronting them on the street. Similarly, in many other forms of white-collar crime such as securities violations, antitrust violations, and health care frauds, the perpetrators take advantage of their occupational roles to get access to the targets of their crime.

In many white-collar crimes, the offenders never directly confront or come in contact with their victims. Rather, they are spatially separated from victims. Consider, for example, the antitrust violation of price fixing. Illegal price fixing occurs when competitors in an industry get

together and collude to set prices for their products or services, as opposed to having prices determined by free and open competition in the marketplace. The victims of price fixing often are members of the general public, who have to pay more for goods and services than they would if prices were set by competition. The victims are never contacted directly by the perpetrators.

Perhaps the most troublesome aspect of white-collar crime is the superficial appearance of legitimacy. When a burglar breaks into a home, or an auto thief steals a vehicle, or any of the other traditional street crimes occurs, the fact that a crime has occurred is obvious. The offender's actions leave visible traces of the crime (e.g., the broken door and missing television), and the offender's actions can clearly be recognized as illegal by observers. In the case of the vast majority of white-collar crimes, however, the offender's actions are not obviously illegal. Indeed, at first glance they look entirely legitimate, and the fact that a crime may have occurred is not obvious. For example, a common form of health care fraud engaged in by physicians is billing insurance providers for services that were not rendered to patients. To commit the crime, the physician simply submits a form to the insurance provider, often either the federal Medicare or Medicaid program, in which he or she claims to have administered some service to a patient that in reality was never provided. If the fraudulent claim is not detected and the physician is paid by the insurance provider, then the crime of health care fraud has occurred. Since literally millions of such forms are submitted legally every day, on the surface nothing is obviously out of the ordinary or untoward about the physician's actions. Indeed, the physician's behavior looks perfectly normal and legitimate.

## The Problem of Controlling White-Collar Crime

Taken together, the characteristics of white-collar crime—legitimate access, spatial separation, and appearance of legitimacy—raise special problems for its control by the criminal justice system. The most notable problem is that of detection. Most ordinary street crimes are detected by their victims, who can then report the incident to the police. However, in the case of white-collar crime, victims may be wholly unaware that they have been victimized. Hence, no crime may ever be reported to the police. Because discovery is problematic, it is difficult to estimate the magnitude of the white-collar crime problem and hence to make decisions regarding how to allocate resources toward its control.

A second control problem raised by white-collar crime involves assigning responsibility for the offense. Many white-collar crimes occur in organizational or corporate settings and are the result of collective actions taken by groups of people. In these cases, it is often difficult to

identify the individual or individuals who should be held accountable for the illegal activity. Because it may not be clear who is responsible for a particular offense, prosecutors often are reluctant to bring such cases to trial.

Related to the problems of detection and accountability is the difficulty of securing convictions in court. Because white-collar crimes are often complex and embedded in legitimate business routines, it can be difficult for prosecutors to prove beyond a reasonable doubt that an individual is guilty of an offense. The major obstacle is proving that the offender knowingly intended to violate the law. For example, in the health care fraud example discussed above, the physician submits a fraudulent claim for reimbursement for services rendered. Even if it can be shown that the claim is not accurate, the physician may still be able to argue successfully in court that he or she did not intend to submit a false claim. Rather, the fraudulent claim was simply a mistake or accident and not an intentional act. The denial of criminal intent is a very common feature of white-collar trials.

Convictions are also difficult to secure in white-collar cases, because the defendants typically have access to strong defense counsel. Unlike ordinary street offenders, white-collar offenders often can afford to hire the very best defense lawyers. White-collar defense attorneys work hard to control the prosecutor's access to information and evidence related to the alleged crime. For example, to demonstrate that a crime has occurred in a business setting, prosecutors often need access to company records and files. Defense attorneys can file motions and objections to attempts by prosecutors to secure search warrants. Although these motions are not always successful, they can make the prosecutor's job more difficult and time consuming. The strategy of information control can make it difficult for prosecutors to build successful cases in court.

For the reasons discussed above, investigating and prosecuting white-collar crime cases is often very expensive and time consuming. These constraints limit the effectiveness of the criminal justice system as a means of controlling white-collar crime. Local law enforcement agencies have multiple and competing demands on their time and resources. They are under constant pressure to respond to gang-related, drug, and violent crimes. Not surprisingly, in this context, white-collar crimes are considered less important, and accordingly given lower priority when decisions are made regarding which cases to pursue. Although state and federal law enforcement agencies do not suffer from the same resource constraints as local agencies, they too are limited in their ability to respond to white-collar crime.

Criminal justice agencies operate under legal constraints that can make it difficult to use the criminal law successfully against white-collar offenders. Legal constraints refer to features of the law that make it more or less difficult for law enforcers to use. For example, the standard of proof in criminal court is very high, as the defendant's guilt must be proved beyond a reasonable doubt. Because

of their complexity, proving guilt beyond a reasonable doubt in white-collar cases is often difficult. Other legal constraints such as the right to be free from unreasonable searches and seizures and the privilege against self-incrimination also complicate the efforts of law enforcers to bring the guilty to justice.

For all of the reasons outlined above, most scholars agree that while the criminal justice system is an important component of white-collar crime control, it should not be the first line of defense. Rather, regulatory controls are considered to be more effective and efficient. The regulatory system holds three distinct advantages over the criminal justice system as a means of controlling white-collar and corporate crime: (1) specialized expertise, (2) greater investigative powers, and (3) more flexibility and discretion.

When they are established, regulatory agencies are given a mandate to look at problems in specific areas. For example, the Food and Drug Administration (FDA) is supposed to regulate the safety and quality of foods and drugs. The Environmental Protection Agency (EPA) looks after the environment, while the Securities and Exchange Commission (SEC) keeps track of activities in the securities industry. Because regulatory agencies are focused on specific problems and subject areas, agency personnel can develop specialized expertise. This expertise can help them see problems and envision solutions more easily than law enforcement agencies can.

As noted above, the police and other law enforcement investigative agencies operate under strict legal constraints. They typically cannot act until there is evidence that a crime has been committed and that a particular person or organization is involved. Regulatory agencies operate under fewer legal constraints, and in many cases they are given explicit authority to enter premises and to ask for information from business organizations. Hence, in theory, they can learn about potential problems before they happen rather than after the fact, and they can act proactively rather than reactively.

Finally, regulatory agencies also have more flexibility and discretion in the fashioning of their responses to corporate wrongdoing. The criminal justice system is, for the most part, restricted to applying the criminal law as it is enacted by legislative bodies. Regulatory agencies can work with businesses to create innovative solutions to problems.

However, there are disadvantages to overreliance on regulation. A significant problem is *agency capture*. By design and necessity, regulatory agencies must work closely with regulated industries. Agencies routinely ask for industry input on the development and implementation of rules. Regulatory inspectors also meet regularly with the people they regulate as they go about enforcing the rules. Hence, there is always the possibility that regulatory agencies will be “captured” by the regulated industry and begin to act more in the interests of the industry rather than the interests of the general public.

Another problem with regulation as a means of controlling corporate misbehavior is that the sanctions imposed by regulatory agencies are not nearly as powerful or threatening as those imposed by the criminal justice system. Regulatory agencies can impose large fines on violators. Yet, no matter how big the fine is, it does not carry the social stigma of criminal penalties. Hence, critics of the regulatory system argue that regulation doesn’t really deter wrongdoing. They argue that regulated businesses look at fines and other regulatory penalties as simply a cost of doing business.

Finally, there is the problem of *regulatory unreasonableness*. In theory, regulatory agencies are supposed to work to protect the public interest and to prevent harmful situations from developing in the first place. For example, it makes sense to establish rules to protect workers and to lower the risk that they will be made ill, injured, or killed on the job. But some agencies become more focused on enforcing the rules and less on preventing problems. If carried to an extreme, this tendency can lead to regulatory unreasonableness, in which the rules are enforced in a narrow-minded and legalistic fashion simply because they are the rules. The broader goal of preventing harm sometimes gets lost in the zeal to enforce the rules.

## Types of White-Collar Crime

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White-collar crime comes in a variety of forms and can be found in every industry, profession, and occupation. In this section, five major forms of white-collar crime are defined and described: antitrust violations, securities violations, consumer fraud, health care fraud, and environmental offenses.

### Antitrust Violations

Antitrust violation can be divided into two broad groups: restrictive trade agreements, and monopolies or monopolistic practices. Restrictive trade agreements involve an illegal agreement or understanding between competitors in an industry to restrict how the industry works. Two examples of restrictive trade agreements are price fixing and market sharing or division. *Price fixing* refers to agreements between competitors to set prices at a certain level. For example, if milk producers get together and agree among themselves to charge schools a set price for the milk used in school lunch programs, that is price fixing. *Market sharing* occurs when competitors get together and divide up an area, so that only one of them operates in any one area at a time. For example, two paving contractors might divide up a town so that one takes the east side and the other the west side of town. These sorts of agreements are illegal because they restrain trade. In these examples, the prices for these goods and services (milk



and paving) are not being set by open competition in the marketplace, as they should be in a free market economy. Rather, prices are being set by collusion between or among competitors.

Monopolies and monopolistic practices involve unfair attempts to corner a market or to drive out competitors from a marketplace. A monopoly is said to exist if one company controls an entire market, but a company can have monopolistic control even though it has competitors if it controls a large enough share of a market. Microsoft's Windows operating system, for example, was declared a monopoly even though there are other operating systems available. The other systems have such a small market share and Windows has such a large share that it effectively controls the market.

There are two main techniques of monopolistic practices. The first is to use predatory pricing, which occurs when a company sets a price for its products or services that is economically unfeasible in order to drive competitors out of business. A second technique is for a company to pressure or control other companies that supply or deal with competitors so as to put them at a competitive disadvantage. Microsoft was accused of doing this with computer manufacturers. It forced computer manufacturers who wanted to preload their machines with the Windows operating system to agree not to install software from some rival companies when selling computers to the public. In effect, this destroyed the market for rival software companies.

### Securities Violations

A *security* is evidence of ownership, creditorship, or debt. It is a piece of paper, or an account number, or something that indicates that someone has a financial interest or stake in an economic undertaking. For example, stocks, bonds, shares in a mutual fund, promissory notes, and U.S. government savings bonds are all securities. Publicly traded securities are bought and sold on exchanges, such as the New York Stock Exchange.

There are five major types of security offenses. *Misrepresentation* involves lying about the value or condition of a security. *Stock manipulation* occurs when an individual or a group of individuals attempts to artificially manipulate the price of a security. *Misappropriation* is an offense committed by brokers or other financial advisors who take money that their clients have given them to invest and misappropriate it for their own use. *Insider trading* is perhaps the most publicized security offense. It arises when people trade on the basis of inside, nonpublic information. It is illegal for insiders to buy or sell stock on the basis of information that is not available to the public. Finally, in an *investment scheme*, the perpetrator tricks people into investing money in an undertaking or security by falsely promising investors that they will receive a high rate of return on their investment. In reality, the undertaking has

little or no chance of paying off, and the perpetrator simply makes off with the investors' money.

### Consumer Fraud

Consumer fraud is one of the most common forms of white-collar crime. It involves the use of deceit or deception in the marketing and selling of goods or services. This offense usually involves the deliberate use of false, deceptive, or misleading statements about the cost, quality, or effectiveness of a product or service. Consumer fraud offenders are drawn from all types of businesses and represent a continuum of size and complexity. Fraud against consumers has been perpetrated by offenders ranging from fly-by-night con artists to major multinational corporations, such as Sears and K-Mart. Fraud also occurs in businesses that fall between these two extremes, including local "legitimate" businesses that may on occasion resort to fraud in order to make extra profit or to avoid going out of business.

The following are seven of the more common forms of consumer fraud:

1. *Mislabeled products and misleading advertising.* Many consumer products come with labels that purport to tell about the ingredients in a product or about its performance or efficiency—for example, prepared foods, computers, water heaters, furnaces, and a host of other products. One way to sell cheap or shoddy products is to put inaccurate or misleading information on the label to make them seem better or more attractive than they really are. Misleading advertising is another way to influence buying decisions. For example, food manufacturers may make questionable claims about the nutritional or health value of their products.

2. *Real estate fraud.* Real estate fraud involves lying or being deceptive about the condition of real property, things such as land, houses, and buildings.

3. *Free prize scams.* In these types of scams, people are told that they have won a valuable free prize, but in order to collect it they must send in money or make a phone call. The money that is sent in will greatly exceed the value of the prize, or the victim will be charged for the phone call at a rate that greatly exceeds the value of the prize.

4. *Bait-and-switch advertising.* Popular with "legitimate" retail businesses, this fraud involves advertising some well-known product, such as a TV or major appliance, at a ridiculously low price. However, when consumers come to the store, they are told that the item is sold out or temporarily out of stock and then are steered toward other more expensive products that are available.

5. *Repair frauds.* Repair frauds typically involve big-ticket items such as homes, automobiles, or major appliances (dishwashers, washing machines, furnaces, and the

like). The fraud involves either doing unnecessary repairs or doing substandard work and then charging the victim full price.

6. *Charity and advocacy frauds.* Charity frauds appeal to the emotions. The victims think they are donating money or goods to help a worthy cause, when in reality the money is kept by those who collected it. Advocacy frauds are slightly different in that the offender promises to advocate for the victim with some other governmental body, such as the U.S. Congress or a state legislature. The offender promises to see that the victim's interests are protected on Capitol Hill or at the state capitol. However, in reality, like charity frauds, little or none of the money is actually used to promote these ends. Rather, it finances the lifestyles of the so-called advocates.

7. *Advance-fee swindles.* Anytime someone is asked to pay in advance for a service or product, he or she is vulnerable to an advance-fee swindle. Typically, in these swindles someone promises to do something for the victim, but the offender asks the victim to pay first and then the offender never delivers on the promise. Often, the promised service is one where it may be difficult to confirm one way or the other whether the service was provided. For example, advance-fee swindles may involve such services as finding housing, or educational loans, or employment. In these cases, the swindler promises to help the victim find an apartment, or a college loan, or a new job in return for a fee. The victim pays the fee, but does not get what he or she wanted in return. The swindler claims to be working for the victims but really is just taking their money.

## Health Care Fraud

Health care fraud involves fraud against health care insurers and government programs such as Medicare and Medicaid. These two programs are particularly ripe for fraud because of their size and complexity. They process literally billions of dollars worth of claims annually. Although the exact cost of health care fraud is unknown, it is estimated to be in the hundreds of billions of dollars per year. Health care fraud can be committed by any person or organization in the health care industry who is involved with the provision of health care services to patients, including physicians, mental health professionals, hospitals, nursing homes, equipment suppliers, and pharmaceutical companies, as well as many others. Because physicians deal most directly with patients, their involvement in fraud is particularly serious. The following are three common forms of health care fraud involving physicians:

1. *Unnecessary procedures.* Because most people know very little about their bodies and the various problems they can have, they rely on the expertise of physicians. Physicians are supposed to provide treatment based on their best assessment of the patient's medical needs.

Some physicians, however, make decisions based not on the medical needs of patients but rather on their financial goals. Physicians may recommend that patients undergo unnecessary procedures, ranging from relatively simple but unnecessary tests to life-threatening surgery. So-called "Medicaid mills" make a business out of providing unnecessary procedures. These operations often are run in low-income neighborhoods. A group of unscrupulous doctors sets up a shop and recruits low-income patients—drug addicts, alcoholics, homeless people, and so forth. The patients are paid a small fee, are run through a battery of unnecessary tests, and then the federal government is billed for the cost of the tests.

2. *Fee splitting.* Most general practitioners cannot handle serious illnesses or medical conditions. When confronted with these types of cases, they often refer patients to specialists. To the extent that referrals are made on the basis of the physician's medical judgment, that is appropriate. But sometimes, physicians make referrals because they have a financial arrangement with a particular specialist. In return for referring patients to the specialist, the general practitioner gets a kickback in the form of a cut of the specialist's fee.

3. *Fraudulent billing.* Probably the most common type of fraud is fraudulent billing. This can be accomplished in a variety of different ways, but basically it involves submitting claims for reimbursement for services that were never really provided. For example, a physician may submit a claim saying that he or she performed some medical service for a patient when the service really was not provided, or when the service that was provided was somehow less than the physician is claiming.

## Environmental Crime

There is no clear, widely accepted definition of the term *environmental crime*. Implicitly, it is defined as any violations of local, state, or federal "environmental laws." Environmental laws seek to protect the quality of the air, water, and soil by regulating both harmful additions to the environment (water, air, and soil pollution) and harmful subtractions from the environment (destruction of habitats).

Environmental crime comes in a variety of forms and sizes. Offenders may be homeowners who dump leftover paint into a city sewer system in violation of local ordinances, or they may be multinational corporations that manufacture, ship, and dispose of hazardous materials under conditions that are criminally negligent and morally outrageous.

Because different types of environmental crimes are associated with different industries and businesses, the nature of environmental crime in a community tends to reflect local economic activity. Certain types of environmental crime problems, however, are widespread. A study

of local law enforcement responses to environmental crime concluded that illegal waste tire disposal, improper disposal of furniture stripping and electroplating waste, used motor oil disposal, and hazardous wastes dumped into streams and rivers, are found in nearly all communities (Rosoff, Pontell, & Tillman, 2006). Along with these generic forms of environmental crime, some communities suffer unique problems as a result of their particular mix of local industries and businesses. For example, in some rural communities, most of the local environmental problems may be caused by one particular business, such as a tannery or textile manufacturer. The states of Maine and New Jersey both have problems with illegal disposal of hazardous waste, but the type of waste is specific to each state. In Maine, waste cases tend to involve the textile, wood, and fishing industries. In New Jersey, on the other hand, they involve the chemical and petrochemical industries.

In a strictly legal sense, what counts as environmental crime varies a great deal across jurisdictions. Statutory inconsistencies and the lack of uniform codification in state environmental laws pose difficulties for prosecutors and investigators. At the same time, they create opportunities for environmental offenders, who can evade prosecution merely by moving their operations to jurisdictions that are legally more “user-friendly” from the offender’s point of view.

One of the most important types of environmental crime is the illegal disposal of hazardous waste materials. In recent years, research suggests that environmental criminals have become more sophisticated. Rather than simply dumping hazardous waste in some isolated area late at night (often called “midnight dumping”), today’s more sophisticated environmental criminal may forge a waste transportation manifest or bribe public officials to look the other way. Other techniques involve mixing hazardous waste with nonhazardous waste, known as “cocktailing”; mislabeling drums, or disposing of the waste on the generator’s own property. Cocktailing is particularly common in the oil industry when dumping used oil. (For more information on environmental crime, see Chapter 56, this volume.)

## Conclusion

Although offenses similar to what is referred to as white-collar crime have been around for centuries, it is likely that white-collar crime will become even more prevalent in the future than it is now or was in the past. Social and technological changes have made white-collar crime opportunities more available to a broader range of people than ever before. The important changes include (a) a rise in white-collar-type jobs, (b) the growth in state largesse, (c) an increase in trust relationships, (d) economic globalization, (e) the revolution in financial services, and (f) the rise of the Internet as a means of communication and business.

In modern postindustrial economies, more people have access to the tools of white-collar crime because they work in offices with forms and files and computers. These paper and electronic documents can be manipulated and altered so as to create a false impression of reality and permit employees to have illegal access to financial and other resources. In addition, more and more white-collar employees find themselves in jobs that are somehow connected to banking or financial services. The potential to engage in fraud is therefore great.

Opportunities to engage in fraud have also been expanded by the growth in programs associated with the welfare state, including Social Security, Medicare, and Medicaid, as well as a host of other less well-known programs such as the Federal Crop Insurance Program. All of these programs distribute enormous amounts of money to literally millions of applicants annually. They all depend on written materials and all are open to the possibility of fraudulent applications.

There is another change in the social organization of work and the economy that has increased opportunities for white-collar crime—the rise in trust relationships involving agents and principals. A *trust relationship* is one in which someone (called the *principal*) depends on someone else (called the *agent*) to manage assets or provide specialized services. For example, contributors to a pension fund are in a trust relationship with the pension fund managers, in that the contributors have to trust that the managers will manage the fund’s assets in a financially prudent manner. Similarly, someone who goes to a doctor is in a trust relationship with the doctor in that the person has to trust that the doctor will treat him or her according to what is in the person’s best medical interests. In the modern world, people increasingly find themselves in trust relationships in which they have to depend on others to do things for them that they cannot do for themselves. Trust relationships raise two main problems for the people who must rely on them. First, it is often difficult for principals to monitor and evaluate agents because of the complexity or hidden nature of the services that agents provide. In effect, principals often do not know whether agents really are doing the right thing for them. Second, agents have their own financial interests that may conflict with those of the principals whom they are supposed to be serving. Taken together, these two features of trust relationships mean that agents often have the motivation and means to take advantage of others.

The increasing number and complexity of political-economic ties that cross national borders have been a boon to white-collar criminals. This globalization of the economy has made it easier for potential offenders to contact victims, orchestrate complex criminal fraud schemes, and avoid detection and punishment by governments. Companies can be set up in one place to victimize individuals, businesses, and governments in other places. For example, some foreign companies have attempted to take advantage of changes in trade regulations in the United

States that benefited North American manufacturers. These new regulations followed the passage of the North American Free Trade Agreement (NAFTA). To take advantage of the new regulations, foreign companies would mislabel their products as being manufactured in North America. Opportunities to engage in these sorts of frauds are plentiful today, because most global business transactions are not conducted via face-to-face meetings. Rather, they are conducted by means of telephone, fax, email, and other forms of electronic exchange. All of these impersonal modes of communication create abundant opportunities for fraud and deception.

Since the 1980s, the financial services sector of many national economies, including that of the United States, has exploded in size and democratized in scope. Insurance, consumer credit, mutual funds, and other securities, once available only to the wealthy, are now offered to middle- and lower-income individuals. Vast amounts of money flow between individuals and institutions in electronic funds transfers. The temptation and opportunity to engage in fraud are ever present.

Many, if not all, of the social and economic developments outlined above have been made possible as a result of technological changes. The effects of the emergence of the personal computer, network servers, and the Internet as the standard means of information storage, manipulation, and communication can hardly be overstated. Money and information flow faster now than ever before. More and more transactions take place anonymously rather than through face-to-face contact. In this environment, opportunities to engage in fraud and deception abound, and white-collar crime flourishes.

## References and Further Readings

- Benson, M. L. (1985). Denying the guilty mind: Accounting for involvement in a white-collar crime. *Criminology*, 23(4), 583–608.
- Braithwaite, J. (1985). White collar crime. *Annual Review of Sociology*, 11, 1–25.
- Brodeur, P. (1985). *Outrageous misconduct*. New York: Pantheon.
- Calavita, K., & Pontell, H. N. (1990). “Heads I win, tails you lose”: Deregulation, crime, and crisis in the savings and loan industry. *Crime & Delinquency*, 36(3), 309–341.
- Clinard, M. B., & Yeager, P. C. (1980). *Corporate crime*. New York: Free Press.
- Coleman, J. W. (1987). Toward an integrated theory of white-collar crime. *American Journal of Sociology*, 93(2), 406–439.
- Conklin, J. E. (1977). *Illegal but not criminal: Business crime in America*. Englewood Cliffs, NJ: Prentice Hall.
- Cressey, D. (1953). *Other people's money*. New York: Free Press.
- Cullen, F. T., Cavender, G., Maakestad, W. J., & Benson, M. L. (2006). *Corporate crime under attack: The fight to criminalize business violence* (2nd ed.). Newark, NJ: LexisNexis Matthew Bender.
- Edelhertz, H. (1970). *The nature, impact, and prosecution of white-collar crime*. Washington, DC: U.S. Department of Justice.
- Geis, G. (1977). The heavy electrical equipment antitrust cases of 1961. In G. Geis & R. F. Meier (Eds.), *White-collar crime: Offenses in business, politics, and the professions* (Rev. ed., pp. 117–132). New York: Free Press.
- Gross, E. (1978). Organizational crime: A theoretical perspective. In N. Denzin (Ed.), *Studies in symbolic interaction* (pp. 55–85). Greenwood, CT: JAI Press.
- Federal Bureau of Investigation. (2007). *Uniform Crime Reports, 2006*. Washington, DC: U.S. Department of Justice.
- Leonard, W. N., & Weber, M. G. (1977). Automakers and dealers: A study of criminogenic market forces. In G. Geis & R. Meier (Eds.), *White-collar crime* (pp. 133–148). New York: MacMillan.
- Rosoff, S., Pontell, H. N., & Tillman, R. (2006). *Profit without honor: White-collar crime and the looting of America* (4th ed.). Upper Saddle River, NJ: Prentice Hall.
- Shapiro, S. P. (1990). Collaring the crime, not the criminal: Reconsidering the concept of white-collar crime. *American Sociological Review*, 55(3), 346–365.
- Shover, N., & Hochstetler, A. (2006). *Choosing white-collar crime*. Cambridge, New York: Cambridge University Press.
- Sutherland, E. H. (1940). White-collar criminality. *American Sociological Review*, 5, 1–12.
- Sutherland, E. H. (1949). *White collar crime*. New York: Dryden Press.
- Weisburd, D., Wheeler, S., Waring, E., & Bode, N. (1991). *Crimes of the middle classes: White-collar offenders in the federal courts*. New Haven, CT: Yale University Press.
- Wheeler, S., Mann, K., & Sarat, A. (1988). *Sitting in judgment: The sentencing of white-collar criminals*. New Haven, CT: Yale University Press.
- Wheeler, S., Weisburd, D., & Bode, N. (1982). Sentencing the white-collar offender: Rhetoric and reality. *American Sociological Review*, 47(5), 641–659.

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## WILDLIFE CRIME

KRISTIE R. BLEVINS

*University of North Carolina at Charlotte*

TERRY D. EDWARDS

*University of Louisville*

The United States is one of the largest markets for wildlife and wildlife products from all over the world. Hundreds of millions of dollars are earned annually from wildlife crimes committed in the United States alone, and about \$6 billion are earned every year from wildlife crimes worldwide (see Musgrave, Parker, & Wolok, 1993; Tobias, 1998; U.S. Fish and Wildlife Service, 2007; Warchol, 2004). This chapter offers a general overview of wildlife crime at both the state and federal levels, identifies a variety of types of wildlife offenders, provides an overview of the techniques involved in the policing and punishment of wildlife criminals, and makes suggestions to address and prevent wildlife crime in the future.

### Definition and Characteristics of Wildlife Crimes

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Wildlife crime is a unique category of crime. It does not fit “cleanly” into the various traditional categories, or classifications, often used to describe criminal activity—categories such as crimes against persons or property crimes. Like gambling, prostitution, and drug use, wildlife crimes are sometimes considered to be “victimless crimes” because a readily identifiable injured party or victim, at least in the form of a human being, is not present or filing a complaint. However, it has been argued that in the case

of wildlife crime, like other victimless crime, society-at-large is the true victim because these criminal acts lead to significant harm to, if not the complete eradication of, entire species of animals and plants, thereby affecting hunters, anglers, nature photographers, and anyone else who enjoys wildlife in some way. Indeed, some would say that wildlife crimes, taken to the extreme, have the cumulative effect of seriously damaging entire ecosystems (Clifford, 1998; see also Muth, 1998).

Wildlife crimes are generally considered to be a subset of environmental crime. A common, albeit very general, definition of wildlife crime states that it is any violation of a criminal law expressly designed to protect wildlife. One of the most common wildlife crimes is *poaching*, which is generally defined as taking a wild resource out of season or through an illegal means. The laws usually cover animals (including mammals, reptiles, birds, amphibians, fish, and even insects), as well as certain plants (Gregorich, 1992; Muth & Bowe, 1998). Although poaching often results in the death of an animal, it also encompasses illegal live trapping of animals that are later sold or traded for profit. Consequently, poaching is not simply hunting out of season or with the wrong type of weapon; it can also be the killing or trapping of endangered, rare, or protected species. Wildlife crimes also include activities that affect wildlife more indirectly, such as pollution of waterways that results in damage to fish or other wildlife, or the destruction of protected wildlife habitats.

Animals are illegally harvested within the United States, or illegally imported into the country, for a variety of motives. They may be used or sold as food, displayed as trophies, or sold simply for economic gain. Frequently, illegally obtained animals are sold for use as exotic pets or for entertainment in circuses, road shows, and so forth. Further, sometimes it is the animal parts, rather than the entire animal, that are more valued. For example, rhinoceros horns and elephant ivory are often used to make ornamental household items. Other animal parts, such as tiger genitals, bear paws and gallbladders, and some fish fins have medicinal uses in Asia and Africa (Warchol, Zupan, & Clack, 2003). In addition, illegally obtained animal skins and furs are sold or traded for use in apparel, wall hangings, and rugs. Within the United States, species such as the paddlefish have had to be protected because poachers will illegally harvest the fish for their eggs and market the eggs as “fake” caviar (Graham, 1997). These are just some examples showing how wildlife offenders can bring in significant revenue by supplying animals or animal parts to meet the demand for these types of items.

### History of Wildlife Crimes

The first laws regulating hunting and fishing were implemented in England in the 1600s in an effort to protect the wildlife and property of landowner and the aristocracy. Such laws allowed the aristocrats to preserve game animals and fish on their property by prohibiting others from hunting and fishing there without permission (see Palmer & Bryant, 1985). While game wardens were appointed in some American colonies in the 1700s, fishing and game hunting were not well regulated in the United States until the late 1800s, when state legislatures began to create fish and wildlife protection and conservation agencies (Sherblom, Keranen, & Withers, 2002).

Prior to the late 19th century, lawmakers in the United States did not deem it a priority to place controls over hunting and fishing because wildlife resources were plentiful across sparsely populated land. However, as the human population increased and more land was developed or farmed, wildlife resources began to decline. In addition, conflict developed as individuals would often hunt or fish on property that was owned by other persons.

Movements to preserve wildlife in the United States arose in the early 1900s. During this time, federal and state parks, along with other wildlife preserves, were created to manage fish and game populations, some of which were in danger of becoming extinct (see National Park Service, 1940). Similarly, state regulations and restrictions were created to regulate hunting and fishing. While the regulations varied somewhat from state to state, one commonality is that states began to require individuals to purchase a license to hunt or fish. States also set mandates concerning the types, size, and number of fish and game animals that may be taken. In addition, they began to designate hunting

seasons, or particular times of year when each type of animal could be legally hunted (see Blair, 1985). Other common state wildlife laws concern property regulations (e.g., hunting is not allowed on any property without permission from the owner), specific hours per day during which hunting is allowed (e.g., daylight hours only), and type of weapon that may be used during certain hunting seasons.

### Typical State Wildlife Crimes

As with virtually all criminal laws, each state has adopted its own statutes or ordinances related to wildlife crime. Part of the reason for the differences among state laws stems from the difference in wildlife resources. For example, some states have bear or elk hunting seasons, while others do not provide such seasons simply because the animal is not present (or is present in low numbers) in the state. While individual laws may vary somewhat from state to state, they are similar in many regards. In spite of the sometimes vast differences in the amounts and species of particular forms of wildlife across states, wildlife laws and hunting regulations are created to protect plant and animal populations and wildlife resources in each respective state.

Each state is responsible for identifying the game species that may be legally hunted and for adopting the restrictions that are imposed relating to when and how such game may be taken. Specifically, state gaming departments select specific dates when hunting may occur, determine what weapon(s) may be used, and place restrictions on the size and number of animals that may be taken by each hunter. In addition, limitations are imposed with regard to the times hunting may occur, the gender of the animals harvested, and the locations for hunting activity. Hunters are expected to follow the state's guidelines, which includes the purchase of a hunting license. For most large game animals such as deer, elk, and moose, hunters are also required to tag each animal harvested, report the kill either in person or by phone to the appropriate regulatory agency, and complete and display all required forms or paperwork (see Johnston, Holland, Maharaj, & Campson, 2007).

Across all states, one of the most commonly reported and detected wildlife crimes is hunting or fishing without a valid license. This crime defrauds the state of valuable revenue that would be used to protect and improve wildlife resources. Another common state wildlife crime is hunting out of season or hunting animals for which there is no legal hunting season. These violations can have significant detrimental impact on a wide variety of wildlife populations. A third common state hunting crime is failure to tag hunting kills, which results in inaccurate counts for the state. The primary reason hunters do not tag or report their activity is so they may engage in harvesting more animals than are permitted. Unfortunately, taking more than the limit of game kills is another crime familiar to state fish and wildlife officials. Other common crimes include

shooting from the road, hunting with an illegal weapon or firearm caliber, spotlighting to hunt, and trespassing to hunt or fish. Since only a small percentage of state wildlife crimes are treated as felonies, many individuals claim that they are not a serious problem, especially when compared to other types of crime. What they fail to realize is that even misdemeanor wildlife crimes may ultimately threaten fish and wildlife populations (Eliason, 2003, 2004).

## Typical Federal Wildlife Crimes

At the federal level, Congress is empowered by the U.S. Constitution to enact appropriate legislation, and create government units to enforce such legislation, for any and all wildlife crimes for which there is a national, or federal, interest. Accordingly, Congress has enacted a wide variety of federal criminal statutes relating to wildlife crimes and vested enforcement of these statutes in a number of federal agencies including the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, the National Park Service, the Environmental Protection Agency, the U.S. Forest Service, the U.S. Bureau of Land Management, and the U.S. Fish and Wildlife Service (USFWS). At the federal level, it is the USFWS that primarily focuses on protecting wildlife resources throughout the country. The USFWS contains an office of law enforcement that investigates federal wildlife crime and regulates interstate and international wildlife trade. They focus on identifying and apprehending international and domestic smuggling rings that deal in endangered or protected species, protecting wildlife and habitats from environmental hazards, enforcing federal migratory bird and game hunting laws, and monitoring legal domestic and international wildlife trade to ensure that regulations are followed (USFWS, 2007).

Intelligence and general investigative resources are typically superior at the federal level compared to most state levels. For instance, the USFWS compiles information concerning species, port of entry, mode of transportation, and time of year to monitor the illegal wildlife trade. This information has been used to develop a risk assessment system that aids in targeting illegal animal trading.

The USFWS sometimes works with states to protect game animals and enforce state wildlife laws. (Just over 2% of the USFWS's 2006 investigative caseload was spent on state law violations.) However, most of the USFWS's investigative efforts are spent working on cases involving endangered species and enforcing laws regulating importation and exportation of wildlife. For example, a great deal of federal resources are committed to enforcing the Lacey Act, which prohibits the exportation, importation, sale, transportation, or purchase of fish and wildlife taken or possessed in violation of any federal, tribal, state, or foreign laws. Recognizing the investigative limitations imposed by the reduced number of federal agents in the field, the USFWS works very closely with state agencies and many state wildlife enforcement personnel cross-designated as

federal USFWS agents in an effort to increase the number of wildlife offenders who may be prosecuted in federal court (USFWS, 2007).

## Types of Wildlife Offenders

Individuals are motivated to perpetrate wildlife crimes for a wide range of reasons. Several different typologies have been established to profile and describe the motivations that influence people to commit wildlife crimes. Overall, there are four broad categories that can be used to portray the various types of individuals who commit these crimes.

### The “Back Door” Wildlife Criminal

The term *back door offender* refers to individuals who illegally hunt on their own property. They do not purchase a hunting license, and they often take animals out of season and with techniques that are not normally permitted. Even if they are aware that their behavior is illegal, they rationalize the act by claiming that it is acceptable for them to kill animals on their own property because they “own” the animals. Back door offenders may use their kills for consumption for themselves or their families, sell the meat to others for profit, or simply mount the animal on the wall as a trophy. This type of offender can be extremely difficult to detect since the person does not hunt beyond his or her own property. In fact, back door hunters are rarely discovered unless they are reported by a neighbor who witnessed the event or by another individual with whom the suspect discussed the illegal activities—or more likely to whom they have bragged about their efforts (Eliason, 2008).

### The Opportunist Wildlife Criminal

The opportunist offender does not commit wildlife crimes on a regular basis, but will do so if the opportunity is available. For example, an opportunist may be legally hunting deer in a particular area when an elk approaches. The hunter may kill the elk simply because the opportunity presented itself. Unless the hunter had a permit to kill elk during that particular season, he or she has committed the crimes of hunting out of season and hunting without a license. Another common crime committed by opportunist offenders is taking more than the legal limit of game. Like the back door offender, opportunist offenders may commit wildlife crimes for a variety of reasons. They too are difficult to detect because their actions are so irregular—they typically do not have the motivation or intent to commit a wildlife crime until the opportunity is present.

### The Habitual or Chronic Wildlife Offender

This category includes those individuals who engage in wildlife crime on a regular basis. They may participate in a broad array of wildlife crimes, or they might focus on

one particular type (e.g., hunting endangered species or other animals for which there is no designated hunting season). While some animals taken by chronic wildlife offenders are used for personal consumption, these offenders are more likely than back door or opportunist criminals to be motivated by profit. Their bounties are often sold to others, domestically or internationally, for consumption or for use in making goods containing animal pelts. Offenders who illegally smuggle wildlife or animal parts into the United States are often habitual offenders (Eliason, 2008).

Experienced wildlife offenders usually become very skillful at their craft, as they simply get better through experience. Those who have not been apprehended get better over time through practice, and those who have been previously arrested tend to improve their abilities after learning from the mistakes that led to their apprehension. Many chronic offenders go as far as purchasing police scanners or other listening devices in order to monitor law enforcement activities and movement in the immediate area. Though habitual wildlife offenders are apprehended more often than back door or opportunistic offenders, their apprehensions typically come after they discuss their activities with someone who later reports the crimes. Those who do not discuss their actions with others are rarely detected (Eliason, 2008).

### Trophy Poachers

Trophy poachers differ from the other three types of wildlife offenders in that their only motivation is to obtain animals to be used as trophies. Pictures of the “biggest and best” hunting and fishing trophies are often published in magazines, shown on Internet Web sites, and shared among sportspersons. These pictures often lead to competitions among hunters to establish who can obtain the best trophy of a particular animal. Since trophy animals are often extremely difficult to take legally during hunting seasons, trophy poachers frequently hunt them through illegal means (e.g., hunting out of season, spotlighting while hunting at night, trespassing, and using illegal weapons). Interviews with trophy poachers have revealed that most will keep the illegally obtained trophies for themselves, while a few will sell them to other hunters who will claim them as their own kills. Like habitual wildlife offenders, trophy poachers often commit a wide variety of wildlife crimes while hunting their trophy animal (Eliason, 2008).

### Conservation Officers: Policing Wildlife Crime

Each state and the federal system has its own force of specialized law enforcement agents to investigate wildlife crimes and apprehend offenders. Such conservation officers, often called game wardens, are charged with enforcing

laws that regulate hunting, fishing, and other environmental concerns including protected plant species. Some jurisdictions also commission conservation officers to enforce boating regulations and police waterways.

The predecessor of American conservation officers were the gamekeepers in Europe. Gamekeepers were appointed by the kings to enforce hunting and trespassing regulations on their property and the property of the nobility. The main role of the gamekeepers was to keep peasants from hunting on land owned by the aristocrats.

The first record of a position resembling a modern-day conservation officer in the United States was a forest ranger in Yosemite National Park. He was appointed in 1866 with the main goal of enforcing quotas on game hunting. Around the same time, the government commissioned 150 U.S. Army cavalry troops to patrol the park. These troops served to help the ranger enforce the quotas and other hunting regulations in the park (see National Park Service, 1940). Today, the USFWS assigns special agents and wildlife inspectors throughout the United States, including wildlife inspectors at all border crossings, major international airports, and other ports of entry. Federal wildlife agents often build partnerships with state conservation officers to conduct joint investigations and training programs.

At the state level, the rank of conservation officer was first created in Michigan in 1887. Missouri later established game wardens in 1905. Other states implemented their own fish and wildlife departments and installed conservation officers throughout the early 20th century. Today’s conservation officers are similar to traditional law enforcement officers in that they are responsible for investigating crimes and arresting offenders. However, game wardens also differ from conventional police officers in several ways. First, there are far fewer conservation officers than other types of law enforcement agents in the United States. There are currently fewer than 10,000 state and federal conservation officers, which is equivalent to about 1 game warden for every 10,000 sportspersons. The ratio of traditional law enforcement officials to the general population is about 24 to 10,000 (see Bureau of Labor Statistics, 2008).

Since conservation officers focus first and foremost on violations of wildlife and environmental laws, their work inherently involves concentrating most of their investigative efforts in remote rural areas that are often unoccupied. Because of the limited number of game wardens, many of them are expected to cover large amounts of remote territory alone. The closest backup conservation officer may be more than 100 miles away. Further, the vast majority of individuals that conservation officers come into contact with will have a firearm or some other type of weapon. Therefore, it is important for game wardens to develop relationships with other local agencies so that they can get assistance quickly if necessary.

Though conservation officers specialize in violations of fish and wildlife laws, they might also encounter other



types of crimes and criminals during their daily activities. For example, while in the woods on daily patrol, conservation officers might inadvertently discover active methamphetamine laboratories or even a homicide victim. Consequently, today's game wardens are well trained concerning what to do if they come across a nonwildlife crime. Most states instruct conservation officers to preserve such a crime scene until other local authorities arrive, but also give them full law enforcement powers in the event an active crime is discovered and an immediate arrest should be made. As a result, conservation officers are sometimes forced to serve the role of both game warden and traditional police officer (Eliason, 2007; Falcone, 2004).

Conservation officers face many unique challenges and obstacles not encountered by traditional law enforcement personnel in their quest to eradicate wildlife crime. Conservation units often find themselves limited in their enforcement efforts by the small number of officers available and the large ratio of hunters to officers. Officers are handicapped by the vast areas they are expected to cover—large hunting areas can make it easy for poachers to evade capture, especially since they are almost always wearing camouflage and often are far more familiar with the terrain than the officers trying to catch them. Further, conservation officers often find themselves using unique equipment (ATVs, aircraft, boats, GPS systems) and investigative techniques (ground and aerial surveillance, “trick” decoy animals) rarely employed by other enforcement agencies. Nonetheless, conservation officers as a whole do an excellent job performing their duties given their limited resources and frequent need to engage in covert investigative methods (see Grosz, 1999).

As mentioned previously, many wildlife offenders do not get caught unless they discuss their crimes with others who later report them. Only a small portion of wildlife crimes are actually detected (Green, 2002; Green, Phillips, & Black, 1988). For that reason, it is important for conservation officers to develop positive relationships with members of the communities in which they patrol. These relationships can often lead to tips that result in the apprehension of wildlife offenders.

## Punishing Wildlife Offenders

It is important to consider what type of punishment(s) convicted wildlife offenders should receive. There are four different traditional philosophies of punishment that may be used in the American criminal justice system: (1) retribution, (2) deterrence, (3) incapacitation, and (4) rehabilitation. The first philosophy, retribution, simply serves to punish offenders for their crimes. That is, they are subject to some penalty that should be equal to the crime that was committed. Because offenders should be punished for their crimes, retribution generally sets the overall structure for sentencing. One or more of the other

three goals of punishment may then be used within the framework of retribution.

The latter three philosophies of punishment are all aimed at preventing offenders from committing future crimes, though the means for achieving the goal may be very different. Deterrence is based on the premise that an individual will not commit future crimes if the punishment is certain, swift, and severe enough. That is, offenders will be deterred from additional crimes if they believe they will certainly be detected and apprehended and then swiftly and severely punished for the crime.

Incapacitation for traditional crimes typically involves incarceration in prison or jail. While incapacitation may be used as part of a deterrent or retributive goal, the use of incapacitation alone serves to prevent crime because the offender is locked up and therefore incapable of committing new crimes on the outside. Since wildlife crimes are typically not viewed as a serious threat to humans, long terms of incarceration are rare for wildlife offenders. However, sentences involving “quasi-incapacitation” in the form of forfeiture of hunting privileges or the loss of weapons or vehicles are frequently imposed.

Rehabilitation involves identifying and addressing the factors that contributed to an offender committing a crime. If those causes can be addressed through correctional programming, the offender should not commit additional crimes. Rehabilitative treatment for any type of offender, including wildlife offenders, may be as simple as participation in educational and vocational programs, or as extensive as cognitive-behavioral therapy or psychiatric treatment. While rehabilitation can be effective at preventing crime, it can also be expensive and time consuming. Accordingly, it is not used frequently as part of a sentence for many types of crimes, especially wildlife and environmental crimes.

In order to determine which philosophy of punishment should be used for a particular offender, the motivation of the offender should be considered. For example, if an offender committed a wildlife crime simply because he or she did not understand the wildlife regulations in the area (such regulations may be complicated—see Hall, 1992), that offender can probably be rehabilitated by completing an educational program concerning hunting and fishing regulations along with the standard retributive punishment. Conversely, a chronic wildlife offender that is motivated by profit or thrill may need extensive rehabilitation and therefore may be more efficiently punished through deterrent measures such as steep fines and a short jail sentence.

Ultimately, most wildlife crimes are misdemeanors and do not typically involve the imposition of a jail sentence. Misdemeanor wildlife crimes are most often punished with loss of hunting and fishing privileges for a period of time, the forfeiture of any illegally obtained fish or game animals, heavy fines, or a period of probation or other community corrections sentence. Felony wildlife offenders may receive any or all of those penalties but may also be subject to terms of incarceration in jail or prison or the loss of hunting or fishing equipment (including weapons and

vehicles) that was used in the commission of the crime(s) (see Musgrave et al., 1993).

As with traditional crimes, wildlife crimes prosecuted at the federal level tend to carry heavier sentences than those prosecuted by the state. For example, an Arizona man was apprehended in 2006 by federal fish and wildlife agents for killing and selling eagles for profit. He was convicted and sentenced to 3 years of probation and required to pay \$10,000 in fines. Likewise, a man in Washington State was convicted of smuggling in more than \$30,000 worth of reptiles from Thailand and was sentenced to 2 years in federal prison (USFWS, 2007). Still, ramifications (such as fines) for wildlife crimes are important at the state level. Not only may the consequences play a role in deterring future crime and protecting natural resources, but a few state-level wildlife enforcement agencies (e.g., in Kentucky) also fund their entire agency budget from the fees collected from licenses and fines imposed on violators—they operate on no tax dollars whatsoever.

## Conclusion

While it is not known exactly how many fish and wildlife resources are lost each year because of wildlife offenders, estimates indicate that more than \$200 million are earned annually from wildlife crimes in the United States alone. Authorities never find out about the vast majority of wildlife crime. Estimates of the ratio of wildlife crimes discovered to actual crimes committed range from 1 in 30 to 1 in 80, with deer poaching detection rates being as low as 1.1% (Eliason, 2003).

The fact is that environmental laws, including hunting and fishing regulations, are enacted to protect plant and animal species and breeding cycles. Without these wildlife laws and regulations, wildlife resources in the United States would be put at risk. Illegal hunting and fishing activities can quickly reduce, or even eliminate, animal populations.

Consider the fact that the elephant population in Africa was reduced by over 50% from 1979 to 1989, primarily because of the illegal hunting of elephants to harvest their ivory. Similarly, although Kenya made the trade of rhinoceros horns illegal in 1975, the rhinoceros population declined from about 20,000 in 1975 to only 500 in 1990. This dramatic decline was largely caused by poachers motivated by profit from the sell and trade of the horns. These examples show how quickly the number of animals in an entire species can be reduced through poaching and trafficking (see Warchol, 2004; Warchol et al., 2003).

Wildlife trafficking is actually the second-largest form of black market commerce (between drug smuggling and illegal weapons) (Warchol, 2004). The illegal commercial wildlife trade poses a significant threat to plant and animal species around the world. Still, it is expected that noncommercial wildlife offenders pose about the same threat to

wildlife resources because they significantly outnumber commercial poachers.

To preserve the environment and prevent the reduction of plant and animal species, it is important to educate people about the negative consequences of wildlife crimes. This type of education should be offered not only to sportspersons, but to the general population as well. After all, jeopardizing wildlife resources affects hunters and anglers as well as others who enjoy the natural world. Specifically, nature watchers, photographers, and other ecotourists are affected by depleting resources. Educating individuals about the consequences of wildlife crime can help to protect natural resources by (a) making potential wildlife offenders truly aware of the impending results of their actions and therefore deterring them from committing the crime and (b) informing the general public of the costs of wildlife crime, thereby making them more likely to report wildlife violations to local conservation authorities. The social context of the early 21st century provides a perfect milieu for bringing attention to wildlife crime because there is increased awareness of environmental conservation and a focus on preserving the environment.

It is also important to continue to seek knowledge through research regarding the types of people who commit wildlife crimes and their motivations for offending. Fortunately, after many years of scarce literature, scholars are beginning to empirically examine the world of wildlife offenders and conservation officers (Eliason, 2004; McMullen & Perrier, 2002; Muth & Bowe, 1998). Future research should include surveys of or interviews with known wildlife offenders in order to gather insight into the types of activities in which they engage and why they engage in them. Understanding the motivations for wildlife crime can lead to policies and practices that will aid in detecting, arresting, and properly punishing wildlife offenders and ultimately preventing at least some wildlife crime. Positive steps toward preserving wildlife resources will help to conserve plant and animal species and the recreational opportunities they provide.

## References and Further Readings

- Blair, N. (1985). *The history of wildlife management in Wyoming*. Cheyenne: Wyoming Game and Fish Department.
- Bureau of Labor Statistics. (2008). *Occupational outlook handbook, 2007–2008 edition*. Washington, DC: U.S. Department of Labor.
- Clifford, M. (1998). *Environmental crime: Enforcement, policy, and social responsibility*. Gaithersburg, MD: Aspen.
- Eliason, S. L. (2003). Illegal hunting and angling: The neutralization of wildlife law violations. *Society and Animals, 11*, 225–243.
- Eliason, S. L. (2004). Accounts of wildlife law violators: Motivations and rationalizations. *Human Dimensions of Wildlife, 9*, 119–131.

- Eliason, S. L. (2007). From wildlife specialist to police generalist? The scope of nonwildlife violations encountered by conservation officers. *Southwest Journal of Criminal Justice*, 4, 120–132.
- Eliason, S. L. (2008). Wildlife crime: Conservation officers' perceptions of elusive poachers. *Deviant Behavior*, 29, 111–128.
- Falcone, D. (2004). America's conservation police: Agencies in transition. *Policing: An International Journal of Police Strategies and Management*, 27, 56–66.
- Graham, K. (1997). Contemporary status of the North American paddlefish, *Polyodon spathula*. *Environmental Biology of Fishes*, 48, 279–289.
- Green, G. S. (2002). The other criminalities of animal freeze-killers: Support for a generality of deviance. *Society of Animals*, 10, 5–30.
- Green, G. S., Phillips, H. J., & Black, S. K. (1988). The Georgia deer jacker. *Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies*, 42, 558–565.
- Gregorich, L. J. (1992). *Poaching and the illegal trade in wildlife parts in Canada*. Ottawa: Canadian Wildlife Federation.
- Grosz, T. (1999). *Wildlife wars: The life and times of a fish and game warden*. Neenah, WI: Big Earth Publishing.
- Hall, D. L. (1992). Compliance: The mission of wildlife enforcement. *Proceedings of the Annual Conference of the Southeastern Association of Fish and Wildlife Agencies*, 46, 532–542.
- Johnston, R. J., Holland, D. S., Maharaj, V., & Campson, W. (2007). Fish harvest tags: An alternative management approach for recreational fisheries in the U.S. Gulf of Mexico. *Marine Policy*, 31, 505–516.
- McMullen, J. L., & Perrier, D. C. (2002). Lobster poaching and the ironies of law enforcement. *Law and Society Review*, 36, 679–718.
- Musgrave, R. S., Parker, S., & Wolok, M. (1993). The status of poaching in the United States: Are we protecting our wildlife? *Natural Resources Journal*, 33, 977–114.
- Muth, R. M. (1998). The persistence of poaching in advanced industrial society: Meanings and motivations—an introductory comment. *Society & Natural Resources*, 11, 5–7.
- Muth, R. M., & Bowe, J. F. (1998). Illegal harvest of renewable natural resources in North America: Toward a typology of the motivations for poaching. *Society & Natural Resources*, 11, 9–24.
- National Park Service. (1940). *A brief history of the National Park Service*. Washington, DC: U.S. Department of the Interior.
- Palmer, C. E., & Bryant, C. D. (1985). Keepers of the king's deer: Game wardens and the enforcement of fish and wildlife law. In C. D. Bryant, D. W. Shoemaker, J. K. Skipper, Jr., & W. E. Snizek (Eds.), *The rural workforce: Non-agricultural occupations in America* (pp. 111–137). South Hadley, MA: Bergin & Harvey.
- Sherblom, J. S., Keranen, L., & Withers, L. A. (2002). Tradition, tension, and transformation: A structuration analysis of a game warden service in transition. *Journal of Applied Communication Research*, 30, 143–162.
- Tobias, M. (1998). *Nature's keepers: On the front lines of the fight to save wildlife in America*. New York: Wiley.
- U.S. Fish and Wildlife Service. (2007). *Annual report, fiscal year 2006*. Washington, DC: Author.
- Warchol, G. L. (2004). The transnational illegal wildlife trade. *Criminal Justice Studies*, 17, 57–73.
- Warchol, G. L., Zupan, L. L., & Clack, W. (2003). Transnational criminality: An analysis of the illegal wildlife market in South Africa. *International Criminal Justice Review*, 13, 1–27.

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## IDENTITY THEFT

HEITH COPES

*University of Alabama at Birmingham*

LYNNE VIERAITIS

*University of Texas at Dallas*

In 1998, the U.S. Congress passed the Identity Theft Assumption and Deterrence Act (ITADA), which criminalized the act of identity theft and directed the Federal Trade Commission (FTC) to collect complaints from consumers. In the decade following passage of ITADA, reports of identity theft victimizations to the FTC surged. In 2001, consumers filed 86,212 complaints. Three years later, the number reported increased nearly 250% to 214,905 complaints (FTC, 2004). Data from other government agencies and private organizations also support the claim that identity theft has risen exponentially since 1998. The Social Security Administration's (SSA) Fraud Hotline received approximately 65,000 reports of social security number misuse in 2001, more than a fivefold increase from about 11,000 in 1998 (U.S. General Accounting Office [GAO], 2002). The Privacy and American Business (P&AB) survey reports that the incidence of identity theft almost doubled from 2001 to 2002 (P&AB, 2003). Although recent FTC data suggest that reports of identity theft were relatively stable from 2003 to 2006, it is still the most prevalent form of fraud committed in the United States (36% of the 674,354 complaints filed with the FTC in 2006). In fact, identity theft has headed the FTC's list of top consumer complaints for the past 7 years (FTC, 2007).

In response to federal identity theft legislation and rising concern by the public, state lawmakers have increasingly turned their attention to the issue by enacting bills

criminalizing the act and expanding the rights of consumers victimized by this crime. In 1998, at the time the ITADA was passed, only a few states had specific laws criminalizing identity theft (GAO, 2002). Although all 50 states and the District of Columbia currently have identity theft laws, there is significant variation in what behaviors are classified as identity theft, penalties for offenders, and assistance to victims of identity theft (Perl, 2003). Lawmakers have continued to draft identity theft legislation. At the end of 2007, more than 200 bills focusing on the issue were pending at the state level.

Identity theft has also garnered the attention of the media, whose coverage of cases has risen dramatically over the past 10 years. The media regularly report on the latest scams used by identity thieves to steal personal information, the dangers of conducting routine transactions involving personal data, and the newest products and services designed to protect consumers from becoming victims of identity theft. Although much of this attention is directed toward educating consumers and marketing products, the media regularly present identity theft as an ever-increasing, ever-threatening problem. As Morris and Longmire (2008) note, the media typically present identity theft cases alongside several overlapping themes including "scorn, shock, marvel from the use of technology, and identity theft as an unstoppable problem" (p. 2). Indeed, many have referred to identity theft as the "fastest growing crime in America" (Cole & Pontell, 2006).

This chapter provides an overview of what is known about identity theft. The chapter begins with a discussion of the ambiguity and difficulties scholars have in defining the crime. This is followed by a description of the patterns and incidences of identity theft, which includes a review of the primary sources of data on the extent and costs of this crime. The next two sections discuss what is known about those victimized by the crime and those who choose to engage in it. This is followed by a description of the most common techniques identity thieves rely on to steal sensitive information and then convert it into cash or goods. The final section elaborates on legislation directed toward identity theft prevention.

## Defining Identity Theft

According to ITADA, it is unlawful if a person

knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law.

Although the federal statute, passed in 1998, supplied the first legal definition of identity theft, “There is no one universally accepted definition of identity theft as the term describes a variety of illegal acts involving theft or misuse of personal information” (Bureau of Justice Statistics [BJS], 2006).

Although the term *identity theft* is often applied to a wide range of crimes, including checking account fraud, counterfeiting, forgery, auto theft using false documentation, trafficking in human beings, and terrorism, most policymakers and researchers agree that identity theft includes the misuse of another individual’s personal information to commit fraud. The issue that has impeded development of a universally accepted definition centers on the concept of “personal information.” For example, if an offender steals a credit card, makes a purchase, and then discards the card, has the victim’s identity been stolen? Does the use of a *financial account identifier* or *personally identifying data* constitute identity theft? An offender can use a credit card number (financial account identifier) to make unauthorized purchases or use a social security number (personally identifying data) to open a new credit card account and make purchases.

The government’s first attempt to systematically collect a large, nationally representative sample of data on identity theft, the National Crime Victimization Survey (NCVS), includes three behaviors in its definition of identity theft: (1) unauthorized use or attempted use of existing credit cards, (2) unauthorized use or attempted use of other existing accounts such as checking accounts, and (3) misuse of personal information to obtain new accounts or loans or to commit other crimes (BJS, 2006). By including the

unauthorized use or attempted use of existing credit cards, the NCVS considers financial account identifiers as personal identification. Other researchers, however, have employed the definition of identity theft specified by the federal statute but only include offenders who had used personally identifying data to commit their crimes. Offenses where financial account identifiers were used (e.g., credit card fraud and check fraud) were treated separately. In sum, there is no consistent definition or use of the term identity theft across agencies or organizations that collect data, which makes gauging the extent and patterning of identity theft difficult.

## Patterns of Identity Theft

Numerous agencies and organizations collect data on identity theft, including government agencies, nonprofit organizations/advocacy groups, popular trade and media sources, and credit reporting agencies. However, the use of varying definitions of identity theft and methodologies used by these data collectors produce varying estimates of the extent of identity theft and its costs to businesses and citizens.

Pursuant to the ITADA, the FTC began compiling consumer complaints related to identity theft in 1999. The data are collected from victims who report their victimization via phone or the FTC Web site. Included in the database is information about the victim, contact information for the local police department that took the victim’s report, type of offense, and the companies involved. The database is made available to all law enforcement agencies in an effort to assist in their investigations of identity theft cases. Officers have access to information about identity theft offenders and victims, including details of their experiences.

A second source of data on identity theft is the Internet Crime Complaint Center (IC3), an alliance between the National White Collar Crime Center (NW3) and the Federal Bureau of Investigation (FBI). The IC3 receives complaints related to all Internet crime, including identity theft. Data are collected online and include information on the victim and offender by state, demographic characteristics, monetary losses, and law enforcement contact. Complaints are submitted from either the person who believes he or she was defrauded or from a third party to the complainant.

Several nonprofit and for-profit research groups such as the California Public Interest Research Group (CALPIRG), Javelin Strategy & Research, Gartner Inc., Harris Interactive, and the Identity Theft Resource Center (ITRC) have also collected data on identity theft through Internet, mail, and telephone surveys and face-to-face interviews. The data collected by these groups are based on information from victims of identity theft. Although not as long running and extensive as the FTC’s data collection program, the ITRC has conducted annual victimization surveys since 2003, but these surveys are limited to “confirmed” victims of identity theft who have worked with the ITRC. In addition,

CALPIRG has conducted a study of police officers and their experiences with identity theft cases.

### Extent of Identity Theft

In 2007, the FTC released a report on estimates of the incidence and costs of identity theft. According to the report, approximately 8 million people experienced identity theft in 2005 and total losses were nearly \$16 billion (Synovate, 2007). Estimates from the NCVS vary from the FTC report. According to the NCVS, in 2005, an estimated 6.4 million households, representing 5.5% of the households in the United States, discovered that at least one member of the household had been the victim of identity theft during the previous 6 months. The estimated financial loss reported by victimized households was about \$3.2 billion (BJS, 2006).

It is difficult to ascertain the financial costs of identity theft since estimates vary across the available data. However, all indicate that this is an extremely costly crime. According to estimates from the FTC's Identity Theft Clearinghouse, the total financial cost of identity theft is over \$50 billion a year, with the average loss to businesses being \$4,800 per incident and an average of \$500 of out-of-pocket expenses to the victim whose identity was misused (Synovate, 2003). In the 2006 survey, estimates were considerably lower with the average amount obtained by the offender equal to \$1,882 and the average victim loss totaling \$371 (Synovate, 2007). The FTC cautions, however, that these changes may be attributed to differences in methodology between the 2003 and 2006 surveys. According to the most recent data from the NCVS (BJS, 2007), the estimated loss for all types of identity theft reported by victimized households averaged \$1,620 per household. Households that experienced misuse of personal information reported an average loss of \$4,850, while theft of existing credit card accounts resulted in the lowest average losses (\$980). These figures represent losses that may or may not have been covered by a financial institution, such as a credit card company.

It is also difficult to get a clear assessment of the actual costs incurred by victims of identity theft. In most cases, the victim whose information was misused is not legally responsible for the costs of the fraudulent transaction by identity thieves; rather, it is typically the credit card company or merchants who lose money. Victims may incur expenses from time spent resolving problems created by the theft. These problems may include the need to close existing accounts and open new ones, disputing charges with merchants, and monitoring their credit reports. A survey with CALPIRG found that the average amount of time spent by victims to regain financial health was 175 hours, which takes an average of 2 years to complete. According to the Identity Theft Resource Center's 2003 survey, the average time spent by victims clearing their financial records is close to 600 hours. In addition to time spent resolving problems created by the identity theft, victims may experience a great deal of emotional distress, including feelings of anger, helplessness and

mistrust, disturbed sleep patterns, and a feeling of lack of security (Davis & Stevenson, 2004).

### Regional Variation

It appears that residents in certain regions of the United States are at a heightened risk of being victimized. According to the FTC (2007) data, Arizona (147.8), District of Columbia (131.5), Nevada (120.0), California (113.5), and Texas (110.6) had the highest identity theft victimization rates per 100,000 residents, while the lowest victimization rates were reported in West Virginia (39.3), Iowa (34.9), South Dakota (30.2), North Dakota (29.7), and Vermont (28.5). The NCVS data demonstrated that households in the West were approximately 1.5 times more likely than those in the Northeast, Midwest, or South to experience identity theft, and urban (6%) and suburban (6%) households were more likely to have a member experience identity theft than rural households (4%) (BJS, 2007). Many have blamed the methamphetamine epidemic in the Western United States for this finding. However, this link has not been substantiated with sound research and data.

### Clearance Rates

Clearance rates (percentage of crimes for which an arrest is made) for identity theft are low. Available evidence suggests that offenders are seldom detected and rarely apprehended. Allison, Schuck, and Lersch (2005) reported an average clearance rate of 11% over a 3-year period. Similarly, law enforcement officials interviewed by Owens (2004) and Gayer (2003) estimated that only 10 and 11%, respectively, of identity theft cases received by their departments were solved. There are several obstacles that make the investigation of identity theft cases and the likelihood of arrests difficult (U.S. GAO, 2002). For example, identity theft cases can be highly complex, or the offender may have committed the theft in a different jurisdiction from where the victim resides, making it difficult to secure an arrest warrant. In addition, departmental resources may be directed toward the investigation of violent and drug-related offenses rather than identity thefts.

### Victims

According to Anderson's (2006) analysis of the FTC's 2003 data, consumers ages 25–54, those with higher levels of income (particularly those with incomes greater than \$75,000), households headed by women with three or more children, and consumers residing in the Pacific states are at the greatest risk for identity theft. Older persons, particularly those aged 75 and older, and persons in the Mountain states are at the least risk for victimization. Educational attainment and marital status had no effect on risk of victimization (Anderson, 2006). Similarly, Kresse, Watland, and Lucki's (2007) study of identity

thefts reported to the Chicago Police Department from 2000–2006 found that over 65% of victims were between the ages of 20 and 44 and that young people (under age 20) and older persons (over 65) were underrepresented among identity theft victims. The NCVS reported that households headed by persons ages 18–24 were most likely to experience identity theft, while households headed by persons ages 65 and older were least likely to experience it. Households in the highest income bracket, those earning \$75,000 or more, were also most likely to be victimized (BJS, 2007).

### Special Victims

Anyone can become a victim of identity theft, including newborns and the deceased. These groups are unique in that the people whose information is used illegally are not likely to incur any out-of-pocket expenses. Instead, their information is used by thieves to defraud others, usually businesses, or to hide from law enforcement. Historically, deceased victims have been thought to be the targets of choice for identity thieves, who obtain information about deceased individuals in various ways, including watching obituaries, stealing death certificates, and even getting information from Web sites that offer Social Security Death Index files, though this practice has decreased substantially in the past several years. In addition, some thieves may take advantage of family members. Often the family is unaware of the victimization, and if they do know about it, it may have little effect on their lives.

Child identity theft occurs when an offender uses a child's identifying information for personal gain. Using data from the Consumer Sentinel Network, Newman and McNally (2005) report that in 2004, there were 9,370 identity theft victims who were under the age of 18 (4% of all cases reported). The Identity Theft Resource Center estimates that they receive reports on 104–156 child victims a year. Similarly, Kresse et al. (2007) report that only 3.5% of victims were under the age of 20.

The perpetrator of child identity theft is typically a family member who has easy access to personal information. According to Pontell, Brown, and Tosouni (2008), over three quarters of those who stole the identities of victims under the age of 18 were the parents. Similarly, the ITRC 2006 survey data indicated that in child identity theft cases, 69% of the offenders were one or both parents or a stepparent. In 54% of these cases, the crime began when the victim was under 5 years of age (ITRC, 2007). However, strangers also target children because of the usually lengthy amount of time between the theft of the information and the discovery of the offense. Evidence suggests that child identity theft is relatively rare, but when it does occur, it takes a considerable amount of time to discover. Typically, the cost to the child whose identity was obtained illegally does not take place until the child applies for a driver's license, enrolls in college, or applies for a loan or credit.

### Offenders

The paucity of research on identity theft coupled with the low clearance rate makes it difficult to have a clear idea of what those who engage in this offense are like. From what is known about offenders, there is considerable diversity in regards to the race, age, gender, and criminal background of identity thieves. To gain an understanding of the type of individual who commits identity theft, Gordon, Rebovich, Choo, and Gordon (2007) examined U.S. Secret Service closed cases with an identity theft component from 2000–2006. They found that most offenders (42.5%) were between the ages of 25 and 34 when the case was opened. Another one-third fell within the 35–49 age group. Using data from a large metropolitan police department in Florida, Allison et al. (2005) found that offenders ranged in age from 28 to 49 with a mean age of 32.

Both studies found similar patterns regarding race. Gordon et al. (2007) found that the majority of the offenders were black (54%), with white offenders accounting for 38% of offenders and fewer than 5% of offenders being Hispanic. Allison et al. (2005) found that the distribution of offenders was 69% black, 27% white, and less than 1% Hispanic or Asian. The two studies differed in terms of the gender of offenders. Gordon et al. found that nearly two thirds of the offenders were male. Whereas, Allison et al. found that 63% of offenders were female. Gordon et al. also examined the place of birth of the offenders. They found that nearly a quarter of offenders were foreign born. The countries most represented by foreign-born offenders, in rank order, were Mexico, Nigeria, the United Kingdom, Cuba, and Israel.

In their qualitative study of identity thieves, Copes and Vieraitis (2007, 2008) sought to gain an understanding of federally convicted identity thieves' experiences by asking offenders to describe their past and current family situations. They found that most offenders were currently married or had been married in their lifetimes: 25% of the offenders were married, 31% were separated/divorced, 32% had never been married, and 5% were widowed. Approximately 75% of the offenders had children. With respect to educational achievement, the majority of offenders had at least some college education.

Prior arrest patterns indicated that a large portion of the offenders had engaged in various types of offenses, including drug, property, and violent crimes. Yet the majority of them claimed that they only committed identity thefts or comparable frauds (e.g., check fraud). In total, 63% of the offenders reported prior arrests and most were arrested for financial fraud or identity theft (44%), but drug use/sales (19%) and property crimes (22%) were also relatively common (Copes & Vieraitis, 2008). This finding is consistent with that of Gordon et al. (2007), who found that while the majority of defendants had no prior arrests, those who did have criminal histories tended to commit fraud and theft-related offenses.

Copes and Vieraitis (2007) also questioned identity thieves about their prior drug use. Approximately 58% had tried drugs in their lifetime—mostly marijuana, cocaine in

various forms, and methamphetamine. Only 37% reported having been addicted to their drug of choice. Of those offenders who said that they were using drugs while committing identity theft, 24% reported that the drug use contributed to their offense. Gordon et al. (2007) did not ask specifically about drug use, but they did discover that nearly 10% of the defendants they studied had previous arrests for drug-related offenses.

## Techniques

To be successful at identity theft requires that the would-be offenders not only secure identifying information but also convert it into goods or cash. Identity thieves have developed a number of techniques and strategies to do just this. Researchers and law enforcement agencies have collected information, primarily from victimization surveys and interviews with offenders, on the techniques identity thieves commonly employ.

### Acquiring Identifying Information

The first step in the successful commission of identity theft is to obtain personal information on the victim. This task is relatively easy for offenders to do. Offenders obtain this information from wallets, purses, homes, cars, offices, and businesses or institutions that maintain customer, employee, patient, or student records. Social security numbers, which provide instant access to a person's personal information, are widely used for identification and account numbers by insurance companies, universities, cable television companies, the military, and banks. The thief might steal a wallet or purse; or work at a job that affords him or her access to credit records; or purchase the information from someone who does (e.g., employees who have access to credit reporting databases commonly available in auto dealerships, realtors' offices, banks, and other businesses that approve loans); or may find victims by stealing mail, sorting through the trash, or searching the Internet.

The most common way that offenders commit identity theft is by obtaining a person's credit card information. They then use this information to forge credit cards in the victims' names and use them to make purchases. According to the Privacy & American Business (2003) survey of victims, 34% of victims reported that their information was obtained this way. In addition, 12% reported that someone stole or obtained a paper or computer record with their personal information on it, 11% said someone stole their wallet or purse, 10% said someone opened charge accounts in stores in their name, 7% said someone opened a bank account in their name or forged checks, 7% said someone got to their mail or mailbox, 5% said they lost their wallet or purse, 4% said someone went to a public record, and 3% said someone created false identification to get government benefits or payments.

The FTC data has also shed light on strategies of offending from the victim perspective. This data show that of those who knew how their information was obtained (43%), 16% said their information was stolen by someone they personally knew, 7% during a purchase or financial transaction, 5% reported their information was obtained from a stolen wallet or purse, 5% cited theft from a company that maintained their information, and 2% said the information was obtained from the mail (Synovate, 2007). Other techniques have been identified, such as organized rings in which a person is planted as an employee in a mortgage lender's office, doctor's office, or human resources department to more easily access information. Similarly, these groups will simply bribe insiders such as employees of banks, car dealerships, government, and hospitals to get the identifying information. Others have obtained credit card numbers by soliciting information using bogus emails or simply by *shoulder-surfing*, which involves peering over someone's shoulder while the person types in a credit card number.

Researchers have also sought the offenders' perspective in determining how they obtain information (Copes & Vieraitis, 2007, 2008). These interviews indicate that offenders use a variety of methods to procure information and then convert it into cash or goods. According to Copes and Vieraitis (2007), most identity thieves used a variety of strategies and seldom specialized in one method. The most common method used to obtain victims' information was to buy it, although some offenders acquired identities from their place of employment. It was common for offenders to buy identities from employees of various businesses and state agencies that had access to personal information such as name, address, date of birth, and social security number. Offenders also purchased information from persons they knew socially or with whom they were acquainted "on the streets." In some cases, the identity thieves bought information from other offenders who had obtained it from burglaries, thefts from motor vehicles, prostitution, or pickpocketing.

### Converting Information

After obtaining a victim's information, offenders often use it to acquire or produce additional identity-related documents, such as driver's licenses or state identification cards, in an attempt to gain cash or other goods. Often offenders apply for credit cards in the victims' names (including major credit cards and department store credit cards), open new bank accounts and deposit counterfeit checks, withdraw money from existing bank accounts, apply for loans, open utility or phone accounts, or apply for public assistance programs.

In 2006, the most common type of identity theft was credit card fraud (25%) followed by "other" identity theft (24%), phone or utilities fraud (16%), bank fraud (16%), employment-related fraud (14%), government documents



or benefits fraud (10%), and loan fraud (5%). Although not directly comparable due to differences in methodology, units of analysis, and definition of identity theft, data from the NCVS indicate that of the 6.4 million households reporting that at least one member of the household had been the victim of identity theft, the most common type was unauthorized use of existing credit cards (BJS, 2007).

The most common strategy for converting stolen identities into cash is to apply for credit cards. Most offenders use the information to order new credit cards, but they also use the information to get the credit card agency to issue a duplicate card on an existing account. They use credit cards to buy merchandise for their own personal use, to resell the merchandise to friends or acquaintances, or to return the merchandise for cash. Offenders also use the checks that are routinely sent to credit card holders to deposit in the victim's account and then withdraw cash or to open new accounts. Offenders have been known to apply for store credit cards such as those of department stores and home improvement stores. Other common strategies for converting information into cash or goods include producing counterfeit checks, which offenders cash at grocery stores, use to purchase merchandise and pay bills, open new bank accounts to deposit checks or to withdraw money from an existing account, and apply for and receive loans.

### Victim–Offender Relationship

The limitations of currently available data make the relationship between the victim and offender difficult to assess. Research on the topic has produced mixed results regarding whether the offenders knew victims before stealing their information. To date, the available data suggest that the majority of victims do not know their offenders. The FTC reported that 84% of victims were either unaware of the identity of the thief or did not personally know the thief; 6% of victims said a family member or relative was the person responsible for misusing their personal information; 8% reported the thief was a friend, neighbor, or in-home employee; and 2% reported the thief was a coworker (Synovate, 2007). Although the figures are lower than those reported by the FTC study, two additional studies also reported that the majority of victim–offender relationships involved individuals who did not know each other. Both Allison et al. (2005) and Gordon et al. (2007) reported that the majority (59%) of victims did not know the offender. The most recent data from the ITRC (2007) also indicate that 60% of victims did not know the offender. In contrast, in Kresse et al.'s (2007) study of identity thefts reported to the Chicago police department, in over 60% of the cases where the means or method of theft was known (282 of 1,322), the victim's identity was stolen by a friend, relative, or person otherwise known to the victim. According to a victim survey administered by Javelin Strategy and Research (2005), for those cases where the perpetrator was known, 32% were committed by a family

member or relative; 18% were committed by a friend, neighbor, or in-home employee; and 24% were committed by strangers outside of the workplace.

### Identity Theft Legislation

A wide range of federal laws relate to identity theft, including those pertaining to social security fraud, welfare fraud, computer fraud, wire fraud, and financial institution fraud. This review focuses on specific laws designed and enacted to criminalize the act of identity theft. The first federal law to combat identity theft occurred in 1998 with the passage of the Identity Theft Assumption and Deterrence Act (18 USC § 1028). This act has made it easier for law enforcement to investigate the crime and for victims to recover any losses from it. This law made identity theft a separate crime against the person whose identity was stolen, broadened the scope of the offense to include the misuse of information and documents, and provided punishment of up to 15 years of imprisonment and a maximum fine of \$250,000. Under U.S. Sentencing Commission guidelines, a sentence of 10 to 16 months of incarceration can be imposed even if there is no monetary loss and the perpetrator has no prior criminal convictions (U.S. GAO, 2002). Violations of this crime are subject to investigations by federal law enforcement agencies, including the U.S. Secret Service, the FBI, the U.S. Postal Inspection Service, and the Social Security Administration's Office of the Inspector General.

In an effort to protect consumers against identity theft and assist those who have been victimized, Congress passed the Fair and Accurate Credit Transactions Act (FACTA) in 2003. The act grants consumers the right to one credit report free of charge every year; requires merchants to leave all but the last five digits of a credit card number off store receipts; requires a national system of fraud detection to increase the likelihood that thieves will be caught; requires a nationwide system of fraud alerts to be placed on credit files; requires regulators to create a list of red flag indicators of identity theft, drawn from patterns and practices of identity thieves; and requires lenders and credit agencies to take action before a victim knows a crime has occurred. In addition, FACTA created a National Fraud Alert system.

In an effort to stop credit grantors from opening new accounts, FACTA also allows consumers to place three types of fraud alerts on their credit files. Individuals who suspect they are, or are about to become, victims of identity theft, can place an "initial alert" in their file. If individuals have been victims of identity theft, and have filed reports with law enforcement agencies, they can then request an "extended alert." After an extended alert is activated, it will stay in place for 7 years, and the victims may order two free credit reports within 12 months. For the next 5 years, credit agencies must exclude the consumer's name from lists used to make prescreened credit or insurance offers. Finally, military officials are able to place an "active duty alert" in their

files when they are on active duty or assigned to service away from their usual duty station.

In 2004, the Identity Theft Penalty Enhancement Act (ITPEA) established a new federal crime, aggravated identity theft. This act prohibits the knowing and unlawful transfer, possession, or use of a means of identification of another person during and in relation to any of more than 100 felony offenses, including mail, bank, and wire fraud; immigration and passport fraud; and any unlawful use of a social security number. The law mandates a minimum 2 years in prison consecutive to the sentence for the underlying felony. In addition, if the offense is committed during and in relation to one of the more than 40 federal terrorism-related felonies, the penalty is a minimum mandatory 5 years in prison consecutive to the sentence for the underlying felony.

States have also passed laws in efforts to protect consumers and victims of identity theft. In 2006, states continued to strengthen laws to protect consumers by increasing penalties and expanding law enforcement's role in investigating cases. Laws were also enacted to assist victims of identity theft, including prohibiting discrimination against an identity theft victim, allowing victims to expunge records related to the theft, and creating programs to help victims in clearing their names and financial records. To date, 39 states and the District of Columbia have enacted laws that allow consumers to freeze their credit files. As of November 1, 2007, the three major credit bureaus, Equifax, Experian, and TransUnion, offer the security freeze to consumers living in the 11 states that have not adopted security freeze laws and to all consumers in the 4 states that limit the option to victims of identity theft.

The effectiveness of legislation pertaining to identity theft has not yet been determined. These laws have provided law enforcement with the tools to fight identity thieves, but whether identity thieves have desisted because of these laws is still unclear. If identity thieves are like other fraudsters, and indicators suggest that they are, then they will adapt to law enforcement strategies aimed at stopping them. Thus, ITADA, FACTA and ITPEA will likely be amended to adjust to changing technology and adaptations of thieves.

## Conclusion

Identity theft is a widespread problem affecting approximately 8 million people each year. A common scenario involves an offender who obtains or buys a victim's personally identifying information from an acquaintance or employee of an agency with access to such information. The offender then uses the information to acquire or produce additional identity-related documents such as driver's licenses and state identification cards, make checks, order new credit cards, and cash checks. The victim is likely to be between the ages of 18 and 55 with an income greater than \$75,000 and does not know the offender.

Like most offenders, identity thieves are motivated by a need for money. For some identity thieves, the need for money is fueled by a desire to maintain a partying lifestyle characterized by drug use and fast living. Others use the proceeds of their crimes to support a conventional life, including paying rent, mortgages, or utilities, or buying the latest technological gadgets. Although the desire for money is a common motivation among street-level and white-collar offenders, the selection of identity theft as their crime of choice may be attributed to the ease with which they can justify their actions. Many identity thieves are able to justify their crimes by denying that they caused any "real harm" to "actual individuals."

Most official attempts to control identity theft have been in the form of legislation. Federal and state lawmakers have approached the problem by passing legislation defining identity theft as a crime, delineating penalties for offenders, and increasing protection to consumers and victims of identity theft. In addition to legislative action, numerous non-profit agencies, organizations, and private companies have launched campaigns to educate consumers on how to protect their personally identifying information. Although limited, the currently available data suggest that certain situational crime prevention techniques may be useful in decreasing the incidence of identity theft. Specifically, increasing the effort and risks of acquiring information and converting information to cash or goods, eliminating ways in which information is acquired and converting information to cash or goods, and advertising the potential legal consequences of identity theft may help reduce identity theft.

To understand the crime of identity theft and thus increase the likelihood that policymakers and law enforcement are effective in reducing this crime, more research needs to be done. First, a number of laws have been passed to provide help to consumers and victims of identity theft and to assist law enforcement; however, the effectiveness of these laws has not yet been assessed. Although much of this legislation is relatively new, future research should evaluate the degree to which legislation is an effective strategy in reducing identity theft. Second, there is very little research on identity thieves themselves. Researchers should consider further developing this line of inquiry by expanding the work of Copes and Vieraitis (2007) to include active offenders and offenders convicted at federal, state, and local levels.

## References and Further Readings

- Aite Group. (2007). *Looking ahead: An analysis of pending state legislation and financial institutions*. Retrieved December 29, 2007, from <http://www.aitegroup.com/reports.php>
- Allison, S., Schuck, A., & Lersch, K. M. (2005). Exploring the crime of identity theft: Prevalence, clearance rates, and victim/offender characteristics. *Journal of Criminal Justice*, 33, 19–29.
- Anderson, K. B. (2006). Who are the victims of identity theft? The effect of demographics. *Journal of Public Policy & Marketing*, 25, 160–171.

- Bernstein, S. E. (2004). New privacy concern for employee benefit plans: Combating identity theft. *Compensation & Benefits Review*, 36, 65–68.
- Bureau of Justice Statistics. (2006). *Identity theft, 2004*. Washington, DC: U.S. Government Printing Office.
- Bureau of Justice Statistics. (2007). *Identity theft, 2005*. Washington, DC: U.S. Government Printing Office.
- Cole, S. A., & Pontell, H. N. (2006). Don't be low hanging fruit: Identity theft as moral panic. In T. Monahan (Ed.), *Surveillance and security* (pp. 125–147). London: Routledge.
- Copes, H., & Vieraitis, L. (2007). *Identity theft: Assessing offenders' strategies and perceptions of risk* (NCJ 219122). Washington, DC: National Institute of Justice.
- Copes, H., & Vieraitis, L. (2008). The risks, rewards, and strategies of stealing identities. In M. McNally & G. Newman (Eds.), *Perspectives on identity theft* (pp. 87–110). New York: Criminal Justice Press.
- Copes, H., Vieraitis, L., & Jochum, J. M. (2007). Bridging the gap between research and practice: How neutralization theory can inform Reid interrogations of identity thieves. *Journal of Criminal Justice Education*, 18, 444–459.
- Davis, K., & Stevenson, A. (2004). They've got your numbers. *Kiplinger's Personal Finance*, 58, 72–77.
- Duffin, M., Keats, G., & Gill, M. (2006). *Identity theft in the UK: The offender and victim perspective*. Leicester, UK: Perpetuity Research and Consultancy International.
- Eisenstein, E. M. (in press). Identity theft: An exploratory study with implications for marketers. *Journal of Business Research*.
- Federal Trade Commission. (2004). *National and state trends in fraud and identity theft, January–December 2003*. Retrieved December 29, 2007, from <http://www.ftc.gov>
- Federal Trade Commission. (2007). *National and state trends in fraud and identity theft, January–December 2006*. Retrieved December 29, 2007, from <http://www.ftc.gov>
- Gayer, J. (2003). Policing privacy: Law enforcement's response to identity theft. Los Angeles: California Public Interest Research Group.
- Gordon, G. R., Rebovich, D., Choo, K. S., & Gordon, J. B. (2007). *Identity fraud trends and patterns: Building a data-based foundation for proactive enforcement*. Utica, NY: Center for Identity Management and Information Protection.
- Holtfreter, R. E., & Holtfreter, K. (2006). Gauging the effectiveness of U.S. identity theft legislation. *Journal of Financial Crime*, 13, 56–64.
- Identity Theft Resource Center. (2007). *Identity theft: The aftermath, 2006*. Retrieved December 29, 2007, from <http://www.idtheftcenter.org/index.html>
- Javelin Strategy and Research. (2005). *2005 identity fraud survey report*. Pleasanton, CA: Author.
- Kresse, W., Watland, K., & Lucki, J. (2007). *Identity theft: Findings and public policy recommendations*. Final Report to the Institute for Fraud Prevention. Chicago: Saint Xavier University.
- Lease, M. L., & Burke, T. W. (2000). Identity theft a fast-growing crime. *FBI Law Enforcement Bulletin*, 69, 8–13.
- LoPucki, L. M. (2001). Human identification theory and the identity theft problem. *Texas Law Review*, 80, 89–135.
- McNally, M., & Newman, G. (Eds.). (2008). *Perspectives on identity theft (Crime Prevention Studies, 23)*. New York: Criminal Justice Press.
- Morris, R. G., Kercher, G., & Johnson, M. (2006). *Identity theft: A research report*. Huntsville: Sam Houston State University, Texas Crime Victims Institute.
- Morris, R. G., & Longmire, D. R. (2008). Media constructions of identity theft. *Journal of Criminal Justice & Popular Culture*, 15, 1–17.
- Newman, G. R. (2004). *Identity theft: Problem-oriented guides for police*. Problem-Specific Guide Series, No. 25. Washington DC: U.S. Department of Justice, Office of Community Oriented Policing Services.
- Newman, G. R., & McNally, M. (2005). *Identity theft literature review*. Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Owens, M. (2004). *Policing privacy: Michigan law enforcement officers on the challenges of tracking identity theft*. Ann Arbor, MI: Michigan Public Interest Research Group.
- Perl, M. W. (2003). It's not always about the money: Why the state identity theft laws fail to address criminal record identity theft. *Journal of Criminal Law & Criminology*, 94, 169–208.
- Pontell, H. N. (2003). "Pleased to meet you, won't you guess my name?" Identity fraud, cyber crime, and white-collar delinquency. *Adelaide Law Review*, 23, 305–328.
- Pontell, H. N., Brown, G. C., & Tosouni, A. (2008). Stolen identities: A victim survey. In M. McNally & G. Newman (Eds.), *Perspectives on identity theft* (pp. 57–86). New York: Criminal Justice Press.
- Pontell, H. N., & Geis, G. (2007). New times, new crimes: "Blocking" financial identity fraud. In F. Bovenkerk and M. Levi (Eds.), *The organized crime community: Essays in honor of Alan Block* (pp. 45–58). New York: Springer.
- Privacy and American Business. (2003). *Identity theft: New survey and trend report*. Retrieved December 29, 2007, from <http://www.bbbonline.org/idtheft/IDTheftSrvyAug03.pdf>
- Sharp, T., Shreve-Neiger, A., Fremouw, W., Kane, J., & Hutton, S. (2004). Exploring the psychological and somatic impact of identity theft. *Journal of Forensic Sciences*, 49, 131–136.
- Sullivan, B. (2004). *Your evil twin: Behind the identity theft epidemic*. Hoboken, NJ: Wiley.
- Synovate. (2003). *Federal Trade Commission—identity theft survey report*. Retrieved December 29, 2007, from <http://www.ftc.gov/os/2003/09/synovatereport.pdf>
- Synovate. (2007). *Federal Trade Commission—2006 identity theft survey report*. Retrieved December 29, 2007, from <http://www.ftc.gov/os/2007/11/SynovateFinalReportIDTheft2006.pdf>
- U.S. Department of Justice (2000). *Identity theft and identity fraud*. Retrieved February 1, 2009, from <http://www.usdoj.gov/criminal/fraud/websites/idtheft.html>
- U.S. General Accounting Office. (2002). *Identity theft: Prevalence and cost appear to be growing*. Report to Congressional Requesters GAO-02–363. Washington, DC: Author.
- White, M. D., & Fisher, C. (2008). Assessing our knowledge of identity theft: The challenges to effective prevention and control efforts. *Criminal Justice Policy Review*, 19, 3–24.

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## PROSTITUTION

RAYMUND ESPINOSA NARAG AND SHEILA ROYO MAXWELL

*Michigan State University*

This chapter discusses the many issues and nuances related to prostitution and is divided into five sections. In the first section, a definition of prostitution is provided, and acts that are commonly construed as prostitution are listed. At the outset, it must be noted that there is no one accepted definition of prostitution, and the term is fraught with ideological debates. Prostitution has also had different meanings across different time periods and locations, and the understanding of prostitution continually evolves.

The second section provides a brief background of prostitution. The prevalence of this activity is discussed, as well as a brief historical backdrop of it being “the oldest profession.” The section distinguishes among the different types of prostitution in terms of *modus operandi* (that is, street versus in-house and other forms). This is followed by a brief discussion of more recent trends linking prostitution in the era of globalization with the dynamics of global sex trade, tourism, and the trafficking of humans for sex purposes.

In the third and fourth sections, the causes and effects of prostitution are discussed, respectively. This comprises the bulk of the chapter. Again, it should be noted at the outset that depending upon ideological perspectives (i.e., whether one views prostitution as deviant, as a legitimate form of work, or as a form of violence that ranks among human rights issues), there are competing versions of the prevalence of prostitution and the nature of its effects. It

will be noted that differences in how scholars view prostitution will possibly explain the differences and perspectives seen in research findings.

The fifth section discusses competing views on policies and perspectives to address prostitution that have evolved through the years. For most countries and for most of the modern age, prostitution has been seen as a form of deviance, and many countries have had criminal and civil laws against prostitution. However, this dominant view has been challenged, and in a few developed countries, there have been attempts to decriminalize or legalize prostitution. This will be elaborated more thoroughly in this section. The paper concludes by evaluating the efficacy of some current policies used to alleviate or moderate the potential harmful effects of prostitution, such as the spread of diseases.

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### What Is Prostitution?

*Prostitution* is a highly debated term. Its common definition is the exchange of sexual services for compensation, usually in the form of money or other valuables (Ditmore, 2006; Edlund & Korn, 2002; Esselstyn, 1968). Yet, there are many activities that can fall into this category, and it can be argued that getting married for the purpose of having a home and livelihood qualifies as prostitution (Edlund & Korn, 2002). Some add that to differentiate prostitution

from other forms of nonmarital sexual activities, it must be devoid of emotional attachment between partners (McGinn, 1998). Others, such as Edlund and Korn, argue that an element of promiscuity must also be involved. However, the notions “devoid of emotional attachment” and “promiscuity” are also vague. A young woman maintaining a long-term sexual relationship with a “sugar daddy” may not fall in this category, while others may argue that this is indeed a form of prostitution. There is also difficulty in determining the number of partners one should have to be considered promiscuous. For example, the following was noted:

A woman who had sex with more than 23,000 men should be classified as a prostitute, although 40 to 60 would also do. However, promiscuity itself does not turn a woman into a prostitute. Although a vast majority of prostitutes are promiscuous, most people would agree that sleeping around does not amount to prostitution. (Edlund & Korn, 2002, p. 183)

John Ince, a lawyer and leader of the Sex Party, a Canadian political party, wrote an interesting letter to ProCon.org (an Internet-based organization that provides pro and con discussions on social issues). He argued that the key elements of prostitution are sexual contact and exchange for money. Yet, sexual contact can be defined in myriad ways. For example, if it is defined as genital contact, then he contends that a massage therapist is not a prostitute and neither is a professional dominatrix who spans and humiliates, but does not touch the genitals. If it is defined as genital contact for pleasure, then a urologist is not a prostitute but an erotic masseur qualifies as one. However, if it is defined as genital contact for pleasure that includes penetration, then erotic masseurs are not prostitutes. Finally, if it is defined as genital contact for pleasure that includes penetration in circumstances where the provider feels shame, fear, pain, or exposes him- or herself or others to disease, then escorts who are highly selective about their clients and enjoy their work are not prostitutes (ProCon.org, n.d.).

These differing definitions are an offshoot of the ideological variations in how individuals and organizations view prostitution. One commonly held view is that prostitution is a form of social and moral deviance that individuals fall into. Individuals involved in prostitution are largely seen as lacking self-worth (Ditmore, 2006). This has been the dominant view that, as will be described later, became the basis of the criminalization of the act. Many believe that this view resulted in the stigmatization of people involved in prostitution and made them vulnerable to different kinds of risks.

Beginning in the 1960s, this dominant view came to be challenged by feminists and other social activists across two ideological variants (Davidson, 2002). On the one hand, liberal feminists maintain that prostitution can be best understood as a form of legitimate work or profession.

This view holds that individuals who are involved in prostitution do so freely and it is within their civil rights to do so (Jenness, 1990). Those who concur with this view prefer to call individuals involved in prostitution “sex workers” (Kurtz, Surratt, Inciardi, & Kiley, 2004) in order to convey a sense of professionalism and to remove the stigmatizing taint of the words *whore* and *prostitute* (Ditmore, 2006). Taken to its extreme, this view suggests that sex work is within the parameters of self-expression for individuals and an acceptable way of conveying sexual liberation. This viewpoint holds that prostitution needs to be differentiated according to whether it is forced or voluntary. Advocates of this view, as will later be seen, propose that sex work (conceived as voluntary prostitution) should be legalized and decriminalized. Organizations like COYOTE (Call Off Your Old Tired Ethics) are in the forefront of this campaign to sever prostitution from its historical association with sin, crime, and illicit sex (Jenness, 1990).

On the other hand, a group of radical feminists put forth that prostitution is an act of violence, particularly against women, and is a form of human rights violation (Farley, Baral, Kiremire, & Sezgin, 1998; Farley & Kelly, 2000; Raymond, 1998). This view holds that prostitution, whether forced or voluntary, is an act that is intrinsically traumatizing to the person being prostituted, and decries attempts to distinguish between forced and voluntary prostitution (Farley & Kelly, 2000; Raymond, 1998). This view also suggests that by artificially delineating between forced and voluntary prostitution, prostitution becomes normalized and provides a mechanism for those who exploit children and women to hide under the cloak of having a business that is “voluntary.” An extreme version of this view maintains that prostitution, especially child prostitution, should be viewed as an economic crime (Bakirci, 2007).

These differing positions on prostitution are a recurring theme and are further examined in the subsequent discussions. The ideological views about prostitution inevitably dictate how its causes and effects are analyzed, as well as the policies recommended to address the issue.

## Prevalence of Prostitution

Despite a wealth of literature, it is hard to estimate the prevalence of prostitution. This is because the definitional differences regarding what comprises prostitution make estimations highly variable. It was estimated that the number of sex workers in the United States in 1987, for example, stood close to a million, or 1% of the total population (Alexander, 1987). By limiting its definition to full-time equivalent prostitutes (FTEP), Potterat, Woodhouse, Muth, and Muth (1990) found that the prevalence of prostitution is about 23 per 100,000 population. They concluded that by extending this statistic to the nation, an average of about 84,000 women, or about 59,000 FTEPs,

worked as prostitutes in the United States annually during the 1980s. They also concluded that women prostitutes typically remain in prostitution for a relatively short time (about 4 or 5 years for long-term prostitutes).

In a systematic attempt to estimate the prevalence of female sex work (FSW) in different countries (measured as female sex workers in an area over the number of adult women in that area), Vandepitte and colleagues (2006) found huge variations within world regions. This was especially true for countries within Latin America (between 0.2% and 7.4%) and sub-Saharan Africa (between 0.4% and 4.3%). There was comparably less variation within countries in the other regions of the world. For example, the national FSW estimates prevalence in Asia to range only between 0.2% and 2.6%, in the Russian Federation between 0.1% and 1.5%, in Eastern Europe between 0.4% and 1.4%, and in Western Europe between 0.1% and 1.4% (Vandepitte et al., 2006).

There also appears to be historical variation on the prevalence of prostitution. In documenting the social history of prostitution, Bullough, Bullough, and Bullough (1987) found that in Western societies, prostitution flourished when large numbers of men were concentrated away from wives and families for long periods, when there was a double standard that restricted the movement of women while giving men freedom, and when there were many socioeconomic obstacles to marriage. They contended from this finding that the prevalence of prostitution will be reduced as women are permitted greater sexual freedom and as the socioeconomic conditions that provide fertile grounds for the recruitment of prostitutes are reduced.

## Brief History of Prostitution

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The history of prostitution is intimately linked with the patterns of tolerance and prohibition leveled against prostitution as a society adapts appropriate policies to address the activity. The notion that prostitution is the oldest profession has some credence, as ancient societies viewed prostitution as an accepted component of religious, social, and cultural life. For example, as early as 2400 BC, documents of prostitution are found in temple services in Mesopotamia (Lerner, 1986). There are also early documents that showed that prostitution was viewed as a legitimate economic activity. In 600 BC, Chinese emperors recognized commercial brothels as a means of increasing state income (Bullough et al., 1987), and a couple of centuries later, Greek and Roman heads of state also established specific mechanisms that detail the economic and social roles of prostitutes (Bullough et al., 1987; Vivante, 1999).

Not until the Middle Ages were there considerable records of prohibition against the practice of prostitution. In 534 AD, Justinian the Great banished brothel keepers from his capital and granted freedom to slaves sold into prostitution (Ringdal, 2004). The Visigoths of Spain also

strictly prohibited prostitution in the early Middle Ages, viewing the practice as morally reprehensible and punishable by flogging and banishment (Roberts & Mizuta, 1994). Throughout the centuries, prohibition of prostitution continued at varying intensities, although also interspersed with periods of tolerance and minimal regulation. Prohibition appeared particularly pronounced during times of widespread diseases, such as in the spread of syphilis in the late 1400s (Bullough et al., 1987), especially when it was recognized that the disease was sexually related. In the period from the 15th to the 20th century, the moralistic approach to prostitution resulted in conflicting social policies. In Europe, while religious institutions were vigorously opposed to prostitution, the elite male-dominated social classes discreetly supported its existence. As a consequence, women involved in prostitution were stigmatized and criminalized, yet their customers were not.

The moralistic view held sway throughout most of the 20th century as well. However, with the birth of the feminist movement in the 1960s and 1970s, this view was challenged and the alternative view that prostitution is a legitimate form of work was proposed. As mentioned earlier, groups like COYOTE, Friends and Lovers of Prostitutes (FLOPS), Hooking Is Real Employment (HIRE), and Prostitutes Union of Massachusetts (PUMA) campaigned to dissociate prostitution from sin, crime, and illicit sex (Jenness, 1990). These groups also fought for the protection of the rights of the sex workers, and the World Whore Congress that was held in 1985 in Amsterdam articulated many of the groups' positions (Ringdal, 2004). Largely through these campaigns, some governments decriminalized prostitution, offered services to sex workers, and ensured a safer working atmosphere for those involved.

However, with the advent of globalization, prostitution is caught in the nexus of sex tourism and human trafficking. There is a growing recognition that as an industry, prostitution had been economically and systematically exploited (Leheny, 1995). Young girls and boys from poor rural areas of developing countries are also systematically deceived with offers of jobs and other opportunities, only to end up as prostitutes for local and international customers in the big cities (Flowers, 2001; Lazaridis, 2001). As mentioned earlier, more radical feminists have thus articulated that prostitution is a modern form of sex slavery and it should be viewed as violence against women and a violation of human rights (Farley et al., 1998; Farley & Kelly, 2000; Raymond, 1998).

## Types of Prostitution

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Prostitution can be classified according to *modus operandi* and gender and age of providers. In their comprehensive review of studies on prostitution, Harcourt and Donovan (2005) identified 25 different *modi operandi* of commercial sex work in more than 15 countries. In their typology,

they identified the name of the activity, how clients are solicited and where they are serviced, and in what world regions certain activities are prevalent. Among the more prominent *modi operandi* for sex work are street, brothel, and escort prostitution. Street prostitution is the mode where clients are solicited on the street, in parks, or in other public places and are serviced in side streets, vehicles, or short-stay premises. Street prostitution is widespread, particularly in societies where alternative work sites are unavailable (e.g., in the United States, Europe, United Kingdom, Australasia) or there is socioeconomic breakdown (e.g., Eastern Europe, parts of Africa, South and Southeast Asia, and Latin America).

Brothel prostitution is the mode where certain premises are explicitly dedicated to providing sex. Usually, brothel prostitution has better security provisions accorded to sex workers than street prostitution. Brothels are often licensed by authorities. Brothel prostitution is the preferred mode when sex work is decriminalized or brothels are “tolerated.” This type is prevalent in Australia, New Zealand, Southeast Asia, India, Europe, and Latin America.

Escort prostitution is the mode where clients contact sex workers by phone or via the hotel staff. This is the most covert form of sex work. It is relatively expensive because of low client turnover (i.e., a higher price is charged for services because the client pool is smaller and more exclusive). The service can be provided at a client’s home or hotel room. This mode of prostitution is ubiquitous. In the United States, escorts and private workers contacted by phone and working from a “call book” are known as “call girls” or “call men.” Other less prominent *modi operandi* include: lap dancing, massage parlors, and traveling entertainers (Harcourt & Donovan, 2005).

Other modes documented by Harcourt and Donovan (2005) are culturally bound and unique to certain countries. For example, in Cambodia and Uganda, a mode called “beer girl” prostitution was documented where young women hired by major companies to promote and sell products in bars and clubs also sell sexual services to supplement their income. Also, in some Japanese cities, a popular mode is the geisha. These are women engaged primarily to provide social company, but sex may ensue. Harcourt and Donovan also found that policing of sex work can change the *modus operandi* and location of prostitution, but rarely its prevalence. They argued that it is necessary to develop complete understanding of the *modus operandi* of sex work in a particular area in order to come up with comprehensive sexual health promotion programs. Harcourt and Donovan concluded that there is no one best intervention for prostitution and that interventions must be suitable to the form (*modus operandi*) of prostitution in a local area to have some impact.

The following typology generally applies to male and transgender sex workers. In one of the few studies on male prostitutes, Luckenbill (1986) identified three modes of operation—street hustling, bar hustling, and escort prostitution—ranked according to level of income

and safety from arrest. The author also found that while some male prostitutes developed relatively stable careers within a given rank, others developed ascending careers. Most of the respondents moved from street hustling to bar hustling, and a few ascended to escort prostitution (Luckenbill, 1986). Lately, with the prominence of the Internet, male prostitutes can find customers through their online advertisements (Pruitt, 2005). This has opened a new mechanism for male-to-male prostitution and entailed a more elaborate form of escort prostitution (Bimbi & Parsons, 2005; Pruitt, 2005). Compared to female prostitutes, male prostitutes are more likely to be either in bars or working as escorts. Male-to-female transgender prostitutes generally follow the typology of street and off-street prostitution (Belza et al., 2000; Leichtenritt & Davidson-Arad, 2004). Transgender prostitutes, however, are predominantly based on the streets and compete with female prostitutes for their customers. A recurrent theme for transgender prostitutes is the higher risk of HIV and other sexually transmitted disease (Risser et al., 2005), which limits their customer base. As such, to be competitive, transgender prostitutes offer more explicit sexual services and engage in unprotected sexual contact more often (Parsons, Koken, & Bimbi, 2004).

Finally, prostitution can also be classified according to the age of providers, namely adult and child prostitutes. Studies indicate that the dynamics of child prostitution are different from those of adult prostitution. Child prostitutes are involved without their consent, and they are usually systematically deceived (Ayalew & Berhane, 2000; Sachs, 1994). Child prostitution is generally condemned by most individuals, organizations, and governments. Nevertheless, some child prostitutes eventually become adult prostitutes, and many adult prostitutes had prior childhood histories of sexual abuse and prostitution (Widom & Kuhns, 1996). In some jurisdictions, the age limit of those who could legally become prostitutes is very low, as young as 16 years old in Singapore (ProCon.org, n.d.).

## Causes of Prostitution

Based on one’s ideological stance, there are differing sets of explanations as to why people engage in prostitution. This section describes some causes as delineated by differing ideological perspectives on prostitution. It should be noted that ideological views also influence interpretations of the effects of prostitution and the policies recommended to address the issue.

### Prostitution as a Fall From Grace

One of the earliest and possibly most enduring explanations of prostitution is the social and moral deviance perspective. This perspective assumes that prostitution is a crime against the laws of the state and a sin against the laws of God. Studies that assume this position generally

find that prostitutes have low self-esteem and low self-control (Greenwald, 1958). If prostitutes maintain that economic circumstances pressured them into involvement in prostitution, this perspective views them as weak, as they should have explored other decent forms of generating income.

Studies that applied this assumption also maintained that prostitution was associated with feeble-mindedness and that prostitution could be passed on from one generation to the next. Some studies also asserted that as a deviant act, prostitution could be learned. Individuals who grew up in families or neighborhoods where prostitution was common may likely end up prostituting. This view maintains that individuals who are too weak to control their sexual desires and are too promiscuous have an elevated risk of becoming prostitutes.

With the onset of drug epidemics, studies also often find strong correlations between drug use and prostitution (Graaf, Vanwesenbeeck, Zessen, Straver, & Visser, 1995; Inciardi, Pottieger, Forney, Chitwood, & McBride, 1991; Potterat, Rothenberg, Muth, Darrow, & Phillips-Plummer, 1998). Many studies maintain that prostitutes take drugs to deaden their senses while engaged in prostitution, and many drug-addicted individuals engage in prostitution to maintain their drug habits (Erickson & Butters, 2000). This fortifies the position of the social and moral deviance perspective by arguing that low self-control and lack of attachments to the traditional values of society fuel both the phenomena of drug addiction and prostitution.

### **Prostitution as Voluntary**

Studies that assume that prostitution is a voluntary act usually find that most prostitutes are involved in the activity for the purpose of quick economic and commercial gains (Davidson, 1995). These studies also show that involvement in prostitution is fleeting, and a prostitute may leave as soon as the reasons for working as one are no longer present. Individuals who voluntarily participate in prostitution have also been called sex workers and are part of what many call a "sex industry" (Rickard, 2001)

The assumption that prostitution is voluntary asserts that female sex workers are simply using their free choice regarding what to do with their bodies (Jenness, 1990). Since they view prostitution as a legitimate form of employment, female sex workers are in fact actualizing a civil right inherent in their work. This assumption maintains that prostitution is a legitimate way to explore sexual pleasures, and those who engaged in it are not deviants but rather are normal human beings. Some liberal feminists view prostitution as one of the mechanisms women can use to liberate themselves from male sexual domination (Scambler & Scambler, 1997).

A corollary view maintains that prostitution is inevitable in every society as long as sexual needs are not met or there are repressions of sexual desires (Scambler &

Scambler, 1997). Prostitution meets the sexual needs of those currently not served in traditionally accepted institutions. For example, husbands who could not have sex with their wives during periods of pregnancy or long-term separation may solicit the services of a professional sex worker. As such, prostitution is seen to have a legitimate functional role: to support the institution of marriage. Proponents of this view are critical of the deviance perspective because of its inherent double standard: harsh treatment of prostitutes yet lenience toward the customer.

### **Prostitution as Involuntary and Coerced**

Recently, a scathing critique of both the deviance and free choice perspectives has arisen. Both the deviance and free choice perspectives assume that prostitutes have a say in their involvement; in the former, the prostitute is an antagonist and stigmatized, while in the latter, the prostitute is a protagonist and hailed. The third perspective dismisses both modes of reasoning and argues that prostitution, in whatever form, can never be voluntary. Prostitutes are victims of their personal and environmental circumstances and they should be helped (Farley & Kelly, 2000). The mere fact that most prostitutes want to get out of prostitution but cannot and that those who engage in prostitution have few options during the onset of their involvement means that prostitution is never voluntary (Davidson, 2002; Farley, Baral, Kiremire, & Sezgin, 1998).

Scholars who follow this reasoning find a strong correlation between childhood sexual abuse and involvement in prostitution (Farley et al., 1998; Vanwesenbeeck, 2001). Many argue that traumatizing experiences during childhood compromise an individual's sense of being and may drive these sexually abused children to view prostitution as a normal activity. As such, their involvement in prostitution is not based on a rational choice, contrary to the claims of the free choice perspective (Farley et al., 1998), but a consequence of their victimization.

Scholars who subscribe to this view also find that most prostitutes are deceived into joining prostitution. Many prostitutes are in dire economic conditions: they are usually jobless and in a state of poverty. This condition is especially true for many individuals in the developing countries (Bamgbose, 2002). Offers for a job and other remunerations usually lure these individuals to accept invitations for work, which later turn out to be prostitution. As such, the push of poverty and the deception involved usually translate into coerced prostitution (Farley et al., 1998).

Scholars who embrace this perspective identify macroconditions that systematically produce prostitution. This includes the system of patriarchy that treats women as second-class citizens (Davis, 1993), brazen capitalism that commercializes the female body (Kuntay, 2002), and religious-cultural beliefs that offer women as sex offerings (Mensendiek, 1997; Orchard, 2007). For example, the tremendous growth of global sex tourism, where rest and



recreational activities are packaged for male business executives in the developed countries to sexually exploit young women in the developing countries, is an example of how patriarchy, brazen capitalism, and perverted sexual beliefs sustain prostitution (Mensendiek, 1997).

## Effects of Prostitution

### Prostitution as a Fall From Grace

The view that prostitution is a socially and morally deviant act implies that prostitutes are criminals and sinners. One common effect of this perspective is the stigmatization of those involved in prostitution. This affects more than just the prostitute; rather, the stigmatization spreads to individuals associated with the prostitutes like their children and other family members. This negative labeling may also be the cause of long-term involvement in prostitution, as prostitutes who want out may have limited options. For example, employers may not want former prostitutes working for them.

The stigmatization associated with prostitution also makes prostitutes vulnerable to physical attacks. Words like “whore” and “hooker” provoke extreme reaction on the part of some individuals who may take a vigilante attitude of ridding the streets of prostitutes (Lowman, 2000). Likewise, considering that prostitution is illegal in most places, prostitution exchanges may be done in the streets, usually in the dark, where the security of the prostitutes against aggressive clients is compromised (Kurtz et al., 2004). In addition to this, some prostitutes are also dependent on illicit substances, thereby increasing their vulnerability. Thus, cases of homicide, mutilation, harassment, and rape are elevated among those involved in prostitution (Erickson & Butters, 2000; Lowman, 2000).

The deviance perspective also normalizes police misconduct against prostitutes. Since the prostitutes are seen as criminals and “sinners,” the reasoning goes that it is best for the police to handle them with discretionary decisions. Police officers can abuse this discretionary power and may turn it to their personal advantage. There is then little option for the prostitutes, given their marginalized states.

### Prostitution as Voluntary or Free Choice

Those who view prostitution as voluntary do not deny that prostitutes are stigmatized. In fact, they decry systematic efforts to stigmatize sex workers because they believe that involvement in prostitution has substantial positive effects. Among these positive effects is the support provided by the sex workers to their families and other dependents. In developing countries, for example, sex workers in the urban areas send their earnings to sustain the needs of family and relatives in the rural areas. Related to this, prostitution as an industry provides income

for the state. When properly regulated, sex workers, pimps, and brothel owners can be taxed on their incomes. It also reduces the number of unemployed people and thus stimulates economic activity.

Those who freely engage in prostitution are also found to have relatively high self-esteem (Vanwesenbeeck, 2001). This is especially true for those involved in high-end prostitution, like the escort service providers who have control in choosing their clients (Vanwesenbeeck, 2001). Generally, studies that assume that individuals willingly chose this trade find that sex work enhanced the workers’ self-worth.

Others argue that due to its functional role (Goodall, 1995), prostitution sustains traditional institutions like marriages. Many adolescent males who explore their sexuality employ the services of professional sex workers. Without these readily available services, adolescent sexual pressures may translate into sexual aggressions like rape and other sex crimes.

### Prostitution as Involuntary and Coerced

Studies that subscribe to the perspective that prostitution is involuntary emphasize the mental, psychological, and physical harms inflicted on prostitutes. For example, they indicate that prostituted women experience posttraumatic stress disorder (PTSD), anxiety, depressive symptoms, and other forms of trauma (Farley, 2000; Farley et al., 1998; Surratt, Kurtz, Weaver, & Inciardi, 2005). Anecdotal accounts of young prostitutes show that they have sleepless nights and that their experiences of assault hound them in their sleep. Women saved from prostitution were also found to have difficulty assuming normal lives. Scholars who use this perspective also found that prostitutes often have low self-esteem and exhibit suicidal tendencies (Kidd & Kral, 2002; Risser et al., 2005).

Another negative effect of prostitution is the elevated risk of acquiring HIV-AIDS and other sexually transmitted diseases. Surveys from different locales estimate that positive testing of HIV run from 20 to 80% of all identified prostitutes (Farley & Kelly, 2000). The prevalence of HIV and other sexually transmitted diseases is higher for those who use drugs (Graaf et al., 1995) and for transgender prostitutes. Studies also show that despite efforts to educate prostitutes to use condoms for protection, most prostitutes report that they do not often use condoms (Farley & Kelly, 2000). One of the common reasons mentioned is that customers are unwilling to use them.

Other studies have documented the physical violence inflicted on prostituted women who run away from sex dens. These women are usually victims of organized syndicates and are imprisoned in their place of work. Usually coming from rural areas of developing countries and exported to urban areas in a different country (Bamgbose, 2002; Mukhopadhyay, 1995), the prostituted women rarely get any social support. Worse, they may run into

police systems of the host country, which may be part of organized crime groups.

## Views on How to Deal With Prostitution

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Given the differing views on the causes and effects of prostitution, there are also competing views on how to deal with prostitution (Phoenix, 2007). This is one arena of major contention among scholars, social activists, and policymakers. Each group has compelling arguments.

### Outright Criminalization

Outright criminalization is often the policy position of those who view prostitution from the social and moral deviance perspective. By adopting a strict policy against prostitution, the government is sending a strong deterrent message to would-be prostitutes, organizers of prostitution, and their customers. This policy position holds that by keeping the streets clear of open solicitations of prostitution and other forms of street social deviance like drug peddling and panhandling, other forms of criminality can be eradicated as well.

Proponents of outright criminalization argue that decriminalizing or legalizing prostitution will encourage it. This will simply promote idleness, promiscuity, and risk of infections of sexually transmitted diseases. They also echo the arguments (of those within the prostitution-as-violence camp) that there is a fine line between forced and voluntary prostitution and that those who orchestrate involuntary prostitution (pimps and businesses) hide under the cloak of voluntary prostitution. Thus, this position calls for harsh penalties for prostitutes, clients, and third parties.

### Outright Legalization and Decriminalization

Outright decriminalization and legalization is the policy position of those who view prostitution as a legitimate form of work and believe that sex between consenting adults is perfectly acceptable. This policy position argues that treating prostitutes as criminals is a failed and hypocritical social policy. It assumes that, instead of solving the problems associated with prostitution, criminalization has simply corrupted the political and police systems. Proponents note that even the most repressive governments could not eradicate prostitution. This policy position also holds that criminalization simply stigmatizes sex work, thus creating tremendous physical, medical, and health risks for its workers. As such, it is simply pragmatic to openly recognize the existence of prostitution.

Proponent's is of decriminalization and legalization dichotomize between voluntary and involuntary prostitution and concede that their position does not apply to child prostitutes and victims of human sex trafficking. They generally concur that those facilitating involuntary

prostitution must be punished (Bullough et al., 1987). However, they argue that, recognizing that some individuals pursue sex work out of their own free will, the best way to deal with them is through regulation (Goodall, 1995). By placing sex workers in safe environments like inspected brothels, by keeping track of the registered workers, and by mandating regular physical checkups for HIV and other STDs, sex workers and their clients in particular, as well as society in general, will be protected. As mentioned in the Effects of Prostitution section, one of the benefits of a regulated sex industry is the stimulation of the economy. Eleven counties in Nevada, and some cities in Europe, for example, have economies benefitting from regulated sex work.

### A Combination Approach

A combination of punishment and decriminalization, *depenalization*, is advocated by those who view prostitution as a form of violence and a human rights violation. This policy position assumes that all kinds of prostitutes, whether voluntary or forced, adult or child, are victims and are in need of help. Thus, they advocate for depenalization of the victims of prostitution (the prostitutes themselves) (Farley et al., 1998; Farley & Kelly, 2000; Robinson, 2006). They also advocate for the provision of psychological, emotional, and financial support to the survivors of prostitution.

However, this policy position takes a very strong stance against customers and facilitators of the prostitution industry. They are against any effort to legalize the so-called voluntary prostitution, as this will only normalize the sex trade. They argue that clients sustain the markets of the sex industry and that police efforts should be centered around them and not the victims. These policy arguments are often presented to international regulatory bodies, as they see the mechanics of prostitution to be cutting across national borders. They press for strong penalties from countries that supply clients and advocate for assistance from countries where prostituted women and children are coming from. They also argue strongly that child prostitution should be considered an economic crime so that children used for sex work can be protected by the international treaties agreed to by different countries.

## Conclusion

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From the preceding accounts, it appears that prostitution as a social issue is here to stay. With the advent of globalization, particularly, new forms of prostitution appear to be cropping up and are posing new challenges to moral entrepreneurs, scholars, and policymakers.

While the debate about what policies to adopt toward prostitution rages, its harmful effects loom large. Moralists, liberals, and radicals are all agreed, though in varying degrees, that prostitution facilitates the spread of diseases.

As such, short-term stopgap measures have been introduced. In many places, sex workers have been provided free condoms in the hopes that they will not be transmitters of infectious diseases. Some sex workers have also been trained to acquire social skills in order to successfully persuade their clients to engage in protected sex. In some areas that regulate prostitution, prostitutes are required to have weekly medical checkups for STDs.

While these initiatives at the individual and local levels are helpful, they will not be enough to significantly impact the spread of infectious diseases. In most countries in Africa and Asia, for example, the spread of HIV had been intimately linked to the dynamics of prostitution. Success of efforts to distribute condoms and to educate prostitutes on how to use them pale in comparison to the new cases of HIV-AIDS that are reported monthly. It takes more than an individual and localized effort to solve a problem that has economic and social roots.

The ideological differences in how to view prostitution must be transcended, given the need to more proactively effect safe prostitution practices. Not to trivialize the positions of those who view prostitution as work, but their agenda should also include policies to curb the spread of diseases through prostitution. Likewise, the policy positions of either criminalization or decriminalization should also reflect a recognition of this socio-medical reality and not so much the unbending dictates of an ideology.

## References and Further Readings

- Alexander, P. (1987). Prostitution: A difficult issue for feminists. In F. Delacoste (Ed.), *Sex work: Writings by women in the sex industry* (pp. 184–214). San Francisco: Cleis Press.
- Ayalew, T., & Berhane, Y. (2000). Child prostitution: Magnitude and related problems. *Ethiopian Medical Journal*, 38(3), 153–163.
- Bakirci, K. (2007). Child pornography and prostitution: Is this crime or work that should be regulated? *Journal of Financial Crime*, 14(1), 5.
- Bamgbose, O. (2002). Teenage prostitution and the future of the female adolescent in Nigeria. *International Journal of Offender Therapy and Comparative Criminology*, 46(5), 569.
- Belza, M. J., Llacer, A., Mora, R., de la Fuente, L., Castilla, J., Noguera, I., et al. (2000). Social characteristics and risk behaviors for HIV in a group of transvestites and male transsexuals engaging in street prostitution. *Gaceta Sanitaria*, 14(5), 330–337.
- Bimbi, D. S., & Parsons, J. T. (2005). Barebacking among Internet-based male sex workers. *Journal of Gay & Lesbian Psychotherapy*, 9(3/4), 85.
- Bullough, V. L., Bullough, B., & Bullough, V. L. (1987). *Women and prostitution: A social history*. New York: Prometheus Books.
- Davidson, J. O. C. (1995). The anatomy of “free choice” prostitution. *Gender, Work & Organization*, 2(1), 1–10.
- Davidson, J. O. C. (2002). The rights and wrongs of prostitution. *Hypatia*, 17(2), 84–98.
- Davis, N. J. (1993). *Prostitution: An international handbook on trends, problems, and policies*. Westport, CT: Greenwood Press.
- Ditmore, M. H. (Ed.). (2006). *Encyclopedia of prostitution and sex work*. Westport, CT: Greenwood Press.
- Edlund, L., & Korn, E. (2002). A theory of prostitution. *Journal of Political Economy*, 110(1), 181–214.
- Erickson, P. G., & Butters, J. (2000). Crack and prostitution: Gender, myths, and experiences. *Journal of Drug Issues*, 30(4), 767–788.
- Esselstyn, T. C. (1968). Prostitution in the United States. *Annals of the American Academy of Political and Social Science*, 376, 123–135.
- Farley, M., Baral, I., Kiremire, M., & Sezgin, U. (1998). Prostitution in five countries: Violence and post-traumatic stress disorder. *Feminism and Psychology*, 8, 405–426.
- Farley, M., & Kelly, V. (2000). Prostitution: A critical review of the medical and social sciences literature. *Women & Criminal Justice*, 11(4), 29–64.
- Flowers, R. B. (2001). The sex trade industry’s worldwide exploitation of children. *Annals of the American Academy of Political and Social Science*, 575, 147–157.
- Goodall, R. (1995). *Comfort of sin: Prostitutes and prostitution in the 1990s*. London: Renaissance Books.
- Graaf, R. D., Vanwesenbeeck, I., Zessen, G. V., Straver, C. J., & Visser, J. H. (1995). Alcohol and drug use in heterosexual and homosexual prostitution, and its relation to protection behaviour. *AIDS Care*, 7(1), 35–48.
- Greenwald, H. (1958). *The call girl: A social and psychoanalytic study*. New York: Ballantine Books.
- Harcourt, C., & Donovan, B. (2005). The many faces of sex work. *Sexually Transmitted Infections*, 81, 201–206.
- Inciardi, J. A., Pottieger, A. E., Forney, M. A., Chitwood, D. D., & McBride, D. C. (1991). Prostitution, IV drug use, and sex-for-crack exchanges among serious delinquents: Risks for HIV infection. *Criminology*, 29(2), 15.
- Jeness, V. (1990). From sex as sin to sex as work: COYOTE and the reorganization of prostitution as a social problem. *Social Problems*, 37(3), 403–420.
- Kidd, S. A., & Kral, M. J. (2002). Suicide and prostitution among street youth: A qualitative analysis. *Adolescence*, 37, 411–430.
- Kuntay, E. (2002). Family backgrounds of teenage female sex workers in Istanbul metropolitan area. *Journal of Comparative Family Studies*, 33(3), 345–358.
- Kurtz, S. P., Surratt, H. L., Inciardi, J. A., & Kiley, M. C. (2004). Sex work and “date” violence. *Violence Against Women*, 10(4), 357.
- Lazaridis, G. (2001). Trafficking and prostitution: The growing exploitation of migrant women in Greece. *European Journal of Women’s Studies*, 8(1), 67.
- Leheny, D. (1995). A political economy of Asian sex tourism. *Annals of Tourism Research*, 22(2), 367–384.
- Leichtentritt, R. D., & Davidson-Arad, B. (2004). Adolescent and young adult male-to-female transsexuals: Pathways to prostitution. *British Journal of Social Work*, 34(3), 349–374.
- Lerner, G. (1986). The origin of prostitution in ancient Mesopotamia. *Signs: Journal of Women in Culture and Society*, 11(2), 236.
- Lowman, J. (2000). Violence and the outlaw status of (street) prostitution in Canada. *Violence Against Women*, 6(9), 987.

- Luckenbill, D. (1986). Deviant career mobility: The case of male prostitutes. *Social Problems*, 31, 283–296.
- McGinn, T. A. J. (1998). *Prostitution, sexuality, and the law in ancient Rome*. New York: Oxford University Press.
- Mensendiek, M. (1997). Women, migration and prostitution in Thailand. *International Social Work*, 40, 163–176.
- Mukhopadhyay, K. K. (1995). Girl prostitution in India. *Social Change* 25, 143–153.
- Orchard, T. R. (2007). Girl, woman, lover, mother: Towards a new understanding of child prostitution among young Devadasis in rural Karnataka, India. *Social Science & Medicine*, 64(12), 2379–2390.
- Parsons, J. T., Koken, J. A., & Bimbi, D. S. (2004). The use of the Internet by gay and bisexual male escorts: Sex workers as sex educators. *AIDS Care*, 16(8), 1021–1035.
- Phoenix, J. (2007). Regulating prostitution: Different problems, different solutions, same old story. *Community Safety Journal*, 6(1), 7.
- Potterat, J. J., Rothenberg, R. B., Muth, S. Q., Darrow, W. W., & Phillips-Plummer, L. (1998). Pathways to prostitution: The chronology of sexual and drug abuse milestones. *Journal of Sex Research*, 35(4), 333–340.
- Potterat, J. J., Woodhouse, D. E., Muth, J. B., & Muth, S. Q. (1990). Estimating the prevalence and career longevity of prostitute women. *Journal of Sex Research*, 27(2), 233–243.
- ProCon.org. (n.d.). *Should prostitution be legal?* Retrieved October 18, 2008, from <http://prostitution.procon.org>
- Pruitt, M. (2005). Online boys: Male-for-male Internet escorts. *Sociological Focus*, 38(3), 189–203.
- Raymond, J. G. (1998). Prostitution as violence against women: NGO stonewalling in Beijing and elsewhere. *Women's Studies International Forum*, 21, 1–9.
- Rickard, W. (2001, Spring). “Been there, seen it, done it, I’ve got the T-shirt”: British sex workers reflect on jobs. *Feminist Review*, 67, 111–132.
- Ringdal, N. J. (2004). *Love for sale: A world history of prostitution*. New York: Grove Press.
- Risser, J. M. H., Shelton, A., McCurdy, S., Atkinson, J., Padgett, P., Useche, B., et al. (2005). Sex, drugs, violence, and HIV status among male-to-female transgender persons in Houston, Texas. *International Journal of Transgenderism*, 8(2/3), 67.
- Roberts, M. M., & Mizuta, T. (1994). *Perspectives on the history of British feminism*. London: Routledge/Thoemmes.
- Robinson, L. (2006). Sex in the city: Prostitution in the age of global migrations. *Labour, Capital and Society*, 39(2), 48.
- Sachs, A. (1994). The last commodity: Child prostitution in the developing world. *World Watch*, 7(4) 24–30.
- Scambler, G., & Scambler, A. (1997). *Rethinking prostitution: Purchasing sex in the 1990s*. New York: Routledge.
- Surratt, H. L., Kurtz, S. P., Weaver, J. C., & Inciardi, J. A. (2005). The connections of mental health problems, violent life experiences, and the social milieu of the stroll with the HIV risk behaviors of female street sex workers. *Journal of Psychology & Human Sexuality*, 17(1–2), 23–44.
- Vandepitte, J., Lyerla, R., Dallabetta, G., Crabbe, F., Alary, M., & Buve, A. (2006). Estimates of the number of female sex workers in different regions of the world. *British Medical Journal*, 32(Suppl. 3).
- Vanwesenbeeck, I. (2001). Another decade of social scientific work on sex work: A review of research 1990–2000. *Annual Review of Sex Research*, 12, 242–289.
- Vivante, B. (1999). *Women's roles in ancient civilizations: A reference guide*. Westport, CT: Greenwood Press.
- Widom, C. S., & Kuhns, J. B. (1996). Childhood victimization and subsequent risk for promiscuity, prostitution, and teenage pregnancy: A prospective study. *American Journal of Public Health*, 86(11), 6.

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## ELDER ABUSE

BRIAN K. PAYNE

*Georgia State University*

Since the 1970s, elder abuse has been increasingly recognized as a problem across the world. Attention from researchers first surfaced when Baker (1975) discussed the concept of “granny battering” in British medical journals in the mid-1970s. In the United States, interest paralleled a series of political actions, media exposures, and research reports. In 1979, the House Select Committee on Aging held a hearing called “The Hidden Problem.” Around the same time, an episode of *Quincy*, a late-1970s TV drama series, depicted a case of elder abuse. Katz (1990) argues that the *Quincy* episode built support for the elder abuse agenda and contributed to public demands for changes in state and federal statutes. Also, *The Battered Elder Syndrome* was published by Block and Sinnott (1979) around this time, giving increased attention to problems of abuse encountered by older adults.

Since that time, many have accepted that elder abuse is a problem that needs to be addressed by different disciplines and practitioners. Most agree that the best response to elder abuse involves what is called a “multidisciplinary” or “integrated” response. This means that several different agencies are involved in the prevention of and response to elder abuse. To promote a full understanding of the integrated response to elder abuse, this chapter addresses the following areas: defining elder abuse, identifying elder abuse, and explaining elder abuse.

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### Defining Elder Abuse

Elder abuse is an underdeveloped area of study. Part of the problem inhibiting the development of research in this area hinges on the lack of uniform definitions of elder abuse. Generally speaking, elder abuse can be defined in several ways:

- Elder abuse as a violation of the criminal law
- Elder abuse as a violation of regulatory law
- Elder abuse as a social construction
- Elder abuse as social harm

### Elder Abuse as a Violation of the Criminal Law

In considering elder abuse as a violation of the criminal law, one can evaluate how elder abuse is criminally defined across the United States. The criminalization of elder abuse is a relatively recent phenomenon. This criminalization involves a surge of criminal justice activity in an effort to apply criminal laws in the area of elder abuse. Criminal laws related to elder abuse can be characterized in three ways. These include (1) laws penalizing offenders for crimes against older individuals, (2) laws specific to the treatment of older persons, and (3) general criminal statutes. First, laws that penalize offenders for crimes against older persons

are criminal statutes that call for increased penalties for crimes against persons over a certain age. Known as *penalty enhancement laws*, they provide for stiffer penalties for individuals who victimize older persons. For example, if an offender robs a 30-year-old victim, the recommended penalty might be 5 years in prison. However, if that offender robs an 80-year-old victim, the penalty might be 8 years.

Second, criminal laws regarding the treatment of older persons include laws that specifically apply to this population. Failure to provide care to an older person is one example. Another example involves states that have specific laws covering crimes occurring in nursing homes or other long-term care settings. For instance, stealing from a vulnerable adult might be classified as “adult abuse” or some other phrase in some states’ statutes.

Third, general criminal statutes apply to elder abuse when states do not have specific laws related to elder abuse. If a grandchild abuses his grandparent, this would be called criminal assault in states where elder abuse laws are not provided. Consider as another example a case where a prosecutor prosecuted a contractor under the burglary criminal statutes when he defrauded an older woman. The prosecutor successfully argued that the contractor entered the woman’s home with the intent to steal from her. Entering a residence with the intention to steal is the basic definition of burglary, and thus the general criminal statute was applied.

There is tremendous variation in the way that states criminally define laws related to elder abuse. According to Lori Stiegel (1995), an elder abuse expert who works for the American Bar Association, the complexity and breadth of the criminal law with regard to elder abuse are evidenced by the fact that the state laws vary in at least six important ways: (1) their definitions of elderly, (2) their definitions of abuse, (3) whether the abuse is classified as criminal or civil, (4) their standards for reporting the abuse, (5) how the abuse should be investigated, and (6) their recommended sanctions for the abuse.

### **Elder Abuse as a Violation of Regulatory Law**

Elder abuse can also be conceptualized as a violation of regulatory law. Indeed, there may be instances when an institution or agency harms an older person. In these cases, it is rare that criminal statutes are used to govern or respond to the harmful behavior; instead, regulations developed by state and federal governments are used to guide the response to the abusive activities. As an illustration, consider that an inordinate number of regulations have been developed to govern the way nursing homes serve their residents. Routinely, licensing investigators visit nursing homes to determine whether the institutions are adhering to regulations. Among the common violations cited against nursing homes are that they fail to adhere to the following regulations:

- Make an adequate comprehensive assessment of resident’s needs.
- Store, prepare, distribute, and serve food under sanitary conditions.

- Develop a comprehensive care plan, with measurable goals and timetables, to meet resident’s medical, nursing, and mental and psychosocial needs.
- Ensure that the resident environment remains as free of accident hazards as possible.
- Promote care for residents in a manner and in an environment that maintains or enhances each resident’s dignity and respect in full recognition of his or her individuality.

Note that when nursing homes commit these actions, they are not criminally prosecuted; instead, because the actions are regulatory violations, the institutions are issued a warning or fined if the actions are not reconciled.

### **Elder Abuse as a Social Construction**

Some have also argued that elder abuse is a socially constructed crime. What this means is that the actions are illegal because society says they are illegal. Consider elder sexual abuse. It is illegal for a caregiver (who is unrelated to the elder) to have sexual relations with the care recipient. However, if the individuals were of the age of consent and under the age determined to be elderly, such relations would not be considered as illegal.

There are other ways to view elder abuse as a social construction. For example, certainly the behaviors that are now labeled elder abuse have occurred throughout time. In fact, some of Shakespeare’s writings have included behaviors that are now cited as elder abuse. During Shakespeare’s time, the phrase “elder abuse” had not yet been socially constructed. Today, the phrase is used to describe a range of behaviors that were defined in different ways in the past.

Some have criticized those who have been instrumental in promoting the study of elder abuse as a separate field. Social scientist Stephen Crystal (1987) argued that the area of study broadly defined the phenomenon of elder abuse so as to increase the number of “elder abuse” victims. This was done, he argued, in order for practitioners to justify their careers and agencies and receive funding and resources for their activities.

### **Elder Abuse as Social Harm**

Another way to define elder abuse is as social harm. What this means is that whether the crime is defined in statutes as illegal is insignificant; rather, if an older person is harmed, then elder abuse has occurred. Justifying this approach to understanding elder abuse, in his book *Crime and Elder Abuse*, criminologist Brian Payne (2006) argues the following:

Because many abuses against older adults are not universally defined as illegal, a social harm conceptualization of crime offers a broader base from which we can begin to understand abuses against older adults. This is important because states vary in their definitions of abuse, and it would be virtually impossible to get all to agree on a consistent legal definition of what many refer to as elder abuse. (p. 1)

From this perspective, behaviors that harm older persons can be classified as elder abuse. Such a broad conceptualization includes harmful behaviors at the societal, institutional, and individual levels.

Societal abuses include harmful actions, laws, and policies implemented at the societal level that harm older persons. Institutional abuses include the regulatory violations described above. Individual abuses include a range of behaviors. The most commonly cited forms of individual abuse include the following behaviors:

- Physical abuse
- Financial abuse
- Sexual abuse
- Neglect
- Self-neglect
- Emotional abuse

The way that each of these behaviors can be defined as elder abuse within a social harm framework is addressed below.

#### *Physical Abuse*

Physical abuse involves a host of acts that have been committed against elderly persons that range from pinching, slapping, or hitting an older person to committing murder. Five related types of physical abuse have been discussed in the literature: parent abuse, spouse abuse, patient abuse, other violent crimes, and homicides. Parent abuse occurs when an offspring abuses his or her parent. This is among the more commonly reported cases of elder abuse. In these cases, health care professionals or neighbors are the likely reporters, and it is common that the abuser is unemployed and suffering from a drug problem.

Spouse abuse occurs when violence takes place between older persons who are in an intimate relationship. Several patterns have been used to describe elder spouse abuse. Some have noted that it is the result of abuse occurring over the life span. Because abusers do not stop when they become elderly, elder spouse abuse may simply be an indication of a lifetime of violence. Another pattern is that women may become the abusers (after having been victimized by their husbands) once their husbands are physically dependent on them. Also, some experts have noted that elder spouse abuse may occur in second marriages. Difficulty dealing with adult stepchildren, concerns about joint finances, and unfair comparisons to former spouses have been cited as factors contributing to abuse in second marriages. A final pattern is that elder spousal abuse has been attributed to the consequences of dementia.

Patient abuse occurs when a paid care provider physically abuses someone in his or her care. The extent of patient abuse is unknown. Abuse is more commonly attributed to nurse's aides. Originally, it was believed that such abuse was caused by poor training, difficulties dealing with a stressful work situation, and self-defense against abusive residents. More recently, research by Brian Payne

and Randy Gainey (2005) found that a significant proportion of patient abusers were basically predators who had committed prior criminal acts. The need for criminal background checks is being explored by a number of state and federal governments.

Elder physical abuse also includes the range of violent crimes (e.g., robbery, assault, etc.) that can occur at any point during the life course. Robbery is using force or threat of force to steal or attempt to steal another's property. Assault includes attacks with or without weapons that may or may not result in injury. It seems important to note that the majority of offenders reported in these cases involving older victims were strangers to the victims. The Bureau of Justice Statistics (1994) reports that older violent crime victims "are more likely than younger victims to face assailants who are strangers" and that older robbery victims "are more likely than younger victims to be particularly vulnerable to offenders whom they do not know" (p. 2). Further, findings from the National Crime Victimization Survey (BJS, 1994) show the following results:

- People aged 65 to 74 have a higher victimization rate than those 75 or older.
- Older blacks are more likely to be victimized than older whites.
- Elderly persons with the lowest incomes experience higher rates of violence than elderly with high incomes.
- Separated and divorced elderly persons are more likely to be victims of violent offenses than married elderly persons are.
- Elderly victims of violence are almost twice as likely to be victimized at or near their homes.

Homicides are also committed against the elderly, and it is believed that a high number of elder homicides are misdiagnosed as natural deaths each year. Former homicide investigator Joseph Soos has identified the following five types of homicide committed against elderly persons: (1) murder-for-profit killings, (2) revenge killings, (3) eldercide, (4) gerontophilia, and (5) relief-of-burden killings (cited in Payne, 2006). Murder-for-profit killings occur when individuals kill older persons for their life insurance, inheritance, or other profit. Revenge killings occur when individuals kill older persons out of anger toward the older victim. Eldercide occurs when individuals, typically serial killers, have a fascination with killing older persons. Gerontophilia occurs when individuals kill older persons in order to cover up some other crime. Relief-of-burden killings occur when individuals feel overly stressed about the caregiving experience.

A National Institute of Justice study by Erik Lindbloom and his colleagues (2005) found that four factors in elder deaths often result in referrals to the attorney general's office for further investigation. These factors included the following:

*Physical condition/quality of care.* Specific markers include documented but untreated injuries; undocumented

injuries and fractures; multiple, untreated, and/or undocumented pressure sores; medical orders not followed; poor oral care; poor hygiene, and lack of cleanliness of residents; malnourished residents who have no documentation for low weight; bruising on nonambulatory residents; bruising in unusual locations; statements from family concerning adequacy of care; and observations about the level of care for residents with nonattentive family members.

*Facility characteristics.* Specific markers include unchanged linens, strong odors (urine, feces), trash cans that have not been emptied, food issues (unclean cafeteria), and documented problems in the past.

*Inconsistencies.* Specific markers include inconsistencies between medical records, statements made by staff members, or observations of investigators; inconsistencies in statements among groups interviewed; and inconsistencies between the reported time of death and the condition of the body.

*Staff behaviors.* Specific markers include staff members who follow an investigator too closely, lack of knowledge or concern about a resident, unintended or purposeful verbal or nonverbal evasiveness, and a facility's unwillingness to release medical records (cited in McNamee & Murphy, 2006).

#### *Financial Abuse*

According to criminologist Brian Payne (2006), four general varieties of elder financial abuse include exploitation by primary contacts, nursing home theft by caregivers, fraud by secondary contacts, and other property crimes by strangers. Exploitation by primary contacts refers to those thefts by individuals who supposedly have a close relationship with the victim (e.g., children, caregivers, other relatives, etc.). Exploitation is defined in various ways, depending on one's orientation. The exploiter is often a relative of the victim and is in many cases financially dependent on the victim.

One scenario that arises in financial abuse cases is that a time may come when an elderly person must rely on someone else to help with his or her financial matters. The assistance may be limited to providing help paying bills or shopping, or it may be that the older adult will grant power of attorney to a trusted primary contact, thus giving the person the authority to make virtually all financial decisions. As already established, many cases of financial exploitation are those where the victim has placed a great deal of trust in a relative, friend, or caregiver.

Nursing home theft by caregivers occurs when nursing home employees steal from residents. Dianne Harris and Michael Benson (1998) have conducted several studies considering various dynamics related to thefts in nursing homes. Based on their estimates from reported victimizations, they claim that up to 2 million thefts possibly occur in nursing homes each year. Items stolen include jewelry, clothing, and cash. New employees and disgruntled employees tend to be implicated as offenders more often

than other types of employees. Nursing home administrators use a variety of strategies in an effort to curtail thefts. Harris and Benson argue that the premeditated nature of nursing home thefts potentially makes these thefts "worse" than physical abuse. In effect, thieves plan thefts, whereas some cases of physical abuse may be unplanned and reactive in nature.

Fraud by secondary contacts includes offenses committed by individuals with whom the older victim did not have a long-lasting, trusting relationship. These offenses include home repair fraud, insurance fraud, medical fraud, confidence games, telemarketing fraud, and phony contests. Home repair fraud occurs when offenders steal from the elderly by either overcharging or failing to appropriately provide services for which they were contracted. Insurance fraud occurs when offenders convince older persons to buy useless or unnecessary insurance policies. Medical fraud occurs when health professionals charge older persons for unnecessary services. Confidence games occur when offenders con older persons out of their money, usually through some get-rich-quick scheme. Telemarketing fraud occurs when offenders contact older persons over the phone and steal from them through the offer of some particular service or product. Finally, phony contests fraud entails situations where offenders convince older persons to engage in some contest that they have absolutely no chance of winning. To be sure, each of these offenses could also target younger persons; however, older persons are overrepresented as victims. They are believed to have more money and to be more trusting, so offenders intentionally seek out older persons at church, Bingo halls, or other places that older persons are known to frequent.

Other property crimes by strangers include the range of property offenses that can target all individuals, such as larceny, burglary, arson, and so on. Like the "other violent offenses," interesting patterns surround these crimes. Of particular interest are the following estimates from the Bureau of Justice Statistics (1994):

- In 1992, the personal theft and household crime rates among the elderly were the lowest since the NCVS started collecting data in 1972.
- Like the rest of the population, older adults are the least susceptible to violent crimes, but most susceptible to household crimes.
- Those 65 and over are about as likely as younger individuals to be victims of purse snatching and pocket picking.
- Older women are more likely than older men to be victims of personal larceny.
- Elderly black women are the least likely to be victims of personal theft.
- Younger victims of personal theft are less likely to tell the police about the act than elderly victims are.
- Separated or divorced elderly persons are more likely to be victims of personal theft than married elderly persons are.
- Elderly renters are less likely than elderly homeowners to be victims of household crimes.



Other patterns also appear from analysis of NCVS data. For example, among elderly persons, white females are most likely to be victimized by personal theft, followed by white males, black males, and black females. These figures are particularly interesting when compared to rates of violence reported in the official crime statistics. In contrast, among elderly persons, elderly black males have the highest rate of violence, followed by black females, white males, and white females. Thus, elderly whites are more likely to be victims of personal theft, and elderly blacks are more likely to be victims of violent crime.

### *Sexual Abuse*

According to the National Center on Elder Abuse (2005), elder sexual abuse is “non-consensual sexual contact of any kind with an elderly person” (National Center on Elder Abuse, 2006, p. 1). Official statistics suggest that older adults are rarely sexually abused (as compared to younger victims). Even so, interviews conducted by elder abuse expert Holly Ramsey-Klawnsnik (1991) with Adult Protective Services employees show that most, if not all, individuals working in Adult Protective Services have encountered instances of elder sexual abuse. Ramsey-Klawnsnik argues that elderly persons are prime targets of sexual abuse because many are vulnerable and either unwilling or unable to report the abuse. The central premise of her approach to understanding elder sexual abuse is that sexual offenses are more often about power and control, and abusive caregivers find themselves in a position of power. They use sex to maintain the power and subsequently exert even more control over the victim. She further suggests that official statistics underestimate the extent of elder sexual abuse.

Based on this framework, Ramsey-Klawnsnik (1999) cites three types of behaviors that are examples of elder sexual abuse. First, hands-off behaviors include activities where the offender does not touch the victim but does things that are sexual in nature that potentially harm the victim. Ramsey-Klawnsnik cites “exhibitionism, voyeuristic activity, and forcing an individual to watch pornographic materials” as examples of hands-off behaviors (p. 2). Second, hands-on behaviors involve behaviors where the offender makes contact with the victim. Third, harmful genital practices include “unwarranted, intrusive, and/or painful procedures in caring for the genitals or rectal area” (p. 2).

### *Neglect*

Neglect is a form of elder abuse that occurs when individuals fail to provide care to a person for whom they are expected to provide care. Some have argued that neglect is the most common form of elder abuse. Experts cite two types of neglect: active and passive. The simplest distinction between the two forms of neglect has to do with intent. In active neglect cases, the offender intends to neglect the care recipient; in passive neglect cases, the caregiver does not intend to commit neglect—the

offender often just does not know how to provide care to an older person.

### *Self-Neglect*

Self-neglect has been described as the most controversial form of elder abuse. It basically refers to instances where individuals fail to provide care to themselves. Technically, it is not criminal in nature. Older persons would never be sent to jail or prison, or placed on probation for that matter, for failing to take their medication, not eating, hoarding goods, or any other self-neglectful behavior. Still, protective services may be called to intervene in situations where self-neglect is believed to be occurring. It is controversial because self-neglect has been regarded, by some, as ageist. That is, if a younger person engages in self-neglectful behaviors, no formal interventions will occur. If an older person engages in these behaviors, however, the individual may be approached by Adult Protective Services for some form of intervention, which in some cases—albeit rarely—may include institutional placement. While it is not criminal behavior, in *Family Violence and Criminal Justice: A Life Course Approach*, Payne and Gainey (2005) argue that self-neglect is a form of family violence. They suggest that such behavior may be occurring with other forms of abuse. Even if other forms of abuse are not occurring, self-neglect may harm family members who have to witness their loved one not taking care of him- or herself.

### *Emotional Abuse*

The National Center on Elder Abuse defines emotional (or psychological) abuse as the “infliction of anguish, pain, or distress through verbal or nonverbal acts” (<http://www.ncea.aoa.gov>). Although this is the least commonly reported form of elder abuse, the harm from such abuse can be devastating. The range of behaviors include using derogatory language, calling people names they don’t want to be called, isolating them, not allowing them to choose how to spend their time, and so on. In some instances, emotional abuse may be subtle. Consider a case in which a caregiver never lets a care recipient choose what to watch on television. In other instances, the behavior may be more blatant. Consider a case in which a caregiver arranges furniture so that the care recipient cannot move around as easily, or the caregiver moves pictures of the care recipient’s loved ones so they are out of the view of the care recipient. Such behavior certainly falls within the framework of a social harm approach to defining elder abuse.

## Identifying Elder Abuse

Estimates from the National Center on Elder Abuse show that a number of different groups are involved in identifying elder abuse. The following estimates show how often different representatives reported suspected elder abuse cases to state reporting systems:

- Health care providers reported 22.5% of elder abuse cases to protective services.
- Family members reported 16% of elder abuse cases to authorities.
- Service providers (including paid and volunteer workers) reported 15% of the cases.
- Friends and family members reported 8% of elder abuse cases to protective services.
- Adult protective services workers reported 6% of cases to authorities.
- Law enforcement officials reported 4.7% of cases to protective services.
- An unrelated caregiver reported elder abuse in 3.3% of cases.
- The victim reported the elder abuse in 3.8% of cases.

Given that just 1 in 25 reports is made by the victim him- or herself, it is imperative that those who are in situations where elder abuse might be present are able to identify the cases. Warning signs are related to types of abuse. One set of warning signs demonstrates the possibility of physical abuse, while other sets of warning signs exist for sexual abuse, neglect, financial abuse, and so on.

The California Department of Justice (2002) classifies warning signs into categories of physical, isolation, and behavioral. Physical warning signs of elder abuse include the following:

- Uncombed or matted hair
- Poor skin condition or hygiene
- Unkempt or dirty appearance
- Patches of hair missing or bleeding scalp
- Any untreated medical condition
- Malnourished or dehydrated
- Foul smelling
- Torn or bloody clothing or undergarments
- Scratches, blisters, lacerations, or marks
- Unexplained bruises or welts
- Burns caused by scalding water, cigarettes, or ropes
- Injuries that are incompatible with explanations
- Any injuries that reflect an outline of an object—for example, a belt, cord, or hand (p. 3)

Isolation warning signs refer to instances when older persons are physically separated from others. Experts suggest that abusers use isolation as a strategy to hide the abuse and promote the victim's dependence on the abuser. Signs of isolation include the following:

- Family members or caregivers have isolated the elder, restricting the elder's contact with others, including family, visitors, doctors, clergy, or friends.
- Elder is not given the opportunity to speak freely or have contact with others without the caregiver being present. (California Department of Justice, 2002, p. 4)

Behavioral warning signs refer to behaviors of the elder or caregiver that indicate abuse. Consequences of virtually any form of abuse may result in victims acting or behaving

differently. Behavioral warning signs for elder physical abuse include instances when the older victim appears to exhibit the following behaviors:

- Withdrawal
- Confusion
- Depression
- Helplessness
- Secretiveness
- Fear to communicate
- Fear in general (California Department of Justice, 2002, p. 5)

A different set of warning signs might arise for other forms of elder abuse. For example, discussing ways that health care professionals can identify financial abuse in *Crime in the Home Health Care Field*, Brian Payne (2003) suggests that the warning signs of financial abuse include the following:

- Sudden changes in banking practice
- Abrupt changes in a will or other documents
- Abrupt and unexplainable disappearance of money or other assets
- Additional names on elder's bank signature card
- Poor care provided although adequate resources available
- Previously uninvolved relatives become involved and make claims to assets
- Unpaid bills although funds are available
- Sudden withdrawal from accounts
- Extraordinary interest by others in elderly person's assets

To be sure, when searching for signs of abuse, individuals should focus on all forms and recognize that it is not their job to determine that elder abuse occurred; instead, it is their job to determine if it *might* have occurred. Investigators are given the task of substantiating the abuse. As an illustration, the American Medical Association suggests that health care practitioners ask the following questions of vulnerable patients who exhibit risk factors for abuse:

- Does anyone hit you?
- Are you afraid of anyone at home?
- Does anyone take things that don't belong to you without asking?
- Has anyone ever touched you without your consent?
- Are you alone a lot?
- Does anyone yell at you or threaten you?

If a patient answers yes to any of these questions, it does not necessarily mean that abuse occurred. However, it does mean that abuse *might* have occurred, and health care professionals or other individuals should report their suspicions to social services.

While signs of elder abuse exist and practitioners are given a set of questions to ask to identify the possibility of abuse, the reality is that elder abuse is drastically underreported. Estimates from the National Center on Elder Abuse

suggest that anywhere from 1 in 5 to 1 in 14 cases of elder abuse are reported. To address underreporting and other issues related to elder abuse, Attorney General Janet Reno asked a group of 27 experts to participate in a round table in October 2000. The round table was titled *Elder Justice: Medical Forensic Issues Relating to Elder Abuse and Neglect*. The panel suggested that elder abuse was unreported and undiagnosed for the following reasons:

*No established signs of elder abuse and neglect.* There is a paucity of research identifying what types of bruising, fractures, pressure sores, malnutrition, and dehydration are evidence of potential abuse or neglect. This impedes detection and complicates training. Some forensic indicators, however, are known. For example, certain types of fractures or pressure sores almost always require further investigation, whereas others may not require investigation if adequate care was provided and documented.

*No validated screening tool.* There is no standardized, validated screening or diagnostic tool for elder abuse and neglect. Such a tool could greatly assist in the detection and diagnosis of elder abuse and neglect and would serve to educate and, where appropriate, to trigger suspicion, additional inquiry, or reporting to Adult Protective Services (APS) or law enforcement. Research is needed to create and validate such a focus.

*Difficulty in distinguishing between abuse and neglect versus other conditions.* Older people often suffer from multiple chronic illnesses. Distinguishing conditions caused by abuse or neglect from conditions caused by other factors can be complex. Often the signs of abuse and neglect resemble—or are masked by—those of chronic illnesses. Elder abuse and neglect are very heterogeneous; medical indicators should be viewed in the context of home, family, care providers, decision-making capacity, and institutional environments.

*Ageism and reluctance to report.* Ageism results in the devaluation of the worth and capacity of older people. This insidious factor may result in a less vigorous inquiry into the death or suspicious illness of an older person as compared with someone younger. Such ageism may impede and result in inadequate detection and diagnosis, particularly where combined with physicians' disinclination to report or become involved in the legal process.

*Few experts in forensic geriatrics.* In the case of child abuse, doctors who suspect abuse or neglect have the alternative of calling a pediatric forensic expert who will see the child; do the forensic evaluation; do the documentation; and, if necessary, do the reporting and go to court. This eliminates the responsibility of primary care physicians to follow up and relieves them of the burden of becoming involved in the legal process. It increases reporting because the frontline providers feel like they have medical experts backing them up. Training geriatric forensic specialists to serve an analogous role

should similarly promote detection, diagnosis, and reporting and increase the expertise in the field.

*Patterns of problems.* In the institutional setting, data indicating a pattern of problems may facilitate detection. For example, the minimum data set (MDS) of information for a single facility or for a nursing home chain may include an unacceptably high rate of malnourishment that—absent an explicit formal diagnosis—should trigger additional inquiry. Similarly, a survey may cite a facility for putting its residents in “immediate jeopardy” as a result of providing poor care. Or emergency room staff may identify a pattern of problems from a particular facility. In these examples, the data itself may be a useful tool in facilitating detection of abuse and neglect. This type of information is accessible not only to health care providers but also to others (U.S. Department of Justice, 2002, p. 2).

Mandatory reporting laws and training have been used to improve the ability of professionals to identify suspected cases of elder abuse. Mandatory reporting laws are those that state that certain professionals must report suspected cases of elder abuse to the authorities (which in most cases means social services). In all, 42 states have some form of mandatory reporting law. Mandated reporters include health care professionals, social services professionals, long-term care employees, criminal justice professionals, financial employees, and other professionals who might come into contact with older persons vulnerable to victimization.

Mandatory reporting laws have both strengths and weaknesses. Supporters of the laws contend that they are necessary in order to offer protection to older persons at risk of victimization. They further contend that the laws offer a strategy to educate different groups about elder abuse. In addition, those who support these laws suggest that they send a message to the public that elder abuse will not be tolerated. Finally, supporters note that the laws offer immunity to those who report in good faith. Consequently, the laws protect reporters, thereby removing their concerns about being sued for reporting misconduct.

A number of criticisms have been levied against mandatory reporting laws. Some have pointed out that the laws were developed based on child abuse models and that there was no evidence that elder abuse dynamics were similar to child abuse dynamics. In addition, the lack of research on the need for the laws has been cited as problematic. Critics also note that the laws are ageist because they assume that at a certain point in the life course, individuals are in need of help. A lack of understanding about the laws also has been offered as a criticism. In addition, some have argued that there is no evidence that the laws work; in fact, some have suggested that mandatory reporting laws create more problems than they solve. Also, some have criticized the laws on the grounds that they are not responsive to the actual dynamics of elder abuse. On a similar point, some have noted that the laws were actually unfunded mandates because no funding came along with the passage of the

laws. As well, the laws have been criticized for being politically motivated as an ineffective strategy to respond to elder abuse. Finally, some have pointed out that the lack of awareness about how to abide by the law has been problematic.

The development and implementation of different training programs has been one strategy to increase adherence to mandatory reporting laws and promote detection of elder abuse. The United States Department of Justice has provided federal funding to support the development of training curricula on elder abuse. The Office for Victims of Crime has distributed the funding so that the training could actually be carried out. The American Probation and Parole Association recently developed a training curriculum to encourage better responses to elder abuse among probation and parole officers. As well, advocates at the local level have developed training packages and programs.

Despite this increased use of training, a number of concerns have made it difficult to train criminal justice professionals about elder abuse. First, the lack of adequate state laws makes it difficult to train regarding appropriate responses. Second, a lack of specific policies and protocols creates situations where curricula are more emotionally driven, rather than empirically grounded. Third, a lack of concern about elder abuse has made it difficult to get police recruits, law enforcement officers, police executives, court officials, judges, prosecutors, probation and parole officers, and other criminal justice officials willing to participate in the training. Fourth, training is typically given a lower priority when funding decisions are made. Fifth, elder abuse training curricula are not truly based on evidence-based practices simply because no such practices have been developed to guide the criminal justice response to elder abuse. Sixth, it has sometimes been assumed that training will improve the response to elder abuse, yet no evidence has actually made this connection. Finally, curricula are often developed that are devoid of criminological theory. Failing to understand the potential causes of elder abuse results in training packages that are destined for problems.

## Explaining Elder Abuse

One of the most basic drives of any field of study involves efforts to explain the behavior being studied. Early elder abuse research tended to focus on the following four explanations:

- Intraindividual explanations
- Dependency explanations
- Caregiver stress explanations
- Cycle-of-violence explanations

More recently, criminologists have demonstrated how different criminological theories can be applied to elder

abuse. Criminological explanations that have been applied to elder abuse include the following:

- Deterrence theory
- Strain theory
- Social control theory
- Conflict theory
- Learning theory
- Neutralization theory
- Self-control theory
- Routine activities theory
- Social disorganization theory

In this section, the way that traditional and criminological explanations have been used to explain elder abuse is considered.

Intraindividual explanations suggest that something within either the older person or the offender caused the abuse. For instance, it has been suggested that abusers tend to be unemployed individuals who have drug problems or mental health issues. Among victims, it has been found that dementia and other health-related problems place older individuals at a higher risk for abuse.

Dependency explanations suggest that the care recipient's dependency on the caregiver places the older individual at risk for abuse. Those citing this explanation often refer to Susan Steinmetz's (1988) concept of *generational inversion* to demonstrate how this dependency manifests itself. When individuals are younger, they tend to be dependent on their parents for food, resources, housing, emotional needs, and so on. As the parent ages, and the child does as well, at some point the parent may become unable to care for himself or herself. The parent then may become dependent on the child. While this explanation makes some degree of sense, experts do not all agree that dependency causes elder abuse. Some say that it may cause financial abuse, but it does not necessarily cause physical abuse.

Caregiver stress explanations suggest that abuse occurs because caregivers are unable to cope with the stress that arises from the caregiving situation. From this perspective, it is argued that adult children are not adequately prepared to become caregivers for their parents. When they become caregivers, the burden that comes along with the caregiving creates a situation where individuals may become aggressive in order to cope with the stress. While all agree that caregiving can be stressful, fewer experts agree that stress actually causes abuse. Other factors and dynamics are likely more relevant.

Cycle-of-violence explanations have suggested that elder abuse may be attributed to living in violent families. Initially, it was believed that people who abused older persons were victims of child abuse who were "getting even" with their older parents. Note, however, that no studies have supported this belief. Indeed, it is now believed that child abuse victims, because of the dynamics of their victimization experience, would rarely become the primary

caregiver for their aging parents (e.g., an adult offspring will not be likely to become a caregiver for a parent that was abusive).

The above explanations were the early ones for elder abuse. As criminologists have become involved in studying elder abuse, it has become apparent that some criminological explanations can be applied to the phenomenon. For example, using deterrence theory as a guide, it is plausible that cases of elder abuse continue because individuals are able to get away with their offending with minimal, if any, punishment. Criminologist Brian Payne (2006) has argued that strain theory can be used to understand caregiver stress explanations, and self-control theory can be integrated with the intraindividual explanations. In addition, rather than looking at the cycle of violence specifically, criminologists have suggested an examination of how social learning applies to elder abuse. As well, criminologists have noted that routine activities theory easily applies to elder abuse, particularly in nursing homes. The abuser is the motivated offender, the victim is the vulnerable target, and the lack of criminal justice concern about elder abuse equates to the lack of a capable guardian. Criminologists are also now beginning to apply social disorganization theory to elder abuse. In particular, researchers are considering whether elder abuse is distributed equally across communities.

## Conclusion

Compared with other forms of abuse, the study of elder abuse is relatively rare among criminologists. With increases in funding from the National Institute of Justice, criminologists are beginning to pay more attention to elder abuse. To better understand the phenomenon, it is imperative that criminologists work with social scientists and hard scientists from other disciplines. Doing so will help to generate increased understanding about this problem, one that is likely to increase as the proportion of older persons in society continues to grow.

## References and Further Readings

- Anetzberger, G. (1987). *The etiology of elder abuse by adult offspring*. Springfield, IL: Charles C Thomas.
- Baker, A. A. (1975). Granny-battering. *Modern Geriatrics*, 5, 20–24.
- Block, M., & Sinnott, J. (1979). *The battered elder syndrome*. College Park: University of Maryland Center on Aging.
- Bureau of Justice Statistics. (1994). *Elderly crime victims: National crime survey*. Washington, DC: U.S. Department of Justice.
- California Department of Justice. (2002). *A citizen's guide to preventing and reporting elder abuse*. Sacramento: CA: Office of the Attorney General.
- Crystal, S. (1987). Elder abuse: The latest crisis. *Public Interest*, 88, 56–66.
- Harris, D. K. (1999). Elder abuse in nursing homes: The theft of patients' possessions. *Journal of Elder Abuse & Neglect*, 10(3/4), 141–151.
- Harris, D. K., & Benson, M. L. (1998). Nursing home theft: The hidden problem. *Journal of Aging Studies*, 12(1), 57–67.
- Katz, J. (1990). *Seductions of crime*. New York: Basic Books.
- Lindbloom, E., Brandt, J., Hawes, C., Phillips, C., Zimmerman, D., Robinson, J., et al. (2005, April). *The role of forensic science in identification of mistreatment deaths in long-term care facilities*. Final report submitted to the National Institute of Justice, Washington, DC (NCJ 209334). Retrieved February 1, 2009, from <http://www.ncjrs.gov/pdffiles1/nij/grants/209334.pdf>
- McNamee, C. C., & Murphy, M. B. (2006, November). Elder abuse in the United States. *NIJ Journal*, 225.
- National Center on Elder Abuse. (2006). *Elder abuse: Fact sheet*. Rockville, MD: U.S. Department of Health and Human Services.
- Payne, B. K. (2002). An integrated understanding of elder abuse and neglect. *Journal of Criminal Justice*, 30, 535–547.
- Payne, B. K. (2006). *Crime and elder abuse: An integrated perspective* (2nd ed.). Springfield, IL: Charles C Thomas.
- Payne, B. K. (2003). *Crime in the home health care field: Workplace violence, fraud, and abuse*. Springfield, IL: Charles C Thomas.
- Payne, B. K., & Gainey, R. R. (2005). *Family violence and criminal justice: A life course approach* (2nd ed.). Cincinnati, OH: Anderson.
- Phillips, L. R. (1983). Abuse and neglect of the frail elderly at home: An exploration of theoretical relationships. *Journal of Advanced Nursing*, 8, 379–392.
- Pillemer, K., & Finkelhor, D. (1988). The prevalence of elder abuse: A random sample survey. *Gerontologist*, 28, 51–57.
- Pillemer, K., & Sutor, J. J. (1992). Violence and violent feelings: What causes them among family caregivers? *Journal of Gerontology*, 47, S165–S172.
- Powell, D. E. (1980). The crimes against the elderly. *Journal of Gerontological Social Work*, 3, 27–39.
- Ramsey-Klawnsnick, H. (1991). Elder sexual abuse: Preliminary findings. *Journal of Elder Abuse & Neglect*, 3(3), 73–90.
- Ramsey-Klawnsnick, H. (1995). Investigating suspected elder maltreatment. *Journal of Elder Abuse & Neglect*, 7(1), 41–67.
- Ramsey-Klawnsnick, H. (1999, June 10). *Elder sexual abuse: Workshop handouts*. Presented at the annual meeting of the Virginia Coalition for the Prevention of Elder Abuse, Richmond.
- Steinmetz, S. K. (1988). *Duty bound: Elder abuse and family care*. Newbury Park, CA: Sage.
- Stiegel, L. A. (1995). *Recommended guidelines for state courts handling cases involving elder abuse*. Washington, DC: American Bar Association.
- U.S. Department of Justice. (2002). *Elder justice roundtable*. National Institute of Justice. Washington, DC: U.S. Government Printing Office.
- Wolf, R. S. (1997). Elder abuse and neglect: Causes and consequences. *Journal of Geriatric Psychiatry*, 30, 153–174.

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## ORGANIZATIONAL CRIME AND ILLEGALITIES

NEAL SHOVER

*University of Tennessee*

**O**rganizational crime is the violation of criminal statutes committed in pursuit of the goals of legitimate organizations, organizational subunits, or work groups. Individuals and groups commit organizational crime when they transgress not primarily from self-interests but instead in pursuit of organizational ones. Reasons for interest in distinguishing and examining organizational crime begin with the fact that when individuals commit criminal acts, they do so while at work, in their employment roles. In the industrialized and postindustrialized world, overwhelmingly these are situated in organizations, whether they be charitable organizations, universities, religious organizations, military units, or other legitimate organizations. In contrast to crime, *organizational illegalities* are violations of state-enacted and state-enforced rules that do not rise to the level of criminal offenses. They consist primarily of violation of administrative or regulatory rules of the kind that are ubiquitous in modern states. They are regarded as civil violations and typically are met with warnings or minor civil fines. Diverse forms of rule breaking, from the felonious to the unethical, however, almost certainly have their origins in similar organizational contexts and conditions. Industries and organizations where there are high levels of crime almost certainly are places where illegalities are more common also. Historically, the study of organizational crime and illegalities has been seen as part of the effort to understand and explain *white-collar crime* (see Chapter 64, this volume).

One of the principal rationales for distinguishing organizational crime from other types of crime is the heavy financial, physical, and emotional toll it exacts from victims. In marked contrast to street crimes, the cost and impact of some organizational crimes can range into millions of dollars and victimize entire nations. Another reason for isolating organizational crime for study is the fact that organizational properties and dynamics can be autonomous and significant causes of it and the response it elicits. Characteristic features of organizations, from authority differentials and an emphasis on loyalty to task specialization and the situational importance of secrecy, can affect the odds of crime commission. By itself, hierarchy, which essentially provides that some will control the work activities of others, may do so. Organizational arrangements can obscure decision-making participation and dynamics and thereby increase the difficulties of oversight. They also can diffuse responsibility for misconduct, which may facilitate individual willingness to participate. The potential importance of organizational conditions as causes of crime is most obvious where there are long-standing patterns of criminal violation in organizations. In these circumstances, the pathologies of individuals fail as explanation.

The causes of organizational crime need not be confined to the organizations' internal worlds, however; the nature and dynamics of organizational environments also affect the odds of crime. This is exemplified by industries where there is evidence of significant criminality over

many years or where there are recurring cycles of crime and prosecution. The category of organizational crime excludes crime committed in the context and in pursuit of goals of organizations in which crime is the principal means of livelihood and collective success. The crimes of international drug smugglers and other syndicated criminals, for example, are organized, but they are not organizational crime.

*Corporate crime* is a subtype of organizational crime that occurs in profit-seeking organizations. It is distinguished from the parent category because of belief that criminogenesis is unusually characteristic of corporations and their environments. The emphasis in for-profit organizations, for example, of unalloyed economic calculation coupled with possibly distinctive structural and cultural features are examples of this.

The pages that follow describe sources of data and methods used in studies of organizational crime. They show that both aggregate rates of organizational crime and criminal participation by individual organizations vary substantially. Risk and protective factors that contribute to this variation are summarized and examined, and rational choice theory as an organizing framework for them is demonstrated. This is followed by description of what is known about state and private responses to organizational crime and illegalities. The chapter concludes by examining effects of economic globalization on competition, oversight, and the dominant regulatory approach to illegalities and organizational crime.

## Counting and Mapping Organizational Crimes

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Few sources of information or data on crime categorize and report information specifically on *organizational* crimes. Most reporting categories instead are based on and reflect statutory crime definitions. Fraud and antitrust offenses are prime examples. This means that investigators interested in organizational crime must construct a picture inferentially, however tentative, of the problem and key aspects of it. Many, if not most, investigators are more interested in corporate crime specifically, instead of organizational crime generally, but the two usually are treated as coextensive. Studies of corporate crime make up by far the largest part of what is known about organizational crime.

Official data on organizational crime and criminals pale in quality, comprehensiveness, and analytic utility beside data on street crime. Through its Bureau of Justice Statistics, the U.S. Department of Justice annually issues a torrent of information on robbers, burglars, drug offenders, and other street criminals. It publishes next to nothing on organizational or corporate crime. Information on illegalities is more bountiful and accessible; annual reports by federal and state regulatory agencies detail the number and types of regulatory violations recorded in the preceding

year. Increasingly, these reports on illegalities are available on the Internet. The net result of shortcomings in data is inability to measure with comprehensiveness or confidence the volume and distribution of organizational crime.

Past research on organizational crime includes a high proportion of case studies. Journalists and academics alike have provided detailed descriptions and post-mortem analyses of some of the most egregious, destructive, and costly organizational crimes. The crimes of Enron Corporation, for example, were the subject of several detailed print media reports, insider accounts, and cinematic productions in the years following its collapse. Industries in which notable crimes or long-term or cyclical patterns of criminality occur have been examined as well. What is often obscured through attention to newsworthy organizational crimes are the mundane organizations and crimes that more typically draw attention from regulators, police, and prosecutors. Case studies are useful, however, for the insight they provide on organizational and interpersonal dynamics that can result in crime. Some shed light also on the dynamics of denial and cover-up.

## Explaining Organizational Crime

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Rates of white-collar crime vary temporally, spatially, and across organizations. The sources of this variation are matters of considerable theoretical agreement. As an organizing framework, rational choice theory or approaches that are logically compatible with it predominate. Rational choice theory accommodates logically and integrates in a straightforward fashion a range of other theoretical approaches to organizational crime. When crime is viewed as a product of choice, crime results from a decision-making process in which actors balance diverse utilities with their respective potential risks and rewards. The latter are diverse, but where organizational personnel are concerned they include everything from increased organizational profit or market share to increased personal income, while the former includes loss of reputation or income and formal penalties imposed by the state. This in no way denies that contextually remote conditions may contribute to crime occurrence but assumes instead that they are important primarily because of their effects on situationally specific decision making. Discretion resides with the individual and group, which chooses whether or not to transgress. With its focus on decision making, rational choice theory provides a way of understanding how both the world beyond organizations and their internal conditions and dynamics shape the odds of crime.

### Aggregate Level

Rational choice theory highlights two principal causes of variation in the aggregate rate of organizational crime: the volume of criminal opportunities, and the size of the

pool of tempted individuals and predisposed organizations prepared to exploit them. Organizational criminal opportunities are objectively given situations or conditions encountered by organizational personnel that offer attractive potential for furthering organizational objectives by criminal means. Understandably, many cluster in the workplace. In geographic areas, at times, or in industries where there are abundant opportunities for organizational crime, correspondingly high rates of it can be expected. Where there is a paucity of opportunities, the rate of organizational crime contracts.

Changes in the forms and supply of organizational criminal opportunities have been pronounced in the half-century since World War II. The onset and developmental pace of the financial services revolution, new technologies for information sharing and financial transactions, the globalization of economic markets, and relationships and state provision of tax incentives and subsidies to businesses vary from one nation to another, but these changes have affected the supply of criminal opportunities around the globe. In 2002 alone, U.S. corporations received \$125 billion in government subsidies.

The size of the pool of predisposed organizations in which individuals are at increased odds of crime commission is a function of (a) economic trends and the level of uncertainty in critical organizational markets; (b) competition over resources and markets; (c) cultures of non-compliance that gain acceptance and legitimacy in geographically circumscribed regions, in specific industries, or in historical eras; and (d) prevailing estimates of the certainty and severity of potential aversive consequences. Fluctuation in the business cycle has been linked repeatedly to changes in the size of the pool of white-collar offenders. Economic downturns depress both income and prospects for the future, which increases fear and competition. As larger numbers of citizens and organizations are pushed closer to insolvency, desperation escalates, which can cause respectable organizational employees to consider behavioral options they normally would find unacceptable. This may be true particularly for entrepreneurs and small businesses operating near the margin of insolvency.

Fluctuations of the business cycle are important also because they complicate and make more uncertain predictions of market trends. To acquire financing, personnel, raw materials, and other resources needed for production, organizations must participate in a variety of markets. Conditions in any combination of these markets may range from financially depressed or unsettled to strong and predictable. When the former is the case, market uncertainty increases. For officers and managers of business firms, this complicates planning, further escalates anxiety, and pushes an increasing proportion toward desperation and crime.

Organizations of all kinds compete with other organizations over the prices charged for their products and also in credit and labor markets. In competitive worlds, progress is

assessed by comparison with peers, and inevitably there are winners and losers. Desire to be the former is fueled in part by fear of becoming the latter. Competition need not be economic, however. Establishing or maintaining respect from peers for exceptional achievement is a priority for many, but humans compete for attention from superiors, for plum assignments, and for possible career advancement. Competition presumably operates also in the realm of nongovernmental organizations (NGOs). Charitable organizations, for example, must compete annually for funds and other resources to meet their operating budgets and philanthropic objectives. The pervasive insecurity generated in competitive environments provides powerful motivational pushes toward misconduct. By elevating and rewarding success above all else, they provide both characteristic understandings and justifications for misconduct. In these worlds, normative restraints are transformed into challenges to be circumvented or used to advantage.

As cultures of noncompliance gain strength and acceptance, they increase the supply of potential offenders by providing to organizational personnel perspectives and justifications that conflict with ethical maxims. Cultures of noncompliance are important because they make available to individuals and groups interactionally permissible rhetorical constructions of illicit conduct. These *techniques of neutralization* excuse, justify, or in other ways facilitate crime by blunting the moral force of the law and neutralizing the guilt of criminal participation. Techniques of neutralization need not be a determinant of decision making in all organizations, however. *Techniques of restraint* are linguistic constructions of prospective behaviors that dampen the proportion of firms where crime occurs by shaping preferences, perceived options, and the odds of criminal choice. Techniques of restraint are publicly spoken admonitions of the like that “virtue is its own reward,” “honesty is the best policy,” and “protection of the environment is part of our job.” The proportionate mix of techniques of neutralization and techniques of restraint is the key determinant of the dominant culture of industries, regions, time periods, and individual organizations.

Prevailing estimates of the credibility of oversight occupy a prominent place in rational choice theory as partial explanation for variation in the aggregate rate of crime. Just as uncertainty rooted in economic conditions, market fluctuations, and cultural support for criminal actions increase the supply of predisposed offenders, weak or inconsistent oversight does the same. This is because the level of commitment to and resources invested in rule enforcement by the state shapes collectively held notions about the legitimacy and credibility of oversight. Oversight by the state and other organizations can take the form of direct observation or impersonal monitoring via periodic audits, television cameras, or computer programs. It can also include policies and programs supported by professional associations and trade groups. When it is widely believed that oversight is unwarranted or too costly, when the odds of detection and sanctioning for criminal conduct



are thought to be minimal, or when penalties threatened by the law or by others are dismissed as inconsequential, the pool of individuals and organizations predisposed to offend grows.

### **Organization Level**

There is little doubt that the incidence of crime and illegalities varies across organizations or that some transgress repeatedly while others do so infrequently or never. Their variable structure, culture, and dynamics are major reasons for this variation. Four aspects of their internal worlds are significant for their potential effects on the odds of crime by executives, managers, or employees of legitimate organizations: performance pressure, doubt about the credibility of oversight, organizational cultures that excuse or permit commission of infraction, and signaling behavior by executives and managers that law obeisance is not an organizational priority. These as well as other organizational conditions present individuals with different understandings and beliefs about the likely consequences of their decisions. By constraining the calculus of decision making in organizational context, variation in these conditions can cause decision makers to believe alternatively that one runs grave risks in choosing crime or that the risks are improbable.

No cause of variation in organizational compliance is asserted with more confidence than belief that pressure and strain produced by the need to meet acceptable levels of performance increase the probability of crime. When the organizational employer is not doing well, and pressure is on to do better, it can embolden or make desperate decision makers and cause them to make choices recklessly. In market-based economies, the need for firms to maintain profitability is of paramount importance; declining income and falling profits are a source of pressure for improved performance. For-profit nursing homes, for example, are significantly more likely than nonprofit ones to deliver substandard care and break the law. Apparently, top-down pressure to meet the bottom line creates incentive to cut corners in patient treatment, to leave necessary maintenance unfinished, and to look the other way in the face of potentially hazardous working conditions. For employees, the source of performance pressure is a combination of organizational and personal determination to succeed.

Largely because of their effects on organizational performance, the dynamics of economic markets and relationships are among the strongest constraints on criminal choice. The relationship between economic conditions and performance pressure, and the supply of potential organizational criminals may be curvilinear, however; severe economic upturns and downturns alike may increase the number of individuals and organizations weighing criminal options. Crime is stimulated during boom times by widespread belief that “everyone is getting rich.” When everyone seems to be doing well, belief that it is foolish to hold back and not engage in the games of the moment

finds broad appeal. Many come to believe that to pass up any opportunity is to miss the boat. Those who choose crime may be emboldened by an assumption that a rising economic tide hides their activities and increases their chances of criminal success. Strong and sustained economic growth can also create both a sense of entitlement to the fruits of a thriving economy and belief that “now is the time to strike.”

Performance pressure is not a condition that occurs only in profit-seeking organizations. All organizations must acquire resources sufficient in quality and price to remain viable if not enhance their level of success. University faculty and researchers, for example, are not immune from performance pressure, and scientific misconduct, some of it criminal, is the result. Faced with pressures to produce new knowledge, publish, and gain promotion and tenure, scientists may tread carelessly or injudiciously along the boundary demarcating the unacceptable. The rapid corporatization of universities in recent decades presumably has increased the prevalence of scientific misconduct by administrators and faculty and possibly the prevalence of crime as well.

Nearly as important as performance pressure as a source of crime in organizations are organizational cultures that cause decision makers to emphasize the importance of goal achievement with less emphasis paid to how this is accomplished. The culture of an organization can make social outcasts of those who behave criminally or welcome them as close colleagues and suitable candidates for increased administrative responsibilities. More than two decades of research are the basis of striking agreement on culture as a “social force that controls patterns of organizational behavior by shaping members’ cognitions and perceptions of meanings and realities” (Ott, 1989, p. 69). Variation in organizational culture has been linked to an array of variables, including financial performance, adaptability, and goal effectiveness.

For the specific and narrow purpose of understanding how it affects the odds of criminal choice, organizational culture is the normative beliefs and shared expectations in an organization or organizational unit. It is well established that some organizational arrangements and cultures are more conducive to compliance than others. Just as the dominant culture of industries, regions, or time periods is determined by the proportionate mix of techniques of neutralization and techniques of restraint, the same is true of organizational cultures. An imbalance in the approved use of either constrains the odds of criminal conduct; where techniques of neutralization dominate, the odds of crime increase, and where techniques of restraint dominate, the odds are reduced.

Another cause of organizational variation in crime commission is the stance on criminal conduct communicated by executives and managers. Differentials of authority are inherent in work organizations; superiors and subordinates are unavoidable aspects of their structure and dynamics. Policies and decisions by executives and managers are

meant to influence subordinates' actions in ways that contribute to organizational success. Evidence is clear that in doing so they function also as moral exemplars for peers and subordinates. This *signaling behavior* by executives, managers, and team leaders communicates to all the degree to which lawful behavior is valued and expected. When they signal to colleagues and employees that misconduct will not be tolerated, the message is not lost. When they fail to insist upon obedience to law, it signals that compliance is not a priority. The result can be a steady if imperceptible growth of laxness and even indifference about ethics and compliance. If superiors treat in a cavalier fashion the standards of ethical conduct, subordinates will be quick to realize that the risks of misconduct for them are reduced as well. In these circumstances, the proportion of managers and employees who are criminally predisposed or tempted grows.

## Responses to Organizational Illegalities and Crime

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### Regulatory Agencies

The regulatory state took shape in the decades before the dawn of the 20th century and consists of semiautonomous administrative agencies created by legislative bodies to oversee chiefly economic activities by corporate firms. An array of these agencies at all levels of government makes up the first line of oversight of potential organizational criminals. Historically, they are charged with promulgating and enforcing rules for the fair and safe conduct of organizational business in specified areas of activities. To accomplish their legislative charge, agencies employ technical staff to provide expertise, attorneys to draft regulations and pursue penalties in cases of serious or long-standing violations, and inspectors to monitor compliance by organizations. Agencies have considerable discretion in deciding how to exercise oversight and respond to violations.

Criticism of regulatory agencies has focused on their proneness to “capture” by the industries and businesses they are created to regulate. *Capture* is the tendency of agencies and their personnel over time to adopt the perspectives and agendas of business and to operate in a more cooperative than adversarial fashion in oversight. Decades of research have shown that agencies for the most part are “paper tigers” that spend their time and other resources disproportionately sanctioning small and midsize businesses. Referrals for criminal prosecution are exceedingly rare.

### Investigation and Prosecution

In the United States, several federal investigative agencies have responsibility for organizational crimes, but the Federal Bureau of Investigation (FBI) investigates most cases of suspected organizational crime. During 2006, it

investigated 490 corporate fraud cases resulting in 171 indictments and 124 convictions of corporate criminals. The Environmental Protection Agency's Criminal Enforcement Program investigates the most significant and egregious violators of environmental laws that pose a significant threat to human health and the environment. Organizations can be targets of criminal investigation and stand as defendants in cases where culpable individuals cannot be identified or where the likely cost of prosecuting successfully those who are is considered prohibitive.

The technical challenges of detecting, investigating, and prosecuting organizational crime are several. Many crimes go unreported, either because victims are unaware when they fall prey or because they prefer not to make public their misfortune. Officials who are made aware of organizational crimes may lack the expertise needed to investigate them adequately. Routinely, task forces composed of personnel from multiple agencies are required. Identifying culpable individuals and establishing criminal intent can be difficult. These are chief among the reasons prosecutors frequently opt for civil prosecution and the lower standard of proof required to sustain a successful outcome. They are also among the reasons why primary responsibility for oversight rests with regulatory agencies and the regulatory process. Official campaigns against white-collar and organizational criminals are uncommon, rarely result in significant escalation of sanctions, are applied to few organizations, and generally are not sustained for long.

When they screen cases of reported white-collar and organizational crime, prosecutors pay attention particularly to the number of victims, the extent of harm to them, and whether there was evidence of multiple offenses. They carefully weigh local economic conditions and interests and sometimes elect not to pursue aggressively crimes committed by businesses for fear of harming employment and the local economy. Likewise, concern for possible economic repercussions occurs on a grander scale in crimes where massive financial losses caused by organizational crime potentially could destabilize important financial institutions or markets. At every level and stage of the oversight process, the potential economic impacts affect the way options are weighed. The same occurs in other English-speaking nations where judges are permitted broad discretion in sentencing.

### Courts and Sentencing

When organizations are sentenced for committing criminal violations, the range of options available to prosecutors and judges differs somewhat from what is available when individuals are sentenced; incarceration, for example, is not an option, since organizations cannot be confined. In other ways, however, the range of options expands and allows for sentences that either cannot be imposed on individuals or would be illegal or unethical. Other sentencing possibilities available for individuals lack

a similar option when organizations are defendants, but functionally equivalent ones can be employed; organizations cannot be put to death as individuals can, but their license to do business can be revoked, and the effect of this for all intents and purposes may in some ways be comparable to death. Organizations can be compelled to change their internal structures in ways that would not be applicable when sentencing individuals; the latter cannot be ordered to develop a conscience, but organizations can be compelled to establish internal compliance units. The federal guidelines used when sentencing convicted organizations or officers permit sentencing judges to weigh as an aggravating factor the absence of an effective compliance and ethics program.

In 1991, the U.S. Sentencing Commission promulgated guidelines for sentencing convicted organizational defendants. The guidelines establish fine ranges meant to deter and punish criminal conduct, require full restitution to compensate victims for any harm, disgorge illegal gains, regulate probationary sentences, and implement forfeiture and other potential statutory penalties. The organizational guidelines apply to all felonies and serious misdemeanors committed by organizational defendants, but their fine provisions are applicable primarily to offenses for which pecuniary loss or harm can be more quantified (e.g., fraud, theft, and tax violations). In 1995, a total of 111 organizations were sentenced in U.S. district courts, and fine provisions were applicable to 83 of the defendants.

Between 2002 and 2007, there were 1,236 corporate fraud convictions in U.S. district courts (Shover & Scoggins, in press). Published tallies of organizational offenses are limited primarily to financial offenses and fraud, and they generally do not report on other types of crime. Environmental crime is a notable example. In the years 1995–2006, the number of organizational defendants sentenced annually in the United States fluctuated from a low of 45 (2006) to a high of 304 (in 2000). Given the extremely large number of organizations, these numbers seem minuscule and inconsequential.

As compared with what is known about the characteristics of individual white-collar offenders, the picture of *organizational* defendants is much less clear. Data on 601 organizations sentenced in U.S. district courts in 1988 and 1989 show that less than 1% were nonprofit organizations. Closely held companies represented 90.7% of sentenced firms, and 8.2% were publicly traded firms. Fraud and antitrust offenses accounted for 57.2% of all offenses, and environmental offenses comprised 9.3% (Shover & Scoggins, in press). Convicted organizational criminals disproportionately are small and midsize business firms. Apart from the question of whether or not this reflects higher levels of crime in smaller firms, studies in both the United States and other nations suggests that they are more likely than larger businesses to be singled out for investigation and prosecution. As compared with the risks and costs of targeting the large and powerful, criminal convictions or settlements are attained most economically by

concentrating efforts on firms less likely to mount vigorous or sustained resistance. For organizations convicted and sentenced for crime in 1988 and 1989, “the typical case [was] a fraud that [resulted in] a loss of approximately \$30,000” (Shover & Scoggins, in press). These are hardly crimes of the same sort or magnitude as those committed by Enron and other corporate criminals in the past decade, but they almost certainly are more typical of the larger population of organizational crimes; a substantial if undeterminable proportion is unremarkable, if not mundane.

### Private Actions: Victims and Informants

As with crime victims generally, citizens and organizations victimized by organizational crime may be unaware of this fact. Because many of these crimes have the look and feel of routine transactions, they may not stand out in victims’ experience. In marked contrast to armed robbery, for example, billing customers for services that were not provided can get lost and remain hidden from victims in lengthy and complex financial statements. Understandably, those unaware of being victimized are in no position to respond to victimization.

The effects of victimization by organizational crime can ripple far beyond its immediate victims to harm others. When organizations dispose of hazardous materials in reckless and criminal fashion, the costs may be increased risk of health problems for innocent parties as well as the financial costs of cleaning up their poisonous legacies. The environmental damage caused by these crimes can make uninhabitable neighborhoods or communities and force the relocation of dozens of families. When victimized by organizational crime, small businesses may be forced into bankruptcy and their employees onto unemployment rolls. Where public bureaucracies are victimized, the larger community of taxpaying citizens may be the ultimate victim. They must pay the fare, for example, when local school districts are charged artificially high prices for products due to price fixing by ostensibly competitive suppliers.

Both individuals and organizations aware that they have been harmed by what they believe are criminal actions by others can pursue civil remedies to recover losses and press for punitive damages. It is impossible to determine from official data on civil litigation how many victims of organizational crime take civil action against organizations on the basis of alleged criminal conduct. *Class action* lawsuits usually are filed by a large number of parties, all of whom believe they have been harmed by a common offender. Class action suits make it possible for parties who otherwise could not afford litigation to pool their resources, form a class, and pursue redress. They originate in all areas of commercial life, including building and construction products, stocks and securities, drug and medical products, and motor vehicle products. In many class action suits, the cost of litigation exceeds the eventual settlement or court award.

*Whistleblowers* are citizens who divulge to enforcement agencies or personnel their suspicion or knowledge of wrongdoing in an organization. Some whistleblowers are officers or employees who report actions by their employer, but others are outsiders who learn about or observe suspicious conduct and report it. Internal informants and whistleblowers are one of the most important sources of discovery of crimes that victimize organizations. A global survey (Shover & Scoggins, in press) of more than 5,500 corporations found that law enforcement detected only 4% of crimes in which responding firms were victims of economic offenses perpetrated against them. Of the remaining cases in which companies were victimized, 60% learned from informants and 36% learned by accident. The number of firms that were victimized not by individuals but by organizations is not reported.

In the United States, federal legislation provides that whistleblowers can receive a proportion of any settlement or recoveries in cases where they provide key information. This is meant to spur insiders with knowledge of wrongdoing to come forward and report to authorities. Nearly all of the states also have enacted legislation providing employment protection and monetary rewards for whistleblowers.

Whistleblowers are targets of retaliatory and discriminatory actions by many organizations whose suspicious or illicit actions are reported to outside authorities. Organizational officials typically combat their accusations by questioning their motives and character and painting them as renegades. Faced many times with unwelcome notoriety and the financial costs of legal representation to resist retaliatory actions, the experience of whistleblowing can be extremely disruptive of life, work, and career routines. The toll on physical and emotional health can be devastating. Some organizations do not sit by when subjected to public criticism or rebuke; some use their resources not only to bully but also to retaliate against private citizens and civic groups. When they resist these actions, whistleblowers usually prevail, but the financial and emotional costs can be staggering.

## Economic Globalization

*Globalization* designates the increasing number and complexity of political-economic relationships that cross national borders. Economic indicators make clear that it is on the march. Old barriers of time and distance have been obliterated, as technology enables conduct of complex commercial transactions almost instantaneously over enormous geographic distance. As the links between national economies strengthen and expand, and “because capital is at once mobile and in short supply, the desire to attract foreign capital makes it difficult to control a nation’s capital” (Best, 2003, p. 97). Globalization of production and markets is a powerful constraint on oversight, and it has set off a vigorous debate over how nations should respond.

## Competition and Oversight

One of the most important reasons for this is another by-product of globalization: increased governmental and business competition for resources and markets. Growing global competition means that what once was commonplace but largely confined to the competitive dynamics of national economies now is produced on a grander scale. The difficulties of controlling corporations were enormous in a world of national economies and corporate actors, but efforts to impose credible oversight on their activities cause firms to locate elsewhere or to threaten relocation. Concern that jobs are in danger contributes to public reluctance to regulate industries and firms close to home. Corporate executives are astutely aware of pressures on governments caused by global competition. They demand access to state funds and weak oversight in return for favorable sitting decisions and permit requirements. This dynamic is played out across the globe as they negotiate with political leaders also for low taxes, low-cost government services, free infrastructure, and limited restrictions on their autonomy. In return, they promise jobs.

Industries and companies in one nation do not take lightly competitive recruitment by representatives of other nations with promises of largesse and pro-business environments unavailable to them. Nor are they willing to accept easily that because home offices are located within the borders, their operations should be regulated and taxed more stringently than companies that keep parts of the company abroad. As pressure to loosen regulatory requirements and oversight intensifies, the challenge of maintaining levels of oversight comparable to what some nations once exercised domestically becomes greater.

In contemporary cross-border exchanges, the variety, scale, and complexity of transactions also are significant barriers to credible oversight. The technical and administrative capacity to do so effectively is within reach of few, if any, nations. The signatories to international trade agreements typically pledge to adopt and enforce in their home countries elementary regulations for environmental protection, worker rights, and product safety, but police and prosecutors generally lack the budget, expertise, and other resources to pursue cases that arise. It seems clear that as oversight becomes more distant geographically and less certain in application, its efficacy suffers. This dynamic becomes more common in a world where state control increasingly is “bypassed by global flows of capital, goods, services, technology, communication and information” (Best, 2003, p. 97).

## Self-Regulation and Compliance Assistance

In the closing decades of the 20th century, as economic globalization began increasing rapidly, Western nations witnessed a revolutionary change in the dominant approach to regulatory oversight. Traditionally, regulatory agencies promulgated regulations for their areas of responsibility, maintained an enforcement staff to monitor

organizational compliance, imposed small civil fines on organizations found to be in violation, and occasionally referred for possible criminal prosecution cases of egregious and serious offenses. The underlying justification for this approach is grounded in notions of deterrence. Dubbed “command-and-control regulation” by critics, by the beginning of the 1980s it came under increasing attack and eventually was displaced.

In its place, enforced self-regulation and “responsive regulation” de-emphasizes direct state oversight of production processes with insistence on organizational self-monitoring of compliance and creation of internal oversight mechanisms to ensure it. Common to nearly all the new programs is increasing trust and reliance upon industries and corporate firms for ensuring compliance with regulatory standards. At the same time, efforts are made to involve other parties in the regulatory process; professional organizations, business groups, and community organizations all are seen as playing roles in efforts to minimize noncompliance by organizations. The growth of the new regulatory style means that the state has shifted the bulk of its regulatory efforts to programs to educate the regulated entities about what is required of them and assist them in developing and operating internal compliance programs. Increased competition caused by rapid globalization of economic production and markets is a major factor contributing to the rapid diffusion of responsive regulation.

There have been remarkably few evaluative studies of the efficiency and effectiveness of organizational self-regulation and even fewer that are methodologically rigorous. Admittedly, the claims are not easy to evaluate. The difficulties start with the diversity of activities and processes to which self-regulation has been applied. Health care, machine parts quality, occupational health and safety, financial transactions, and environmental protection are examples. This variation is reason to believe that a straightforward and broadly applicable verdict on self-regulation will not come quickly, but this almost certainly will depend upon industry characteristics, the nature of organizational variation, and official resolve. The lion's share of investigations thus far have been focused on (a) differential receptiveness by corporate managers to self-regulation requirements, (b) the process of adoption and implementation by industries and firms, (c) changes by firms in self-reporting of regulatory violations, and (d) changes in the calculus of compliance decision making by corporate managers. The twin explanatory challenges are to identify characteristics of industries, regions, or time periods that are conducive to or limit adoption and use of self-regulation, and to isolate the characteristics or dynamics of organizations that adopt and employ self-regulation more readily than others.

## Conclusion

There are good reasons to believe that a tide of organizational crime is occurring; criminal opportunities have increased as

oversight has not kept pace, and competition is stoked to new intensity by globalization of production and markets. Research into criminal deterrence suggests that the certainty of threatened punishment has a modest deterrent effect, but the severity of threatened punishment has little if any. The severity of penalties imposed on some organizational criminals increased noticeably in the decade before the new millennium, but what is significant about this development is the small number of organizational defendants during the same time period; the certainty of punishment for organizational criminals was and remains strikingly low. The small number of organizations prosecuted for and convicted of crime by the United States courts casts severe doubt on the deterrent effectiveness of current levels of punishment. The combined effects of this and the movement toward programs of cooperative regulation likewise give reason for doubt.

## References and Further Readings

- Ayres, I., & Braithwaite, J. (1992). *Responsive regulation*. New York: Cambridge University Press.
- Benson, M. L., & Cullen, F. T. (1998). *Combating corporate crime: Local prosecutors at work*. Boston: Northeastern University Press.
- Best, S. (2003). *A beginner's guide to social theory*. Thousand Oaks, CA: Sage.
- Braithwaite, J. (1983). Enforced self-regulation: A new strategy for corporate crime control. *Michigan Law Review*, 80, 1466–1507.
- Bunt, H. van de, & Huisman, W. (2007). Organizational crime in the Netherlands. In M. Tonry & C. Bifleveld (Eds.), *Crime and justice in the Netherlands* (pp. 217–260). Chicago: University of Chicago Press.
- Clinard, M. B., & Yeager, P. C. (1980). *Corporate crime*. New York: Free Press.
- Cohen, M. A. (1989). Corporate crime and punishment: A study of social harm and sentencing practices in the federal courts, 1984–1987. *American Criminal Law Review*, 26, 605–662.
- Finney, H. C., & Lesieur, H. R. (1982). A contingency theory of organizational crime. In S. B. Bacharach (Ed.), *Research in the sociology of organizations: A research annual* (Vol. 1, pp. 255–300). Greenwich, CT: JAI Press.
- Frankel, T. (2006). *Trust and honesty: America's business culture at a crossroad*. New York: Oxford University Press.
- Geis, G. (2006). *White-collar and corporate crime*. Upper Saddle River, NJ: Prentice Hall.
- Gunningham, N., & Rees, J. (1997). Industry self-regulation: An institutional perspective. *Law & Policy*, 19, 363–414.
- Hambrick, D. C., & Mason, P. A. (1984). Upper echelons: The organization as a reflection of its top managers. *Academy of Management Review*, 9, 193–206.
- Jenkins, A., & Braithwaite, J. (1993). Profits, pressure and corporate lawbreaking. *Crime, Law and Social Change*, 20, 221–232.
- Kagan, R. A., Gunningham, N., & Thornton, D. (2003). Explaining corporate environmental performance: How does regulation matter? *Law & Society Review*, 37, 51–90.
- Lippens, R. (2001). Rethinking organizational crime and organizational criminology. *Crime, Law and Social Change*, 35, 319–331.

- Michalowski, R. J., & Kramer, R. C. (2006). *State-corporate crime: Wrongdoing at the intersection of business and government*. Camden, NJ: Rutgers University Press.
- Needleman, M. L., & Needleman, C. (1979). Organizational crime: Two models of criminogenesis. *Sociological Quarterly*, 20, 517–528.
- Ott, S. (1989). *The organizational culture perspective*. Chicago: Dorsey Press.
- Paternoster, R., & Simpson, S. (1993). A rational choice theory of corporate crime. In R. V. Clarke & M. Felson (Eds.), *Routine activity and rational choice* (pp. 37–58). New Brunswick, NJ: Transaction.
- Pearce, F. (2001). Crime and capitalist business corporations. In N. Shover & J. P. Wright (Eds.), *Crimes of privilege: Readings in white-collar crime* (pp. 35–48). New York: Oxford University Press.
- Piquero, N. L., & Piquero, A. R. (2006). Control balance and exploitative corporate crime. *Criminology*, 44, 397–430.
- Punch, M. (2000). Suite violence: Why managers murder and corporations kill. *Crime, Law and Social Change*, 33, 243–280.
- Russell, S., & Gilbert, M. J. (2002). Social control of transnational corporations in the age of marketocracy. *International Journal of the Sociology of Law*, 30, 33–50.
- Shover, N. (2007). Generative worlds of white-collar crime. In H. N. Pontell & G. Geis (Eds.), *International handbook of white-collar and corporate crime* (pp. 81–97). New York: Springer.
- Shover, N., & Bryant, K. M. (1993). Theoretical explanations of corporate crime. In M. B. Blankenship (Ed.), *Understanding corporate criminality* (pp. 141–176). New York: Garland.
- Shover, N., & Hochstetler, A. (2002). Cultural explanation and organizational crime. *Crime, Law and Social Change*, 37, 1–18.
- Shover, N., & Hochstetler, A. (2006). *Choosing white-collar crime*. New York: Cambridge University Press.
- Shover, N., & Scroggins, J. (in press). Organizational crime. In M. Tonry (Ed.), *Handbook on crime and public policy*. New York: Oxford University Press.
- Simpson, S. S. (2002). *Corporate crime, law, and social control*. New York: Cambridge University Press.
- Sonnenfeld, J., & Lawrence, P. R. (1978). Why do companies succumb to price fixing? *Harvard Business Review*, 56, 145–157.
- Sutherland, E. H. (1983). *White collar crime: The uncut version* (G. Geis & C. Goff, Eds.). New Haven, CT: Yale University Press.
- Trevino, L. K., Weaver, G. R., & Reynolds, S. J. (2006). Behavioral ethics in organizations: A review. *Journal of Management*, 32, 951–990.
- Yeager, P. C. (2007). Understanding corporate lawbreaking: From profit seeking to law finding. In H. N. Pontell & G. Geis (Eds.), *International handbook of white-collar and corporate crime* (pp. 25–49). New York: Springer.

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## HUMAN TRAFFICKING

CLAUDIA SAN MIGUEL

*Texas A&M International University*

Human trafficking is arguably one of the most profitable transnational crimes today. According to Farr (2005), the sale of human beings is believed to be a \$7 to \$12 billion industry and ranks third, after the sale of drugs and arms, as the most lucrative international and illegal enterprise. There are some scholars who contend, however, that human trafficking may eventually surpass the net profits yielded from the sale of drugs and weapons (Farr, 2005; Shelley, 2005). Because drugs and weapons have a finite usage while humans can be sold multiple times, profits for the sale of humans accrue seemingly infinitely depending on how many occasions a sale is made.

The sale of humans is also one of the most deplorable crimes. Yet, it is not only a 21st-century phenomenon. The exploitation of humans, including the mass transportation of people from Africa to the Americas during the 18th century, has a rich history in the United States (Bales, 2005; Gozdzik & Collett, 2005).

Although slavery was abolished in the United States with the passage of the Thirteenth Amendment in 1865, the practice of selling and exploiting the will of humans continues to occur (Bales, 2005). In fact, the United States is ranked among the top five countries where human slaves are sold and exploited for labor or sexual purposes (Mizus, Moody, Privado, & Douglas, 2003). In 2000, the United States enacted legislation to stop the sale and exploitation of human beings. The law (Victims of Trafficking and

Violence Protection Act of 2000) prohibits both sex trafficking and labor trafficking. Sex trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act (e.g., a transaction where money or other items of value are exchanged for sexual services) in which the act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18. In contrast, labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (U.S. Department of State, 2008). While sex trafficking usually involves the forced prostitution of men, women, or children, labor trafficking can include situations where men, women, or children are forced into servitude in virtually any type of occupation such as domestic service (e.g., maids), restaurant work, janitorial work, sweatshop or factory work, and agricultural work. In simple terms, human trafficking is the sale and enslavement of human beings where, after being bought and sold multiple times, they are forced to labor against their will.

Globally, 4 million people are believed to be victims of this crime each year (Farr, 2005). Nationally, the U.S. Department of State (2008) estimates that 600,000 to 800,000 people are trafficked into the United States annually. The size and scope of this worldwide concern is difficult to truly estimate. Trafficking in humans is generally a

clandestine crime that tends to remain hidden from police authorities. Thus, scholars reason that more victims fall prey to this crime than is estimated by official government statistics (Laczko & Gozdzik, 2005). However, there is enough information to confirm that men, women, and children become vulnerable victims of this crime every day in virtually every country across the world.

There are many factors that contribute to this large-scale and covert problem, most of which are felt across the globe, such as economic and political instability, massive worldwide poverty, and the disenfranchisement of groups of individuals (Bales, 2005; Farr, 2005; Scully, 2001; Shelley, 2005). However, individual motivation to engage in a highly lucrative criminal enterprise coupled with law enforcement's difficulty in identifying victims and offenders make this crime very appealing to criminals who contemplate tax-free rewards and the likelihood of apprehension. The purpose of this chapter is to present a historical and contemporary assessment of human trafficking as well as discuss ways in which victims are recruited by those who make it their livelihood to sell and enslave human beings. Factors that contribute to modern-day trafficking of humans as well as offender, victim, and consumer/customer characteristics will be identified. Finally, the difficulty in identifying victims of this crime will also be explored along with the criminal justice system's response to human trafficking.

## Historical and Modern-Day Slavery

Although human trafficking is described as the modern-day form of slavery, the practice of selling and enslaving humans is not a new occurrence. Ancient Egypt, for instance, used slaves to build its immense pyramids. Portugal, during the 15th century, bought and sold slaves from Africa and Europe. In the 18th century, the Transatlantic Slave Trade between Europe, Africa, and the Americas facilitated the sale of humans sometimes in exchange for weapons and molasses (Bales, 2005). The history of the United States is also immersed in slavery. Prior to the Civil War, it was not uncommon for southern plantation owners to sell their slaves at public auction. Although not yielding large profits, the sale of slaves was an established business, since they were so desperately needed for the economic subsistence of the South. Slaves were considered an inexpensive and dependable source of labor, albeit a forced and exploitative one. The passing of the Thirteenth Amendment, which abolished slavery in 1865, finally put a stop to the physical and sexual abuse endured by slaves in the United States.

Kevin Bales, author of *Understanding Global Slavery* (2005), argues that historical examples of slavery in the United States pale in comparison to contemporary examples of human trafficking. Though he does not negate the fact that pre-Civil War slavery was appalling, he contends

that at least southern slaves were considered valuable resources for plantation owners who were generally unwilling to quickly dispose of their revenue-making commodities. Thus, minimal steps were taken by slaveholders to maintain the existence of slaves, although with gross negligence. Today, victims that fall prey to human trafficking are usually considered disposable. Most victims are sold multiple times to multiple customers, and there is little attempt by traffickers or customers to maintain their well-being.

Though the above examples mainly demonstrate early instances of labor trafficking, sex trafficking also has an extensive history. Scully (2001) states that the history of human trafficking, particularly sex trafficking, can be divided into three distinct time periods: (1) the 1840s to the early 1890s, (2) the late 1890s to World War I, and (3) 1919 through World War II. During the first time period, the demand for indentured servitude around the world coupled with the mobilization and migration of non-Western males fueled the trafficking of humans. Places such as India, Burma, and Ceylon (present-day Sri Lanka, an island to the southeast of India) needed indentured slaves to help extract gold and diamonds from mines and for construction projects like railroads, while places such as Hong Kong, Singapore, and the cities of Shanghai and New Delhi became popular destinations for indigenous as well as foreign businessmen pursuing commercial endeavors. Poverty and economic depressions experienced by such locales as India, China, Japan, Vietnam, Indonesia, and the Pacific Islands additionally created not only a willing supply of migrants traveling in search of employment opportunities but also criminal entrepreneurs eager to make a profit by facilitating the sale and transportation of the most vulnerable groups of humans. The convergence of these factors generated a transnational sex market.

In the late 1890s, prostitution migratory routes became more prominent throughout Asia, the Middle East, the Americas, and Europe. Prostitution rings also became more organized. However, sex markets were highly stratified. Factors such as the race, ethnicity, and nationality of prostitutes were elements that determined not only their market value but also the type of employment environment for which they could dispense their sexual services. American and European women, for example, commanded an elite status and thus tended to set up their own business ventures, whereas Chinese women were driven into brothels owned by organized criminal groups.

The stratification of prostitution, particularly for those not in the privileged status and not controlled by a criminal organization, forced prostitution onto the streets, making it more visible and controversial. As a result, various civil and social organizations formed coalitions to end prostitution, regardless of whether sexual services were sold in high-priced brothels or on the street. The London National Vigilance Association (LNVA), for instance, rallied against what it called the "white slave trade"—the



coercion and forced prostitution of European women. Although some European women voluntarily chose such a profession and traveled across the world to establish bordellos, the LNVA sustained support from other coalitions in Germany, Holland, Denmark, Sweden, Russia, Belgium, France, Switzerland, and Austria. Support was so strong that an international agreement was signed in 1904 by several countries to address the white slave trade. The signatories of the agreement pledged to (a) establish a central repository to collect information on the number of European women forced into prostitution as well as share such information, (b) remain observant at ports of entry by asking women to declare their nationality and reporting to authorities which European women were forced to travel to foreign countries to engage in prostitution, and (c) supervise brothels to ensure that European women were not employed in such establishments.

The 1904 international agreement had no provision declaring the sale, transportation, and forced prostitution of European women illegal. Accordingly, the agreement served only to call attention to the problem and to reveal a racial divide. As noted by Scully (2001), 99% of prostitutes were women of color, yet the agreement made no attempt to protect them. It was not until 1921 that women of color were included in international agreements to combat forced prostitution or trafficking. It was also in 1921 that a new international agreement was signed by the League of Nations (now known as the United Nations), advocating for the prosecution of any person who trafficked women or children; however, despite international agreements, little changed in terms of eradicating prostitution. Even though there was more vigilance of forced prostitution by anti-trafficking coalitions, the demand for sex markets continued. Also, despite the universal consensus that no person should be coerced or forced into prostitution, there continued to be a lack of consensus around the world regarding the abolition of prostitution as a whole. There were some countries who opined that prostitution, so long as it involved the consensual exchange of services for money, should be legal.

Though the migration of prostitution was affected by the relocation of male businessmen (legitimate and illegitimate) throughout the world during the first and second time frames identified by Scully (2001), prostitution and sex trafficking were also affected by the deployment of troops. This was the case during World War I and also World War II. Farr (2005) notes that military troops have engaged in the rape of many women while deployed in foreign countries. In her book, *Sex Trafficking: The Global Market in Women and Children*, she writes that General Patton during World War II was believed to have told an aide that despite efforts to stop “wartime raping” (p. 165), it was an inevitable occurrence during warfare. The deployment of troops also contributed to establishment of brothels to provide the soldiers with access to prostitutes. Farr notes that some militaries around the

globe, including that of the United States, often organize “recreational prostitution” sites to reduce wartime rape. In fact, from the 1950s to 1970s, the United States together with South Korea agreed to set up R&R (rest and relaxation) centers, which at times entailed prostitution. D. M. Hughes, Chon, and Ellerman (2007) estimate that “over 1 million Korean women were used to service U.S. troops since World War II” (p. 904).

Today, the exploitation of humans for various types of labor and sex continues to thrive. Humans are used for a variety of servitude, including the following:

- Farm labor
- Domestic work and child care (domestic servitude)
- Begging/street peddling
- Restaurant work
- Construction work
- Carnival work
- Hotel housekeeping
- Criminal activities
- Any form of day labor

In the United States, prostitution is the most common form of trafficking, followed by agricultural work (U.S. Department of State, 2008). Prostitution is also the most common type of trafficking worldwide. Globally, as well as in the United States, women are most often victims of human trafficking followed by children, primarily girls (United Nations Office of Drugs and Crime [UNODC], 2006). Children are most often used in sex tourism operations. Sex tourism involves the enticement to travel abroad for the sole purpose of engaging in sexual escapades, usually with minors. Mexico and Latin America have been locations where sex tourism, particularly with children, has been occurring. It is estimated that 2 million children are forced into prostitution for the purpose of providing services to foreign travelers (U.S. Department of State, 2008). Children are also used for organ trafficking. It is not uncommon in locales such as India for children to be abducted, nurtured, and then killed for the sole purpose of selling their organs to the highest bidder. However, the sale of organs is so lucrative that some adults around the world consent to sell their organs so that they may be shipped to other countries (N. Hughes, 2000).

It is important to note that although human trafficking is generally a transnational crime, the U.S. Department of State (2008) believes that thousands of children in the United States are trafficked within the borders of the country. Similarly, other countries report incidences of internal or domestic human trafficking, where victims are sold and enslaved in their own country. For prosecution purposes in the United States, human trafficking is said to have occurred when a person is coerced or forced to labor against his or her will, regardless of the distance from where the victim was bought or sold to where he or she is eventually compelled to work. In fact, moving a person

from one location to another is irrelevant to a determination of whether a crime of human trafficking has occurred. The only relevant factors are whether the person was coerced or forced to labor against his or her will and whether the person is allowed to leave or flee his or her place of employment.

### Recruiting Victims of Human Trafficking

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Human trafficking is an elaborate crime that generally transpires over time. As will be discussed later, factors such as global political and economic instability in certain regions of the world, together with large-scale and epidemic instances of poverty and disenfranchisement of entire groups of people, contribute to making humans vulnerable victims of human trafficking. Because of these factors, it becomes too easy to trick individuals into believing that employment opportunities abroad will help alleviate their economic woes. Most victims of human trafficking are recruited and convinced to seek employment, usually in a foreign country (Farr, 2005). Recruiters are all too often acquaintances and friends from their town and sometimes even their spouse or significant other. Promises of a better life are used to deceive victims who already desperately long for a way to financially provide for themselves and usually for their families as well. At times, victims are recruited through advertisements in local newspapers. Again, the ads convey opportunities to work abroad as domestic servants, cooks, models, dancers, and anything else that would entice a person to answer such ads.

At first, those victims recruited for employment abroad are treated as valuable assets. The recruiter will usually take them to an established travel agency, and steps will be taken to prepare their visas for travel. Some victims may be asked for a down payment to aid in their travel, but most are told by the recruiter that a payment must be given after their first month of employment to cover the expenses of travel and the preparation of visas. Once the recruiter has finalized travel plans, another person in the trafficking operation will accompany the victims to their respective places of destination. Little do the victims know that their chaperone is in fact simply protecting the human cargo and preventing their escape. After reaching the place of destination, the victims will be delivered into the hands of their employer who will conduct an inventory of the human goods and assign them to work in various types of employment. The employer will also ask victims for their passports, visas, and any other type of identification under the guise that he or she will place them in a safe location.

With passports and visas confiscated, victims begin to realize that their promise of legitimate employment and a better life was false. Their employers will be quick to inform them of their enslavement and conditions of their occupation, usually in the sex industry. Threats of physical

violence and actual violence will be used to temper defiance. Victims will be told of an impending and accruing debt (e.g., rent, medical expenses, food, etc.), which they must pay through forced labor. Most victims will be sold, but their new employer will recount a similar tale of debt bondage and slavery. Although victims will be told that after paying their debt, freedom will be a reality, most will not be released. Most will also contract sexually transmitted diseases and turn to drugs and alcohol for comfort. Some will die trying to pay their debt or die trying to escape.

It is important to consider that in cases where victims are recruited through promises of a better life, some may consent to the initial offer to travel abroad, even if it means they will have to lie to authorities about their immigration status once they reach their country of destination. Some victims may pay for fraudulent documents. A few may also consent to work in the sex industry as exotic dancers and prostitutes. However, these victims do not consent to exploitation and forced labor. The U.S. law against trafficking states that consent is irrelevant to a determination of whether the crime of human trafficking has occurred.

Although most victims are recruited, some victims are abducted. Refugees and displaced individuals are prime targets. Most will be drugged and transported to faraway places. Nonetheless, they will soon realize that freedom is a distant reality and that forced labor is their destiny. Many children, after the Tsunami of 2004 in Indonesia, entered the human trafficking trade in this manner (U.S. Department of State, 2008).

Power and control of victims are keys to a successful trafficking enterprise. Violence and the threat of violence are essential, but psychological techniques are also powerful. Fear of retribution to the victim or family members quells attempts to escape and disobedience. Fear of deportation is also a way to maintain order, since victims are without passports and essentially at risk of being apprehended by authorities and sanctioned. It is not unusual, after months of enslavement, for victims to lose their will to even think about escape. "Stockholm syndrome" (loyalty to the hostage taker) will set in, and soon establishing compliance to the wishes of traffickers is an easy task (Aronowitz, 2001; Bales, 2005; Beeks & Amir, 2006; Farr, 2005).

### Major Contributing Factors to Human Trafficking

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Human trafficking is based on the simple economic principles of supply and demand (Shelley, 2003). Global poverty is one of the major contributors to human trafficking because it creates a vulnerable supply of victims. Conversely, the economic prosperity experienced by some countries over the last few decades has created vast wealth and exorbitant incomes for some individuals, with enough earnings to demand a market in the sale of humans (Farr,

2005). Globalization, political instability, civil unrest, culture, the disenfranchisement of certain groups, and of course the revenue to be made from selling humans are all factors that contribute to this global problem (Raymond & Hughes, 2001). Other reasons for its prevalence may be due to the belief that there is a relatively low risk of being apprehended and punished. Law enforcement preoccupation with stopping the sale of weapons and drugs and with terrorism leaves criminals with the impression that human trafficking laws will not be enforced and that their chances of being arrested and incarcerated are minimal at best (Shelley, 2005). Thus, this false sense of security also drives the willingness of traffickers to continue their economic venture.

Globalization is generally defined as the increased connectivity between countries around the world, so much so that changes in the economy of one country, or changes in any other area such as in government or government services, have the potential to affect all those who inhabit this world (Bales, 2005; Shelley, 2005). For instance, the advent of the Internet, the ease of travel or transportation between countries, and the fusion of world markets are all factors that affect this connectivity, which means that globalization can be thought of as global interdependency. There are some scholars, such as Shelley (2005), who believe that the North American Free Trade Agreement (NAFTA) and other such agreements that deregulated trade between countries contributed to an increase in transnational crime. Perhaps the first illegal business to profit was the sale of drugs, followed by the sale of weapons, and then the sale of humans. They believe so not only because these agreements facilitate the flow of goods (though not intentionally the flow of illegal good such as drugs, arms, and humans), but also because free trade agreements have a see-saw effect on global economies. Some countries will inevitably experience growth and economic prosperity as the result of open trade markets, while others will experience economic despair. For those countries in the latter category, illegal enterprises might be one solution to individuals' economic desperation. For others, economic desperation makes them vulnerable to human trafficking, since most victims fall prey to this crime out of a belief that the trafficker will provide them with a better life. In sum, free trade agreements economically marginalize some countries to a point where illegal activities seem to be one of the few constant methods to make a living.

Economic marginalization of countries tends to affect women more than men—a sort of disenfranchisement of women. A shortage in legitimate employment opportunities means that only a few will be able to work. Those few are usually men, which leaves women facing severe poverty and extreme vulnerability. Also, economic marginalization means that countries will not be able to sustain most governmental services such as educational opportunities for all. Women again will be left out of the only available chances to receive an education. With little hope of finding

employment in their countries, some women decide to take their chances at finding occupations abroad. Also, with little or no education, these women have no awareness of the dangers of human trafficking. The economic despair that occurs for women due to globalization has been referred to by some scholars as the *feminization of poverty* (Shelley, 2003, 2005), a term coined by Diana Pearce in 1978.

However, there are other scholars, such as Aronowitz (2001), who are of the opinion that political instability contributes to human trafficking. The fall of the Soviet Union in the 1990s is a prime example. Civil warfare in the region created people willing to sell humans for profit and to fund their political ideologies as well as fund their need for arms. Civil warfare also created destitute individuals vulnerable to be trafficked. The inability of the tumultuous government to provide citizens with basic necessities created a spiraling feminization of poverty in the region. There were some who fled the country only to fall prey to human trafficking schemes in other countries. For instance, many people fled the crumbling Soviet Union to the newly independent states formed as the result of the collapse, only to find that places such as the Ukraine, Uzbekistan, and Kazakhstan are rife with human trafficking operations. Communism, according to some scholars, may have been beneficial to the citizens of the former Soviet Union because at least the government provided just enough resources to keep a large segment of the population from abject poverty and to keep the feminization of poverty from spinning out of control (Shelley, 2005).

Today, Indonesia and Cambodia are both undergoing political instability. Both have been identified by the U.S. Department of State (2008) as hot spots for human trafficking. China has also been identified as a country with significant threats to human dignity since it experiences a large influx of refugees from North Korea, Vietnam, and Burma. Most of the refugees are women and children in search of a better life and easily deceived into believing that economic prosperity awaits them in their destination country. Thousands of children are believed to be forced to labor against their will in China, and most are beaten by their employers to prevent escape.

As mentioned, political instability and civil war contribute to human trafficking because they also cause people to flee regions and countries. Refugees and people displaced from their homes, in general, are vulnerable to human trafficking usually because dreams of a better life cloud their judgment regarding employment opportunities (Farr, 2005). Of course, most of these individuals are deceived into believing that employment opportunities are legitimate. Natural disasters such as the Tsunami in 2004 that affected Indonesia, Sri Lanka, Thailand, and India, contributed to substantial displacement of people. The unfortunate occurrence, however, created a perfect situation for traffickers. Reports indicated that a large percentage of children became victims of human trafficking as the result of this natural disaster (U.S. Department of State, 2008).

Culture also plays a role in human trafficking. There are some countries in Africa that practice what is known as child fostering (Bales, 2005). This means that underprivileged families that cannot otherwise provide an education for their children send them to live with relatives in hopes that the children will be educated or at least learn a trade. Some parents may even send their children to stay with nonrelatives. Every so often, relatives or nonrelatives will sell the children because the burden of taking care of them has taken a toll on the economic livelihood of the family, or they will sell them simply to make a profit. In some developing countries, abject poverty coupled with the need to ensure that daughters marry for the sake of alleviating the economic burden on the family make daughters vulnerable to human trafficking. Farr (2005) reports that in Nepal, for example, this type of trafficking is common.

All of the above factors (poverty, globalization, economic marginalization, the feminization of poverty, political instability, civil war, natural disasters, and culture) are also referred to as the *push factors* of human trafficking because they all serve to push the most vulnerable individuals into positions where the likelihood of becoming a victim is high. However, human trafficking also has *pull factors*. These are the factors that contribute to the massive transportation of humans from one side of the globe to the other. Wealth, economic prosperity, and countries willing to look the other way regarding the hiring of illegal immigrants are just a few examples of pull factors. Germany, Greece, France, Belgium, Italy, and the United States are all top destination countries for human trafficking victims (Mizus et al., 2003).

## Global Transportation Patterns

Because human trafficking is driven by the rudimentary principles underscoring supply and demand, certain parts of the globe have been found to serve as sites of origin, transit, and destination for victims. UNODC (2006) has determined that there are several notable worldwide trafficking patterns or routes through which victims are transported and then sold. The continent of Africa, for instance, has been identified as a place of origin for victims of human trafficking, which means that victims are recruited or abducted from locations such as Nigeria, Benin, Ghana, and Morocco. They are then shipped across the world to locations where the demand for cheap labor or sexual services exists. Africa, however, is also a transit and destination country, meaning that although the countries listed above recruit many victims, they also serve as midpoint locations for traffickers whose distant and far-ranging transportation schemes necessitate a temporary rest stop as well as locations where victims finally learn their fate and are forced to labor against their will.

Asia also has been declared as a significant supplier of victims. Countries such as China and Thailand are considered core providers of trafficking victims as are countries

such as Cambodia, India, Laos, Myanmar, Nepal, Pakistan, the Philippines, and Vietnam. These countries, however, have also been identified as destination countries. Thus, Asia is a region of origin and a destination. Central and Southeastern Europe is predominately an origin subregion. Victims trafficked out of this subregion are sold to Western Europe. In particular, Albania, Bulgaria, Lithuania, and Romania are considered prime countries of origin, followed by the Czech Republic, Estonia, Hungary, Latvia, Poland, and Slovakia. On the other hand, Belgium, Germany, Greece, Italy, and the Netherlands, all countries in Western Europe, serve as destination sites for victims trafficked from Central and South Eastern Europe. Latin America and the Caribbean, particularly Brazil, Colombia, Dominican Republic, Guatemala, and Mexico, are also regions of origin.

Although all of the above-mentioned countries in Africa, Asia, Central and Southeastern Europe, as well as South America, are both origin and destination sites, most trafficking victims are supplied by Belarus, Moldova, the Russian Federation, Ukraine, Armenia, Georgia, Kazakhstan, and Uzbekistan. These countries are rarely places of destination for victims.

These trafficking routes exemplify that countries that supply victims of human trafficking are generally those undergoing political and economic instability, while the countries that demand the sale of humans are those experiencing modest or considerable wealth and prosperity.

## Traffickers, Their Victims, and the People Who Buy Humans

Although worldwide data on offenders, victims, and customers are limited, the UNODC (2006) recently compiled a profile of both offenders and victims based on information provided by various law enforcement agencies, government reports, nongovernmental organizations (NGOs), research reports, and media reports.

### Offender Characteristics

A significant number of people who earn a living buying, transporting, and selling humans live and conduct their illegal business from the following list of countries (listed in descending order based on frequency of either criminal convictions or research findings from the sources listed above):

- Russian Federation
- Nigeria
- Ukraine
- Albania
- Thailand
- Turkey
- China

- Poland
- Bulgaria
- Germany
- Italy
- Lithuania
- Mexico
- Romania

Surprisingly, human trafficking operations are not exclusively male-operated. There are schemes operated by both men and women, and there are also men-only and women-only operations. There are also husband-and-wife operations and sibling operations. It is not uncommon for traffickers to know their victims. In fact, most victims are deceived by the promise of a better life from acquaintances, neighbors, and even family members who then sell them into the sex trade. The U.S. Department of State (2008) indicates that recruitment of victims is sometimes done by spouses/boyfriends.

There is no requisite age to become a trafficker. Because of the large profits to be made, individuals as young as 15 years of age may be engaged in the sale of humans. In Latin and South America, for instance, it is not unusual for teens to set up an illegal business in the sale of other teens as well as children as young as 8 years of age. For older traffickers, it is quite common for them to have an extensive criminal past and diversify their illegal activities by also engaging in immigration fraud, money laundering, extortion, gambling, check forgery, child pornography, and drug trafficking.

In many cases, human trafficking can be linked to organized criminal syndicates such as the Russian Mafia and the Chinese Triads. Indeed, Finckenauer (2001), who has studied the link between human trafficking and organized crime, believes that all transnational crimes, such as the sale and transportation of humans across the globe, require a bit of planning, organization, skills, and other resources to carry out the criminal venture. Nonetheless, involvement in a specific and identifiable criminal organization is not necessary. All that is needed is a network of loosely organized individuals, all with specialized criminal skills. For instance, Farr (2005) notes that the network usually has the following types of personnel:

1. Recruiter: a person who finds vulnerable victims, usually from his or her own town or village
2. Travel agent: a person to facilitate travel for victims to other countries
3. Document thief/forgery: a person whose specialty is to steal or create false documentation
4. Employer: a person who initially purchases and then sells humans to customers
5. Enforcer: a person who protects the employer from police and who keeps victims from escaping

Scholars are of the opinion that a large portion of human trafficking is carried out by criminal networks or associates with no history of belonging to well-known

criminal organizations (Finckenauer, 2001). These associates may live and engage in criminal activity in different parts of the world, but they coalesce to sale and transport humans around the globe.

### Characteristics of Victims

The following are the most frequently mentioned countries of origin for victims (in descending order):

- Ukraine
- Russian Federation
- Nigeria
- Albania
- Romania
- Republic of Moldova
- Bulgaria
- China
- Thailand
- Czech Republic
- Lithuania
- Poland
- Belarus
- Latvia

From a regional perspective, the Commonwealth of Independent States (which consists of 12 countries formed after the collapse of the Soviet Union, including Belarus, Moldova, the Russian Federation, Ukraine, Armenia, Georgia, Kazakhstan, and Uzbekistan) is where the most victims are recruited or abducted globally.

Again, age does not seem to be a significant factor in determining who is more likely to become a trafficked victim. But, it is believed that most victims are adult women and minors, primarily girls younger than 17 years of age. Men comprise the smallest category. It is important to note, however, that much less is known about male victims of human trafficking. Because trafficking is a clandestine crime that is underreported and because labor trafficking is not perceived to be a grave offense when compared to sex trafficking, male victims are often a forgotten population. Thus, even though statistical reports regard male victims as a small population, this may not be entirely accurate. In addition, in some countries human trafficking is a gendered crime, meaning that men who are exploited for sexual or labor purposes are not considered victims of this crime. This may be another reason for the limited information on male victims of human trafficking.

There are other common victim characteristics, including the following:

- Low level of education or no education
- Unemployment
- Limited employment opportunities in country of origin
- Dire economic circumstances
- Social and economic inequality in country of origin

- Armed conflict, military occupation, or regional conflict in country of origin

Although these are common characteristics, anyone can be a victim of human trafficking. Recruitment-by-abduction cases, although less common than recruitment-by-persuasion, do not require any of the above-mentioned characteristics to be present.

### **Characteristics of Customers or Consumers of Human Trafficking**

Consumers of human trafficking exist in every part of the world, although certain locales, such as the United States, are ranked as top destination countries, or countries where humans are bought and forced into the commercial sex industry or into some form of forced labor. The profile of consumers is also diverse. Consumers can be men or women of varied ages. Occupations can range from the working class to professional men and women, some of whom are prominent businesspeople, doctors, lawyers, and politicians.

In 2000, a couple from Laredo, Texas, traveled to Veracruz, Mexico, on vacation. While in Veracruz, they befriended a family who begged them to take their 12-year-old daughter to the United States for a chance at a better life. The couple agreed to bring the girl to Texas to work as their maid. She was promised a bed, food, and wages. After smuggling the girl into the United States, the couple soon began to restrict her calls home. She was later not allowed to send money to her parents. Within weeks, the girl was kept outside the home where she slept and ate. She was later shackled to an old tire and beaten repeatedly (“Girl Reunited With Parents,” 2001).

A recent news report exemplifies the wide-ranging profile of consumers. In Long Island, New York, a millionaire couple who owned and operated a perfume business was arrested for holding two Indonesian women captive for 5 years. The couple, a 35-year-old woman and a 51-year-old man, traveled to Indonesia and recruited these women to work as maids, promising them \$300 a month. The women were forced to sleep on mats, not allowed contact with anyone, and forced to labor for long hours. The women were also beaten by the alleged female offender, and their passports were confiscated to prevent escape (“Wealthy Long Island Couple Keeps Slaves,” 2008).

In sum, consumers can be anybody willing to pay for the illegitimate services of another.

### **Why Do Victims Remain Hidden From Authorities?**

There are diverse reasons why victims seldom come to the attention of the police, the first of which is that their ability to leave their place of employment is generally forbidden or highly restricted (Farr, 2005). Victims are rarely left

alone, not allowed to use the telephone, and are fearful of the ramifications if they try to escape or inform the police of their circumstances. Moreover, most victims do not speak the language in their new destination country, which impedes their ability to communicate with authorities. Also, victims are not trusting of police. In their home country, authorities (whether local police or immigration officials) were more likely than not to be involved in the scheme to sell them. Farr (2005) reports that human trafficking would not be possible without the help of corrupt authorities, whether that means they receive money to look the other way or they receive money to actually facilitate the shipment of human cargo. Farr notes that in the United States, too, there is evidence that traffickers bribe border authorities in exchange for ease of entry into the country.

As mentioned, human trafficking is a physically and psychologically debilitating crime for victims; violence and the threat of violence quashes insubordination to a point where it breaks the human spirit and any attempts to escape or seek help. Victims are also frightened that their cries for help might be answered by a criminal conviction. The majority of victims are in their country of destination illegally and thus are apprehensive that talking to authorities may result in their arrest. In addition, traffickers continuously move victims to different locations to prevent police from uncovering the human trafficking enterprise.

The above reasons indicate that most victims will not disclose their status as trafficked victims to the police. It is up to police to proactively look for them. However, this also is problematic.

Victims remain hidden for several other reasons as well. As most victims work in the sex industry as prostitutes, and police have historically viewed prostitution as a victimless crime, the police inconsistently make arrests (Vago, 2006). The issue of consent is also problematic for police. Although consent is irrelevant with respect to rendering aid, police often believe that most trafficking victims consent to enter their destination country illegally and thus deserve to be arrested and deported. Consent also affects decisions to proactively look for victims (Kelly & Regan, 2000) as well as the way police classify this crime. Most classify trafficking cases as human smuggling and thus become complacent about launching investigations, since a special law enforcement branch of the government is charged with such investigations. The misclassification of human trafficking cases is common. Human trafficking and human smuggling are crimes that share common elements. For instance, victims of human trafficking sometimes consent to illegal travel as do individuals who pay to be smuggled into a country in which they are not a legal resident. However, human smuggling usually does not involve the force, fraud, or coercion of labor, and individuals who pay to be smuggled across international borders can return to their country of origin as opposed to being enslaved. It is important to mention that some human smuggling cases can quickly turn into cases of human trafficking if individuals are forced to labor against their will (Aronowitz, 2001).

Another reason why victims remain hidden is because of the organized nature of human trafficking. As mentioned, the workload for these illegal schemes is diversified and determining the network of associates may involve investigations in several countries. Diversification, however, makes it difficult to pinpoint where to start looking. Also, police are not usually trained to investigate these cases. Thus, police may not know how to go about finding and identifying victims and may not have the staff and resources to proactively launch investigations.

The problematic nature associated with identifying victims of human trafficking makes it appealing to traffickers who weigh the benefits and consequences of committing this crime. Clearly, the benefits outweigh the consequences since risk of apprehension is low. If the benefits continue to overshadow the risks, human trafficking will continue to thrive. Lawrence Cohen and Marcus Felson (1979) believe that motivated offenders can be dissuaded from engaging in crime if potential victims are better protected and if the community together with the police become more vigilant regarding such offenders. Cohen and Felson, in their discussion of routine activities theory, suggest that diminishing the suitability of a potential crime target or the potential for victimization is important. Although their theory is primarily applied to property-related crime, routine activities theory may be applicable to the crime of human trafficking. Current efforts are underway worldwide to prevent vulnerable individuals from becoming potential targets of human trafficking. In fact, the United States has been providing aid to the most vulnerable countries. It has also been trying to raise awareness of this crime worldwide. This latter element is crucial. As discussed by Cohen and Felson, it is not only important to diminish the vulnerability of potential victims but also to increase vigilance about possible offenders. In discussing what they call *capable guardians*, Cohen and Felson express that it is essential for the police as well as the community to help identify potential offenders in an effort to increase the risk of apprehension. Only then will the risk outweigh the gain of selling and trading humans, and the motivation to engage in this crime will diminish. Thus, it is imperative to increase awareness not only among the law enforcement or criminal justice community but also in the community at large. It will take a concerted effort by all to act as capable guardians.

## Current U.S. Efforts to Stop the Sale of Humans

The United States is among many countries that have taken legislative action against human trafficking. Because of its prominent status as a world power, the United States has also been the leader in forcing others to do the same. Every year since 2000, the U.S. Department of State has published the Trafficking in Persons (TIP) Report, which details the extent of trafficking in the country as well as

abroad. The report also contains a ranking system whereby the Department of State issues a passing or failing grade to other countries' efforts to stop human trafficking. Using the U.S. law as the benchmark of excellence, the State Department conducts an investigation into every country around the globe that receives financial or military assistance from the United States. After its investigation, it ranks the countries into four categories or tiers: Tier 1 (the equivalent to a grade of A), Tier 2 (the grade of B), Tier 2 Watch List (the grade of C), and Tier 3 (the grade of D). Tier 1 countries, such as Australia, Belgium, Canada, Germany, and the United Kingdom, are praised for their excellent achievement in trying to eradicate human trafficking in their respective countries. Tier 2 countries such as Afghanistan, Mexico, and Turkey are also applauded for their efforts, but also told that a little more needs to be done to combat human trafficking. The Tier 2 Watch List countries are at the brink of failing in their efforts to end this problem. Argentina, China, Guatemala, and Tanzania are among several countries that are trying to squash human trafficking but are not taking significant action to do so. Tier 3 countries such as Iran, Cuba, and North Korea are completely failing to deal with this crime. Again, it is important to consider that the United States uses its own law as the gold standard and does not include itself in this ranking system.

The U.S. law against trafficking is not without criticism. There are some who contend that the law is not victim-centered but rather revictimizes those who have suffered through the ordeal of being sold and enslaved (Beeks & Amir, 2006). For instance, in order for victims to qualify for any governmental services (such as psychological, medical, and employment benefits), after being rescued by police, they must undergo a certification process in which they must petition the government for help. This petition requires victims to do the following:

- Write a personal narrative of their experience
- Prove that they would suffer extreme hardship if they were removed from the United States
- Comply with law enforcement investigation into the case
- Get the narrative certified by a law enforcement officer who must attest to the facts in the narrative
- Pay a processing fee (approximately \$200) to the U.S. Department of Health and Human Services, together with fees for a picture ID (approximately \$10–\$20), fingerprints (approximately \$50), and so on

This is not an easy feat in light of the fact that most victims do not speak or write English, are apprehensive about police, and do not have an income to pay for such fees. This certification is meant to ensure that only “severe victims” of trafficking are given access to government aid. If and when they receive certification as a victim, they can also petition for a visa to stay in the United States. However, the U.S. government limits the number of visas

it issues to trafficking victims each year to 5,000. From 2000–2006, the United States only issued 729 visas to victims of human trafficking.

Despite this disparagement, the United States has provided monetary assistance to foreign nations to try to tackle the *push* factors of human trafficking. Close to \$1 billion has been provided to help other countries raise awareness of the dangers of human trafficking, as well as establish vocational and technical training for the most vulnerable and provide them with an education. Also, the Bureau of Justice Statistics (2006) indicates that 555 cases were investigated by the U.S. Attorney's Office from 2001–2005. This led to 78 criminal adjudications with a mean prison sentence of 70 months. Furthermore, the federal government has been providing more assistance to local, state, and federal authorities in the United States to better identify and help victims of human trafficking. It has also provided aid to NGOs to help them better assist trafficking victims.

## Conclusion

Human trafficking is one of the most antiquated and unforgivable crimes. Yet, it is also a contemporary crime that has been growing exponentially over the past few decades. Millions of people, including children, fall victim to this crime each year. Although generally a transnational crime, there is evidence that human trafficking occurs within the borders of most countries, including the United States. It is also a crime that does not discriminate—victims can be of any race, ethnicity, age, or gender. However, most victims are women and children. Global trafficking patterns signify that this global crime is driven by factors such as political and economic instability in certain parts of the world as well as by globalization, the feminization of poverty, and culture. In sum, it is driven by push and pull factors or by supply and demand. Worldwide efforts have been launched to combat the sale and enslavement of humans, with the United States flexing its power to bring countries into compliance with measures to end this crime. However, the United States has drawn criticism over its treatment of victims while it is at the same time praised for its generous monetary donations to help bring awareness of human trafficking to the most vulnerable places.

Because of the lucrative nature of this crime, some suggest that efforts to stop human trafficking should focus more on those who supply victims and those who purchase them. If traffickers contemplate risks and rewards of engaging in this crime, more should be done to dissuade them from selling humans. Thus, some suggest that more funding should be used to train police authorities to identify these criminals, and more should be done to increase the punishment if offenders are caught trafficking. However, others suggest that efforts to stop human trafficking would be better placed on those who purchase the

human cargo in destination countries. Currently, according to the U.S. law against trafficking, any person who sells or buys a human being can receive a sentence of 20 years in prison, or life in prison if the victim dies as a result of the torture endured at the hands of either the supplier or consumer. As mentioned, in the 78 criminal convictions of human trafficking between the years 2001–2005, the median prison sentence has been 70 months, or 5.8 years. Thus, perhaps the answer to stopping this crime is to tackle both the suppliers and the consumers, but tougher penalties are needed to deter the sale and consumption of forced labor.

## References and Further Readings

- Aronowitz, A. (2001). Smuggling and trafficking human beings: The phenomenon, the markets that drive it and the organizations that promote it. *European Journal on Criminal Policy and Research*, 9(2), 163–195.
- Bales, K. (2005). *Understanding global slavery*. Los Angeles: University of California Press.
- Beeks, K., & Amir, D. (2006). *Trafficking and the global sex industry*. New York: Rowman & Littlefield.
- Brennan, D. (2005). Methodological challenges in research with trafficked persons: Tales from the field. In F. Laczko & E. Gozdziaik (Eds.), *Data and research on human trafficking: A global survey* (pp. 35–55). Geneva, Switzerland: International Organization for Migration.
- Bureau of Justice Statistics. (2006). *Federal prosecution of human trafficking, 2001–2005*. Retrieved October 15, 2008, from <http://www.ojp.usdoj.gov/bjs/abstract/fpht05.htm>
- Cohen, L. E., & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, 44, 588–608.
- Ejalu, W. (2006). From home to hell: The telling story of an African woman's journey and stay in Europe. In K. Beeks & D. Amir (Eds.), *Trafficking and the global sex industry* (pp. 165–189). New York: Rowman & Littlefield.
- Farley, M. (2003). *Prostitution, trafficking, and traumatic stress*. Binghamton, NY: Haworth.
- Farr, K. (2005). *Sex trafficking: The global market in women and children*. New York: Worth.
- Finckenaue, J. O. (2001). Russian transnational organized crime and human trafficking. In D. Kyle & R. Koslowski (Eds.), *Global human smuggling* (pp.166–187). London: Johns Hopkins University Press.
- Girl reunited with parents. (2001). *Laredo Morning Times*, p. A1.
- Gozdziaik, E., & Collett, E. (2005). Research on human trafficking in North America: A review of literature. *International Migration*, 43(1/2), 99–129.
- Hughes, D. M., Chon, K. Y., & Ellerman, D. P. (2007). Modern-day comfort women: The U.S. military, transnational crime, and the trafficking of women. *Violence Against Women*, 13(9), 901–922.
- Hughes, N. (2000). The global traffic in human organs. *Current Anthropology*, 41(2), 191–211.
- Kandathil, R. (2005). Global Sex Trafficking Victims Protection Act of 2000: Legislative responses to the problem of modern slavery. *Michigan Journal of Gender and Law*, 12, 87–129.



- Kelly, L., & Regan, L. (2000). *Stopping traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK*. London: Home Office, Police Research Series, Paper 125.
- Laczko, F. (2002). *Human trafficking: The need for better data*. Washington, DC: Migration Policy Institute.
- Laczko, F., & Gozdzik, E. (2005). *Data and research on human trafficking: A global survey*. Geneva, Switzerland: International Organization for Migration.
- Laczko, F., & Gramegna, M. (2003). Developing better indicators of human trafficking. *Brown Journal of World Affairs*, 19(1), 179–194.
- Mizus, M., Moody, M., Privado, C., & Douglas, C. A. (2003). Germany, U.S. receive most sex-trafficked women. *Off Our Backs*, 33(7/8), 4.
- Pearce, D. (1978). The feminization of poverty: Women, work and welfare. *Urban and Social Change Review*, 11, 28–36.
- Raymond, J., & Hughes, D. (2001). *Sex trafficking of women in the United States: International and domestic trends*. Washington, DC: Coalition Against Trafficking in Women.
- Richard, A. (1999). *International trafficking in women to the United States: A contemporary manifestation of slavery and organized crime*. Washington, DC: DCI Exceptional Intelligence Analyst Program, Bureau of Intelligence and Research, U.S. Department of State.
- Richard, S. (2005). State legislation and human trafficking: Helpful or harmful? *University of Michigan Journal of Law Reform*, 38, 447–477.
- Salt, J., & Stein, J. (1997). Migration as a business: The case of trafficking. *International Migration*, 35(4), 467–494.
- Schauer, E., & Wheaton, E. (2006). Sex trafficking into the United States: A review of literature. *Criminal Justice Review*, 31(2), 146–169.
- Scully, E. (2001). Pre-Cold War traffic in sexual labor and its foes: Some contemporary lessons. In D. Kyle & R. Koslowski (Eds.), *Global human smuggling* (pp. 74–107). London: Johns Hopkins University Press.
- Shelley, L. (2003). Trafficking in women: The business model approach. *Brown Journal of World Affairs*, 10(1), 119–131.
- Shelley, L. (2005). The globalization of crime. In M. Natarajan (Ed.), *Introduction to international criminal justice* (pp. 3–10). Boston: McGraw-Hill.
- Tyldum, G., Tveit, M., & Brunovskis, A. (2005). *Taking stock: A review of existing research on trafficking for sexual exploitation*. Oslo, Norway: Fafo Institute for Applied International Studies (Report number 493).
- United Nations Office of Drugs and Crime (UNODC). (2006). *Trafficking in persons: Global patterns*. Retrieved November 4, 2008, from <http://www.unodc.org>
- U.S. Department of State. (2008). *Trafficking in persons report*. Retrieved November 11, 2008, from <http://www.state.gov/g/tip/rls/tiprpt/2008>
- Vago, S. (2006). *Law and society* (8th ed.). Upper Saddle River, NJ: Prentice Hall.
- Wealthy Long Island couple keeps slaves for five years. (2008). *Associated content*. Retrieved November 12, 2008, from [http://www.associatedcontent.com/article/246956/wealthy\\_long\\_island\\_couple\\_keeps\\_slaves.html?page=2&cat=62](http://www.associatedcontent.com/article/246956/wealthy_long_island_couple_keeps_slaves.html?page=2&cat=62)
- Wilson, J. M., & Dalton, R. (2008). Human trafficking in the heartland. *Journal of Contemporary Criminal Justice*, 24(3), 296–231.



# PART VI

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## CRIMINOLOGY AND THE JUSTICE SYSTEM

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## CAPITAL PUNISHMENT

ROBERT M. BOHM

*University of Central Florida*

At one level, capital punishment, or the death penalty, is a minor issue. The media keep the public aware of all sorts of horrible crimes, but relatively few people are directly affected by those crimes, either as perpetrators or victims, or as family and friends of perpetrators and victims. Very few people are sentenced to die for their crimes, and still fewer people are ever executed.

At another level, capital punishment represents two profound concerns of nearly everyone: the value of human life and how best to protect it. For most people who support capital punishment, the execution of killers (and people who commit other horrible acts) makes sense. Death penalty supporters frequently state that executions do prevent those executed from committing heinous crimes again and that the example of executions probably prevents most people who might contemplate committing appalling crimes from doing so. In addition, many death penalty supporters simply believe that people who commit such crimes deserve to die, that they have earned their ignominious fate.

For opponents, capital punishment is about something else entirely. It is a benchmark of the “developing moral standards” of American civilization. As Winston Churchill once said, “The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unflinching tests of the civilization of any country.” Put somewhat differently, for many opponents, the level of death penalty support in the United States is a rough estimate of the level of maturity of the American people. The not-so-subtle implication is that a mature, civilized society would

not employ capital punishment. Opponents maintain that perpetrators of horrible crimes can be dealt with effectively by other means and that it makes little sense to kill some people, however blameworthy they are, to teach other people not to kill. These opponents argue that although the perpetrators of terrible crimes may deserve severe punishment, that punishment need not be execution.

Capital punishment can be and has been addressed on many different levels. Only superficially is it a minor issue. Rather, it is a complex concern that encompasses fundamental questions of who a society is as a people and how some of its most vexing social problems are handled. This entry is divided into five sections. The first presents a concise history of capital punishment in the United States. The second addresses the Supreme Court’s regulation of capital punishment. The third describes Congress’s involvement. The fourth examines the practice of capital punishment under modern, or post-*Furman*, statutes, and the final section speculates on the future of capital punishment.

### A Concise History of Capital Punishment in the United States

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When the first European settlers arrived in America, they brought with them the legal systems from their native countries, which included the penalty of death for a variety of offenses. For example, the English Penal Code at the time, which was adopted by the British colonies, listed

more than 50 capital offenses, but actual practice varied from colony to colony.

The earliest recorded lawful execution in America was in 1608 in the Virginia Colony. Captain George Kendall, a councilor for the colony, was executed for being a spy for Spain. Kendall's execution was atypical for two reasons. First, he was executed for a relatively unusual offense (spying/espionage), and second, he was shot instead of hanged. More than 20 years would pass before the first murderer, John Billington, would be executed in 1630 in the Massachusetts Bay colony. Of the 162 colonists executed in the 17th century (for which the offense is known—85% of the total), nearly 40% were executed for murder, about 25% for witchcraft, and nearly 15% for piracy. No other crimes accounted for more than 8% of all executions. Most of the executed were hanged (88%), 10% were shot, an alleged witch was pressed to death, and a convicted arsonist was burned.

Since Kendall, about 20,000 legal executions have been performed in the United States under civil (as opposed to military) authority. The vast majority of those executed have been men; only about 3% of the total have been women. Most of the condemned women (87%) were executed before 1866. The first woman executed was Jane Champion in the Virginia Colony in 1632. She was hanged for murdering and concealing the death of her child, who was fathered by a man other than her husband. Since 1962, only 11 women have been executed in the United States (as of April 1, 2008) (Death Penalty Information Center, 2008).

In addition, about 2% of those executed in the United States since 1608 have been juveniles, those whose offenses were committed prior to their 18th birthdays. The first juvenile executed in America was Thomas Graunger in the Plymouth Colony in 1642, for the crime of bestiality. Between 1990 and 2005, the United States was 1 of only 7 countries that had executed anyone who was under 18 years of age at the time of the crime; the others were the Democratic Republic of Congo, Iran, Nigeria, Pakistan, Saudi Arabia, and Yemen. At this time, Yemen and the United States (as of March 1, 2005) no longer execute juveniles. The United States had executed 22 juveniles since 1976.

Among the first people in the United States to organize others against the death penalty was Dr. Benjamin Rush (1747–1813), a Philadelphia physician and signer of the Declaration of Independence. In the late 18th century, Dr. Rush attracted the support of such prominent Americans as Benjamin Franklin and William Bradford, who was the Pennsylvania and later U.S. Attorney General. It was at Franklin's home in Philadelphia that Rush became one of the first Americans to propose confinement in a "House of Reform" as an alternative to capital punishment. The houses of reform envisioned by Rush would be places where criminals could learn to be law-abiding citizens through moral education. At least in part because of the efforts of Rush and his colleagues, in 1790, the Walnut Street Jail in Philadelphia was converted into the world's first penitentiary—an institution devoted primarily to reform.

Largely as a result of Bradford's efforts, Pennsylvania became the first state in legal proceedings to consider degrees of murder based on culpability. Before this change, the death penalty was mandated for anyone convicted of murder (and many other crimes), regardless of circumstance. Pressure from opponents also caused Pennsylvania in 1794 to repeal the death penalty for all crimes except first-degree murder.

In 1830, Connecticut became the first state to ban public executions. Pennsylvania became the second state to do so in 1834. In both states, only a few authorized officials and the relatives of the condemned were allowed to attend. By 1860, all northern states and Delaware and Georgia in the South had shifted the site of executions from the public square to an enclosed jail yard controlled by the sheriff and deputies. By 1890, some states had moved executions to inside the jail or a prison building. At least three reasons have been given for this change in execution venue. First, many northern-state social elites began to view those who attended executions as contemptible "rabble out for a good time" and concluded that any educational value public hangings once had was being lost on the less respectable crowd. Second, execution attendees were increasingly sympathizing with the condemned prisoners, weakening the position of the state. Indeed, some of those who met their fate on the gallows became folk heroes. Third, increasingly being accepted was the belief that public executions were counterproductive because of the violence they caused. The last public execution was held in Galena, Missouri, in 1937.

In 1837, Tennessee became the first state to enact a discretionary death penalty statute for murder. All states before then had employed mandatory death penalty statutes that required anyone convicted of a designated capital crime to be sentenced to death. The reason for the change, at least at first and in the South, undoubtedly was to allow all-white juries to take race into account when deciding whether death was the appropriate penalty in a particular case. Between the Civil War and the end of the 19th century, at least 20 additional jurisdictions changed their death penalty laws from mandatory to discretionary ones. Illinois was the first northern state to do so in 1867; New York was the last state to make the change in 1963. The reason most northern states switched from mandatory to discretionary death penalty statutes, and another reason for southern states to do so, was to prevent jury nullification, which was becoming an increasing problem. *Jury nullification* refers to a jury's knowing and deliberate refusal to apply the law because, in this case, a mandatory death sentence was considered contrary to the jury's sense of justice, morality, or fairness. Discretionary death penalty statutes allowed juries the option of imposing a sentence of life in prison instead of death.

In 1846, the state of Michigan abolished the death penalty for all crimes, except treason, and replaced the penalty with life imprisonment. The law took effect the next year, making Michigan, for all intents and purposes, the first English-speaking jurisdiction in the world to abolish

capital punishment. The first state to outlaw the death penalty for all crimes, including treason, was Rhode Island, in 1852; Wisconsin was the second state to do so a year later. Although no other states abolished the death penalty during this period, by 1860, no northern state punished by death any crime except murder and treason.

A major change took place in the legal jurisdiction of executions during the time of the Civil War. Before the war, all executions were conducted locally—generally in the jurisdiction in which the crime was committed—but on January 20, 1864, Sandy Kavanagh was executed at the Vermont State Prison. He was the first person executed under state, as opposed to local, authority. This shift in jurisdiction was not immediately adopted by other states. In the 1890s, about 90% of executions were imposed under local authority, but by the 1920s, about 90% were imposed under state authority. Today, all executions are imposed under state authority, except those conducted in Delaware and Montana and by the federal government and the military.

More capital offenders were executed during the 1930s than in any other decade in American history; the average was 167 executions per year. The most executions in any single year occurred in 1935 when 199 offenders were put to death. This was a dramatic reversal from earlier in the century when the number of executions fell from 161 in 1912 to 65 in 1919. The 65 executions in 1919 were the fewest in 50 years. No state abolished the death penalty between 1918 and 1957. In contrast, after World War II, most of the advanced Western European countries abolished the death penalty or severely restricted its use. Great Britain did not join them until 1969.

## The Supreme Court Regulates Capital Punishment

For more than 150 years, the U.S. Supreme Court (hereafter, “the Court”) has exercised its responsibility to regulate capital punishment in the United States and its territories. Among the principal issues the Supreme Court considered in relation to capital punishment before 1968 was the means of administering the death penalty. The Court upheld the constitutionality of shooting (*Wilkerson v. Utah*, 1878), electrocution (*In re Kemmler*, 1890), and a second electrocution after the first attempt had failed to kill the offender (*Louisiana ex rel. Francis v. Resweber*, 1947). Currently, there are five methods of execution authorized: lethal injection, electrocution, lethal gas, hanging, and firing squad. Lethal injection is the primary method of execution used by all executing jurisdictions in the United States.

Between 1968 and 1972, a series of lawsuits challenged various aspects of capital punishment as well as the constitutionality of the punishment itself. During this period, an informal moratorium on executions was observed, pending the outcome of the litigation, and no death row inmates

were executed. Some of the suits were successful, and some of them were not. Finally, on June 29, 1972, the Supreme Court set aside death sentences for the first time in its history. In its decisions in *Furman v. Georgia*, *Jackson v. Georgia*, and *Branch v. Texas* (hereafter referred to as the *Furman* decision), the Court held that the capital punishment statutes in those three cases were unconstitutional because they gave the jury complete discretion to decide whether to impose the death penalty or a lesser punishment in capital cases. Although nine separate opinions were written—a very rare occurrence—the majority of five justices (Douglas, Brennan, Stewart, White, and Marshall) pointed out that the death penalty had been imposed arbitrarily, infrequently, and often selectively against people of color. According to the majority, those statutes constituted “cruel and unusual punishment” in violation of the Eighth and Fourteenth Amendments. (The four dissenters were Chief Justice Burger and Justices Blackmun, Powell, and Rehnquist.) It is important to emphasize that the Supreme Court did not rule that the death penalty itself was unconstitutional, only the way in which it was being administered.

The practical effect of the *Furman* decision was that the Supreme Court voided the death penalty laws of some 35 states, and more than 600 death row inmates had their death sentences vacated and commuted to a term of imprisonment. Although opponents of capital punishment were elated that the United States had finally joined other Western industrialized nations in abolishing capital punishment either in fact or in practice, the joy was short-lived. By the fall of 1974, a total of 30 states had enacted new death penalty statutes that were designed to address the Court’s objections.

The new death penalty laws took two forms. Some states removed all discretion from the process by mandating capital punishment upon conviction for certain crimes (mandatory statutes). Other states provided specific guidelines that judges and juries were to use in deciding if death was the appropriate sentence in a particular case (guided-discretion statutes).

The constitutionality of the new death penalty statutes was quickly challenged, and on July 2, 1976, the Supreme Court announced its rulings in five test cases. In *Woodson v. North Carolina* and *Roberts v. Louisiana*, the Court rejected “mandatory” statutes that automatically imposed death sentences for defined capital offenses. However, in *Gregg v. Georgia*, *Jurek v. Texas*, and *Proffitt v. Florida* (hereafter referred to together as the *Gregg* decision), the Court approved several different forms of guided-discretion statutes. Those statutes, the Court wrote, struck a reasonable balance between giving the jury some guidance and allowing it to consider the background and character of the defendant and the circumstances of the crime. The most dramatic effect of the *Gregg* decision was the resumption of executions on January 17, 1977, when the state of Utah executed Gary Gilmore (at his own request) by firing squad.

What the Court found especially appealing about the guided-discretion statutes approved in *Gregg* is that judges and juries are provided with standards that presumably restrict, but do not eliminate, their sentencing discretion. Specifically, judges and juries, in most states, are provided with lists of aggravating and, at least in some states, mitigating factors. Aggravating factors or circumstances are facts or situations that increase the blameworthiness for a criminal act. Mitigating factors or circumstances are facts or situations that do not justify or excuse a criminal act but reduce the degree of blameworthiness and thus may reduce the punishment. The Court has since ruled that judges and juries must consider any mitigating circumstance offered by the defense, whether it is listed in the statute or not.

Besides the guided-discretion statutes, the Court also was optimistic about two other procedural reforms: bifurcated trials and automatic appellate review. A bifurcated trial is a two-stage trial—unlike the one-stage trial in other felony cases—consisting of a guilt phase and a separate penalty phase. If, in the guilt phase, the defendant is found guilty as charged, then at the penalty phase, the jury must determine whether the sentence will be death or life in prison (There are no other choices except, in most death penalty states, life imprisonment without opportunity for parole.). All of the procedures of due process apply to both phases of the bifurcated trial.

Currently, 35 of the 36 states with death penalty statutes provide for automatic appellate review of all death sentences, regardless of the defendant's wishes. South Carolina allows the defendant to waive sentence review if the court deems the defendant competent; also, the federal jurisdiction does not provide for automatic appellate review. Most of the 35 states automatically review both the conviction and the sentence. Generally, the automatic review is conducted by the state's highest appellate court. If either the conviction or the sentence is overturned, then the case is sent back to the trial court for additional proceedings or for retrial. It is possible that the death sentence may be reimposed as a result of this process.

Some states are very specific in defining the review function of the appellate courts, while other states are not. Although the Supreme Court does not require it (*Pulley v. Harris*, 1984), some states have provided a *proportionality review*, in which the appellate court compares the sentence in the case it is reviewing with penalties imposed in similar cases in the state. The object is to reduce, as much as possible, disparity in death penalty sentencing.

In addition to the automatic appellate review, there is a dual system of collateral review for capital defendants. In other words, capital defendants may appeal their convictions and sentences through both the state and the federal appellate systems.

Some death row inmates whose appeals have been denied by the U.S. Supreme Court may still try to have the Court review their cases on constitutional grounds by filing a *writ of habeas corpus*, which is a court order directing a

law officer to produce a prisoner in court to determine whether the prisoner is being legally detained or imprisoned. Critics maintain that abuse of the writ has contributed to the long delays in executions (currently averaging more than 10 years after conviction) and to the high costs associated with capital punishment.

In decisions since *Gregg*, the Supreme Court has limited the crimes for which death is considered appropriate and has further refined death penalty jurisprudence. In 1977, in the cases of *Coker v. Georgia* and *Eberheart v. Georgia*, the Court held that rape of an adult female (in *Coker*) and kidnapping (in *Eberheart*), where the victim was not killed, do not warrant death. Those two decisions effectively limited the death penalty to those offenders convicted of capital, or aggravated, murder.

In 1986, in *Ford v. Wainwright*, the Court barred states from executing inmates who have developed mental illness while on death row, and in 2002, in *Atkins v. Virginia*, the Court held that it is cruel and unusual punishment to execute the mentally retarded. In the 2005 case of *Roper v. Simmons*, the Court effectively limited capital punishment to offenders who are 18 years of age or older at the time of their offenses. Another death penalty decision of the Supreme Court is the 1987 case of *McCleskey v. Kemp*, in which the Court held that state death penalty statutes are constitutional even when statistics indicate that they have been applied in racially biased ways. The Court ruled that racial discrimination must be shown in individual cases.

## Congress Gets Involved

In 1994, Congress passed a federal crime bill (the Violent Crime Control and Law Enforcement Act), which expanded the number of federal crimes punishable by death to about 50. All but four of the federal crimes involve murder. The four exceptions are treason; espionage; drug trafficking in large quantities; and attempting, authorizing, or advising the killing of any public officer, juror, or witness in a case involving a continuing criminal enterprise—regardless of whether such a killing actually occurs. In addition, the bill reinstated the death penalty for federal crimes for which previous death penalty provisions could not pass constitutional muster. The new law brought the earlier statutes into compliance with guidelines established by the Supreme Court. The U.S. government executed Timothy McVeigh and Juan Raul Garza in 2001, and Louis Jones Jr. in 2003. They were the first federal executions in nearly 40 years. Prior to those three, the last execution by the U.S. government was on March 15, 1963, when Victor H. Feguer was hanged at Iowa State Penitentiary.

The Antiterrorism and Effective Death Penalty Act was enacted in 1996, in part to speed up the process and reduce costs. The law requires that second or subsequent habeas petitions be dismissed when the claim had already been made in a previous petition. It also requires that new claims

be dismissed, unless the Supreme Court hands down a new rule of constitutional law and makes it retroactive to cases on collateral review. Under the act, the only other way the Supreme Court will hear a claim made for the first time is when the claim is based on new evidence not previously available. Even then, the new evidence must be of sufficient weight, by a clear and convincing standard of proof, to convince a judge or jury that the capital defendant was not guilty of the crime or crimes for which he or she was convicted.

The act also made the federal appellate courts “gatekeepers” for second or subsequent habeas corpus petitions. Thus, to file a second or subsequent claim under the new law, a capital defendant must first file a motion in the appropriate appellate court announcing his or her intention. A panel of three judges must then hear the motion within 30 days. The judges must decide whether the petitioner has a legitimate claim under the new act. If the claim is denied, the new law prohibits any review of the panel’s decision, either by a rehearing or writ of certiorari to the Supreme Court. A *writ of certiorari* is a written order, from the Supreme Court to a lower court whose decision is being appealed, to send the records of the case forward for review. So far, the Supreme Court has upheld the constitutionality of the law.

Some people argue that the appellate reviews are unnecessary delaying tactics (at least those beyond the automatic review). However, the outcomes of the reviews suggest otherwise. Nationally, between 1973 and 2006, a total of 35% of the initial convictions or sentences in capital cases were overturned on appeal, and, contrary to popular belief, those reversals were generally not the result of so-called legal technicalities. They were the product of such fundamental constitutional errors as denial of the right to an impartial jury, problems of tainted evidence and coerced confessions, ineffective assistance of counsel, and prosecutors’ references to defendants who refuse to testify. The percentage of death penalty cases overturned by the appellate courts since the reestablishment of capital punishment has far exceeded the percentage of appellate reversals of all other noncapital felony cases, which, in most states, probably does not exceed 1%.

### The Practice of Capital Punishment Under Post-*Furman* Statutes

Currently (as of April 1, 2008), 38 jurisdictions in the United States have capital punishment statutes; 15 jurisdictions do not have capital punishment statutes. Jurisdictions with capital punishment statutes are the following: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,

Washington, Wyoming, the U.S. Government, and the U.S. military. Kansas, New Hampshire, and the U.S. military have not executed anyone under their post-*Furman* statutes. Jurisdictions without capital punishment statutes are these: Alaska, Hawaii, Iowa, Massachusetts, Maine, Michigan, Minnesota, New Jersey, New York, North Dakota, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia. In December 2007, New Jersey became the latest jurisdiction to abolish its death penalty.

Since Gilmore’s execution in 1977, a total of 1,099 people have been executed in 34 states and by the federal government, which, as noted, has executed 3 (as of April 1, 2008).

Nearly all of the offenders executed since Gilmore have been male, while the gender of the victims is divided nearly evenly between males and females. As for race, 57% of all people executed under post-*Furman* statutes have been white; about 34% have been black. Thus, the percentage of blacks who have been executed far exceeds their proportion of the general population (about 13%). Particularly interesting is that nearly 80% of the victims of those executed have been white. What makes this finding interesting is that murders, including capital murders (all post-*Furman* executions have been for capital murders), tend to be intraracial crimes. However, the death penalty is imposed primarily on the killers of white people, regardless of the race or ethnicity of the offender. The figures on defendant–victim racial or ethnic combinations further support this conclusion. Approximately 54% of executions have involved white killers of white victims, and about 21% have involved black killers of white victims. On the other hand, only about 11% of executions have been of black killers of black victims, and there have been only 14 executions of white killers of black persons (less than 2%) (Death Penalty Information Center, 2008).

The number of persons currently on death row in the United States is 3,350 (as of January 1, 2007). California has by far the largest death row population at 669; Florida is second with 388 death row inmates. About 98% of death row inmates are male, 45% are white, 42% are black, 11% are Latina/Latino, and the remainder are of other races or ethnicities. The size of the death row population in the United States does not fluctuate very much from year to year, despite the relatively few executions each year. (The largest number since 1977 was 98, in 1999.) One reason is that the number of new death sentences has been declining in recent years. In 1995, a total of 326 people were sentenced to death—the highest number since 1977; in 2002, the number was about half as many at 169; there were 153 in 2003, 138 in 2004, 128 in 2005, 115 in 2006, and 110 in 2007. Another reason for the lack of much fluctuation in the death row population is that since January 1, 1973, approximately 2,700 of the nearly 7,700 defendants sentenced to death (35%) have been removed from death row by having their convictions or sentences reversed. In addition, since January 1, 1973, a total of 341 death row inmates have received commutations (reductions in sentences, granted by a state’s governor), and



327 have died of natural causes or have been killed (Death Penalty Information Center, 2008).

## What Does the Future Hold?

Worldwide, the death penalty is trending toward abolition. At the beginning of the 20th century, only three countries—Costa Rica, San Marino, and Venezuela—had abolished the death penalty for all crimes. By 1977, only 14 countries had abolished the death penalty for all crimes. Another 2 countries had abolished it for all but exceptional capital crimes such as those committed during wartime. As of January 11, 2008, a total of 91 countries had abolished the death penalty for all crimes; another 11 countries had abolished it for all but exceptional capital crimes; and 33 countries had abolished it in practice—that is, they retain the death penalty but have not carried out an execution for at least 10 years and are believed to have a policy or established practice of not using the death penalty.

More than 40 countries have abolished the death penalty since 1990. Since 1985, only 4 of those countries have reintroduced the death penalty. Two of those countries, Nepal and the Philippines, have since abolished it again, and the two other countries, Gambia and Papua New Guinea, have not executed anyone since reintroducing the penalty. Currently, nearly 70% of the countries in the world—135 of them—have abolished the death penalty in law or practice. Only 62 countries have retained the death penalty. Among Western, industrialized nations, the United States stands alone as the only nation to employ capital punishment. All major allies of the United States except Japan have abolished the death penalty.

Furthermore, the number of countries that actually execute anyone in a given year is much smaller. In 2006, there were 1,591 executions around the world, down more than 25% from the 2,148 in 2005. Of all known executions that took place in 2006, approximately 91% were carried out in six countries: China, Iran, Pakistan, Iraq, Sudan, and the United States. Of the 1,452 executions that took place in those six countries, approximately 70% were carried out in China; 12% in Iran; 6% in Pakistan, and 4% each in Iraq, Sudan, and the United States.

In the United States, as noted, 38 jurisdictions have a death penalty and 15 jurisdictions do not, and as of April 1, 2008, there have been 1,099 executions since the practice resumed in 1977. There were 60 executions in 2005; a total of 53 executions in 2006; another 41 executions in 2007; and, as of this writing, no executions so far in 2008.

Of the 1,099 executions since 1977, about 82% of them have been carried out in the South, 11.5% in the Midwest, 6% in the West, and .4% in the Northeast. Thus, for all intents and purposes, executions in the United States are a mostly southern phenomenon (including border states).

Of the 34 death penalty states that have carried out at least one execution since 1977, half of them have executed

fewer than 10 people. Only five of the executing states account for 65% of the 1,099 executions: Texas, Virginia, Oklahoma, Missouri, and Florida. Three of those states—Texas, Virginia, and Oklahoma—account for more than half of the 1,099 executions (53.5%). Texas and Virginia account for approximately 46% of the total, and Texas, alone, accounts for approximately 37%. Texas has executed more than 4 times as many offenders as any other state. Texas accounted for about 45% of the 2006 U.S. executions and 63% of the 2007 U.S. executions. In short, except for a handful of non-Western countries in the world and a handful of mostly southern or border states to the United States, the death penalty is a dwindling practice. This is an important point because it raises the question of why those death penalty—or more precisely, executing—jurisdictions in the world need the death penalty, while all other jurisdictions—the vast majority—do not.

There are several other reasons to believe that the death penalty in the United States may be a waning institution. First, although abstract support for the death penalty remains relatively high—it was 69%, according to a 2007 Gallup poll—when respondents are provided an alternative, such as life imprisonment with absolutely no possibility of parole (LWOP), support for the death penalty falls to about 50%.

Second, the American public continues to express some concern about the way the death penalty is being administered. For example, a 2005 Gallup poll found that 35% of the American public did not believe that the death penalty is applied fairly. However, the 73% of Americans in 2003 that believed an innocent person had been executed in the last 5 years dropped to 63% in 2006. Most people believe that the execution of innocent people is a rare occurrence. For example, in the 2005 Gallup poll, 57% of respondents believed that the execution of an innocent person happened no more than 5% of the time. Only about 11% of respondents believed that more than 20% of executions involved innocent people. Although concern about the death penalty's administration has decreased somewhat from the level of concern expressed in 2000, it remains higher than it was prior to revelations about the quality of justice in capital murder trials, the overturning of several convictions as a result of DNA tests, and the resulting moratorium on executions in Illinois and elsewhere.

A third factor involves the positions taken by respected organizations within the United States, such as the American Bar Association (ABA) and organized religions. In 1997, the ABA adopted a resolution that requested death penalty jurisdictions to refrain from using the sanction until greater fairness and due process could be assured. The leaders of most organized religions in the United States—including Catholic, Protestant, and Jewish—openly oppose capital punishment. A recent survey found that of the 126 religious organizations that responded, 61% (77) officially oppose capital punishment, 17% (22) officially support it, and 21% (27) leave it up to individual congregations or

individual religious leaders to determine their own position on capital punishment.

A fourth factor is world opinion. As noted previously, all major allies of the United States except Japan have abolished the death penalty. In Europe, the death penalty is viewed as a violation of human rights. A condition for admittance into the European Union (EU) and the Council of Europe is the abolition of the death penalty. The United Nations Commission on Human Rights has repeatedly condemned the death penalty in the United States, urging the U.S. government to stop all executions until it brings states into compliance with international standards and laws.

On the other hand, capital punishment in some states has proven stubbornly resilient. There are reasons to believe that in those states, the death penalty will remain a legal sanction for the foreseeable future. One reason is that death penalty support among the American public, at least according to the major opinion polls, remains relatively strong. It is unlikely that the practice of capital punishment could be sustained if a majority of American citizens were to oppose it. However, in no year for which polls are available has a majority of Americans opposed the death penalty. (The first national death penalty opinion poll was conducted in December 1936.)

Although life imprisonment without opportunity for parole seems to be a popular alternative to the death penalty in polls, a problem with the LWOP alternative is that many people are very skeptical about the ability of correctional authorities to keep capital murderers imprisoned for life. Thus, although more than half of the public may say that it prefers LWOP to capital punishment, in practice, people may be reluctant to make the substitution because they fear that the alternative might not adequately protect them from the future actions of convicted capital offenders.

The abiding faith of death penalty proponents in the ability of legislatures and courts to fix any problems with the administration of capital punishment is another reason for its continued use in some places. However, the more than three-decade record of “fine-tuning” the death penalty process remains ongoing. Legislatures and courts are having a difficult time “getting it right,” despite spending inordinate amounts of their resources trying. Former Supreme Court Justice Harry A. Blackmun, who for more than 20 years supported the administration of capital punishment in the United States, finally gave up. On February 22, 1994, in a dissent from the Court’s refusal to hear the appeal of a Texas inmate scheduled to be executed the next day, Blackmun asserted that he had come to the conclusion that “the death penalty experiment has failed” and that it was time for the Court to abandon the “delusion” that capital punishment could be administered in a way that was consistent with the Constitution. He noted that “from this day forward, I no longer shall tinker with the machinery of death” (*Callins v. Collins*, 1994).

As for the positions against capital punishment taken by respected organizations in the United States, “true believers” in the death penalty couldn’t care less what others think, especially in the case of organizations such as the American Bar Association. This holds true for world opinion as well. In the case of organized religions, the situation is probably more complex. Although most people who consider themselves religious and are affiliated with religions whose leadership opposes capital punishment probably respect the views of their leaders, they obviously live their daily lives and hold beliefs about capital punishment (and other issues such as abortion) based on other values.

Some death penalty opponents believe that a principal reason for the continuing support of capital punishment is that most people know very little about the subject, and what they think they know is based almost entirely on myth. It is assumed that if people were educated about capital punishment, most of them would oppose it. Unfortunately, research suggests that educating the public about the death penalty may not have the effect that opponents of the practice desire. Although accurate information about the death penalty can reduce support for the sanction—sometimes significantly—rarely is the support reduced to less than a majority, and any reduction in support may be only temporary.

What else, then, sustains the public’s death penalty support? At least two other factors appear to play a major role: the desire for vindictive revenge and the symbolic value capital punishment has for politicians and law enforcement officials. In a recent Gallup poll, 50% of all respondents who favored the death penalty selected “An eye for an eye/Convicted deserve to be executed” as a reason. The reasons selected second-most often (by only 11%) were “Save taxpayers money/Cost associated with prison” and deterrence. No other reasons were selected by more than 10% of the death penalty proponents. The choice of “An eye for an eye/Convicted deserve to be executed” indicates support of the penal purpose of retribution. Those who chose this reason wanted to repay the offender for what he or she has done. This response, at least the “eye for an eye” part, has a strong emotional component and thus has been called “vindictive revenge.”

The other factor that probably sustains death penalty support is the symbolic value it has for politicians and criminal justice officials. Politicians use support for the death penalty as a symbol of their toughness on crime. Opposition to capital punishment is invariably interpreted as symbolic of softness on crime. Criminal justice officials and much of the public often equate support for capital punishment with support for law enforcement in general. It is ironic that although capital punishment has virtually no proven effect on crime, the death penalty continues to be a favored political “silver bullet”—a simplistic solution to the crime problem used by aspiring politicians and law enforcement officials. Together with the movement to replace indeterminate sentencing with determinate sentencing and to

abolish parole, the death penalty is part of the “law and order” agenda popular in the United States since the mid-1970s. Whether this direction in criminal justice has run its course is anyone’s guess. However, it appears that the effort to “get tough” with criminals has not produced the results desired by its advocates.

## References and Further Readings

- Acker, J. R., Bohm, R. M., & Lanier, C. S. (Eds.). (2003). *America’s experiment with capital punishment: Reflections on the past, present, and future of the ultimate penal sanction* (2nd ed.). Durham, NC: Carolina Academic Press.
- Acker, J. R., & Karp, D. R. (Eds.). (2006). *Wounds that do not bind: Victim-based perspectives on the death penalty*. Durham, NC: Carolina Academic Press.
- Banner, S. (2002). *The death penalty: An American history*. Cambridge, MA: Harvard University Press.
- Bedau, H. A. (1997). *The death penalty in America: Current controversies*. New York: Oxford University Press.
- Bedau, H. A., & Cassell, P. G. (Eds.). (2004). *Debating the death penalty: Should America have capital punishment? The experts on both sides make their best case*. New York: Oxford University Press.
- Bohm, R. M. (2007). *Deathquest III: An introduction to the theory and practice of capital punishment in the United States* (3rd ed.). Cincinnati, OH: LexisNexis Anderson Publishing.
- Callins v. Collins, 510 U.S. 1141 (1994).
- Death Penalty Information Center. (2008). *Facts about the death penalty*. Washington, DC: Author. Retrieved March 9, 2009, from <http://www.deathpenaltyinfo.org/FactSheet.pdf>
- Dieter, R. C. (2004). *Innocence and the crisis of the American death penalty*. Washington, DC: The Death Penalty Information Center.
- Dow, D. R. (2005). *Executed on a technicality: Lethal injustice on America’s death row*. Boston: Beacon Press.
- Dow, D. R., & Dow, M. (Eds.). (2002). *Machinery of death: The reality of America’s death penalty regime*. New York: Routledge.
- Haney, C. (2005). *Death by design: Capital punishment as a social psychological system*. New York: Oxford University Press.
- Hood, R. (2002). *The death penalty: A worldwide perspective* (3rd ed.). New York: Oxford University Press.
- Johnson, R. (1998). *Death work: A study of the modern execution process* (2nd ed.). Belmont, CA: West/Wadsworth.
- Paternoster, R., Brame, R., & Bacon, S. (2008). *The death penalty: America’s experience with capital punishment*. New York: Oxford University Press.
- Radelet, M. L., Bedau, H. A., & Putnam, C. E. (1992). *In spite of innocence: Erroneous convictions in capital cases*. Boston: Northeastern University Press.
- Robinson, M. B. (2008). *Death nation: The experts explain American capital punishment*. Upper Saddle River, NJ: Pearson Prentice Hall.
- Sarat, A. (Ed.). (1999). *The killing state: Capital punishment in law, politics, and culture*. New York: Oxford University Press.
- Sarat, A. (2002). *When the state kills: Capital punishment and the American condition*. Princeton, NJ: Princeton University Press.
- Sarat, A. (2005). *Mercy on trial: What it means to stop an execution*. Princeton, NJ: Princeton University Press.
- Sharp, S. F. (2005). *Hidden victims: The effects of the death penalty on families of the accused*. Piscataway, NJ: Rutgers University Press.
- Sundby, S. E. (2005). *A life and death decision: A jury weighs the death penalty*. New York: Palgrave Macmillan.
- Zimring, F. E. (2003). *The contradictions of American capital punishment*. New York: Oxford University Press.
- Zimring, F. E., & Hawkins, G. (1986). *Capital punishment and the American agenda*. New York: Cambridge University Press.

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## COMMUNITY CORRECTIONS

LEANNE FIFTAL ALARID

*University of Texas at San Antonio*

Out of the nearly 7 million people currently on correctional supervision in the United States, only 30% of them are incarcerated in jail or prison. The remaining 70% of persons who have had contact with the criminal justice system are supervised within the community (Alarid, Cromwell, & del Carmen, 2008). This entry discusses community corrections, which is defined as a court-ordered sanction in which offenders serve at least some of their sentence in the community.

Three assumptions rest behind the idea of community corrections. First, most people who break the law are not dangerous or violent. The vast majority of offenders have violated a law that requires that they be held responsible through some sort of injunction or punishment, but most do not need to be locked away from the community. Keeping the offender in the community can be effective if the offender is able to maintain employment obligations and family relationships and to attempt to repair harm he or she caused the community or an identified victim—all of this at a reduced cost to taxpayers.

Second, a community sentence seeks to treat behaviors that are directly related to why the offender got into trouble in the first place, so that the risk of future reoffending is significantly reduced. The assumption here is that treatment programs are more numerous and accessible in the community than in jail and prison. This makes it easier for offenders to get the help they need while in the community and subsidize the cost with their own funds. A final assumption is that people who have been incarcerated in jail and prison

transition better when they are released with some supervision than without any supervision (Petersilia, 2001).

Understanding the concept of community corrections will be accomplished through a discussion of five main areas:

- Goals of a community sentence
- Types of community corrections programs
- Advantages and disadvantages of community corrections programs
- Cost of community corrections programs
- Do community corrections programs work?

### Goals of a Community Sentence

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Community corrections programs attempt to accomplish many goals. These goals include easing institutional crowding and cost; preventing future criminal behavior through surveillance, rehabilitation, and community reintegration; and addressing victims' needs through restorative justice. Each of these goals is discussed below.

### Easing Institutional Crowding and Cost

Two things are abundantly clear. First, building jails and prisons is a costly endeavor. Second, there are legal limits that define how many prisoners a single correctional institution can hold. Correctional institutions that exceed their capacity may incur civil lawsuits and fines. Therefore, one

goal of community corrections programs is to ease institutional crowding in jails and prisons by drawing from the population of convicted offenders who are predicted to be less risky to the outside community. Given that there are far fewer beds available than the number of people arrested, community corrections programs control crowding by separating out the people who need to be in jail from the people who pose less risk (Harris, 1999).

Another way of controlling prison populations historically has been to allow prisoners who have served the minimum amount of time on their sentence the opportunity for early release on parole. Parole is the privileged and discretionary release from prison on community supervision until the remaining time on one's sentence has expired. Parole has thus been used to make room for incoming prisoners.

### Surveillance

Safety of the public is an important concern for any offender supervision program. To maintain public safety, offenders under supervision should be assessed to determine the degree of risk posed by their participation in community programs. Offenders who pose a serious danger to society or to themselves should not be in a community corrections program. Instead, these offenders should be incarcerated in jail or prison until they are no longer dangerous to themselves or others. For those on community supervision, compliance with court-ordered sanctions is carefully monitored by trained community officers. Finally, violations of supervised conditions are taken seriously for those who cannot or will not comply with the conditions.

### Addressing Problems Related to Criminal Behavior

Correcting some of the problems that are directly linked to criminal behavior and continued involvement in the criminal justice system is another goal. Some of these problems include drug or alcohol addiction, lack of emotional control, inadequate education or vocational training, parenting problems, and mental illness or developmental disability (Alarid & Reichel, 2008). The offender attends classes to address these issues while on supervision with greater access to treatment programs than the individual would have had in jail or prison. The basis of effective rehabilitation is the use of cognitive-behavioral techniques and selecting offenders who have the desire to change.

### Community Reentry

Community reintegration is an important goal for offenders released from jail or prison to gradually ease their reentry into society. Community-based correctional programs help in this endeavor with a minimal level of supervision while simultaneously allowing the offender to assume responsibilities and parental roles. In this way, getting released from prison is not such a culture shock, and

this will hopefully decrease the probability of recidivism (Austin, 2001).

### Restorative Justice

Restorative justice assumes that a crime harms the community and that sometimes there are individual victims involved. Often, victims of property crimes just want to be paid back or have things restored to their former condition—something that may not be possible if the offender goes to jail or prison. Restorative justice emphasizes offender responsibility to repair the injustice that offenders have caused their victims. Through victim and community involvement, such as face-to-face mediation sessions, victim impact panels, and volunteer mentoring, the offender remains in the community, completes community service, and pays victim restitution. Restorative justice is most effective for property crimes, particularly those committed by juveniles or first-time adult felony offenders (Bazemore & Stinchcomb, 2004).

Community-based programs are available at three decision points in the criminal justice process: at pretrial release before a defendant is convicted, after an offender is sentenced as an alternative to incarceration, and as an aid in reentering the community following a prison sentence (Alarid et al., 2008). Within these decision points, a wide variety of community programs are available, including residential halfway houses; nonresidential options such as probation, parole, and electronic monitoring; and economic sanctions such as restitution, fines, and forfeitures.

## Community Corrections Programs Before Conviction

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After the police arrest a suspect, the prosecutor's office decides whether to charge the suspect with a crime. If the prosecutor decides not to charge for lack of evidence, the suspect is automatically released. If the suspect will be charged with a crime, he or she becomes a "pretrial defendant" and appears before a judge to determine whether the defendant is eligible for release from jail. Although most defendants are released on their own recognizance with the promise to appear at their next court date, some defendants must be released on pretrial supervision, which is a form of correctional supervision of a defendant who has not yet been convicted.

### Pretrial Supervision

The pretrial release decision is one of the first decisions judges make following an arrest so that some defendants can be released with supervision prior to their next court date. Pretrial release allows defendants who have not yet been convicted the opportunity to live and work as productive citizens until their next scheduled court date. Defendants can support their families and assist their attorneys in case preparation. In turn, the courts can be assured that the defendant

will be more likely to appear. Pretrial supervision involves compliance with court-ordered conditions for a specified time period. Examples of court-ordered conditions include calling in or reporting for appointments, obtaining a substance abuse or mental health evaluation, maintaining employment, and avoiding contact with victims. The court can issue a warning, or modify or add more conditions for noncompliance. Continued noncompliance or committing a new crime can result in the court removing the defendant from pretrial supervision and incarcerating him or her in jail until the case has been processed.

Another form of community supervision without a conviction is diversion. Defendants are technically not convicted—rather, they enter into an agreement with the court to complete various conditions of probation, with the understanding that *successfully* completing these conditions will result in having the charges completely dismissed without a conviction. If a defendant does not succeed or commits a new crime during supervision, the courts will change the paperwork so that the defendant's conviction will become a permanent part of the record (Ulrich, 2002). Forms of pretrial supervision and diversion may include house arrest and electronic monitoring.

### Electronic Monitoring and House Arrest

Electronic monitoring (EM) is a technology used to aid in the community-based supervision either before or after conviction. Monitoring electronically has a variety of levels, ranging from a basic unsophisticated phone line system that monitors offenders very infrequently to a continuous Global Positioning System (GPS) that can pinpoint the offender's exact location at all times.

House arrest requires a defendant to remain at his or her residence for a portion of the day. House arrest is often used in conjunction with electronic monitoring because the technology can enforce the curfew conditions, which can range from nighttime hours through any nonworking hours. This practice is also known as *home confinement*, which refers to the same program for convicted offenders.

The rest of this section will be devoted to discussing the various types of electronic monitoring, beginning with the earliest phone line systems. All monitoring devices consist of a transmitter that is attached to the offender's ankle, a receiver, and a pager. The less sophisticated versions have a transmitter that emits a continuous signal up to a 500-foot radius, and the signal is picked up by a receiver, usually attached to the offender's home telephone. The receiver is programmed to expect the transmitter's signal during those hours of the day that the offender is supposed to be at home. If the signal is not received when it should be, a computer sends a report of the violation to a central computer. These systems are not able to track offenders' whereabouts once they leave home. Given the drawbacks with the early systems and the increased need to track offenders away from home, a variety of other means of offender tracking have become available, including remote monitoring and global positioning satellite devices (Greek, 2002).

Remote location monitoring systems provide offenders with a special pager that can only receive incoming calls from the probation officer. When the pager beeps, the offender must call a central number within a designated period of time (e.g., 15 minutes). Voice verification ensures a positive match between the voice template and the voice on the phone. The computer records whether or not the voice matched and the phone number where the call originated. Some remote location monitors that offenders carry emit signals that may be intercepted only by the probation officers who carry the matching portable receiving unit. This enables officers to drive by a residence or workplace without the offender's knowledge to verify his or her whereabouts.

When the military allowed Global Positioning Systems (GPS) to be available for civilian use, it became the tracking method of choice for offenders that posed a higher risk to public safety. Offenders carry a transmitter that picks up the offender's location via satellite and a receiver that records and transmits data via a phone and a computer. This allows law enforcement to know an offender's whereabouts at all times (Greek, 2002).

## Types of Community Corrections Programs at the Sentencing Decision

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### Probation Supervision

Probation supervision is the most frequently used community sentence for convicted offenders. Probation is defined as the community supervision of an offender under court-imposed conditions for a specified time period during which the court can modify conditions for noncompliance. Probation is credited to Boston shoemaker John Augustus, who devoted his life to helping offenders who had been arrested. Beginning in 1841, using his own money, Augustus assured the court that the defendant would return if the court released the defendant to his care. Probation became a formalized practice in 1878, three decades after Augustus began his work. By 1900, probation spread to other states as a discretionary sentence for persons charged with any level of offense (Panzarella, 2002).

Probation continues to serve as the primary sanction for criminal offenders. Nearly 60% (4 million) of the almost 7 million adults currently under correctional supervision are on probation.

The duties of probation officers have changed very little since the practice began. Probation officers are involved in information gathering for the court to determine the offender's suitability for probation. The probation officer monitors the whereabouts of the probationer and ensures that the conditions of probation are being followed. Officers have a predefined number of times they must contact offenders that they supervise; contacts consist of face-to-face meetings, telephone calls, and home visits. The officer refers offenders out to specialists who provide individual and group counseling to clients in areas such as

drug and alcohol education, relapse prevention, and parenting education (Czuchry, Sia, & Dansereau, 2006).

Probation supervision includes standard conditions that every probationer agrees to abide by in return for remaining at liberty in the community. These conditions include full-time employment or attendance at school, obtaining permission before leaving the jurisdiction, submitting to searches without a warrant, avoiding association with persons having a criminal record, meeting with the probation officer on a regular basis, and paying monthly supervision fees. In addition, other more special conditions are ordered that relate directly to the crime or an identified victim. The offender may be required to repay the victim a specified sum of money or to perform a certain number of community service hours. The offender may also be required to pay for and participate in counseling, substance abuse treatment, or parenting classes.

Individuals on probation supervision serve 1 to 3 years, with an average of 2 years. An estimated 8 out of 10 people on probation successfully complete the supervision without any trouble. The remaining 2 people who do not complete their original probation sentence have either committed a new criminal act or have repeatedly failed to abide by multiple conditions of probation. When this happens, probation officers report the infractions to the judge. The judge makes the final decision, choosing either to modify existing probation conditions while the offender remains in the community or to revoke probation completely, which means that the offender is resentenced to jail or prison (Gray, Fields, & Maxwell, 2001).

### Day Reporting Centers

Day reporting centers are a more intensive form of community supervision that occurs simultaneously with probation. Whereas probationers on regular supervision may be required to check in monthly or only every 3 months, day reporting centers require probationers to visit a specific center 3 to 6 days each week for an average duration of 5 months. Some visits may be merely checking in, and other visits require participation in classes or outpatient treatment. Day reporting centers aim to provide offenders with access to treatment or services, and they typically supervise offenders who have previously violated probation conditions, such as those who continue to abuse drugs. Therefore, day reporting centers serve as a sanction between probation and jail (Bahn & Davis, 1998).

Day reporting centers operate on a behavior modification model of levels or phases, with the beginning phase being the strictest, with the least amount of freedom. For example, offenders are tested for drug use at random, five times each month during the most intensive phase. As offenders successfully work the program, the freedom gradually increases and the supervision decreases. Day reporting centers also have partnerships with local businesses and treatment facilities to provide numerous on-site services to address employment, education, and counseling.

### Community Drug Treatment Programs

For offenders who have problems with drugs or alcohol, community-based treatment programs offer meetings between 1 and 3 times per week for a designated period of time while the offenders live and work independently. It is estimated that drug or alcohol use or abuse affects about 7 out of 10 people who get into legal trouble. Outpatient treatment may be used during transition from inpatient drug treatment, transition from prison, or solely as a part of probation conditions. Several options are available depending on the extent of the problem. Some programs are tailored to chronic abusers, while others are for occasional users (Alarid & Reichel, 2008).

Outpatient treatment for more chronic abusers typically includes a combination of medication and counseling. Some medication is designed to react negatively with alcohol, creating severe nausea and vomiting whenever alcohol is ingested. Other medications ease the discomfort of withdrawal from substances like heroin and cocaine (similar to the way nicotine patches and gum work to help people stop smoking cigarettes). Forms of therapy include relapse prevention that continues to enforce sobriety and ways of dealing with cravings and stress, and Alcoholics or Narcotics Anonymous, based on a support system of recovery using a designated sponsor within a 12-step program. A third method includes involving the family as a social support system in the defendant's drug treatment. Often, family members are not aware of how they subtly contribute to their loved one's habit or how they neglect to provide healthy outlets for sobriety.

### Community Service

Community service is a court-ordered requirement that offenders labor in unpaid work for the general good of the community. The appeal of community service is that it benefits the community through the offender's expenditure of time and effort in less-than-desirable jobs. Community service dates back to the Middle Ages when small towns in Germany allowed offenders to clean the town canal and pick up refuse for an unpaid fine. Community service was first used in the United States in the mid-1960s as punishment for juvenile delinquents, traffic offenders, white-collar criminals, and substance-abusing celebrities. Community service may be used in a variety of ways, such as with diversion or with probation. It provides an alternative sanction for poor offenders who are unable to afford monetary sanctions and is also appropriate for wealthy persons whose financial resources are so great that monetary restitution has no punitive effect.

Faith-based organizations, homeless shelters, and other nonprofit organizations have benefited from the community service labor. Offenders must labor between 40 and 1,000 hours before their service is considered complete. Community service ironically remains an underused sanction. Nationwide, only 1 out of 4 felons on probation is required to perform community service hours. Among the reasons behind this underutilization are the lack of

coordination with documenting the hours, the difficulty of enforcing compliance during the work, and the need to provide evidence of completion for the court.

### Restitution

Restitution is court-ordered payment that an offender makes to the victim to offset some of the losses incurred from the crime. Victim compensation for harm caused is one of the oldest principles of justice, dating back to the Old Testament and to other early legal codes. Restitution is an essential means of repaying the victim and is a step toward offender rehabilitation (Ruback & Bergstrom, 2006).

In the past, restitution payments were cancelled if offenders went to prison. As a result of the victims' rights movement in the 1980s, victims demanded that offenders pay restitution and back child support regardless of their sentence. Restitution is now mandatory in some states for violent crimes such as sexual abuse, domestic violence, and property offenses. However, there are still areas of the country that do not require prisoners to pay restitution if incarcerated, paroled, or released from probation.

The other problem with restitution is its lack of enforcement, leading to low collection rates. Collection of restitution is enforced by probation and parole officers who collect the payment. The court mandates it as a condition of a sentence, but collection rates are surprisingly low. One reason for this is that offenders tend to be employed in low-paying jobs and have other financial obligations such as monthly probation fees and treatment costs. These obligations seem to take precedence over restitution, which is of lower priority. Research shows that offenders who were most likely to make full payments were the ones who were employed or had strong ties to their community.

One method of increasing compliance rates is to get the victim actively involved. Victims who attended offender mediation sessions were significantly more likely to receive full restitution payments from youthful offenders than were victims who were uninvolved. A second method of increasing compliance rates is the use of restitution centers—residential facilities that aid in restitution payment collection while an offender resides there (Outlaw & Ruback, 1999).

### Fines

A fine is a fixed amount imposed by the judge, defined by the severity of the crime. In the United States, fines are typically used for traffic offenses, misdemeanors, and ordinance violations, where the average fine is \$100. Because traffic and misdemeanor violations are so numerous throughout the United States, fines are actually the most frequently used sanction of all. Fines are used more frequently in smaller jurisdictions than in larger urban counties.

If fines are used for felony crimes that are punishable by one year or more in prison, fines are typically in addition to probation or parole. An average fine for a felony case is \$1,000 and could go as high as \$10,000. The only exception here is organizational or corporate defendants involved in

corporate crime. Fines amounting to hundreds of thousands of dollars are routinely used in lieu of imprisonment for the vast majority of white-collar crimes. In other countries, fines are used for a wider variety of street crimes as stand-alone punishments—meaning a fine is used as a substitute for incarceration (Ruback & Bergstrom, 2006).

### Correctional Boot Camps

Correctional boot camps are modeled after the military and target first-time felony offenders between the ages of 17 and 24. These young adults have committed a crime for which going to prison for 1 year or more was a possibility, and boot camp offers them an alternative chance to spend 90 to 180 days in an intense situation before being transferred out to community supervision. The programs use the military's philosophy of breaking down and rebuilding one's character, physical conditioning, labor, and drills to transform an offender into a responsible adult and hopefully to deter them from future law-breaking behavior (Wilson, MacKenzie, & Mitchell, 2005). Work assignments involve clearing land, digging ditches, or draining swamps in addition to facility maintenance and cleaning. Some boot camps involve inmates in projects benefiting the community such as cutting firewood for elderly citizens or separating recyclables. In addition, treatment and educational components enhance the needs of this young population.

Correctional boot camps began in 1983, and within a decade, over 7,000 offenders were in these programs in 30 states. Program participants often showed short-term positive attitude change, increased self-respect, and improved self-confidence after release. But it seemed that the positive attitudes were not sustained for the long term, and the recidivism rates were no different from comparison groups who had not been to boot camp. These were also the most expensive community corrections programs to operate because of the skills and abilities needed for drill instructors to work with each platoon. Over the last 10 years, boot camp programs have decreased in number or completely closed due to a high cost with negligible long-term benefits (Bottcher & Ezell, 2005).

### Types of Community Correction Programs at Reentry

Community corrections programs assist offenders in community reentry after they have spent time in prison. Two of them are discussed here: a pre-release facility and parole.

#### Pre-Release Facility

A pre-release program is a minimum-security residential facility where offenders can live and work and be closely supervised by authorities. Pre-release facilities are also known as community centers, halfway houses, and residential community correction facilities. A 6- to 12-month stay in a halfway house allows time for offenders to gradually adjust to freedom, obtain employment, and save money for



independent living on parole. Pre-release facilities provide access to various community services that can help offenders with drug and alcohol dependency, job interviewing, or budgeting. Through a semistructured environment, pre-release facilities allow offenders temporary passes to leave the facility for a variety of reasons, including to reestablish family relationships; find affordable housing; secure employment; obtain a bus pass, identification, eyeglasses, or medication; and reconnect with other social service and community agencies. Residents are often expected to pay for treatment services and subsidize their living expenses with money earned from their job. The goal of pre-release facilities is for the offender to receive parole or some form of post-release supervision (Alarid & Reichel, 2008).

### Parole and Post-Release Supervision

*Parole* is defined as the discretionary release of an offender by a parole board of 3–12 people before the expiration of his or her sentence. In deciding whom to release, the parole board considers factors such as the offender's conduct and participation in rehabilitative programs while in prison, the offender's attitude toward the crime, whether there is a solid release plan (housing, work, etc.), the reaction of the victim to the offender's release, and the need to provide space in the prison to receive newly sentenced prisoners (Petersilia, 2001).

A second form of supervision is called *mandatory* release, which is an automatic release to the community when a prisoner has completed a certain percentage of his or her sentence. While a parole board decides whom to release and who will stay in prison longer, mandatory release follows the law established by legislators in each state. Supervised mandatory release is used in states where parole boards have been abolished or where the parole board has limited powers with certain violent crimes. The rate of mandatory releases now outpaces discretionary releases (Petersilia, 2001).

Both forms of supervision involve conditions such as requiring the parolee to report to the parole officer; to get permission to move, change jobs, or leave the area; prohibition from having weapons; and so forth. Many parole or post-release conditions are similar to probation conditions discussed in a previous section. There is also the same possibility of revocation should the offender violate any conditions or commit a new crime. In the supervision of parolees, parole officers perform tasks similar to those done by probation officers. The two positions are enough alike that in the federal system and in most states, probation and parole departments are combined.

### Advantages and Disadvantages of Community Corrections Programs

Community corrections programs offer some distinct advantages. The first is a cost issue. Compared to jail and prison, most community programs cost less. Offenders live at home,

and in the small number of residential programs where the offender lives at the facility, they help subsidize the cost of living. In addition, offenders who remain in the community can continue financially supporting themselves and their family through receiving wages and paying taxes. They are also more likely than incarcerated offenders to compensate their victim through restitution and to complete community service (Petersilia, 2001).

Second, community programs can ease jail and prison crowding by allowing convicted offenders the chance to complete a drug program, boot camp, or other corrections program, and are thus another form of cost savings.

A third aspect to community corrections is the flexibility of the programs in that they can be used at many points in the criminal justice process. Community punishments limit the freedoms of convicted offenders and mandate treatment. They can also be used as a pretrial release option and as a diversion to avoiding a conviction altogether. Community supervision also aids in the reentry process after a period of incarceration.

Finally, community corrections programs avoid exposing offenders to jail and prison conditions that may be unsafe and at times even violent. Some people might be helped more in other ways. For example, community sentences can be beneficial for those needing medical attention, such as terminally ill, physically disabled, or elderly offenders, who may be better suited for a sentence within their own residence. Other offenders such as developmentally disabled or mentally ill individuals experience higher rates of victimization in prison and may be appropriately placed and treated elsewhere. An institutional environment is not for everyone, and may cause more harm than good (Alarid et al., 2008).

### Disadvantages

Perhaps the most prominent advantage of community corrections can also be its greatest disadvantage. As previously mentioned, drug programs and boot camps might ease crowding by placing prison-bound offenders in a program that allows them the chance to avoid incarceration, but such programs might also be filled with offenders who actually should have received a less severe sentence. This is a situation known as *net widening*, and it happens when judges and prosecutors fill the program spaces with offenders who do not necessarily require such a high level of care or intervention rather than the ones the program was actually designed for. Not only are prison-bound offenders not getting their chance to be placed in appropriate programs and have access to services, but the cost of punishment actually increases. Officials often feel they must maximize program capacity because it is there (Alarid et al., 2008).

Another disadvantage is that public safety may be compromised. Offenders are more easily able to continue criminal behavior than if they were confined in jail or prison. With funding going to jails and prisons, resources have not kept pace with community corrections growth. With resources

spread so thinly, officers now supervise more offenders and are able to spend less time on each person. Technology is slowly replacing human supervision. However, even when home confinement is combined with electronic monitoring technology, authorities cannot be completely assured that offenders will refrain from criminal activity. For example, being that home confinement programs allow offenders to leave their residences for activities such as work and shopping, it is possible that crimes can be committed even when offenders are legitimately away from home.

Many community supervision programs are disconnected from the various treatment services that exist to address the multitude of problems offenders face. This becomes a disadvantage to an offender's success when treatment attendance is lacking because of transportation problems and inability to miss work. Programs like day reporting centers that comprehensively address drug abuse, job training, employment, physical or sexual victimization, parenting education, and anger management all in one location tend to have higher completion rates (Bahn & Davis, 1998).

### Daily Cost of Community Corrections Programs

A grand total of \$62 billion is spent on the punishment and treatment of 7 million offenders every year. Jails and prisons are the most expensive forms of punishment, costing between \$50 and \$100 per day per person depending on the level of custody and the region of the country (Alarid & Reichel, 2008). Jails and prisons also consume most of the correctional budget. Very little, if any, of that cost is subsidized by the offender.

Most community corrections programs are subsidized in part by the offender and thus are considered more cost-effective. Starting with a base cost for probation supervision at \$1 per day for low supervision, probation can range up to \$15 per day per person for intense probation supervision. In each case, the offender pays for about 10% of the cost. Pretrial supervision costs are generally lower than probation. Day reporting centers also vary widely, from \$10 to \$100 per day per person.

Other programs such as electronic monitoring require that additional staff be hired to supervise the technological devices, at an estimated cost of \$4 to \$20 per day, depending on the amount the offender pays. Typical home-based electronic monitoring supervision costs the offender nearly \$10 per day, and GPS monitoring is about \$16 per day (Alarid et al., 2008).

Residential community correction programs are significantly higher. A prerelease program may cost \$45 to \$60 per day, but one third of that cost is subsidized by the offender. A correctional boot camp is by far the most expensive option, costing more than jail or prison, with no financial support from the offender. As a result, the number of correctional boot camps has declined over the years because the benefits were not outweighing the high costs.

### Do Community Corrections Programs Work?

In the 1970s, sentencing disparity drew attention in the courts and from the parole boards. People were concerned with the fact that some offenders served significantly longer periods of time than others for the same crime. Community treatment programs were also criticized for not being able to do much about preventing future criminal activity while offenders were under supervision. Studies concluded that some strategies worked and other programs did not significantly reduce crime. The lack of confidence in correctional programming sparked a national debate about the efficacy of rehabilitation and influenced treatment offerings within all community-based programs. One positive outcome of this was the increased attention paid to the different types of offenders and situations in which certain treatment modalities will perform better.

Today, with more sophisticated computer technology and statistical tests available, there are more rigorous tests to determine what does and does not work in terms of both treatment and supervision strategies. The most common way of measuring program effectiveness is to determine whether or not offenders return to criminal behavior. This is better known as recidivism and is measured by rearrest, reconviction, or another term of incarceration. Recidivism should be measured during the period of supervision and after supervision ends, for a period of 1 to 5 years. Other outcome data that could be used to measure effectiveness might be specific components unique to that program, such as the collection rate for fines and restitution, the percentage of offenders who remain employed or in school, the number of GED certificates or high school diplomas awarded, and the number of community service hours performed. Since one of the goals mentioned previously is to ease crowding, effectiveness could be measured based on cost savings or whether a new jail or prison had to be built to accommodate the overflow.

To properly evaluate a program, a "treatment" group of offenders could be selected at random to participate in a program, and a "control" group would consist of the offenders who are sentenced to a form of regular probation supervision. However, the political nature of elected judges and appointed prosecutors rarely permits this type of evaluation to occur. Furthermore, many sentencing laws mandate a certain form of punishment for certain crimes, so random selection may be illegal in some cases. The following is a summary list of principles of effectiveness from various community corrections programs (Bottcher & Ezell, 2005; Deschenes, Turner, & Petersilia, 1995; Fischer, 2003; Padgett, Bales, & Blomberg, 2006; Wilson et al., 2005):

- Offenders who are in day reporting centers, boot camps, and halfway houses have more complex problems and a higher risk of recidivism than typical probationers. As a result, offenders in residential facilities are more likely to

receive a wider variety of treatment and counseling services than are offenders on traditional probation or parole.

- Surveillance alone will not reduce recidivism. Regardless of the level of supervision or type of community corrections program, offenders need to be participating simultaneously in treatment programs while under supervision.
- The closer the supervision, the more likely the officer will catch the offender in some sort of a rule violation. Treatment options, as opposed to punitive options, are recommended for offenders who violate supervision regulations.
- Community programs that were the most effective tended to be longer in duration, offered treatment during the program, offered convenience to treatment services all in one location, and intertwined an aftercare program that gradually tapered off the supervision over a period of 2 years.
- Programs that have high completion rates are probation and electronic monitoring programs where the supervision term is for less than one year.
- Correctional boot camp participants overall had no difference in recidivism rates from groups of probationers and parolees. Although there may be some studies showing a small difference—particularly those programs with treatment programs—the overall effect is no different in terms of reducing crime in the future.
- Paying fines and restitution has little effect on recidivism.

## Conclusion

Few studies have compared offenders sentenced to jail or prison with those sentenced to a community-based program. Although the rate of reoffending is lower for offenders sentenced in the community, when prior criminal record is controlled, there is little overall difference in recidivism rates between the two sanctions. If that is the case, it seems reasonable to choose the less expensive punishment option and reserve prisons for the select few persons who are true dangers to the rest of society.

## References and Further Readings

- Alarid, L. F., Cromwell, P. F., & del Carmen, R. (2008). *Community-based corrections* (7th ed.). Belmont, CA: Wadsworth/Cengage.
- Alarid, L. F., & Reichel, P. L. (2008). *Corrections: A contemporary introduction*. Boston: Allyn & Bacon.
- Austin, J. (2001). Prisoner reentry: Current trends, practices, and issues. *Crime & Delinquency*, 47(3), 314–334.
- Bahn, C., & Davis, J. R. (1998). Day reporting centers as an alternative to incarceration. *Journal of Offender Rehabilitation*, 27, 139–150.
- Bazemore, G., & Stinchcomb, J. (2004). A civic engagement model of reentry: Involving community through service and restorative justice. *Federal Probation*, 68(2), 14–24.
- Bottcher, J., & Ezell, M. E. (2005). Examining the effectiveness of boot camps: A randomized experiment with a long-term follow-up. *Journal of Research in Crime and Delinquency*, 42(3), 309–332.
- Czuchry, M., Sia, T. L., & Dansereau, D. F. (2006). Improving early engagement and treatment readiness of probationers. *Prison Journal*, 86(1), 56–74.
- Deschenes, E. P., Turner, S., & Petersilia, J. (1995). A dual experiment in intensive community supervision: Minnesota's Prison Diversion and Enhanced Supervised Release Programs. *Prison Journal*, 75(3), 330–356.
- Fischer, B. (2003). "Doing good with a vengeance": A critical assessment of the practices, effects, and implications of drug treatment courts in North America. *Criminal Justice*, 3(3), 227–248.
- Gray, M. K., Fields, M., & Maxwell, S. R. (2001). Examining probation violations: Who, what, and when. *Crime & Delinquency*, 47(4), 537–557.
- Greek, C. E. (2002). Tracking probationers in space and time: The convergence of GIS and GPS systems. *Federal Probation*, 66(1), 51–53.
- Harris, P. M. (1999). *Research to results: Effective community corrections*. Lanham, MD: American Correctional Association.
- Outlaw, M. C., & Ruback, R. B. (1999). Predictors and outcomes of victim restitution orders. *Justice Quarterly*, 16, 847–869.
- Padgett, K. G., Bales, W. D., & Blomberg, T. G. (2006). Under surveillance: An empirical test of the effectiveness and consequences of electronic monitoring. *Criminology & Public Policy*, 5(1), 61–92.
- Panzarella, R. (2002). Theory and practice of probation on bail in the report of John Augustus. *Federal Probation*, 66(3), 38–42.
- Petersilia, J. (2001). *Reforming probation and parole in the 21st century*. Lanham, MD: American Correctional Association.
- Ruback, R. B., & Bergstrom, M. H. (2006). Economic sanctions in criminal justice: Purposes, effects, and implications. *Criminal Justice and Behavior*, 33(2), 242–273.
- Ulrich, T. E. (2002). Pretrial diversion in the federal court system. *Federal Probation*, 66(3), 30–37.
- Wilson, D. B., MacKenzie, D. L., & Mitchell, F. N. (2005). *Effects of correctional boot camps on offending*. A Campbell Collaboration Crime and Justice Group Systematic review. Retrieved February 1, 2009, from <http://www.aic.gov.au>

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## CRIME PREVENTION

DAVID P. FARRINGTON  
*University of Cambridge*

As described by Michael Tonry and David Farrington (1995), criminal justice prevention refers to traditional deterrent, incapacitative, and rehabilitative strategies operated by law enforcement and criminal justice system agencies. Community prevention refers to interventions designed to change the social conditions and institutions (e.g., families, peers, social norms, clubs, organizations) that influence offending in residential communities. These interventions target community risk factors and social conditions such as cohesiveness or disorganization. Situational prevention refers to interventions designed to prevent the occurrence of crimes by reducing opportunities and increasing the risk and difficulty of offending. Developmental crime prevention refers to interventions designed to prevent the development of criminal potential in individuals, especially those targeting risk and protective factors discovered in studies of human development. The focus in this article is on developmental or risk-focused prevention.

The main aim is to summarize briefly some of the most effective programs for preventing delinquency and antisocial behavior whose effectiveness has been demonstrated in high-quality evaluation research. The focus is especially on programs evaluated in randomized experiments with reasonably large samples, since the effect of any intervention on delinquency can be demonstrated most convincingly in these studies (see Farrington & Welsh, 2006).

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### Risk-Focused Prevention

The basic idea of developmental or risk-focused prevention is very simple: Identify the key risk factors for offending and implement prevention techniques designed to counteract them. There is often a related attempt to identify key protective factors against offending and to implement prevention techniques designed to enhance or strengthen them. Longitudinal surveys are used to advance knowledge about risk and protective factors, and experimental and quasi-experimental methods are used to evaluate the impact of prevention and intervention programs.

Risk-focused prevention was imported into criminology from medicine and public health by pioneers such as David Hawkins and Richard Catalano (1992). This approach has been used successfully for many years to tackle illnesses such as cancer and heart disease. For example, the identified risk factors for heart disease include smoking, a fatty diet, and lack of exercise. These can be tackled by encouraging people to stop smoking; to have a more healthy, low-fat diet; and to exercise more.

Risk-focused prevention links explanation and prevention; links fundamental and applied research; and links scholars, policymakers, and practitioners. The book *Saving Children From a Life of Crime: Early Risk Factors and Effective Interventions*, by Farrington and Brandon Welsh (2007), contains a detailed exposition of this approach.

Importantly, risk-focused prevention is easy to understand and to communicate, and it is readily accepted by policy-makers, practitioners, and the general public. Both risk factors and interventions are based on empirical research rather than on theories. This approach avoids difficult theoretical questions about which risk factors have causal effects.

## What Is a Risk Factor?

By definition, a risk factor predicts an increased probability of later offending. For example, children who experience poor parental supervision have an increased risk of committing criminal acts later on. In the Cambridge Study in Delinquent Development, which is a prospective longitudinal survey of 400 London males from age 8 to age 50, a total of 61% of those experiencing poor parental supervision at age 8 were convicted by age 50, compared with 36% of the remainder—a significant difference. Since risk factors are defined by their ability to predict later offending, it follows that longitudinal studies are needed to establish them.

The most important risk factors for delinquency are well-known (Farrington, 2007). They include individual factors such as high impulsiveness and low intelligence, family factors such as poor parental supervision and harsh or erratic parental discipline, peer factors such as hanging around with delinquent friends, school factors such as attending a high-delinquency-rate school, socioeconomic factors such as low income and poor housing, and neighborhood or community factors such as living in a high-crime neighborhood. The focus is on risk factors that can be changed by interventions. There is also a focus on protective factors that predict a low probability of offending, but less is known about them.

Risk factors tend to be similar for many different outcomes, including delinquency, violence, drug use, school failure, and unemployment. This is good news, because a program that is successful in reducing one of these outcomes is likely to be successful in reducing the others as well. This chapter reviews programs that target family, school, peer, and community risk factors.

## Family-Based Prevention

The behavioral parent management training developed by Gerald Patterson (1982) in Oregon is one of the most influential family-based prevention approaches. His careful observations of parent-child interaction showed that parents of antisocial children were deficient in their methods of child rearing. These parents failed to tell their children how they were expected to behave, failed to use punishment consistently or monitor their behavior to ensure that it was desirable, and failed to enforce rules promptly and unambiguously with

appropriate rewards and penalties. The parents of antisocial children used more punishment (such as scolding, shouting, or threatening), but failed to use it consistently or make it contingent on the child's behavior.

Patterson's (1982) method involved linking antecedents, behaviors, and consequences. He attempted to train parents in effective child-rearing methods, namely, noticing what a child is doing, monitoring the child's behavior over long periods, clearly stating house rules, making rewards and punishments consistent and contingent on the child's behavior, and negotiating disagreements so that conflicts and crises did not escalate. His treatment was shown to be effective in reducing child stealing and antisocial behavior over short periods in small-scale studies. However, the treatment worked best with children aged 3 to 10 and less well with adolescents. Also, there were problems achieving cooperation from the families experiencing the worst problems. In particular, single mothers on welfare were experiencing so many different stresses that they found it difficult to use consistent and contingent child-rearing methods.

The most important types of family-based programs that have been evaluated will now be reviewed. These are home visiting programs (and especially the work of Olds and Rutter Reynolds), parent training programs (especially those used by Carolyn Webster-Stratton, Stephen Scott, and Matthew Sanders), home or community programs with older children (especially those implemented by James Alexander and Patricia Chamberlain), and Multisystemic Therapy or MST (used by Scott Henggeler and Alison Cunningham).

## Home Visiting Programs

In the most famous intensive home visiting program, Olds and his colleagues (Olds, Hill, & Rumsey, 1998) in Elmira (New York) randomly allocated 400 mothers to receive home visits from nurses during pregnancy, to receive visits both during pregnancy and during the first 2 years of the child's life, or to be part of a control group that received no visits. Each visit lasted about 1.25 hours, and the mothers were visited on average every 2 weeks. The home visitors gave advice about prenatal and postnatal care of the child, about infant development, and about the importance of proper nutrition and avoiding smoking and drinking during pregnancy. Thus, this was a general parent education program.

The results of this experiment showed that the postnatal home visits caused a decrease in recorded child physical abuse and neglect during the first 2 years of life, especially by poor unmarried teenage mothers; 4% of visited versus 19% of nonvisited mothers of this type were guilty of child abuse or neglect. This last result is important because children who are physically abused or neglected tend to become violent offenders later in life. In a 15-year follow-up, the main focus was on lower-class unmarried mothers. Among these mothers, those who received prenatal and postnatal

home visits had fewer arrests than those who received prenatal visits or no visits. Also, children of these mothers who received prenatal and/or postnatal home visits had less than half as many arrests as children of mothers who received no visits. According to Steve Aos and his colleagues (Aos, Phipps, Barnoski, & Lieb, 2001) from the Washington State Institute for Public Policy, \$3 were saved for every \$1 expended on high-risk mothers in this program.

Like the Perry project, described later in this chapter, the Child Parent Center (CPC) in Chicago provided disadvantaged children with a high-quality, active learning preschool supplemented with family support. However, unlike Perry, CPC continued to provide the children with the educational enrichment component into elementary school, up to age 9. Focusing on the effect of the preschool intervention, Reynolds and his colleagues (Reynolds, Temple, Robertson, & Mann, 2001) found that compared to a control group, those who received the program were less likely to be arrested for either nonviolent or violent offenses by the time they were 18. The CPC program also produced other benefits for those in the experimental compared to the control group, such as a high rate of high school completion.

### Parent Management Training

One of the most famous parent training programs was developed by Carolyn Webster-Stratton (2000) in Seattle. She evaluated its success by randomly assigning 426 4-year-old children (most with single mothers on welfare) either to an experimental group that received parent training or to a control group that did not. The experimental mothers met in groups every week for 8 or 9 weeks, watched videotapes demonstrating parenting skills, and then took part in focused group discussions. The topics included how to play with your child, helping your child learn, using praise and encouragement to bring out the best in your child, effective setting of limits, handling misbehavior, how to teach your child to solve problems, and how to give and get support. Observations in the home showed that the children of mothers in the experimental group behaved better than those of the control group mothers.

Webster-Stratton and Mary Hammond (1997) also evaluated the effectiveness of parent training and child skills training with about 100 Seattle children (average age, 5) referred to a clinic because of conduct problems. The children and their parents were randomly assigned to (a) receive parent training, (b) receive child skills training, (c) receive both parent and child training, or (d) be in a control group. The skills training aimed to foster prosocial behavior and interpersonal skills using video modeling, while the parent training involved weekly meetings between parents and therapists for 22 to 24 weeks. Parent reports and home observations showed that children in all three experimental conditions had fewer behavior problems than control children, in both an immediate and a one-year follow-up. There was little difference in results among the three

experimental conditions, although the combined parent and child training condition produced the most significant improvements in child behavior at the 1-year follow-up. It is generally true that combined parent and child interventions are more effective than either one alone.

Scott and his colleagues (Scott, Spender, Doolan, Jacobs, & Aspland, 2001) evaluated the Webster-Stratton parent training program in London and Chichester, U.K. About 140 mainly poor, disadvantaged children aged 3 to 8 who were referred for antisocial behavior were randomly assigned to receive parent training or to be in a control group. The parent training program, based on videotapes, covered praise and rewards, setting limits, and handling misbehavior. Follow-up parent interviews and observations showed that the antisocial behavior of the experimental children decreased significantly compared to that of the controls. Furthermore, after the intervention, experimental parents gave their children more praise to encourage desirable behavior and used more effective commands to obtain compliance.

Sanders and his colleagues (Sanders, Markie-Dadds, Tully, & Bor, 2000) in Brisbane, Australia, developed the Triple-P Parenting program. This program either can be delivered to the whole community in primary prevention using the mass media or can be used in secondary prevention with high-risk or clinic samples. Sanders et al. evaluated the success of Triple-P with high-risk children aged 3 by randomly assigning them either to receive Triple-P or to be in a control group. The Triple-P program involves teaching parents 17 child management strategies, including talking with children, giving physical affection, praising, giving attention, setting a good example, setting rules, giving clear instructions, and using appropriate penalties for misbehavior (a "time-out," or sending the child to his or her room). The evaluation showed that the Triple-P program was successful in reducing children's antisocial behavior.

### Other Parenting Interventions

Another parenting intervention, termed *functional family therapy*, was developed by Alexander in Utah (see Sexton & Alexander, 2000). This aimed to modify patterns of family interaction by modeling, prompting, and reinforcement; to encourage clear communication of requests and solutions between family members; and to minimize conflict. Essentially, all family members were trained to negotiate effectively, to set clear rules about privileges and responsibilities, and to use techniques of reciprocal reinforcement with each other. The program was evaluated by randomly assigning 86 delinquent youths to experimental or control conditions. The results showed that this technique halved the recidivism rate of minor delinquents in comparison with other approaches (client-centered or psychodynamic therapy). Its effectiveness with more serious offenders was confirmed in a replication study using matched groups.

Chamberlain (1998) in Oregon evaluated treatment foster care (TFC), which was used as an alternative to custody for delinquent youths. Custodial sentences for delinquents were thought to have undesirable effects, especially because of the bad influence of delinquent peers. In treatment foster care, families in the community were recruited and trained to provide a placement for delinquent youths. The TFC youths were closely supervised at home, in the community, and in the school, and their contacts with delinquent peers were minimized. The foster parents provided a structured daily living environment with clear rules and limits, consistent discipline for rule violations, and one-to-one monitoring. The youths were encouraged to develop academic skills and desirable work habits.

In the evaluation, 79 chronic male delinquents were randomly assigned to treatment foster care or to regular group homes where they lived with other delinquent youths. A 1-year follow-up showed that the TFC boys had fewer criminal referrals and lower self-reported delinquency. Hence, this program seemed to be an effective treatment for delinquency.

### Multisystemic Therapy

Multisystemic therapy (MST) is an important multiple-component family preservation program that was developed by Henggeler and his colleagues (Henggeler, Schoenwald, Borduin, Rowland, & Cunningham, 1998) in South Carolina. The particular type of treatment is chosen according to the particular needs of the youth. Therefore, the nature of the treatment is different for each person. MST is delivered in the youth's home, school, and community settings. The treatment typically includes family intervention to promote the parent's ability to monitor and discipline the adolescent, peer intervention to encourage the choice of prosocial friends, and school intervention to enhance competence and school achievement.

In an evaluation by Henggeler et al. (1998), 84 serious delinquents (with an average age of 15) were randomly assigned either to receive MST or the usual treatment (which mostly involved placing the juvenile in a setting outside the home). The results showed that the MST group had fewer arrests and fewer self-reported crimes in a 1-year follow-up. In another evaluation, in Missouri, Charles Borduin and his colleagues randomly assigned 176 juvenile offenders (with an average age of 14) either to MST or to individual therapy focusing on personal, family, and academic issues. Four years later, only 29% of the MST offenders had been rearrested, compared with 74% of the individual therapy group (cited in Aos et al., 2001). According to Steve Aos et al. (2001), MST had one of the highest cost-benefit ratios of any program. For every \$1 spent on it, \$13 were saved in victim and criminal justice costs.

Unfortunately, disappointing results were obtained in a large-scale independent evaluation of MST in Ontario, Canada, by Alan Leschied and Alison Cunningham (1998). Over 400 youths who were either offenders or at risk of

offending were randomly assigned to receive either MST or the usual services (typically probation supervision). Six months after treatment, 28% of the MST group had been reconvicted, compared with 31% of the control group, a nonsignificant difference. Therefore, it is unclear how effective MST is when it is implemented independently.

### Is Family-Based Intervention Effective?

Evaluations of the effectiveness of family-based intervention programs have produced both encouraging and discouraging results. In order to assess effectiveness according to a large number of evaluations, Farrington and Welsh (2003) reviewed 40 evaluations of family-based programs, each involving at least 50 persons in experimental and control groups combined. All of these had outcome measures of delinquency or antisocial child behavior. Of the 19 studies with outcome measures of delinquency, 10 found significantly beneficial effects of the intervention and 9 found no significant effect. Happily, no study found a significantly harmful effect of family-based treatment.

Over all 19 studies, the average effect size ( $d$ , the standardized mean difference) was .32. This was significantly greater than zero. When it was converted into the percentage reconvicted, a  $d$  value of .32 corresponded to a decrease in the percentage reconvicted from 50% to 34%. Therefore, it was concluded that, taking all 19 studies together, they showed that family-based intervention had substantial desirable effects. Also, there was evidence that some programs (e.g., home visiting) had financial benefits that greatly exceeded program costs.

### School-Based Prevention

The next section reviews school-based prevention programs, most of which also had a family-based component. The Perry preschool program is reviewed first. This is perhaps the most influential early prevention project, because it concluded that \$7 were saved for every \$1 expended. Then the famous programs combining child skills training and parent training, implemented in Montreal by Richard Tremblay and in Seattle by David Hawkins, are reviewed, and also anti-bullying programs by Dan Olweus in Norway and Peter Smith in England.

#### Preschool Programs

The most famous preschool intellectual enrichment program is the Perry project, carried out in Ypsilanti (Michigan) by Lawrence Schweinhart and David Weikart (see Schweinhart et al., 2005). This was essentially a "Head Start" program targeted at disadvantaged African American children. Members of a small sample of 123 children were assigned (approximately at random) to experimental and control groups. The experimental children attended a daily preschool program—backed up by weekly

home visits—usually lasting 2 years (covering ages 3–4). The aim of the “plan–do–review” program was to provide intellectual stimulation, to increase thinking and reasoning abilities, and to increase later school achievement.

This program had long-term benefits. John Berrueta-Clement (1984) showed that at age 19, members of the experimental group were more likely to be employed, more likely to have graduated from high school, more likely to have received college or vocational training, and less likely to have been arrested. By age 27, the experimental group had accumulated only half as many arrests on average as the controls. Also, they had significantly higher earnings and were more likely to be homeowners. Regarding the women in the experimental group, more were married, and fewer of their children were born to unmarried mothers.

The most recent follow-up of this program, evaluating the participants at age 40, found that it continued to make an important difference in their lives. Compared to the control group, those who received the program had significantly fewer lifetime arrests for violent crimes (32% vs. 48%), property crimes (36% vs. 56%), and drug crimes (14% vs. 34%), and they were significantly less likely to be arrested five or more times (36% vs. 55%). Improvements were also recorded in many other important life course outcomes. For example, significantly higher levels of schooling (77% vs. 60% graduating from high school), better records of employment (76% vs. 62%), and higher annual incomes were reported by the program group compared to the controls.

Several economic analyses show that the financial benefits of this program outweighed its costs. The Perry project’s own calculation included crime and non-crime benefits, intangible costs to victims, and even projected benefits beyond age 27. This generated the famous cost-benefit ratio of 7 to 1. Most of the benefits (65%) were derived from savings to crime victims. The most recent cost-benefit analysis of participants at age 40 found that the program produced \$17 in benefits per \$1 of cost.

### School Programs

The Montreal longitudinal-experimental study combined child skills training and parent training (see McCord & Tremblay, 1992). Tremblay and his colleagues identified disruptive (aggressive or hyperactive) boys at age 6, and randomly allocated over 300 of them to experimental or control conditions. Between ages 7 and 9, the experimental group received training designed to foster social skills and self-control. Coaching, peer modeling, role-playing, and reinforcement contingencies were used in small-group sessions on such topics as “how to help,” “what to do when you are angry,” and “how to react to teasing.” Also, their parents were trained using the parent management training techniques developed by Gerald Patterson (1982).

This prevention program was successful. By age 12, the experimental boys committed less burglary and theft, were less likely to get drunk, and were less likely to be involved

in fights than the controls (according to self-reports). Also, the experimental boys had higher school achievement. At every age from 10 to 15, the experimental boys had lower self-reported delinquency scores than the control boys. Interestingly, the differences in antisocial behavior between experimental and control boys increased as the follow-up progressed. A later follow-up showed that fewer experimental boys had a criminal record by age 24 (Boisjoli, Vitaro, Lacourse, Barker, & Tremblay, 2007).

One of the most important school-based prevention experiments was carried out in Seattle by Hawkins and his colleagues (Hawkins, Catalano, Kosterman, Abbott, & Hill, 1999). They implemented a multiple-component program combining parent training, teacher training, and child skills training. About 500 first-grade children (aged 6) in 21 classes in 8 schools were randomly assigned to be in experimental or control classes. The children in the experimental classes received special treatment at home and school that was designed to increase their attachment to their parents and their bonding to the school. Also, they were trained in interpersonal cognitive problem solving. Their parents were trained to notice and reinforce socially desirable behavior in a program called “Catch Them Being Good.” Their teachers were trained in classroom management—for example, to provide clear instructions and expectations to children, to reward children for participation in desired behavior, and to teach children prosocial (socially desirable) methods of solving problems.

This program had long-term benefits. By the sixth grade (age 12), experimental boys were less likely to have initiated delinquency, while experimental girls were less likely to have initiated drug use. In a later follow-up, Hawkins and his colleagues (Hawkins, Catalano, Kosterman, Abbott, & Hill, 1999) found that, at age 18, the full intervention group (those who received the intervention from Grades 1–6) admitted less violence, less alcohol abuse, and fewer sexual partners than the late intervention group (Grades 5–6 only) or the control group. According to Steve Aos and his colleagues (2001), over \$4 were saved for every \$1 spent on this program.

In Baltimore, Hanno Petras, Sheppard Kellam, and their colleagues (2008) evaluated the “Good Behavior Game” (GBG), which aimed to reduce aggressive and disruptive child behavior through contingent reinforcement of interdependent team behavior. First-grade classrooms and teachers were randomly assigned either to the GBG condition or to a control condition, and the GBG was played repeatedly over 2 years. In trajectory analyses, the researchers found that the GBG decreased aggressive/disruptive behavior (according to teacher reports) up to Grade 7 among the most aggressive boys, and also caused a decrease in antisocial personality disorder at ages 19–21. However, effects on girls and on a second cohort of children were less marked.

There have been a number of comprehensive, evidence-based reviews of the effectiveness of school-based programs by Denise Gottfredson, David Wilson, and their



colleagues (see Sherman, Farrington, Welsh, & MacKenzie, 2006). Meta-analyses identified four types of school-based programs that were effective in preventing delinquency: school and discipline management, classroom or instructional management, reorganization of grades or classes, and increasing self-control or social competency using cognitive-behavioral instruction methods. Reorganization of grades or classes had the largest average effect size ( $d = .34$ ), corresponding to a significant 17% reduction in delinquency.

After-school programs (e.g., recreation-based, drop-in clubs, dance groups, and tutoring services) are based on the belief that providing prosocial opportunities for young people in the after-school hours can reduce their involvement in delinquent behavior in the community. After-school programs target a range of risk factors for delinquency, including association with delinquent peers. Welsh and Akemi Hoshi identified three high-quality after-school programs with an evaluated impact on delinquency (see Sherman et al., 2006). Each had desirable effects on delinquency, and one program also reported lower rates of drug use for participants compared to controls.

### Anti-Bullying Programs

School bullying is a risk factor for later offending, and several school-based programs have been effective in reducing bullying. The most famous of these was implemented by Olweus (1993) in Norway. The general principles of the program were to create an environment characterized by adult warmth, interest in children, and involvement with children; to use authoritative child rearing, including warmth, firm guidance, and close supervision, since authoritarian child rearing is related to child bullying; to set firm limits on what is unacceptable bullying; to consistently apply nonphysical sanctions for rule violations; to improve monitoring and surveillance of child behavior, especially on the playground; and to decrease opportunities and rewards for bullying.

The Olweus (1993) program aimed to increase awareness and knowledge of teachers, parents, and children about bullying and to dispel myths about it. A 30-page booklet was distributed to all schools in Norway describing what was known about bullying and recommending what steps schools and teachers could take to reduce it. Also, a 25-minute video about bullying was made available to schools. Simultaneously, the schools distributed to all parents a four-page folder containing information and advice about bullying. In addition, anonymous self-report questionnaires about bullying were completed by all children.

Each school received feedback information from the questionnaire, about the prevalence of bullies and victims, on a specially arranged school conference day. Also, teachers were encouraged to develop explicit rules about bullying (e.g., do not bully, tell someone when bullying

happens, bullying will not be tolerated, try to help victims, try to include children who are being left out) and to discuss bullying in class, using the video and role-playing exercises. Also, teachers were encouraged to improve monitoring and supervision of children, especially on the playground.

The effects of this anti-bullying program were evaluated in 42 Bergen schools. Olweus (1993) measured the prevalence of bullying before and after the program using self-report questionnaires completed by the children. Since all schools received the program, there were no control schools. However, Olweus compared children of a certain age (e.g., 13) before the program with different children of the same age after the program. Overall, the program was very successful because bullying decreased by half.

A similar program was implemented in 23 schools in Sheffield (U.K.) by Peter Smith and Sonia Sharp (1994). The core program involved establishing a “whole school” anti-bullying policy, raising awareness of bullying, and clearly defining roles and responsibilities of teachers and students so that everyone knew what bullying was and what they should do about it. In addition, there were optional interventions tailored to particular schools: curriculum work (e.g., reading books, watching videos), direct work with students (e.g., assertiveness training for those who were bullied), and playground work (e.g., training lunchtime supervisors). This program was successful in reducing bullying (by 15%) in primary schools, but had relatively small effects (a 5% reduction) in secondary schools.

Maria Ttofi and her colleagues (Ttofi, Farrington, & Baldry, 2008) completed a systematic review of the effectiveness of anti-bullying programs in schools. They found 59 high-quality evaluations of 30 different programs. They concluded that, overall, anti-bullying programs were effective. The results showed that bullying and victimization were reduced by about 17% to 23% in experimental schools compared with control schools.

### Peer Programs

There are few outstanding examples of effective intervention programs for antisocial behavior targeted at peer risk factors. The most hopeful programs involve using high-status conventional peers to teach children ways of resisting peer pressure. Nancy Tobler and her colleagues (Tobler, Lessard, Marshall, Ochshom, & Roona, 1999) found that these were effective in reducing drug use. Also, in a randomized experiment in St. Louis, Ronald Feldman and his colleagues (Feldman, Caplinger, & Wodarski, 1993) showed that placing antisocial adolescents in activity groups dominated by prosocial adolescents led to a reduction in their antisocial behavior (compared with antisocial adolescents placed in antisocial groups). This suggests that the influence of prosocial peers can be harnessed to reduce antisocial behavior. However, putting antisocial peers together can have harmful effects.

The most important intervention program whose success seems to be based mainly on reducing peer risk factors is the “Children at Risk” program, which targeted high-risk adolescents (average age, 12) in poor neighborhoods of five cities across the United States. Eligible youths were identified in schools and randomly assigned to experimental or control groups. The program was a comprehensive, community-based prevention strategy targeting risk factors for delinquency, including case management and family counseling, family skills training, tutoring, mentoring, after-school activities, and community policing. The program was different in each neighborhood.

The initial results of the program were disappointing, but a 1-year follow-up by Adele Harrell and her colleagues (Harrell, Cavanagh, & Sridharan, 1999) showed that (according to self-reports) youths in the experimental groups were less likely to have committed violent crimes and used or sold drugs. The process evaluation showed that the greatest change was in peer risk factors. Experimental youths associated less often with delinquent peers, felt less peer pressure to engage in delinquency, and had more positive peer support. In contrast, there were few changes in individual, family, or community risk factors, which was possibly linked to the low participation of parents in parent training and of youths in mentoring and tutoring. In other words, there were problems of implementation of the program, linked to the serious and multiple needs and problems of the families.

Mentoring programs usually involve nonprofessional adult volunteers spending time with young people at risk for delinquency, dropping out of school, school failure, or other social problems. Welsh and Hoshi (2002) identified seven mentoring programs (of which six were of high quality) that evaluated the impact on delinquency. Since most programs had desirable effects, Welsh and Hoshi concluded that community-based mentoring was a promising approach in preventing delinquency. Similarly, a meta-analysis by Darrick Jolliffe and David Farrington (2008) concluded that mentoring was often effective in reducing reoffending.

## Community Programs

In the interests of maximizing effectiveness, what is needed is a multiple-component, community-based program including several of the successful interventions listed above. Many of the programs reviewed in this article are of this type. However, “Communities That Care” (CTC) is an additional program that has many attractions. Perhaps more than any other program, it is evidence-based and systematic: The choice of interventions depends on empirical evidence about what are the important risk and protective factors in a particular community and on empirical evidence about “what works.” It has been implemented in at least 35 sites in England, Scotland, and Wales and also in the Netherlands and Australia.

CTC was developed as a risk-focused prevention strategy by Hawkins and Catalano (1992), and it is a core component of the U.S. Office of Juvenile Justice and Delinquency Prevention’s Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. CTC is based on a theory (the social development model) that organizes risk and protective factors. The intervention techniques are tailored to the needs of each particular community. The “community” could be a city, a county, a small town, or even a neighborhood or a housing estate. This program aims to reduce delinquency and drug use by implementing particular prevention strategies that have demonstrated effectiveness in reducing risk factors or enhancing protective factors. It is modeled on large-scale, community-wide public health programs designed to reduce illnesses such as coronary heart disease by tackling key risk factors. There is great emphasis in CTC on enhancing protective factors and building on strengths, partly because this is more attractive to communities than tackling risk factors. However, it is generally true that health promotion is more effective than disease prevention.

CTC programs begin with community mobilization. Key community leaders (e.g., elected representatives, education officials, police chiefs, business leaders) are brought together with the aim of getting them to agree on the goals of the prevention program and to implement CTC. The key leaders then set up a community board that is accountable to them, consisting of neighborhood residents and representatives from various agencies (e.g., school, police, social services, probation, health, parents, youth groups, business, church, media). The community board takes charge of prevention on behalf of the community.

The community board then carries out a risk and protective factor assessment, identifying key risk factors in that particular community that need to be tackled and key protective factors that need enhancing. This risk assessment might involve the use of police, school, social, or census records or local neighborhood or school surveys. After identifying key risk and protective factors, the community board assesses existing resources and develops a plan of intervention strategies. With specialist technical assistance and guidance, they choose programs from a menu of strategies that have been shown to be effective in well-designed evaluation research.

The menu of strategies listed by Hawkins and Catalano (1992) includes prenatal and postnatal home visiting programs, preschool intellectual enrichment programs, parent training, school organization and curriculum development, teacher training, and media campaigns. Other strategies include child skills training, anti-bullying programs in schools, situational prevention, and policing strategies. The choice of prevention strategies is based on empirical evidence about effective methods of tackling each particular risk factor, but it also depends on what are identified as the biggest problems in the community. While this approach is not without its challenges and complexities (e.g., cost, implementation, establishing partnerships among diverse

agencies), an evidence-based approach that brings together the most effective prevention programs across multiple domains offers the greatest promise for reducing crime and building safer communities.

## Conclusion

High-quality evaluation research shows that many programs are effective in reducing delinquency and antisocial behavior, and that in many cases the financial benefits of these programs outweigh their financial costs. The best programs include general parent education, parent management training, preschool intellectual enrichment programs, child skills training, mentoring, teacher training, anti-bullying programs, and multisystemic therapy.

The time is ripe to mount a large-scale, evidence-based, integrated national strategy for the reduction of crime and associated social problems, including rigorous evaluation requirements. This approach should implement programs to tackle risk factors and strengthen protective factors, and it could be based on “Communities That Care.” Primary prevention has been effective in improving health, and it could be equally effective in reducing delinquency and antisocial behavior in all countries.

## References and Further Readings

- Aos, S., Phipps, P., Barnoski, R., & Lieb, R. (2001). The comparative costs and benefits of programs to reduce crime: A review of research findings with implications for Washington State. In B. C. Welsh, D. P. Farrington, & L. W. Sherman (Eds.), *Costs and benefits of preventing crime* (pp. 149–175). Boulder, CO: Westview Press.
- Berrueta-Clement, J. R. (1984). *Changed lives: The effects of the Perry Preschool Program on youths through age 19* (Monographs of the High/Scope Educational Research Foundation No. 8). Ypsilanti, MI: High/Scope Press.
- Boisjoli, R., Vitaro, F., Lacourse, E., Barker, E. D., & Tremblay, R. E. (2007). Impact and clinical significance of a preventive intervention for disruptive boys. *British Journal of Psychiatry, 191*, 415–419.
- Chamberlain, P. (1998). *Treatment foster care*. Washington, DC: U.S. Office of Juvenile Justice and Delinquency Prevention.
- Farrington, D. P. (2007). Childhood risk factors and risk-focused prevention. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (4th ed., pp. 602–640). Oxford, UK: Oxford University Press.
- Farrington, D. P., & Coid, J. W. (Eds.). (2003). *Early prevention of adult antisocial behaviour*. Cambridge, UK: Cambridge University Press.
- Farrington, D. P., & Welsh, B. C. (2003). Family-based prevention of offending: A meta-analysis. *Australian and New Zealand Journal of Criminology, 36*, 127–151.
- Farrington, D. P., & Welsh, B. C. (2006). A half-century of randomized experiments on crime and justice. In M. Tonry (Ed.), *Crime and Justice* (Vol. 34, pp. 55–132). Chicago: University of Chicago Press.
- Farrington, D. P., & Welsh, B. C. (2007). *Saving children from a life of crime: Early risk factors and effective interventions*. Oxford, UK: Oxford University Press.
- Feldman, R. A., Caplinger, T. E., & Wodarski, J. S. (1983). *The St. Louis conundrum*. Englewood Cliffs, NJ: Prentice Hall.
- Greenwood, P. W. (2006). *Changing lives: Delinquency prevention as crime-control policy*. Chicago: University of Chicago Press.
- Harrell, A. V., Cavanagh, S. E., & Sridharan, S. (1999). *Evaluation of the Children at Risk program: Results one year after the program*. Washington, DC: National Institute of Justice.
- Hawkins, J. D., & Catalano, R. F. (1992). *Communities that care: Action for drug abuse prevention*. San Francisco: Jossey-Bass.
- Hawkins, J. D., Catalano, R. F., Kosterman, R., Abbott, R., & Hill, K. G. (1999). Preventing adolescent health risk behaviors by strengthening protection during childhood. *Archives of Pediatrics & Adolescent Medicine, 153*, 226–234.
- Henggeler, S. W., Schoenwald, S. K., Borduin, C. M., Rowland, M. D., & Cunningham, P. B. (1998). *Multisystemic treatment of antisocial behavior in children and adolescents*. New York: Guilford Press.
- Jolliffe, D., & Farrington, D. P. (2008). *The influence of mentoring on reoffending*. Stockholm: National Council for Crime Prevention.
- Leschied, A., & Cunningham, A. (1998, December). Alternatives to custody for high-risk young offenders: The multisystemic therapy approach. *European Journal on Criminal Policy and Research, 6*(4), 545–560.
- Loeber, R., & Farrington, D. P. (Eds.). (1998). *Serious and violent juvenile offenders: Risk factors and successful interventions*. Thousand Oaks, CA: Sage.
- Loeber, R., & Farrington, D. P. (Eds.). (2001). *Child delinquents: Development, intervention, and service needs*. Thousand Oaks, CA: Sage.
- McCord, J., & Tremblay, R. E. (Eds.). (1992). *Preventing antisocial behavior: Interventions from birth through adolescence*. New York: Guilford Press.
- Olds, D., Hill, P., & Rumsey, E. (1998). *Prenatal and early childhood nurse home visitation*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Olweus, D. (1993). *Bullying at school: What we know and what we can do*. Oxford, UK: Blackwell.
- Patterson, G. R. (1982). *Coercive family process*. Eugene, OR: Castalia.
- Petras, H., Kellam, S. G., Brown, C. H., Muthen, B. O., Ialongo, N. S., & Poduska, J. M. (2008). Developmental epidemiological courses leading to antisocial personality disorder and violent and criminal behavior: Effects by young adulthood of a universal preventive intervention in first and second grade classrooms. *Drug and Alcohol Dependence, 95S*, S45–S59.
- Reynolds, A. J., Temple, J. A., Robertson, D. L., & Mann, E. A. (2001). Long-term effects of an early childhood intervention on educational achievement and juvenile arrest: A 15-year follow-up of low-income children in public schools. *Journal of the American Medical Association, 285*, 2339–2346.
- Sanders, M. R., Markie-Dadds, C., Tully, L. A., & Bor, W. (2000). The Triple P-Positive Parenting program: A comparison of enhanced, standard, and self-directed behavioral family intervention for parents of children with early onset conduct problems. *Journal of Consulting and Clinical Psychology, 68*, 624–640.

- Schweinhart, L. J., Montie, J., Zongping, X., Barnett, W. S., Belfield, C. R., & Nores, M. (2005). *Lifetime effects: The High/Scope Perry preschool study through age 40*. Ypsilanti, MI: High/Scope Press.
- Scott, S., Spender, Q., Doolan, M., Jacobs, B., & Aspland, H. (2001). Multicentre controlled trial of parenting groups for child antisocial behaviour in clinical practice. *British Medical Journal*, *323*, 194–196.
- Sexton, T. L., & Alexander, J. F. (2000). *Functional family therapy*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Sherman, L. W., Farrington, D. P., Welsh, B. C., & MacKenzie, D. L. (Eds.). (2006). *Evidence-based crime prevention* (Rev. ed.). London: Routledge.
- Smith, P. K., & Sharp, S. (1994). *School bullying: Insights and perspectives*. London: Routledge.
- Tobler, N. S., Lessard, T., Marshall, D., Ochshom, P., & Roona, M. (1999). Effectiveness of school-based drug prevention programs for marijuana use. *School Psychology International*, *20*, 105–137.
- Tonry, M., & Farrington, D. P. (Eds.). (1995). *Building a safer society: Strategic approaches to crime prevention*. Chicago: University of Chicago Press.
- Ttofi, M. M., Farrington, D. P., & Baldry, A. C. (2008). *Effectiveness of programmes to reduce school bullying*. Stockholm: National Council for Crime Prevention.
- Waller, I. (2006). *Less law, more order: The truth about reducing crime*. Westport, CT: Praeger.
- Webster-Stratton, C. (2000). *The Incredible Years training series*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Webster-Stratton, C., & Hammond, M. (1997). Treating children with early onset conduct problems: A comparison of child and parent training interventions. *Journal of Consulting and Clinical Psychology*, *65*(1), 93–109.
- Welsh, B. C., & Hoshi, A. (2002). Communities and crime prevention. In L. W. Sherman, D. P. Farrington, B. C. Welsh, & D. L. MacKenzie (Eds.), *Evidence-based crime prevention* (pp. 165–197). New York: Routledge.

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## CRIMINAL COURTS

RICHARD D. HARTLEY

*University of Texas at San Antonio*

DEAN JOHN CHAMPION (1940–2009)

*Texas A&M International University*

When most people speak of the law, they are probably referring to a body of rules of conduct that has been written down. This is what is known as the *substantive* law. The law, however, can also refer to the systems and persons that have the authority to put the substantive law into practice. The law may also mean many other things to many people. Quinney (1974) believes the law serves the needs of those in the ruling class. Others believe the reverse is true: The law serves as a means for those not in the ruling class to challenge the existing status quo. The law can be both and may at the same time be seen as liberating to some and oppressive to others (Vago, 2006). Throughout U.S. history, the law has been used to both enable and eliminate slavery and to control and liberate women, and it has served to both convict and acquit those accused of crimes, regardless of whether they were guilty or not (Champion, Hartley, & Rabe, 2008). Whatever the law has meant at various times to various people, the criminal courts are both the institution and the structure that bring these ideas of the law to life. Without the courts and criminal procedures, and without legal actors, the law could not function to do any of the above.

The criminal court system in the United States, however, can be a very complex and confusing system to study and understand. Every state and the federal government has its own court structure and procedures for prosecuting criminals. Adding to the complexity is the fact that each state can specify its own sentencing structure. Some states use indeterminate sentencing; others use determinate sentencing or

sentencing guidelines. Other jurisdictions also use sentence enhancements such as habitual offender statutes, truth-in-sentencing laws, or mandatory minimums. Finally, criminal courts are not the only avenue for dealing with those who have violated the law. Offenders in some jurisdictions may be processed in tribal court, drug court, or through a military tribunal. Others may be diverted to community-based correctional agencies with a more restorative justice ideal. These different types of courts and the lack of uniformity among them can at times be confusing to those attempting to study the U.S. criminal court system. The functions of criminal courts are more straightforward, however, and can be classified into two broad categories: social control and social change.

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### Social Control

Social control is characterized as the methods a society undertakes to control its citizens' behaviors. Social control can be differentiated by whether it is formal or informal. The process of socialization that each of us is subject to, starting from a very young age through adolescence and up to young adulthood, is a very important part of a society's informal social control mechanisms. Parents, teachers, and even friends are integral in forming a person's sense of right or wrong and what ultimately will shape the person's future behaviors. Through a system of rewards and punishments, these informal social controls become effective tools that

keep most people from displaying behaviors for which formal social control mechanisms would have to be invoked. Formal social controls include the police, the courts, and corrections. They usually need to be invoked because the informal social controls have broken down, or they were not in place to begin with. The formal social controls with which most people are familiar include being arrested by the police and being prosecuted, convicted, and sentenced by the courts. For most citizens, the formal social control mechanisms will never have to be summoned in order to keep their behavior law-abiding. This is because the socialization process and informal social controls are enough to keep their behaviors in check.

## Social Change

Another function of the criminal courts has been social change. The law and the criminal court system is the main means of resolving important social issues. Legislators have made most of the laws society abides by, but the institution of the court is the avenue by which the laws of the nation are put into practice. Some believe that the judicial branch of the government plays a very important role in the functioning of society. The judiciary decides whether laws have been violated by individuals or whether the government has overstepped its bounds in charging individuals. Judges, especially those at the circuit court and Supreme Court level, often generate social change with the legal decisions they make. These decisions revolve around ideas about the correct interpretation and application of the U.S. Constitution and other legislation. The rulings of these courts in some instances establish precedents to which subsequent decisions must adhere. These precedents are the foundations on which social policy is made or transformed. Under common law and because of the idea of *stare decisis*, these precedents become law. *Stare decisis* literally means to stand by that which has been decided. This does not mean that every case must be decided in a similar way, nor does it mean that higher courts cannot overturn any of their previous rulings. It just means that the lower courts will adhere to the latest ruling on any given issue. This idea of judges making law is referred to as *judicial activism* and has been criticized by some who believe the legislative branch of government is the only body that has the power to create law.

This process demonstrates that the law and the courts and the citizen's relationship to them are not static. Rather, it is a dynamic relationship, and change comes through constant iterations of policy and practice. Black (1976) believes that law increases in quantity when society becomes more stratified and characterized by specialized groups with competing interests. In this sense, the law enters more areas of individual life as it increases in quantity. The courts in turn also intrude into more areas of daily life as the quantity of law increases. The citizenry may

resist and even protest if the law and the courts become too intrusive, and the law and the courts may eventually retreat from some areas of citizens' lives. This dynamic ebb and flow of intrusion and retreat of the courts in social life is social change being realized.

## Structure of Courts

One way in which courts can be categorized in the United States is to say that there exists a dual-court structure, one at the federal level and one at the state level. The federal court structure consists of four different levels of courts: the magistrate courts, the district courts, the circuit courts of appeal, and the U.S. Supreme Court. State court structures are less consistent and more complex in their organization and function but generally also consist of four basic levels of courts: courts of limited jurisdiction, courts of general jurisdiction, intermediate courts of appeal, and courts of last resort. Although this duality is a simple way to categorize court structure in the United States because in reality 51 separate court structures exist, it makes understanding the system easier.

### Federal Courts

The federal court has the authority to hear cases where there is an alleged violation of federal law. At the bottom of the federal court structure are the magistrate courts. Congress formed the office of federal magistrate in 1968 to provide extra help in alleviating caseloads of the district court judges (Smith, 1992). In 1990, under the Judicial Improvements Act, U.S. magistrates became U.S. magistrate judges. There are both full-time and part-time magistrate judges, and both are appointed by district court judges to tenures that are renewable every 8 years and every 4 years respectively (Champion, Hartley, & Rabe, 2008). Although the duties of magistrate judges vary by district and they have been given increased status and responsibilities by the Judicial Improvements Act, they generally have jurisdiction over petty crimes at the federal level as well as other procedural duties. Most of their work involves setting bail, conducting initial appearances, and issuing warrants, but they also may conduct evidentiary hearings, make rulings on motions, and oversee felony cases regarding any other pretrial matters. There were 486 full-time and 51 part-time magistrate judges in 2002 (Maguire & Pastore, 2005), and in 2006, U.S. magistrate judges drew average salaries of \$151,984 (Schwemle, 2006).

The trial courts at the federal level are the U.S. district courts. There are 94 districts in the United States. Interestingly, only about 15% of cases in federal court involve criminal matters; the rest involve civil disputes. Most states (31) have only one district court; the remaining states, either because of their large populations or due to bigger caseloads, have two or more district courts. In 2008,

there were 665 federal district judges (TRAC, 2009). Federal judges at the district level are appointed by the president and must pass Senate confirmation. Presidential appointment of district judges is a very partisan process; according to Maguire and Pastore, from President Johnson to President George W. Bush, over 80% of district appointees have come from the same political party as the president that appointed them. For presidents Johnson, Nixon, Carter, and Reagan, the number was over 90%. District court judges have lifetime tenure, and in 2006, their average salary was \$165,200 (Schwemle, 2006).

The U.S. circuit courts of appeal are the intermediate appellate courts in between the district courts and the U.S. Supreme Court. The circuit courts of appeal were formed by Congress in 1891 to ease the growing caseload of the U.S. Supreme Court (Champion, Hartley & Rabe, 2008). Federal circuit court judges are also appointed by the president. The number of judges each circuit has is mainly determined by the volume of cases it hears annually. The circuit courts have appellate jurisdiction in the federal system. In other words, they hear appeals on rulings from the district courts. There are 13 courts of appeal—one for each of the 12 circuits, and the 13th is the appellate court for the federal circuit. Each of the 12 circuit courts hears appeals from the states within its circuit. Like their district court counterparts, circuit court judges are appointed by the president, have to be confirmed by the Senate, and also have lifetime appointments. Each circuit also has a chief judge whose tenure in that position can be no longer than 7 years.

The U.S. Supreme Court is the court of last resort in the federal system. The Supreme Court consists of nine justices, eight associate justices, and one chief justice. Again, Supreme Court justices are appointed by the president and must be confirmed by the Senate. They also hold their appointments for life. Although the number of cases appealed to the Court varies each year, it has steadily risen up to almost 10,000 cases annually. The Court will never hear most of these appeals because they are not of a legal question that is significant enough to merit review. In order for the Court to hear an appeal, 4 of the 9 justices must vote to place the case on their docket. This is known as the *rule of four*, and annually between 100 and 200 cases make it onto the Supreme Court's docket. The Supreme Court therefore cannot ensure that justice has been served in every case; rather, they marshal their time to hear the most important constitutional cases or those that involve important federal questions.

For the 100 or so Supreme Court cases each year, both written and oral arguments will be presented to the justices. Other briefs may be filed as well; often, *amicus curiae* briefs are filed by other parties interested in the case on behalf of one of the parties. Oral arguments are presented before the justices by attorneys from the opposing parties. The justices can ask questions of the attorneys at any time during oral arguments. Once the case has been

presented, the justices meet to render an initial decision. Usually, the chief justice is in the majority and therefore assigns one of the other justices in the majority the task of writing the majority opinion. The justice that is most senior on the minority side assigns the task of writing the dissenting opinion to one of the justices in the minority. Opinions can become complicated when, for instance, justices agree but for very different reasons, and each justice in the majority could write a separate opinion. Dissenting justices may do the same. Some justices may even concur in part and dissent in part.

The Supreme Court is the final decision-making authority on all cases. The nine justices are the ultimate arbiters on all federal matters. The chief justice of the Supreme Court also has added responsibilities to supervise federal judges and to assign tasks to the eight associate justices. The annual salary of an associate justice was \$203,000 in 2006, while the chief justice earned \$212,100 (Schwemle, 2006).

## State Courts

Each state has its own court organization and function. Therefore, there are 50 different court systems in place for dealing with criminal cases at the state level. The complexity of state courts sometimes stems from the fact that various courts may have conflicting or overlapping jurisdictions. The state courts are also diverse in their caseloads, depending on the population of the state. Millions of cases flow through the state court systems each year. In recent years, for instance, over 100 million cases were processed by state courts (Schauffler, LaFountain, Strickland, & Raftery, 2006). Most of these cases (54.7 million) were for traffic offenses. Other cases entering state courts in 2004 included 20.7 million criminal cases, 16.9 million civil cases, 5.7 million domestic relations cases, and 2.1 million juvenile cases (Schauffler et al., 2006). State courts are much busier than their federal counterparts.

State courts can be generally broken down into four levels: courts of limited jurisdiction, courts of general jurisdiction, intermediate courts of appeal, and state supreme courts. Not all states have these four levels, and some states may refer to some of the levels by different names. In some states, judges are not required to have a law degree, especially those who are presiding over courts of limited jurisdiction. This requirement, or lack thereof, stems from the fact that most of these judges are elected officials. In elections, the most popular but not necessarily the most “qualified” candidate will become judge.

The lowest courts in the state court system are the courts of limited jurisdiction. The jurisdiction of these courts is principally less serious criminal offenses and traffic violations. These courts make up the majority of those in the state court system (roughly 80%). It is not surprising, then, that they are also the courts with the largest caseloads in the United States (LaFountain, Schauffler, Strickland, Raftery, &

Bromage, 2007). Courts of limited jurisdiction are responsible for disposing of over half of the cases that come into the state court system.

At the next level in the state court system are the courts of general jurisdiction. These courts take care of all other criminal cases that the courts of limited jurisdiction do not have authority over. They differ from courts of limited jurisdiction because they are courts of record; that is, they keep transcripts of all court proceedings. In courts of general jurisdiction, judges normally have practiced law before coming to the bench, either as prosecutors or defense attorneys. This is not necessarily the case for all states, however, because in some states, judges at this level are also elected. A majority of states have requirements in place, including having a law degree or state bar association membership, as well as certain state residency requirements.

Despite their increasing caseloads, these courts have gotten more efficient at managing them. Indeed, it is the increase in cases that has compelled the state courts to more efficiently dispose of cases. More efficient management of cases, reductions of court delays, and increased use of plea bargaining have helped the courts to be able to process their increasing caseloads. Today, roughly 90% of all cases are disposed of through some type of plea-bargaining mechanism; relatively few cases go to trial. Obviously, other factors such as geography and population also affect state court caseloads. In 2005, Texas had the highest number of criminal cases in state court with more than 2.5 million. Just over 2.2 million of these cases were processed in courts of limited jurisdiction. Vermont, on the other hand, handled only 17,552 criminal cases. Per capita, however, North Carolina processed the most criminal cases at 19,741 per 100,000 population, and Kansas process the least with 2,167 per 100,000 persons (LaFountain et al., 2007). California had the highest number of full-time judges at 1,498, and Delaware had the least with 19 full-time judges. Per capita, however, the District of Columbia had the most judges with 10.7 per 100,000 population, while South Carolina had the fewest with only 1.1 per 100,000 people (LaFountain et al., 2007). As can be seen from the above statistics, the caseload in state courts varies by population, and efficiency may be related to the number of judges a state has.

There are intermediate courts of appeal in all but 11 states and the District of Columbia. Similar to the federal court structure, these courts were created to alleviate the caseloads of the state supreme courts. In states where there are fewer cases, there is no need for an intermediate court of appeals. The court of last resort in these states can handle all appeals. Three-judge panels rule on most of the cases that make it to intermediate courts of appeal. Most of the intermediate court of appeals judges are chosen by a nominating commission and are then appointed by the governor. Ostrom, Flango, and Flango (1997) outline at least seven different patterns of flow that appellate cases in various states can take. Some states, for instance, have no

intermediate appellate court; in these states, the court of last resort has to hear all appeals that are properly filed. In states that have intermediate courts of appeal, there are five case flow patterns: (1) In 5 states, appeals are filed with the court of last resort, but they can transfer some of those cases to the intermediate appellate court; (2) in 25 states, the appeal has to flow through the intermediate court before reaching the state supreme court; (3) in only 2 states, both the intermediate court of appeals and the court of last resort have discretionary jurisdiction; (4) in 5 states, there are two intermediate appellate courts divided by subject matter that all cases must flow through before reaching the court of last resort; and (5) in 2 states, Texas and Oklahoma, there is only one intermediate appellate court but two courts of last resort that divide their jurisdiction by subject matter.

The final level of court structure in the state court system is the state supreme court, or the state court of last resort. As just mentioned above, the structure of these final courts varies across the states. Some have mandatory jurisdiction, which means that they have to hear all cases that are filed properly, whereas others have discretionary jurisdiction and regulate their caseload by deciding to hear only the cases with the most significance. While most cases will not make it to the state supreme court, the workload of these courts has been gradually increasing every year. The number of justices on these courts also varies by state. Eighteen states have only five justices, seven have nine justices, and the rest all have seven justices (Ostrom et al., 1997). Annual salaries of these judges range from \$100,884 in Montana to \$182,071 in California (National Center for State Courts, 2006). The methods in which state court judges are selected also vary by jurisdiction.

#### *State Judicial Selection Methods*

Alfini (1981) has recognized five basic methods of selecting judges at the state level: partisan and nonpartisan elections, gubernatorial and legislative appointment, and merit selection. Partisan elections of judges involve judges running on a ticket, Republican, Democrat, or other. Candidates who garner the most votes fill the position of judge for a fixed term. Nonpartisan elections are the same as partisan elections except that candidates do not run for the position affiliated with any particular political party. There are numerous criticisms of using elections to seat judges. The first is that those running may not be learned in the law or know anything about the duties of a judge. Another is that in some cases, certain groups will spend money to try to get someone elected and then if elected, the judge may feel obligated to make decisions in the interest of his or her campaign financiers rather than in the interest of the law and justice. Another criticism deals with whether the voting public is aware of what qualifications make for a good judge. Most jurisdictions require some type of legal training for newly elected judges, but questions



arise concerning whether this training can give judges the tools necessary to make important decisions. Last, research has shown that the dominant force in state election outcomes is party affiliation (Volcansek, 1983). Despite this, the leading method for selecting judges today is still through partisan and nonpartisan elections. Citizens like to have choices regarding who will preside over the courts in their jurisdiction, and alternative methods like gubernatorial and legislative appointment of judges are also not without criticisms.

According to Maguire and Pastore (2005), governors appoint the highest appellate judges in only four states. Local bar associations sometimes make recommendations to governors regarding potential candidates who may be qualified to fill positions, but these are often not considered because of political pressures. Appointing judges, therefore, is also a very political method of judicial selection. Governors often give more credence to the wishes of their key campaign contributors (Pinello, 1995). Some argue that in certain jurisdictions, gubernatorial appointment of judges has led to unfairness based on the race and gender of the candidates (Louisiana Task Force on Women in the Courts, 1992; Pinello, 1995). Others contend that many of the methods result in an equally small number of female and minority judicial appointments (Glick & Emmert, 1987).

Legislative appointment of judges has also been criticized as very political. Whichever party is in control of the legislature at the time of an appointment will most always appoint a judge with the same political affiliation. This is almost an expectation among those in power, and therefore the qualifications of the appointee mean very little. Although very few states use this method to elect their highest judges, those judges selected by legislative appointment tend to be more passive in making legal decisions than their governor-appointed or elected counterparts; they also tend to favor state interests over individual interests (Pinello, 1995).

The appointment of judges, by either governor or legislature, suffers from some of the same problems that election of judges does. The question becomes whether the most qualified candidates are selected. Research tends to be inconclusive when it comes to deciding which method results in the best qualified and most responsible judges (Blankenship, Janikowski, & Sparger, 1992). A fifth method of judicial selection was created in the hope that it would solve the problems and curb criticisms of either election or appointment. It attempts to remove politics from the selection process, basing selection on the merit of the candidates.

Selecting judges based on merit is a method that slowly gained popularity, and no state used merit selection until 1933 (Uppal, 1974). Merit selection became more popular in the 1990s, and by 2004 there were 25 states that set up nominating commissions to select judges based on merit for their highest appellate vacancies (Maguire & Pastore, 2005). One of the most popular merit selection methods is known as the Missouri Plan. It was founded in 1940 and

has four essential features: a nominating committee made up of lawyers and others who are appointed by the governor and presided over by a judge, a list of candidates nominated by the committee who are all qualified for judicial vacancies, appointment of a judge from this list by the governor, and retention of that judge based upon the person's performance while on the bench (President's Commission on Law Enforcement, 1967). The merit selection process is designed to take politics out of the judicial selection process by putting forth a list in which all those nominated are qualified to perform the duties of a judge (Champion, Hartley & Rabe, 2008).

Merit selection, however, is also criticized by those who argue that politics can never fully be removed from the judicial selection process (Blankenship et al., 1992). Some states that use nominating commissions include Delaware, Georgia, Maryland, Massachusetts, Minnesota, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, and West Virginia (Maguire & Pastore, 2005). Debate over which method to use for selecting judges continues despite the fact that most experts believe there is no one method that results in better judges (Blankenship et al., 1992). These experts believe that neither elections nor appointments of judicial candidates are good at achieving judicial independence and accountability.

## Issues Surrounding Pretrial and Trial Procedures in Court

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### Bail and Preventative Detention

*Bail* can be defined as money provided in exchange for release from custody. Bail is basically money or some other surety given as promise that a defendant will appear for court. However, bail is more than money as an assurance to appear for court proceedings. The decision about release or detention represents one of the most important in the U.S. system of justice. Throughout history, bail could range from simply a defendant's word that he or she would appear to trial. Through the industrial revolution and as the United States became more urbanized, one's oath or property no longer sufficed as a guarantee of appearance for trial. Bail eventually became a monetary provision given in exchange for release of a defendant. This spawned the business of bail bonding and bondsmen as the main method for release from custody. As money became the main method for release, criticisms began to arise that bail was a form of economic discrimination against poor defendants. Defendants who could afford bail were released; defendants who could not were kept in detention.

Some believe that all defendants should be entitled to bail. However, the Eighth Amendment of the Constitution is not a guarantee of bail, only a protection against excessive bail. Although bail is not intended to be a form of punishment,

judges generally have unlimited discretion on the imposition of a bail amount. In the case of *Stack v. Boyle* (1951), the Supreme Court defined *excessive bail* as that which is above a reasonable amount necessary to guarantee a defendant's appearance for trial. The ruling also advised judges to impose similar bail in similar cases and stated that bail should not be frivolous, unusual, or beyond a defendant's ability to pay.

On any given day, over 50% of the U.S. jail population is composed of pretrial detainees (U.S. Department of Justice [USDOJ], 2006). Holding these detainees who are awaiting trial or disposal of their cases costs the criminal justice system a great deal of money. Research on convictions and sentences of defendants reveals that those who are held in detention are more likely to be convicted, and if convicted are more likely to be sent to prison and also receive lengthier sentences. Nonetheless, despite these statistics the Supreme Court, in the case of *United States vs. Salerno* (1987), ruled that the practice of preventative detention is constitutional. This ruling justified preventative detention in an attempt to protect the community and as a method of crime control. The Supreme Court also upheld the constitutionality of preventative detention for juveniles in the case of *Schall v. Martin* (1984).

#### *The Preventative Detention Controversy and Bail Reform*

Controversy surrounds how best to preserve the idea of innocent until proven guilty while attempting to protect the community from dangerous offenders or those likely to recidivate. The Bail Reform Act of 1984 allows the detention of a defendant prior to trial if a judge does not believe that any conditions exist that will ensure that the defendant will appear in court. Numerous states also have statutes authorizing detention of those considered dangerous or likely to reoffend.

However, because of continuous criticisms that bail discriminates against poor defendants, many attempts have been made at reforming bail. The Vera Institute of Justice and its famous Manhattan Bail Project in 1961 changed the practice of money as the primary mode of bail. Prior to this, those who had money could make bail and those who did not were detained. The Vera Institute and the Manhattan Bail Project used law students who provided judges with more detailed information about defendants, thereby allowing them to make more informed decisions about which defendants would be most likely to appear or not reoffend. Because the project was such a success, the Bail Reform Act of 1966 was passed and release-on-recognizance (ROR) programs were implemented in courts across the country. The 1966 Bail Reform Act set forth that ROR was to be considered in lieu of monetary bail; it also created a form of bail, referred to as *deposit bail*, in which defendants would pay 10% of their bail amount.

This act and the practice of ROR would soon fall out of favor because of fears that defendants who were released

were reoffending. The Bail Reform Act of 1984 was passed, setting forth new rules regarding bail. These new rules stated that judges should consider protection of the community as well as the defendant's likelihood of appearance in court when making decisions about bail. Under the 1984 act, many more persons were held in detention. Bail as a method of ensuring a defendant's appearance in court continues to undergo changes, and more jurisdictions are utilizing nonmonetary methods of bail. Criticisms have also surfaced that race and other extralegal factors may play a more important role in decisions about bail than the risk of either absconscion or community safety.

On both sides of the preventative detention controversy, arguments can be made for reforming bail. Those who believe bail is a form of monetary discrimination that leads to jail overcrowding believe that the principle of innocent until proven guilty should be at the forefront of all bail decisions. Those advocating for tougher standards believe that the primary concern is protection of the community. Until Congress or the Supreme Court decides to modify the rules regarding bail, the debate about what is a just, fair, and protective method of bail decision making is likely to continue. Judges must weigh both sides in making a determination of bail on a case-by-case basis.

## **The Courts and the Adversary System**

As stated at the beginning of this chapter, the primary function of law is perhaps its application in maintenance of the existing social order. The law and legal structure are charged with maintaining order; this task is accomplished through the adversary system that characterizes the U.S. courts. This adversary process places the prosecution against the defense in a search for the truth. Skolnick (1967), however, questions whether the current system is in fact adversarial; he believes that the U.S. system of criminal justice engenders a relationship between prosecution and defense that is more reciprocal than adversarial and is in actuality more one of cooperation. In other words, the prosecution, defense, and judge (the courtroom workgroup) have broader common interests to efficiently process the court's caseload. Considering that roughly 90% of cases annually result in convictions through plea bargaining, it is hard not to believe that perhaps the system is more negotiative than adversarial.

### **Courtroom Workgroup**

The notion of the courtroom workgroup is based upon the idea that the courtroom actors must work together to process cases efficiently. Eisenstein and Jacob (1977) believe that the courtroom workgroup has many shared goals, and thus, there are incentives for working together. Eisenstein, Fleming, and Nardulli (1988) believe that the daily procedures of the courtroom strain the relationship

between defense attorneys and other members of the courtroom workgroup toward cooperation. The courtroom workgroup, then, consists of prosecutors, defense counsel, bailiffs, clerks, and even defendants whose interactions on a daily basis affect court outcomes.

Under this notion, the contextual characteristics of the court are important to criminal court outcomes. There have been two basic metaphors set forth for understanding the functioning of courts (Eisenstein et al., 1988). One is a legal metaphor where justice is the ultimate result; the other is a metaphor portraying the court as a community. The legal metaphor sees the court as symbolic, an institution that focuses on the rules and procedures set forth. The court as a community assumes that the courtroom actors are all interdependent and rely on each other. Here, the relationships of courtroom actors, technology, and even physical location will affect outcomes. Eisenstein et al. (1988) further argue that the courts are indeed more than just a metaphor for the law. They point out that criminal courts are complex political institutions, and as such, different courtroom communities will dispense different kinds of justice.

### The Sixth Amendment Right to Counsel

The Sixth Amendment to the Constitution states that “in all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense.” This is a fundamental right to criminal court proceedings based on the fact that most defendants are not learned in the law and therefore have very little knowledge of courtroom rules and procedures. The Supreme Court has made rulings purporting that a fair trial cannot be realized without the assistance of counsel. There have been many decisions affording expanded counsel rights to those accused of crimes. For instance, in *Powell v. Alabama* (1932), the court decided that indigent defendants who are charged with capital offenses must be afforded the assistance of counsel. In *Johnson v. Zerbst* (1938), the court ruled that assistance of counsel is mandatory for indigent defendants in federal criminal cases. *Gideon v. Wainwright* (1963) expanded this requirement to defendants in state courts. *Argersinger v. Hamlin* (1972) further stated that no person may be imprisoned, for any offense, unless represented by counsel. The court in *Scott v. Illinois* (1979), however, ruled that counsel need be provided only where the prosecution is seeking imprisonment as a punishment. These rulings and others like them have ensured that indigent defendants are given the provision of counsel at most critical stages in the criminal justice process.

### Public Defenders Versus Private Attorneys

Many have argued that because of the courtroom workgroup, public defenders do not have the best interests of their clients in mind (Blumberg, 1998; Sudnow, 1965). Mather (1974) contends that it is not that public defenders

do not have their client’s best interests in mind but rather that they are more realistic about the possible outcomes for them. Neubauer (1974) supports this idea; his research shows that attorneys with good relationships to the courtroom workgroup were better able to predict court outcomes for their clients. Sudnow (1965), however, found that public defenders were more likely to assume that their clients were guilty, whereas those who hired a private attorney were deemed to be innocent and were therefore afforded a better defense.

Whether the type of attorney a defendant has affects case outcomes continues to be an issue because of criticisms that the criminal justice system processes are biased based on the socioeconomic status of the defendant (Nardulli, 1986). Discrimination of public defenders continues because they hold an ambiguous role in the criminal court system (Eisenstein & Jacob, 1977). They are advocates of individual rights and the representatives for indigent defendants. They are also, however, seen as double agents (Blumberg, 1998). In other words, they not only work for indigent defendants but also for the state. They are seen as being co-opted to the courtroom workgroup, and in order to ensure that cases flow through the system effectively and efficiently, they are likely to negotiate with prosecutors. Although most research finds that offense seriousness and prior criminal history are the most significant predictors of courtroom outcomes, extralegal factors still have an effect in some contexts. Eisenstein and Jacob say that the nature of charges, the strength of evidence, characteristics and background of the defendant, and characteristics regarding type of attorney and judge all influence criminal justice outcomes. These factors are all in some manner related to the framework of the courtroom workgroup.

### Theoretical Perspectives Regarding Criminal Court Outcomes

Outcomes in court regarding decision making of courtroom actors generally are viewed through two theoretical perspectives. The first is that outcomes are dependent primarily on legally relevant factors such as the seriousness of the crime committed by the defendant and the defendant’s prior criminal record. This view of decision making is referred to as *formal rationality* (Dixon, 1995). This theoretical perspective posits that the formal legal rules are what govern courtroom decisions; therefore, extralegal factors like attorney type, socioeconomic status, gender, and race/ethnicity of the defendant will have no influence on criminal justice outcomes.

The second theoretical perspective posits that outcomes in the criminal justice system are influenced by both legal and extralegal factors. One such theory along these lines was proposed by Albonetti, (1987, 1997), labeled *bounded rationality*. This theory suggests that courtroom actors often

have little time or information when making decisions and may rely therefore on stereotypes regarding the dangerousness and risk a defendant poses based on extralegal factors. According to this perspective, judges and prosecutors make decisions using both legal and extralegal factors.

A similar theory called the *focal concerns perspective* (Steffensmeier, Ulmer, & Kramer, 1998) proffers that judges use three focal concerns when making decisions. The three focal concerns are blameworthiness, protection of the community, and practical or organization implications. According to this theory, “Judges may rely not only on the defendant’s present offense and prior criminal conduct, but also on attributions linked to the defendant’s gender, race, social class, or other social positions” (Steffensmeier & Demuth, 2006, p. 151). Due to limited time and information, judges use a perceptual shorthand to make decisions about an offender’s dangerousness and risk for recidivism based on the three focal concerns, which then predicts sentence severity.

The first theoretical perspective, formal rationality, would predict no difference in criminal court outcomes based on extralegal factors. The second perspective, which encompasses bounded rationality and focal concerns, would predict that variables such as type of counsel, gender, race/ethnicity, and socioeconomic status would in some circumstances have an effect on decisions surrounding criminal court outcomes.

## Conclusion

Courtroom outcomes and the decision-making processes of courtroom actors will continue to be a very complex issue. At the outset, the court structure in the United States is somewhat confusing, as there is little uniformity among jurisdictions. The criminal court system is a very important institution in society; it is the structure that breathes life into the law and the avenue through which social control is maintained. Without the courts and criminal procedures, the law could not function. It is also a means for social change in society.

The U.S. court system is best characterized as a dual-court system. Each state and the federal government has its own court system and organization to deal with cases that come under its authority. These systems, however, are not perfect. There are criticisms at all stages and of all members of the courtroom workgroup. Criticisms have also been levied at the idea that the system is adversarial; arguments are that because a majority of cases are plea-bargained, the system is better characterized by cooperation and negotiation. It has been said that the prosecution and defense are co-opted and are more concerned with efficiently processing cases than ensuring that justice has been done. Public defenders are further criticized for not zealously defending their clients. Indeed, their caseloads are high and their resources low, but most research shows that they are effective and do achieve outcomes for their

defendants that are similar to, or, in some cases, better than those who privately retain attorneys.

Although the structure and function of the American criminal court system can be somewhat confusing, scholars continue to study and research the courts and their decision-making practices. Decisions and processes are continually being examined and assessed to ensure that procedural rules are adhered to and due process rights are being fulfilled. Court structures across the country continue to experience increases in their caseloads. Judges in some jurisdictions are appointed and in others, elected. The adversary process that characterizes courts may be a myth because of characterizations of courtrooms and their actors (the courtroom workgroup) as negotiators and not adversaries. Most jurisdictions rely on plea bargaining in order to efficiently and effectively manage their caseloads. The courts have in the past been avenues for change and have always been important mechanisms for the maintenance of order in society. The courts will continue to be criticized, but it may be because they will continue to hold an important place in the democratic ideals of United States society.

## References and Further Readings

- Albonetti, C. A. (1987). Prosecutorial discretion: The effects of uncertainty. *Law & Society Review*, 21, 291–313.
- Albonetti, C. A. (1997). Sentencing under the federal sentencing guidelines: Effects of defendant characteristics, guilty pleas, and departures on sentence outcomes for drug offenses, 1991–1992. *Law & Society Review*, 31, 789–822.
- Alfini, J. J. (1981). *Mississippi judicial selection: Election, appointment, and bar anointment*. In J. A. Cramer (Ed.), *Courts and judges* (pp. 253–276). Beverly Hills, CA: Sage.
- American Bar Association. (1999). *Perceptions of the U.S. justice system*. Chicago: Author.
- Argersinger v. Hamlin, 407 US 25 (1972).
- Black, D. (1976). *The behavior of law*. New York: Academic Press.
- Blankenship, M. B., Janikowski, W. R., & Sparger, J. B. (1992). Accountability v. independence: Myths of judicial selection. *Criminal Justice Policy Review*, 6, 69–79.
- Blumberg, A. S. (1998). The practice of law as a confidence game: Organization and co-optation of a profession. In G. F. Cole & M. G. Gertz (Eds.), *The criminal justice system: Politics and policies* (7th ed., pp. 229–244). Belmont, CA: Wadsworth.
- Champion, D., Hartley, R. D., & Rabe, G. (2008). *Criminal courts: Structure, process, and issues* (2nd ed.). Upper Saddle River, NJ: Prentice Hall.
- Dixon, J. (1995). The organizational context of criminal sentencing. *American Journal of Sociology*, 100, 1157–1198.
- Eisenstein, J., Fleming, R. B., & Nardulli, P. (1988). *The contours of justice: Communities and their courts*. Boston: Little, Brown.
- Eisenstein, J., & Jacob, H. (1977). *Felony justice: An organizational analysis of criminal courts*. Boston: Little, Brown.
- Frankel, M. E. (1972). *Criminal sentences: Law without order*. New York: Hill & Wang.

- Gideon v. Wainwright, 372 US 335 (1963).
- Glick, H. R., & Emmert, C. F. (1987). Selection systems and judicial characteristics: The recruitment of state Supreme Court judges. *Judicature*, 70, 228–235.
- Hanson, R. A. (1992). *Indigent defenders: Get the job done and done well*. Williamsburg, VA: National Center for State Courts.
- Hartley, R. D. (2005). Bail: Reform. In R. Wright & J. M. Miller (Eds.), *Encyclopedia of criminology*. New York: Routledge/Taylor & Francis.
- Hughes, J. C. (1995). *The federal courts, politics, and the rule of law*. New York: HarperCollins.
- Johnson v. Zerbst, 304 US 458 (1938).
- LaFountain, R., Schaffler, R., Strickland, S., Raftery, W., & Bromage, C. (2007). *Examining the work of state courts, 2006: A national perspective from the Court Statistics Project*. Williamsburg, VA: National Center for State Courts.
- Landsman, S. (1984). *The adversary system: A description and defense*. Washington, DC: American Enterprise Institute Studies in Legal Policy.
- Louisiana Task Force on Women in the Courts. (1992). *Final report*. Baton Rouge: Author.
- Maguire, K., & Pastore, A. L. (Eds.). (2005). *Sourcebook of criminal justice statistics*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Mather, L. (1974). The outsider in the courtroom: An alternative role for the defense. In H. Jacob (Ed.), *The potential for reform of criminal justice*. Beverly Hills, CA: Sage.
- Meador, D. J. (1991). *American courts*. St. Paul, MN: West Publishing.
- Nardulli, P. F. (1986). Insider justice: Defense attorneys and the handling of felony cases. *Journal of Criminal Law and Criminology*, 77, 379–417.
- National Center for State Courts. (2006). *Survey of judicial salaries*. Williamsburg, VA: Author.
- Neubauer, D. (1974). *Criminal justice in Middle America*. Morristown, NJ: General Learning Press.
- Ostrom, B. J., Flango, V. E., & Flango, C. R. (1997). *Caseload highlights: Examining the work of the state courts*. Williamsburg, VA: National Center for State Courts.
- Ostrom, B. J., & Kauder, N. B. (1995). *Examining the work of state courts, 1993: A national perspective from the Court Statistics Project*. Williamsburg, VA: National Center for State Courts.
- Pinello, D. R. (1995). *The impact of judicial-selection method on state-supreme-court policy: Innovation, reaction, and atrophy*. Westport, CT: Greenwood Press.
- Powell v. Alabama, 287 U.S. 45 (1932).
- President's Commission on Law Enforcement. (1967). *President's Commission on Law Enforcement and the Administration of Justice*. Washington, DC: U.S. Government Printing Office.
- Quinney, R. (1974). *Critique of legal order*. Boston: Little, Brown.
- Schall v. Martin, 467 U.S. 253 (1984).
- Schaffler, R. Y., LaFountain, R. C., Strickland, S. M., & Raftery, W. E. (2006). *Examining the work of state courts, 2005: A national perspective from the Court Statistics Project*. Williamsburg, VA: National Center for State Courts.
- Schwemle, B. (2006). *Legislative, executive, and judicial officials: Process for adjusting pay and current salaries*. Washington, DC: Congressional Research Service.
- Scott v. Illinois, 440 U.S. 367 (1979).
- Skolnick, J. (1967). Social control in the adversary system. *Journal of Conflict Resolution*, 11, 52–70.
- Smith, C. E. (1992). From U.S. magistrates to U.S. magistrate judges: Developments affecting the Federal District Courts' lower tier of judicial officers. *Judicature*, 75(4), 210–215.
- Spohn, C. (2000). Thirty years of sentencing reform: The quest for a racially neutral sentencing process. *Criminal Justice*, 3, 427–501.
- Spohn, C. (2007). *How do judges decide: A search for fairness and justice in punishment* (2nd ed.). Thousand Oaks, CA: Sage.
- Stack v. Boyle, 342 U.S. 1 (1951).
- Steffensmeier, D., & Demuth, S. (2006). Does gender modify the effects of race-ethnicity on criminal sanctioning? Sentences for male and female white, black, and Hispanic defendants. *Journal of Quantitative Criminology*, 22, 241–261.
- Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36, 763–797.
- Stith, K., & Cabranes, J. A. (1998). *Fear of judging: Sentencing guidelines in the federal courts*. Chicago: University of Chicago Press.
- Sudnow, D. (1965). Normal crimes: Sociological features of the penal code in a public defender office. *Social Problems*, 12, 255–277.
- Transactional Records Access Clearinghouse (TRAC). (2009). *Federal judges*. Retrieved March 9, 2009, from [http://tracfed.syr.edu/index/fedstaf/fedstafindex\\_judge.html](http://tracfed.syr.edu/index/fedstaf/fedstafindex_judge.html)
- United States v. Salerno, 481 U.S. 739 (1987).
- Uppal, J. C. (1974). Approaches to the selection of judges. *State Government*, 47, 46–49.
- U.S. Department of Justice. (2006). *Prison and jail inmates at midyear, 2006* (Bulletin NCJ 217675, p. 6, Table 11). Washington, DC: Author.
- Vago, S. (2006). *Law and society* (8th ed.). Upper Saddle River, NJ: Prentice Hall.
- Volcansek, M. L. (1983). Money or a name? A sectional analysis of judicial elections. *Justice System Journal*, 8, 46–58.
- Wice, P. (1991). *Judges and lawyers: The human side of justice*. New York: HarperCollins.
- Zimring, F. E., Hawkins, G., & Kamin, S. (2001). *Punishment and democracy: Three strikes and you're out in California*. New York: Oxford University Press.

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## CRIMINAL LAW

ROGER ENRIQUEZ

*University of Texas at San Antonio*

J. C. BARNES

*Florida State University*

This chapter examines the principles that underlie substantive criminal law from a historical context by chronicling the influences that led to its development and evolution. It also examines the foundation on which existing criminal law doctrines are premised. Topics like federalism and the U.S. Constitution are assessed, and the impact on criminal law is discussed. The chapter also identifies the ever-changing forces involved in redefining crime and criminal liability. Together, these ideas illustrate the rapid changes in criminal law.

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### Principles of Criminal Law

Criminal law is the area of law that deals with crimes and their respective punishments. Like other laws, criminal law has evolved over hundreds of years and remains in a constant state of flux (McClain & Kahan, 2002). Today, modern criminal law is merely the culmination of a great many influences. Those influences are as old as the traditional common law or as current as the Model Penal Code (Low, 1998). These influences tend to increase and decrease over time. In time, new laws will be adopted and old laws will be repealed (Frase, 2002). However, there is one overarching principle that remains constant: The goal of all criminal laws is the protection of the health, safety, and welfare of society.

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### What Is Criminal Law?

Laws seek to control the conduct of a community or society while providing for the rights of the citizenry (Dressler, 2001). Most laws developed over the centuries relate to resolving disagreements between people that arise in the daily conduct of their affairs. One of the earliest known sets of laws dates back to 1750 BC (Garland, 2003). King Hammurabi of Babylon created a set of 282 laws, known as the Code of Hammurabi. However, it was not until the development of English common law in the Middle Ages that the process of creating modern written law began. Once William of Normandy conquered England, he established the Eyre, a circuit court held by itinerant royal justices who heard cases throughout the kingdom and recorded its decisions. These decisions integrated the unwritten common law of England based upon custom and usage throughout the land (LaFave, 2003).

Today, the practice of recording a court's opinion is still in use. In the United States, the opinions of some trial and most appellate courts are preserved in a book of decisions called a reporter. Typically, decisions interpret the law, both substantively and procedurally, and decide the constitutionality of both the statute and the action of government officials in enforcing the law.

## What Isn't Criminal Law?

Criminal law and torts, a branch of civil law, are very similar in some respects. Typically, tort law includes negligence, libel, slander, assault, battery, and fraud. In some instances, a tort can be a crime. However, it is important to note that tort law is primarily concerned with a financial loss, and bad conduct is only of secondary importance. Conversely, criminal law is concerned with bad conduct irrespective of financial losses (Singer, 2002). A central theme in criminal law is that conduct that jeopardizes the health, safety, and welfare of the community should be punished despite the absence of actual harm. For example, if Fred, unbeknownst to Barney, aims and shoots a handgun outfitted with a silencer at Barney but misses, he is still criminally culpable. The fact that Barney is completely unaware of the attempted murder does not clear Fred of wrongdoing. However, Barney would likely be precluded from suing Fred at tort, having suffered no visible physical or mental damages because he is totally unaware of the attempt. The social harm that a criminal statute seeks to address distinguishes criminal law from tort law.

Tort law addresses a personal harm, and monetary compensation is typically the goal of a tort lawsuit. Moreover, the party that is harmed bears the responsibility of bringing suit and proving its case (Schulhofer, 2001). Conversely, under the criminal law regime, the government brings suit irrespective of the desires of the victim. Even when a victim does not desire a prosecution for a criminal offense, the state decides, through a prosecutor, whether to charge an individual with a crime. The prosecutor seeks to enforce the interests of the community and government, not the desires of a victim (Kadish, 1987). For example, suppose that Fred strikes Wilma and is arrested for spousal abuse. Shortly thereafter, the couple reconciles and Wilma does not want to pursue the charges against her husband, Fred. It is solely the prosecutor's decision, however, to pursue the charges against Fred. Moreover, Wilma might be compelled to appear and testify despite her desire to have the charges dropped.

## Federalism

The American system of government follows the principle of federalism. Although the federal government, through the

U.S. Constitution, has a duty to prevent states from infringing upon the rights of citizens, the majority of powers to regulate the conduct of citizens rest with the states. Only those powers expressly granted to the federal government by the Constitution are outside state control. For the most part, all state criminal laws and procedures must be adhered to unless they conflict with the U.S. Constitution. For example, under the police powers of the Tenth Amendment of the Constitution, Texas has the right to regulate conduct that is dangerous to its citizens. However, when Texas forbids the broadcast of any beer commercials within its state, it has created an unconstitutional law. The power to regulate commercial speech has been specifically granted to the federal government by preventing any state regulation of commercial speech in this area (Hazard, 1983).

Each state has the power to create its own criminal statutes pursuant to the police powers clause of the Tenth Amendment of the U.S. Constitution. Each state is free to define its crimes as long as the statute satisfies the principle of legality. Moreover, the statutes must also be understandable, not subject to ad hoc interpretation, and applied in favor of the accused when there is any ambiguity (Wallace & Roberson, 1996, p. 225). These requirements are mandated by the due process clause of the Fifth and Fourteenth Amendments (Torcia, 1995). In most states, there are no longer any common-law crimes. An act or omission is not criminal unless it is defined as a crime in a statute (Frase & Weidner, 2002). The power of the federal government to prosecute crime is restricted by the U.S. Constitution. Crimes can be prosecuted by the federal government when they are among the following:

- Crimes that involve interstate commerce or the use of federally controlled communications: These crimes include wire fraud, crossing across state lines to avoid prosecution, interstate prostitution, and interstate kidnapping.
- Crimes committed in areas of federal jurisdiction that do not fall within state jurisdiction: These areas include aircraft, ships on navigable waters, and the District of Columbia.
- Crimes that impact federal government activities: These include crimes that use the U.S. mail, robbery of federally insured banks, attacks upon federal personnel, and violation of federal tax laws.

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### *Differences Between Criminal and Civil Law*

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#### *In a criminal case*

Fines are payable to the government and restitution is limited to actual loss.

The government has the burden of proving the charges against the defendant beyond a reasonable doubt.

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#### *In a civil case*

The money awarded goes to the plaintiff, not the government, and punitive damages can be assessed against the defendant.

The plaintiff has the burden of proof by a preponderance of the evidence.

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## Prosecutors and Defense Attorneys

The sworn duty of a prosecutor is to seek justice, regardless of the result. However, some have argued that the adversarial system, which pits each attorney against the opposing side in a case, sometimes interferes with that duty (Neubauer, 2008). For example, if a complaining witness lacks credibility, justice demands that the case be dismissed. However, if the prosecutor is convinced of the truth of the charges, he or she should vigorously seek a conviction, irrespective of the challenges.

Most prosecutors are employed by counties within each state. The district attorneys of each county are elected officials, with offices that include assistant or deputy district attorneys. Some prosecutor's offices are small, and the district attorneys try their own cases. In most major cities, however, the district attorney's office has hundreds of deputies divided into teams that prosecute specific types of cases, such as gang or drug crimes (Greenwalt, 2002).

Pursuant to the Sixth Amendment to the U.S. Constitution, the law provides that "in all criminal prosecutions, the accused shall . . . have the Assistance of Counsel for his defense." If a person accused of a crime cannot afford an attorney, the Supreme Court has recognized a constitutional right to have an attorney appointed for the accused at public expense. The Supreme Court held in *Gideon v. Wainwright* (1963) that the Sixth Amendment requires indigent defendants in state court proceedings to have appointed counsel. This right was expanded in *Argersinger v. Hamlin* (1972), in which the Court ruled that an indigent defendant must be provided an attorney when imprisonment is a possible punishment, even when the offense is only a misdemeanor.

A defense attorney's duty is always to the justice system, but he or she has a duty to zealously advocate on behalf of his or her client within the bounds of the law, regardless of the outcome. The defense attorney must protect his or her client's rights while vigorously challenging the evidence and seeking the best result possible. To hear a criminal case, a court must have jurisdiction over the offense charged and the person charged with the offense (Neubauer, 2008). Under the Sixth Amendment, the accused has a right to have a speedy public trial by an impartial jury in the state and district where the crime was committed. If the offense was committed in several counties or across state lines, the prosecutor bears the burden of proving that an essential part of the offense was committed in his or her jurisdiction (Fletcher, 2002).

In hearing the criminal case, the court applies the law of the jurisdiction in which it sits (Reitz, 2002). For example, a trial court in Hennepin County (Minneapolis) is governed by Minnesota law. If a kidnapping starts in Minneapolis and ends with the arrest of the defendant in New York, jurisdiction lies in Minnesota, New York, the federal courts, and any state where it can be proven that some part of the kidnapping was perpetrated.

State courts are usually set up as follows (Robinson, 1992):

- A court of last resort (supreme court)
- An intermediate appellate court (court of appeals)
- General trial courts (superior courts)
- Limited jurisdiction courts (probate and small claims)

## The Constitution and Criminal Law

When a law is said to be unconstitutional, it is usually because the law is in conflict with the provisions of the U.S. Constitution or one of the amendments to the Constitution. In addition, the law can be declared unconstitutional when it violates a provision of a state constitution (Demleitner, Berman, Miller, & Wright, 2007). Not all laws are constitutional. A statute can be deemed unconstitutional for one of two reasons (Chevigny, 2002):

- The content of the statute seems unconstitutional at face value. For example, if a statute made it illegal to practice one's religion or a statute made it a crime for men to operate a sewing machine.
- The law was enforced by the government in a manner that violated the Constitution. For example, if the chief of police targeted members of an unpopular church for arrest for disturbing the peace with their singing but left other acceptable churches free to be loud without fear of arrest, this is an unconstitutional application of the public disturbance statute. The chief of police is applying a lawful statute in an unlawful way that violates the constitutional right of freedom of religion.

## Due Process

The due process clauses of the Fifth and Fourteenth Amendments provide that a person must be afforded due process (the principle that laws must be fair) if the federal, state, or local government intends to take away his or her life, liberty, or property. In other words, a person has the right to be treated fairly under the law. Due process has elements that are both procedural and substantive (Tiffany, McIntyre, & Rotenberg, 2003, p. 210).

Under procedural due process, flexibility is applied to the amount of due process that must be afforded. If you are going to lose your liberty for the rest of your life, the level of due process must be more intense. If a person is going to be fined only \$100 for a traffic ticket, the degree of procedural safeguards need not be as great. As a general rule, due process requires fundamental fairness.

Substantive due process means that the state is without power to deprive a person of life, liberty, or property by an act having no reasonable relation to any proper governmental purpose. For example, the government has no authority to deny a person the right to a jury trial because it costs money to heat the courthouse in the winter.



## Equal Protection

The equal protection clause of the Fourteenth Amendment, which states that no state shall deny any person the equal protection of the laws, provides that all persons must be treated equally when a law is applied. Distinctions or applications of laws that treat people differently because of gender, religion, race, or socioeconomic status are unconstitutional. For example, if there is a law that punishes men who have improper sexual relations with children and does not punish women for the same offense, that statute would be in violation of the equal protection clause of the Fourteenth Amendment.

## Illegal Laws: Bill of Attainder and Ex Post Facto Law

The U.S. Constitution specifically prohibits bills of attainder and ex post facto laws (Dressler, 2001). The following is an example of what is referred to as a *bill of attainder*: The Bedrock Water Buffalo Lodge invites political extremists from another country to participate in a symposium discussing all that is wrong with America. The state legislature then passes a law stating that the members of the Water Buffalo Lodge have engaged in treason, shall all be put to death, and all their property shall be forfeited to the government.

Although some government officials might not be happy with the members of the lodge because of their activities, the law passed by the legislature is an illegal bill of attainder. Such laws are prohibited by the U.S. Constitution. The legislative branch has invaded the province of the courts (in other words, the legislative branch has violated the separation of powers clause—it has overstepped its bounds) and singled out the lodge members, declaring them guilty of a crime without a trial or any of the other due process safeguards.

An *ex post facto law* is a law passed after the criminal act has been committed that retroactively creates a new crime, aggravates the punishment for the existing crime, or inflicts a greater punishment than the law allowed when the crime was committed (Dressler, 2001). The following is an example of an ex post facto law: Fred commits his third drunk-driving offense, but his two prior convictions are 8 years old and priors can be used only to increase the offense to a felony if the convictions were during the past 5 years. The Bedrock legislature then passes a law that makes drunk-driving priors viable for 10 years. The prosecutor amends the charges against Fred and charges him with a felony. Because Fred can receive greater punishment for a crime he committed prior to the new law being enacted, the new drunk-driving law is an ex post facto law.

## Void for Vagueness Doctrine and Fair Notice

For a statute to be constitutional, it must give fair notice of the conduct that violates the statute. The law must give

a clear definition to allow a person to conform his or her conduct to the law (Frankel, 1983). The following is an example of what is referred to as a *fair notice doctrine*: Wilma is charged with violating a state statute that prohibits conduct that “causes others to be concerned with their safety or is generally annoying to the public at large.” In this case, it is unclear what might cause others to be concerned for their safety or what other members of the public might find annoying. Acts that are made criminal must be clearly and appropriately defined. A person of common intelligence must be able to ascertain the standard of guilt. Moreover, statutes that lack the requisite definiteness or specificity as to which persons come within the scope of the act are usually struck down by the courts because it is said that they are “void for vagueness” or that they violate the doctrine of overbreadth (Frankel, 1983, p. 140).

## Elements of a Crime

To punish someone, the government must prove that a crime was committed. Generally speaking, there are five elements to every crime: (1) actus reus, (2) mens rea, (3) concurrence of the actus reus and mens rea, (4) causation, and (5) harm (Garland, 2003). The criminal law does not punish for moral wrongs, and no criminal liability is attached to an act unless it is forbidden in a criminal statute.

The *actus reus* of any criminal offense is the act or an omission that the accused engaged in that was against the law. Although there are a few crimes that punish a person for failure to act when a statutory duty demands it, the vast majority of criminal offenses involve some act by the perpetrator (LaFave, 2003). The actus reus for a crime might be performed in several ways. For example, all three of these acts supply the actus reus for a murder:

- Fred helps Barney and Betty plan a murder.
- Barney commits the murder.
- Betty acts as the lookout.

Although the typical crime involves an affirmative physical act, crimes can be committed by a person’s failure to act. Definitions of various crimes refer to an omission that provides the basis for criminal liability. The omission might be specifically designated in the statute. For example, it could be illegal to not pay child support or income taxes. Some states criminalize the failure to carry appropriate worker’s compensation insurance or vehicle liability insurance. Other omissions are based upon a special relationship, which creates a duty to act. The accused might fail to perform altogether or be grossly negligent in his or her performance. For example, parents have a duty to provide children with food, shelter, clothing, and medical care or be liable for child neglect. The relationship can be created by contract (such as a lawyer–client relationship) or by the defendant’s act of creating a risk (such as the

requirement to help put out a fire that the defendant accidentally started) (Schulhofer, 2001).

Under special circumstances, words alone can be the basis of criminal liability. The criminal statutes of many states contain crimes where the spoken word creates criminal culpability without any further action. In other words, just talking about committing a crime can be a crime. There are five areas where words can be the basis for criminal liability (Frase, 2002):

- Solicitation occurs when a person asks another to commit a crime, such as solicitation of murder or some other felony, or solicitation of a misdemeanor, such as prostitution. In many states, solicitation can only be committed for crimes named in a specific solicitation statute.
- A criminal threat involving threats to harm another with the apparent ability to carry out the threat can be the basis of criminal liability.
- The use of offensive, annoying, or disruptive speech that would offend a reasonable person could become the basis of criminal liability. This includes annoying or indecent phone calls or interruption of a lawful assembly, such as when a person disrupts a meeting or church service.
- Providing false information when a person has a duty to tell the truth, such as giving false information to law enforcement during an investigation or making a false criminal accusation could be criminally liable.
- Intentionally providing a false directive can result in criminal sanctions. For example, a person that intentionally gives instructions that harm another, such as telling a person to take incorrect medication or instructing someone to mix dangerous chemicals so that she harms herself. (p. 599)

Similarly, there are times when merely possessing an item can be the basis of criminal liability. Every state has possessory offenses where the actual or “constructive” possession of an illegal substance or object is deemed illegal. To establish constructive possession, the government must prove that the accused knew of the location of the illegal item (e.g., controlled substance, illegal weapon, improvised explosive device) and that he or she had both the power and the intention to exercise control over it (McClain & Kahan, 2002). For example, Fred is in actual possession if drugs are in his pocket. Moreover, he is in constructive possession of drugs if they are located in his garage. However, if Fred shares his garage with his neighbor Barney, proving constructive possession might be difficult.

The second requirement of criminal liability is the *mens rea*, or the guilty mind. There is a Latin maxim in law that states *actus non facit reum nisi mens sit rea*, which means “An act does not make a person guilty unless the mind is guilty” (Garner, 2004). To show that the mind is guilty, it must be proven that the person acted with criminal purpose, knowledge of the wrongfulness of the conduct, and an evil intent. Typically, a statute will require a particular

mental state or intent that must be proven to sustain a conviction. For example, a statute might require that a person act purposely, knowingly, recklessly, or negligently. At times, proving intent can be difficult. However, the prosecution can prove the mental element of the crime by demonstrating the actions of the defendant, showing the circumstances that surrounded those actions, and offering evidence of an admission or a confession by the defendant (Reitz, 2002).

The actions of the defendant are important to show because the law states that it is reasonable to infer that a person ordinarily intends the natural and probable consequences of his or her acts. In fact, a jury is permitted to infer that the defendant intended all the consequences that a person in that position, acting under similar circumstances and possessing the same knowledge, should reasonably have expected to result from the defendant’s actions. That is the definition of something the law calls the *general intent*. For example, if you brandish a weapon, show it to the bank teller, and pull the trigger all while pointing it in her direction, it is reasonable to infer that you intended to kill her. That was your general intent (Schulhofer, 2001).

Some crimes are not general-intent crimes but require a *specific intent*—a special mental element above and beyond any mental state required with respect to the actus reus of the crime. It is set forth in a statute by one of the following: an intention to do an act for the purpose of accomplishing some additional act (Frankel, 1983)—a good example would be kidnapping for the purpose of raping at another location; an intention to do an act to achieve some further consequences beyond the conduct or result that constitutes the actus reus of the offense—for example, the filing of a false tax return to avoid payment of taxes.

When a defendant commits a criminal act but accidentally harms an unintended party, the accused might still be criminally liable under the *theory of transferred intent*. The rationale for the theory is that a person should not be absolved of liability simply because he or she has poor aim. Transferred intent keeps a perpetrator from avoiding liability when he misses his intended target and injures an innocent third person (Schulhofer, 2001). For example, if Fred throws a stone at Barney but Barney ducks and the stone hits Wilma instead, Fred is still criminally liable.

## Model Penal Code and Mental States

The Model Penal Code (MPC) is a set of principles that many states rely upon when drafting criminal statutes. The MPC covers four types of mental states:

- *Purposely*: You intend the actual result. For example, when you buy a gun, load the weapon, wait in the parking lot for your victim, hide in the bushes when you see him approach, and then leap out and discharge your weapon

into the other person, there can be little doubt that you have purposely taken the life of another.

- *Knowingly*: Perhaps you didn't want to hurt anyone, but you did. For example, you might keep a gun in your desk for self-defense. Then your coworker tells jokes at your expense and insults you in front of others. Angry, you shoot him dead. Maybe you didn't plot and scheme to kill your coworker, but you knowingly took the life of another because everyone knows that if you shoot a person with a gun, the person can die.

- *Recklessly*: You are actually aware that you were involved in an activity that created a substantial and unjustified risk, but you ignored the risk and the likely outcome. For example, if you decide to street race another car and reach speeds of 70 miles per hour on a residential street, and an 80-year-old lady walking home from church steps off the curb to cross the street and you strike and kill her, you have recklessly taken the life of another.

- *Negligently*: You should be aware that a substantial and unjustified risk is created by your conduct. For example, if it is nighttime and you fail to turn on your headlights and a 10-year-old boy riding his bicycle is playing in the street and you strike and kill him with your car, you have negligently taken the life of another because driving without headlights creates a substantial and unjustifiable risk to bicyclists or pedestrians.

## Causation and Concurrence

For crimes that result in a harm to someone, the state must prove that the act or omission of the accused was the ordinary and probable cause of the resulting harm. In cases where the harm is direct and immediate, determining that the defendant was the cause of the harm is not difficult. For example, when Barney hits Betty on the head with a baseball bat and she dies from a massive brain hemorrhage, causation is not an issue. However, when there is a chain of events that eventually leads to death, causation is more difficult for the state to prove. In those instances, the prosecutor must show that the defendant was both the cause-in-fact and proximate cause of the death. Typically, courts will first ascertain whether the actions were the cause-in-fact of the injury. This is sometimes called the "but-for" test (Dix, 1993). For example, if Fred cuts the brake line on Barney's car and Barney crashes and dies, Barney would not have been killed "but for" the act of cutting the brake line by Fred.

After the accused is shown to be the cause-in-fact of the harm, the state must also prove that the defendant's act was the proximate cause of the resulting harm. Determining this is often made difficult by the occurrence of intervening causes (Beale, 2002). For example, using the previous example, would it be fair to charge Fred with murder when

Barney was only slightly harmed in the accident and was taken to the hospital where he dies after waiting for a physician for 16 hours in the emergency room?

Determining proximate cause depends upon the factual situation of each case. It must be determined whether the intervening cause was a dependent intervening cause or an independent intervening cause. A dependent intervening cause is foreseeable and does not relieve the defendant of liability. For example, if Barney stabs Fred and a doctor is negligent in treating Fred at Bedrock Hospital, it was foreseeable that a victim might die from subpar treatment. An independent intervening cause gives the opposite result, relieving the defendant of criminal culpability. Using the example above, if Fred is operated upon by an intoxicated doctor who slices through an artery and is so drunk that he can't even attempt to stop the bleeding, this is not foreseeable and the chain of causation between the defendant and the result is broken. Again, the key is foreseeability (Katz, 2002).

Equally important is the union of the act and the intent. Thinking about committing a criminal act is not a crime. A person might fantasize about robbing a bank or killing a spouse, but if the individual does nothing to act upon these thoughts, the person is guilty of nothing. Moreover, if someone accidentally gives her spouse the wrong medicine or picks up the wrong money bag at the bank, the person has done an act that caused harm, but she had no mens rea or evil intent. There must be a joint operation of act and intent that results in the social harm (Beale, 2002).

## Parties to a Crime

Discussing parties to a crime establishes the conditions under which people incur liability for the conduct of another person for the second party's acts before, during, and after the crime was committed. At times, the acts and criminal intent of one person are assigned to the acts and intent of someone else (Chevigny, 2002). For example, in a plot to kill Wilma, if Fred buys the bullets, Betty is a lookout, and Barney shoots the victim, all are equally culpable for the murder.

The area of law that helps to determine who is a party to a crime is sometimes referred to as the *law of parties*. It has been simplified in modern times, and the old common law labels of principal in the first degree, principal in the second degree, accessory before the fact, or accessory after the fact are rarely used. The categories have been reduced to just two: the principal and the accessory. Anyone who knowingly and willingly participates in the commission of a crime with others or who aids and abets the commission of a crime is an accomplice (LaFave, 2003).

A person aids a crime when he or she does an act that assists in the commission of a crime. A person abets a crime when he or she has knowledge of the perpetrator's unlawful purpose to commit a crime, and as the accomplice, has the intent to facilitate the perpetrator's unlawful

purpose and engages in any of the following acts of instigating, encouraging, promoting, counseling, directing actions, or supporting by presence. Some examples of aiding and abetting include driving a getaway car, acting as a lookout, drawing a diagram to assist with a burglary, or loaning a gun with knowledge that it will be used in a murder (Robinson, 1992).

Determining if someone is an accomplice or an accessory can be tricky. Whether a person has accomplice liability or is only an accessory depends upon whether he or she assisted the perpetrator before or during the offense, or merely assisted a principal after the crime was completed. Obviously, a principal is anyone who commits the crime, but it can also include anyone who commits the following: aiding and abetting the crime, advising and encouraging the crime, or forcing another to commit a crime. Conversely, an accessory aids a principal whom he or she knows has committed a felony by assisting the principal in avoiding detection, avoiding arrest, disposing of or destroying evidence, avoiding prosecution, or avoiding punishment (McClain & Kahan, 2002, pp. 400–412).

Since all crimes require an *actus reus* and an accomplice does not commit the underlying crime, it can be difficult to determine what constitutes the *actus reus*. The law states that an accomplice, by his or her assistance in the commission of the crime, has committed the *actus reus* part of the crime. There is no requirement that the accomplice's affirmative acts be a major part of the crime. All efforts, no matter how small, that aid the perpetrator suffice as the *actus reus* of the crime. Seemingly insignificant acts that have been deemed sufficient to serve as the *actus reus* for an accomplice include loaning a screwdriver, buying a sweatshirt, providing a piece of rope or tape, and loaning money for gas (LaFave, 2003, p. 671).

In some instances, an omission can be the basis of criminal liability for an accomplice. For example, if Fred works as a part-time security guard at the rock quarry and he permits Barney to steal valuable equipment from the quarry, his dereliction of duty can be the basis of accomplice liability. If an omission is for the purpose of facilitating a crime, that person is liable if he or she has a legal duty to act or intervene. It is important to note that the law will only attach criminal liability when it is reasonably safe and possible to protect the victim or property. Therefore, a schoolteacher would have a duty to stop a schoolyard fight and a parent might have a duty to stop someone from abusing his or her child if it is reasonably safe and possible to protect the victim. However, in some states, mere knowledge of the crime and failing to take action to stop it is insufficient to finding criminal liability (Dressler, 2001).

Traditionally, an accomplice cannot be found guilty of the crime unless the principal is convicted. Liability flowed through the principal to the accomplice. Today, however, states can get a conviction of the accomplice regardless of

the outcome of the principal's case as long as the prosecutor can prove that a crime was actually committed. The accomplice can be convicted even if the principal is never found, has fled the jurisdiction, or has been acquitted (Garland, 2003).

When an aider and abettor decides that she desires to remove herself from the commission of the target offense (before it has been committed), she must take active steps to undo the aid she has provided in order to avoid liability. The aider and abettor cannot go home and hide and hope that all of her troubles just go away. She must (1) inform the principal that she wishes to withdraw her support, (2) indicate that she no longer wants the crime to be committed, and (3) attempt to make any aid she has provided ineffectual. For example, if the accomplice has loaned her shotgun to a potential bank robber, she must state her intent to withdraw and attempt to do everything within her power to recover the weapon and prevent the crime. If major steps have already been accomplished toward the commission of the robbery, she might also have to inform law enforcement so that the crime can be stopped (Tiffany et al., 2003).

There is a difference between criminal liability based upon a conspiracy theory and accomplice liability. A conspirator agrees to be part of a criminal enterprise that might encompass numerous crimes committed by various members of the conspiracy. Conspirator liability extends to crimes that individual conspirators might not even know about or consent to. A conspirator does not have to do any act to aid in the conspiracy. All that is necessary to establish criminal liability is an agreement to achieve a criminal purpose with at least one conspirator committing an overt act (Frase, 2002).

A conspirator is liable for all acts of his or her coconspirators that are committed during the course of and in furtherance of the conspiracy. If Fred steals a getaway car to be used in a robbery, all conspirators are guilty of car theft, even if they never consented to or agreed with Fred's act. This liability is based upon agency theory. Each conspirator acts as an agent for every other conspirator. Any act, planned or unplanned, committed by a coconspirator that is a foreseeable consequence of the criminal agreement, creates liability for each conspirator under the *extended liability theory*, also known as the *Pinkerton doctrine* (Demleitner et al., 2007).

## Incomplete Crimes

Because society wants to prevent serious social harm before it happens, governments created the crime categories of solicitation, conspiracy, and attempt. Even though these offenses are crimes all by themselves, the main reason for their creation was the understanding that each crime was a preliminary or anticipatory offense that was committed with the same evil intent but a greater target in mind (Scheb &

Scheb, 2006). The inchoate offenses of solicitation, conspiracy, and attempt are discussed below.

### Solicitation

Solicitation is a substantive crime in and of itself. This crime occurs as soon as the solicitation is made. Simply put, the crime of solicitation is in the asking. It does not matter if the solicited person accepts the offer or rejects the advance. The *actus reus* of solicitation consists of words that create an inducement, which is defined as any of the following: begging, ordering, counseling, commanding, inducing, instructing, advising, tempting, imploring, asking, instigating, urging, requesting, entreating, persuading, inciting, procuring, or enticing another to commit a crime included in the list of prohibited target offenses in a state's solicitation statute. The elements of solicitation for most jurisdictions include the soliciting of another to commit a crime specified in the statute with the intent that such crime will be committed. Most states also include the following evidentiary burden: The charge must be supported by the testimony of two witnesses or one witness and corroboration (Hazard, 1983). Solicitation was first recognized in 1801 in the case of *Rex v. Higgins* (1801). In this case, a person asked a servant to steal the property of his master. The servant refused. Though the facts of this case were simple, it demonstrates that solicitation is committed when a person requests another to commit a crime, even if the person solicited refuses to cooperate.

Solicitation remains a specific-intent crime in most states, as it was a common law. In other words, one must have the *mens rea* (guilty intent) for solicitation. The reason for this element is to protect First Amendment rights of speakers (e.g., it is lawful to advocate for civil disobedience) and to keep people from being prosecuted for solicitation when their comments to another were made in jest, with no intent that the crime actually be committed. Solicitation can be committed even if it is impossible to commit the target offense due to a circumstance unknown to the solicitor. For example, if Fred solicits Barney to kill Mr. Slate but Mr. Slate was killed in a car accident the day before, Fred can still be convicted of solicitation of murder if he did not know that Mr. Slate was deceased. If the specific intent exists at the same time as the solicitor's request, the crime of solicitation has been committed.

### Conspiracy

The definition of *conspiracy* is an agreement between two or more people to commit an unlawful act or to do a lawful act by unlawful means. This common law definition does not require any act beyond the agreement (Scheb & Scheb, 2006, p. 97).

Most state statutes now require the following five elements to prove a conspiracy has occurred: There must be (1) an agreement or understanding (2) between two or

more persons (3) with the specific intent to commit (4) either a crime or a lawful purpose by unlawful means (5) when accompanied by some overt act beyond mere agreement (Singer, 2002, p. 1546).

An overt act doesn't have to be part of an attempt to commit the target crime. It can be any act, even a trivial one that is done in furtherance of the conspiracy. A single overt act by any party to a conspiracy is sufficient for the prosecution of all participants of the conspiracy. A conspirator can join the conspiracy after the overt act is done and still be liable. This overt act does not have to be a crime itself. Some examples of overt acts include the following: paying a hit man, telephoning a supplier to arrange delivery of drugs, calling a friend to give an insider tip in a stock-trading conspiracy, buying gasoline in an arson conspiracy. Overt acts provide proof that the agreement to commit a crime was sincere (Scheb & Scheb, 2006, pp. 92–96).

### Attempted Crimes

Unlike solicitation and conspiracy, which are infrequently charged, attempts to commit crimes are regularly prosecuted. This is due to the increase in reporting by victims and witnesses and the availability of more obvious evidence of guilt. In general terms, an attempt consists of the following: (1) an overt act, (2) beyond mere preparation, that moves toward committing a crime that is legally possible to commit, (3) done with the specific intent to commit the target crime, (4) which, if it is not interrupted or stopped, would result in completion of the crime (Neubauer, 2008, p. 351).

Immoral thoughts alone are not enough to charge an attempt. Each statute requires that the defendant try to commit the crime he or she is charged with attempting. The prosecutor must show some overt act that demonstrates this. The acts must go so far that they would result in the completion of the crime if not prevented by factors unknown to the defendant. All attempts are specific-intent crimes. Even if the target offense is a general-intent crime, the defendant must intentionally commit the acts that constitute the *actus reus*, and these acts must be done with the specific intention of committing the target crime (Kadish, 1987). For example, Fred shoots a gun at Barney and misses. Fred intended to kill Barney and committed an act—shooting the gun—which would have resulted in murder if the act had been completed. The act was not completed because the bullet did not strike Barney. Fred has committed an attempted murder.

### Actus Reus of Attempt

When looking at an attempt to commit a crime, the primary issue is determining when a perpetrator has gone from mere preparation to beginning actual commission of

the target offense. To aid in making this determination, courts from various states have created the following tests that will be examined here in more detail: the last act test, physical proximity test, dangerous proximity test, indispensable element test, unequivocal test, and substantial step test (Dressler, 2001).

The *last act test* looks at whether an attempt has occurred, at least by the time a person has performed all the acts believed to be necessary to commit the target offense. For example, an attempted robbery does not occur until the robber displays his or her gun and demands property (Dressler, 2001).

The *physical proximity test* determines that the defendant's conduct need not reach the last act but must be "proximate" to, or near, the completed crime. The conduct must be a first or subsequent step beyond planning. For example, Fred's attempted robbery of a store occurs when Fred leaves his car and walks toward the door of the store with his gun in his hand (Dressler, 2001).

The *dangerous proximity test* decides that an attempt occurs when the defendant's conduct is in "dangerous proximity to success," or when an act "is so near to the result that the danger of success is very great." For example, Barney and Betty plan a home invasion robbery. They wait in the park next to the victim's home with tape, guns, and ski masks. The intended victim appears. Police spot Barney and Betty and make an arrest for attempted robbery (Dressler, 2001).

The *indispensable element test* looks at whether an attempt occurs when the defendant has obtained control of an indispensable feature of the criminal plan. This test is disfavored because it does not give enough weight to criminal intent. For example, a robber is outside a jewelry store, but she is waiting for her brother to show up with a gun. She is missing her indispensable element: the gun (Dressler, 2001).

The *unequivocal test* looks at whether an attempt occurs when a person's conduct, standing alone, unambiguously manifests his or her criminal intent. This test focuses on the overall conduct of the accused. An example with ambiguous conduct would be when Fred goes to the area of a jewelry store with a gun but does not approach the store. An example of a more obvious robbery attempt occurs when Fred drives to the store and walks across the parking lot toward the store with a gun (Dressler, 2001).

The *substantial step test* decides if an attempt occurs when the suspect has done something that constitutes a substantial step toward the commission of the target offense that strongly corroborates the suspect's criminal intent. For example, the suspect purchases a handgun for the purpose of robbing a store. This substantial step test is the easiest for the prosecutor to apply to prove an attempt. The suspect does not have to be in close proximity and might be lacking the instrumentality to commit the crime. This test is criticized because ambiguous conduct can create criminal liability (Dressler, 2001).

When a suspect is interrupted and does not complete the crime, he is probably guilty of an attempt. However, if a suspect voluntarily and completely renounces her criminal purpose before the crime is completed, the affirmative defense of abandonment can be argued. There can be no circumstance that caused the suspect to abandon her efforts. If the crime is interrupted by another person, a barking dog, or the suspect's tools break or malfunction, then abandonment does not apply. In those instances, the defendant did not voluntarily cease commission of the crime and would have continued if not for the interruption. When a suspect does completely stop her efforts and demonstrates her intent to not commit a crime, she is rewarded for her good judgment, and it is found that she never had a fully formed intent. Therefore, no crime was committed (Beale, 2002). For example, Barney is planning on robbing a store in Bedrock. After purchasing the gun, he will use in the robbery, he has second thoughts the morning before the crime is scheduled and decides that he will not carry out his plan and returns the gun for a full refund.

## Defenses to Crimes

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The law recognizes that people engage in conduct that is considered criminal but that might be excused or justified because their mens rea was negated or society excuses their conduct. These justifications and excuses are defenses to criminal offenses. The U.S. system places the burden of proof upon the government to prove the charges beyond a reasonable doubt. The defendant is presumed innocent until proven guilty. Moreover, as part of the criminal process, the accused is given an opportunity to present a defense. There are many types of defenses, from alibi to self-defense. Sometimes, the defense can be based upon the prosecution's inability to prove the charge, or the defense can be a so-called affirmative defense where the defendant presents evidence and witnesses to disprove an element of the offense (Torcia, 1995).

### Failure of Proof or True Defenses

When a defendant is on trial, she might rely upon the prosecution's inability to prove the case against her. The accused might remain silent throughout the trial and have no duty to present any evidence. The defense might attack the government's case through cross-examination or simply take the position that the government has failed to prove the case against her. These strategies rely upon a *failure of proof* for the defense (Greenwalt, 2002).

When the defendant actively presents evidence of an excuse or a justification, it is said that he is presenting a *true defense*. If a true or affirmative defense is established, the defendant is entitled to an acquittal, even if the government has proven all the elements of the crime against him. After the defendant has presented evidence of a true defense, the burden is on the prosecution to disprove the

defense beyond a reasonable doubt. When a defendant relies upon an affirmative defense, he is admitting that there is a basis for criminal liability but is offering a legally recognized reason why he should still be acquitted. When an affirmative defense is used, the burden of raising the defense lies with the defendant. After the defense is raised, the burden of proof shifts back to the government, and the prosecutor must prove beyond a reasonable doubt that there is a lack of justification or excuse (Reitz, 2002). Suppose Fred walks into his home and finds his wife, Wilma, injured on the bedroom floor. He then encounters a burglar and kills him. Fred admits that he intentionally killed the burglar but insists that the killing was justified. The prosecutor must prove that Fred did not kill the intruder in self-defense. If the defense is accepted by the jury, Fred will be acquitted even though he admitted a homicide.

There are two general categories of affirmative defenses. Under a justification defense, conduct by the accused that is otherwise criminal is deemed to be socially acceptable and is not subject to punishment because of the circumstances of the case. This defense focuses on the nature of the conduct and the surrounding circumstances. Under an excuse defense, the defense focuses on the accused's moral culpability and whether he possessed the mens rea (guilty intent) required to commit the crime. In such a case, society recognizes that the defendant has caused some social harm but agrees that he should be excused from blame or punishment (Frase, 2002).

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#### Affirmative Defenses

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Justification Defenses	Excuse Defenses
Self-defense	Duress
Defense of others and habitation	Age/Infancy
Necessity	Intoxication/Diminished capacity
Use of lawful force for crime prevention	Insanity
	Mistake

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The law permits self-defense (a) when you are not the aggressor, (b) when you reasonably believe it is necessary to defend yourself, and (c) to avoid an unlawful and imminent attack. Moreover, most states have adopted a rule that allows defense of another when it reasonably appears that unlawful force is being applied to the defended person by an aggressor. Note that the use of deadly force is appropriate only when a person must defend herself or another person in an effort to prevent imminent death or serious bodily harm (Garland, 2003).

When an aggressor uses any force to gain entry into a residence, the resident can stand his or her ground and use all force reasonably necessary to defend himself or

herself. This is the so-called *castle doctrine*. In some states, reasonableness is presumed, and the resident can use deadly force whenever an aggressor enters his or her home by force. The force can be as simple as opening a door or window (Dressler, 2001).

Necessity is sometimes referred to as the *lesser-of-two-evils defense*. A person can avail herself of the necessity defense when the following conditions are met: (1) The person must be faced with a clear and imminent danger; (2) the greater harm must be the direct cause of the law violation; (3) the person cannot have a lawful legal alternative to the law violation; (4) the harm that the defendant causes by violating the law must be less serious than the harm she seeks to avoid; and (5) the defendant must come to the situation with “clean” hands—that is, she must not have wrongfully placed herself in a situation that requires the choice of evils (LaFave, 2003, p. 523).

In addition to the five requirements that show when a person is justified in violating criminal law, some states place three additional limitations on the use of the necessity defense: (1) The defense might be limited to situations created by natural forces—for example, looting a store might be a necessity following a hurricane or earthquake; (2) the defense does not apply to homicide case—a person cannot kill someone to save his own life; (3) the defense can be used only to protect persons and property, not to protect pure economic interests or personal reputation—a person cannot assault someone merely to protect his own honor (Frankel, 1993, pp. 138–139).

#### Defenses Based on Excuses

To assert a defense of duress, the defendant must admit that he committed the crime but did so under the following circumstances (all circumstances must be met): (1) Someone threatened to kill or cause great bodily harm to the defendant or a third party unless he committed the offense; (2) the actor reasonably believed that the threat was genuine; (3) the threat was present, imminent, and impending at the time of the criminal act; (4) there was no reasonable means of escape other than for the defendant to commit the crime; and (5) the defendant must not be at fault in exposing himself to the threat. However, it is important to note that duress is not an acceptable legal defense for murder (Perlin, 2002, p. 650).

The defense of infancy has been asserted for hundreds of years. Courts have recognized that children under a certain age were incapable of forming criminal intent. Today, states have set this age at anywhere from 10 to 14 years. Some states, such as California, allow for culpability under a set age of 14 if there is clear proof that at the time of committing the act charged against her, the child knew its wrongfulness. Oklahoma uses the same language but sets the age at 16. In addition to allowing prosecution in a juvenile court setting, most states allow juveniles to be prosecuted as adults when they have committed a violent felony

and are a certain age. Some states set that age as low as 10, whereas others set it as high as 16. Juveniles tried as adults can be sent to prison (LaFave, 2003, p. 485).

Voluntary intoxication is not a valid defense for crimes that have a general intent. For crimes with a specific intent, voluntary intoxication can be used to negate the element of intent if the level of intoxication was so high “as to render [the accused] incapable of purposeful or knowing conduct” (Lafave, 2003, pp. 472–473). Several states have eliminated the defense of intoxication in its entirety. A jury is not allowed to consider evidence of intoxication. The judge can consider it only as a mitigating fact at sentencing. Involuntary intoxication is a defense if the jury finds evidence that both of the following happened: (1) The defendant did not voluntarily take the drug or intoxicant and was forced or tricked into taking it, and (2) the defendant was so intoxicated that he couldn’t form the requisite mens rea for the charged offense (Fingarette & Hassle, 1993, p. 742).

In many states, a defendant who has insufficient evidence to prevail on an insanity plea might still present evidence of a mental condition on the issue of whether he had the requisite mental state for the offense. This is a *diminished capacity* defense. This is not a true defense as much as it is a failure-of-proof defense that negates mens rea. However, diminished capacity can be used as a true defense in a murder prosecution to mitigate the offense to manslaughter. During the past 20 years, there has been a movement to abolish diminished capacity in several states (Garland, 2003).

The law recognizes that people are not criminally liable for acts committed when they are not sane at the time of the offense. Sanity is determined by the jury applying the irresistible impulse test, the substantial capacity test, or the so-called M’Naghten Rules. Four states have abolished the insanity defense altogether, while only four use the irresistible impulse test. A person is insane under this test if, at the time of the offense, (1) she acted from an irresistible and uncontrollable impulse, (2) she was unable to differentiate between right and wrong behavior, and (3) she did not have the will necessary to control her actions (Fingarette & Hassle, 1993, p. 744–746).

The substantial capacity test provides that a person is not responsible for her criminal conduct if, at the time of the conduct, as the result of a mental disease or defect, she lacked substantial capacity to do one or both of the following: (1) appreciate the criminality or wrongfulness of her conduct and (2) conform her conduct to the requirements of the law. The substantial capacity test has been adopted by just under half of the states (McClain & Kahan, 2002, p. 412).

Half of all states determine sanity by applying the M’Naghten Rules. A defendant is not legally responsible for his acts if at the time he was “laboring under such a defect of reason, from diseases of that mind, as not to know the nature and quality of the act he was doing, or if he did

know, that he did not know that what he was doing was wrong” (Neubauer, 2008, p. 306).

In general terms, mistake of law is not a defense. If, however, a law is ambiguous and might prevent a reasonable person from knowing whether her conduct is prohibited by the statute, the defendant might have a defense against application of the law to her. This is actually a constitutional defense because an ambiguous law fails to meet the requirements of due process under the Fifth and Fourteenth Amendments to the U.S. Constitution (Chevigny, 2002).

A mistake of fact is a defense if it negates the mental state required to establish any element of the offense. If a defendant makes a mistake and takes the wrong coat from a closet at a party, his mistake negates the intent to steal that is necessary for a theft to have occurred (Chevigny, 2002).

## Conclusion

This chapter has outlined many of the most salient aspects of the criminal law. In so doing, historical and traditional applications of law were discussed en route to an examination of more recent developments. The criminal code is continuously evolving because it continually adapts to new environments and situations. Recall that one of the first known sets of laws, the Code of Hammurabi, dates back to 1750 BC. Since that time, societies have of course developed and recorded new laws, reworked existing laws, and discarded antiquated laws. The Code of Hammurabi, for example, included some 282 laws. Today, developed nations like the United States have authored volumes of criminal sanctions that would require a vast library to compile. Although idiosyncrasies of the historical evolution of criminal law are more complex than could be outlined here, it is important to note that the overarching goal of the criminal law is to protect the health, safety, and welfare of society. As societies develop and face new and unforeseen circumstances, the criminal law must, and will, follow suit. It is in this way that the criminal law protects its citizens and remains one of the hallmarks of civilized societies.

## References and Further Readings

- Argersinger v. Hamlin, 407 U.S. 25 (1972).
- Beale, S. S. (2002). Federal criminal jurisdiction. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (2nd ed., pp. 694–698). New York: Macmillan.
- Chevigny, P.G. (2002). Justification: Law enforcement. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (2nd ed., pp. 889–893). New York: Macmillan.
- Demleitner, N., Berman, D., Miller, M., & Wright, R. (2007). *Sentencing laws and policy, cases, statutes, and guidelines* (2nd ed.). New York: Thompson/Wadsworth.



- Dix, G. E. (1993). Justification: Self-defense. In S. H. Kadish (Ed.), *Encyclopedia of crime and justice* (pp. 946–947). New York: Macmillan.
- Dressler, J. (2001). *Understanding criminal law* (3rd ed.). Albany, NY: LexisNexus.
- Fingarette, H., & Hassle, A. F. (1993). Excuse: Intoxication. In S. H. Kadish (Ed.), *Encyclopedia of crime and justice* (pp. 742–746). New York: Macmillan.
- Fletcher, G. F. (2002). Justification: Theory. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (2nd ed., p. 883). New York: Macmillan.
- Frankel, M. E. (1993). *Criminal sentences: Law without order*. Belmont, CA: Wadsworth.
- Frase, R. S. (2002). Criminalization and decriminalization. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (2nd ed., pp. 347–348). New York: Macmillan.
- Frase, R. S., & Weidner, R. R. (2002). Criminal justice system. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (2nd ed., 371–385). New York: Macmillan.
- Garland, N. M. (2003). *Criminal law for the criminal justice professional* (2nd ed.). Burr Ridge, IL: McGraw-Hill.
- Garner, B. A. (2004). *Black's law dictionary* (8th ed.). St. Paul, MN: Thompson West.
- Gideon v. Wainwright, 372 U.S. 335 (1963).
- Greenwalt, K. (2002). Punishment. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (p. 450). New York: Macmillan.
- Hazard, G. C. (1993). Criminal justice system: Overview. In S. H. Kadish (Ed.), *Encyclopedia of crime and justice* (p. 742). New York: Macmillan.
- Kadish, S. (1987). Excusing crime. *California Law Review*, 75, 257–296.
- Katz, L. (2002). Excuse: Duress. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (p. 647). New York: Macmillan.
- Lafave, W. R. (2003). *Criminal law*. St. Paul, MN: Thompson West.
- Low, P. W. (1998). The Model Penal Code, the common law, and mistakes of fact: Recklessness, negligence, or strict liability? *Rutgers Law Review*, 19, 539.
- McClain, C., & Kahan, D. M. (2002). Criminal law reform: Historical development in the United States. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (pp. 422–424). New York: Macmillan.
- Neubauer, D.W. (2008). *America's courts and the criminal justice system* (9th ed.). Belmont, CA: Wadsworth/Thompson.
- Perlin, M. L. (2002). Excuse: Insanity. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (p. 650). New York: Macmillan.
- Reitz, K. R. (2002). Sentencing: Allocation of authority. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (p. 1400). New York: Macmillan.
- Rex v. Higgins, 2 East 5 (1801).
- Robinson, P. H. (1992). Criminal law defense: A systematic analysis. *Columbia Law Review*, 82, 199–215.
- Sanford, H. K. (1997). *Blame and punishment: Essays in the criminal law*. St. Paul, MN: Thompson West.
- Scheb, J. M., & Scheb, J. M. II (2006). *Criminal law*. Belmont, CA: Wadsworth.
- Schulhofer, S. J. (2001). *Criminal law and its processes: Cases and materials*. Belmont, CA: Wadsworth/Thomson.
- Singer, R. G. (2002). Strict liability. In J. Dressler (Ed.), *Encyclopedia of crime and justice* (pp. 1541–1546). New York: Macmillan.
- Tiffany, L., McIntyre, D., & Rotenberg, D. (2003). *Detections of crime* (4th ed.). New York: Wadsworth/Thomson.
- Torcia, C. E. (1995). *Criminal law* (5th ed.). New York: Wadsworth/Thompson.
- Wallace, H., & Roberson, C. (1996). *Principles of criminal law* (4th ed.). Boston: Allyn & Bacon.

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## CRIMINAL SPECIALIZATION

CHRISTOPHER J. SULLIVAN

*University of South Florida*

Since early in the study of crime, criminologists have been interested in the taxonomic identification of offenders. This interest dates as far back as the research of Lombroso, which attempted to define “born criminals” based on certain individual physical and psychological features (Gibbons, 1988). More recently, the study of criminal careers has brought renewed interest to whether, and to what degree, criminal offenders might concentrate, or “specialize,” in particular offense types. This gives rise to questions as to whether certain offenders engage predominantly, or exclusively, in drug offenses only, sex offenses, violent offenses, and so on. In short, research on specialization asks, can offenders be placed in distinct categories defined by their focus on particular types of crimes?

The answer to the specialization question has important implications for both criminological theory and criminal justice practice. Consequently, criminologists have made a number of explanatory propositions about the potential for specialization in offending, and empirical research has attempted to uncover its presence and nature. If there is no offense specialization, then criminologists would be wise to adhere to general explanations of crime, such as Gottfredson and Hirschi’s (1990) self-control theory, and policymakers and justice officials would be well served to treat all offenders in a similar manner based on their frequency of offending. On the other hand, findings of specialization suggest it would be prudent to consider more

specific explanations of criminal behavior, such as differential opportunity theory (Cloward & Ohlin, 1960) or Moffitt’s (1993) developmental taxonomy of antisocial behavior. If notions of specialization in offending are sustained, policymakers and practitioners might then look to make use of such information in developing intervention strategies and sanction structures.

Paternoster and colleagues (Paternoster, Brame, Piquero, Mazerolle, & Dean, 1998) define specialization as “the extent to which an offender tends to repeat the same specific offense or offense type on successive criminal events” (p. 133). According to Osgood and Schreck (2007), specialization reflects systematic individual differences in forms of criminal behavior engaged in by offenders. The concept of specialization may imply similarities in consecutive offenses or span an offender’s entire career (Miethe, Olson, & Mitchell, 2007). While specialization is often defined as the tendency to repeat specific types of offending, often in a direct, sequential form (see Kempf-Leonard, 1987), some believe this is too strict a definition (Francis, Soothill, & Fligelstone, 2004). Earlier studies focused somewhat more on offense-switching in consecutive criminal events or arrests, while more recent work tends to look at a particular period in time to assess the degree to which individuals exhibit a tendency to commit certain types of offenses during that time frame. Overall, specialization refers to a concentration in particular types of offenses. Clearly, the

manner in which specialization is defined has important implications for theory and empirical findings.

## Theory

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Some of criminology's major theories make assumptions, directly or indirectly, about specialization. These statements about specialization and generality in offending patterns derive from the positions that theories take on both criminals and criminal events. In contemporary criminology, two separate bodies of theory hold viewpoints on the existence and nature of specialization in offending. On the one hand, general theories that make few distinctions among offenders in terms of type and the explanation of behavior suggest that offenders do not specialize in particular offenses. Alternatively, taxonomic perspectives of criminal careers that make distinctions among offenders are more accepting of the idea that there may be qualitative differences in offending patterns.

In the general theory of crime, offending is viewed as only one of a host of activities undertaken in pursuit of short-term pleasure or gain at the expense of potential long-term consequences (Gottfredson & Hirschi, 1990). One of its fundamental propositions is that offenders have low levels of self-control, and this leads them to engage in a variety of criminal offenses. Thus, the theory suggests that there should be no discernable patterns of offenses. Criminal acts are seen as providing the potential immediate gains that will be attractive to those who have lower levels of self-control (Britt, 1994). Therefore, in the view of these theorists, offenders are unlikely to demonstrate specialization as this short-term, pleasure-seeking orientation will manifest itself in a variety of distinct deviant activities across different situations and shifting life circumstances. An offender who commits auto theft one week might get involved with a physical fight the next or commit another auto theft. The specific nature of the deviant behavior is likely to arise mainly out of the opportunities presented to the offender and will not reflect a coherent pattern of offending within a particular type.

The criminal career paradigm, outlined by Blumstein and colleagues (Blumstein, Cohen, Roth, & Visher, 1986), suggests that, in addition to onset, continuance, and desistance in offending, the qualitative issue of offense type is also worthy of focus. In short, this framework focuses on individual-level variation in offending over time, arguing that such patterns are worthy of empirical investigation and, potentially, theoretical explanation. The issue of specialization represents one such area of study. Criminal career researchers believe that there may be certain groups of offenders who warrant distinct behavioral explanations and may require some sort of specialized treatment or intervention. For example, there may be a group of serious, generalized offenders who engage in a lifelong pattern of antisocial behavior and will engage in a variety of deviant

activities. This reflects the small group of serious, chronic offenders that are often identified in studies focused on criminal behavior in general populations (e.g., Wolfgang's Philadelphia Birth Cohort Study; see Wolfgang, Figlio, & Sellin, 1972). On the other hand, it is possible that certain individuals tend to engage in less serious deviant behavior during adolescence only and desist from that behavior as they near adulthood. This is the premise of Moffitt's (1993) taxonomy of antisocial behavior, which provides an example of a theory that outlines subgroups of offenders that may be distinct in terms of the manner and origin of their behavior. For example, Moffitt's adolescent-limited offenders may specialize in relatively more benign forms of antisocial behavior (e.g., status offenses, substance use), while life-course persistent offenders commit an array of offenses over a longer period of time.

The criminal career view of distinctions in offender type has been criticized by proponents of more general views of crime and criminals. Such criticism extends even to the use of the term *career*, which implies some coherent pattern of behavior (Gibbons, 1988). Osgood (2005) summarizes this discussion in terms of the emphasis on generality and explanatory simplicity as a means of advancing understanding versus the criminal career alternative that looks at a series of specific benchmarks (e.g., onset, persistence) and considers individual differences in those properties. Specialization and versatility in offending represent one such parameter. The discussion also presents an issue for further consideration in terms of understanding the nature of criminal behavior. Consequently, the question of specialization serves as a touchstone for criminologists who hold different views regarding the nature and etiology of criminal behavior.

## Empirical Evidence

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As noted above, some key theoretical propositions in criminological research assert different degrees of specialization in offending. This has given rise to a fair amount of empirical research seeking to examine the presence or absence of such properties of offending. These studies have drawn on a variety of methods, and in many cases their differences may be partly attributable to alternative approaches to measurement or analysis.

Most studies tend to find only marginal levels of specialization in offending. Gibbons (1988) suggests that the typological schemes offered by criminologists and practitioners tend to lack support when attempts are made to identify cases that provide a "real world" match to their expectations. In general, the literature on this aspect of the criminal career tends to indicate fairly low levels of specialization among offenders (Piquero, Farrington, & Blumstein, 2003). Relevant early research, for example, found that having information about the number and type of an offender's previous crimes was not a good predictor of later offenses (Wolfgang et al., 1972).

Farrington, Snyder, and Finnegan (1988) studied the question of specialization in a sample of juvenile offender court records. They found an average coefficient value of .10, which was statistically significant, but quite small relative to the value of 1.0 that would be expected in the case of complete specialization in offending. They also compared the actual number of specialists for each offense to that expected by chance and found that only about 20% could be designated as specialists. While identifying somewhat higher levels of specialization in an adult sample, coefficient values identified by Blumstein et al. (1988) were all below .50 and were generally closer to .20. As in these studies, Paternoster et al. (1998) identified fairly low levels of specialization in juvenile and adults when they analyzed crime patterns for a sample of British offenders.

Using the Philadelphia Birth Cohort data set, Kempf-Leonard (1987) examined five measures of specialization (e.g., specialization coefficient, transition probabilities) and found that, in general, offenders exhibited low levels of specialized criminal activity. Piquero and colleagues (Piquero, Paternoster, Brame, Mazerolle, & Dean, 1999) and Mazerolle and colleagues (Mazerolle, Brame, Paternoster, Piquero, & Dean, 2000) examined the relationship between specialization and versatility of offending and key covariates (e.g., age of onset, gender). Mazerolle et al. calculated diversity index values across three crime types and found observed values ranging from about .28 to .50, depending on the number of offenses, suggesting fairly diverse offending profiles. Piquero et al. utilized several measures (e.g., diversity index, transition matrices) and similarly found fairly low degrees of specialization. For example, the specialization coefficients were below .35 in all cases (with 1.0 representing complete specialization). Focusing on violent specialization, Piquero (2000) likewise found no discernable evidence that certain offenders tend to concentrate on such offenses and suggested that individual volume of offending is the primary correlate of whether offenders are violent or nonviolent.

Some recent evidence suggests that the question of specialization in offending may be more nuanced than first thought. For example, in work drawing on ethnographic accounts, Shover (1996) found that, in contrast to specialization over the entire criminal career, offenders make short-term adjustments in offense patterns that suggest some degree of temporary specialization. Sullivan, McGloin, Pratt, and Piquero (2006) report a similar finding with the diversity index in a sample of incarcerated felons when studying short pockets of time (e.g., months and years). Francis et al. (2004) also found evidence of offender "types" when studying longitudinal crime patterns in a U.K. offender sample. Like Shover, both of these studies also suggested that criminals may shift their offending preferences over time, which would aggregate to versatility over a career.

Using a novel measurement and analytic approach, Osgood and Schreck (2007) report clear and consistent evidence of specialization in violent offending. Their study incorporated self-reported delinquency measures across

three prominent studies of juvenile delinquency (e.g., Monitoring the Future). They also found that the propensity to specialize in violent behavior was relatively consistent over time and was systematically related to some expected correlates (e.g., risk seeking). Thus, they assert fairly strong evidence of specialization using their approach.

It is also important to consider different correlates of offending patterns that might be important in connecting this aspect of the criminal career to theoretical propositions and policy considerations. Piquero et al. (1999) and Mazerolle et al. (2000), for instance, attempted to tie the degree of specialization to important aspects of the broader criminal career. Lynam, Piquero, and Moffitt (2004) looked at specialized offender groups and found some differences in the extent of their respective developmental risk factors (e.g., childhood conduct).

Although these findings do suggest some degree of specialization in offending, it is important that they are viewed in the context of a larger group of studies that have identified offenders who tend to commit a variety of different criminal acts over their careers. Britt (1994) suggests that researchers sometimes lose sight of the fact that even studies identifying purported specialized offenders tend to suggest that they represent a fairly small portion of the overall pool. So, in considering empirical results, it is important to keep the findings of generality in criminal careers in mind but also consider potential segments of that career where there might be specialized pockets of offending.

## Methods

As research on the question of specialization and diversity in offending has grown, so too have discussions about how it should best be studied and measured from a methodological perspective. The question of specialization is one of a few areas related to criminal career research that has generated a fair deal of disagreement among criminologists. This debate has often played out in arguments about how best to measure and analyze specialized or diverse patterns of offending. Consequently, several different measurement and analytic approaches have been proposed and utilized in the study of this property of the criminal career.

## Measures

Some early specialization research relied on the use of transition matrices, which are aggregate measures indicating how often an offender "switches" from crime to crime over the course of a criminal career (Blumstein, Cohen, Das, & Moitra, 1988). Such studies provide a sense of the average sample probability that individuals would switch offenses or maintain the same type across a series of arrests. Although one can examine a number of transitions, this method has been criticized as it may give too much weight to consecutive offenses at the expense of a broader sense of offending patterns. For example, if a substantial

proportion of an offender's arrests are for the same crime type but they are not ordered, this approach might still suggest a generalized offending pattern. Alternatively, an offender with a smaller proportion of arrests for the same crime, occurring consecutively, would demonstrate a greater degree of specialization on that measure.

Farrington (1986; Farrington et al., 1988) introduced a single summary measure drawn from transition matrices called the forward specialization coefficient (FSC) (see also Paternoster et al., 1998). This measure extends the traditional transition matrix approach to include observed and expected frequencies in an offense array so that the pattern identified in the data can be benchmarked against what one would expect if there were no relationship between consecutive offenses. Using these basic elements, one can then calculate an estimate that reflects cases where there is no specialization in offending (i.e., the observed values perfectly match those expected when there is no relationship between consecutive offenses) ranging to those with complete specialization (i.e., offense two is the same as offense one in all cases). While this approach provides a concise summary, it has also been criticized because its interpretation is somewhat murky and it lacks statistical properties that would open it up to further analysis (Britt, 1996).

Another criticism of both the transition matrix and specialization coefficient approach is that they are aggregate measures of offending patterns. As such, their interpretations are based on the offense patterns at the group level, not for individual offenders. As a result, attempts to make statements about individual patterns of specialization or versatility may lead to mistakes in the attribution of results to individuals versus groups (Piquero et al., 1999). This may be problematic since the criminal career framework (Blumstein et al., 1986), which in part prompted renewed interest in these questions, generally focuses on individual patterns of offending, not on aggregate crime rates. So, the transition matrix, and those measures derived from an aggregate array of offenses, may get away from the foundation of criminal careers research, which tends to seek out more individual-centered explanations for the nature and etiology of offending.

Partly as a result of this limitation, some have used the "diversity index," which provides an estimate of the likelihood that any two offenses selected from an individual's offending profile will differ (Mazerolle et al., 2000). The total number of offense types included in the measure creates an upper boundary on its value, and the lower value lies at zero. A diversity index value of zero indicates that the offender engages in complete specialization (i.e., all offenses come from the same category). As the value of the index increases toward its upper limit, the offender is identified as having committed a greater variety of offenses (i.e., covers more categories). One of the key features of the diversity index is that it measures offense specialization at the individual level (Mazerolle et al., 2000). So, relative to other measures, the diversity index approach is a closer fit to criminal career research and life course criminology. Also, unlike

transition matrices, the order of offenses does not figure into its calculation, so the same offense type need not occur successively to denote specialization. Rather, it considers the pattern of offenses in the particular time period as a whole and then makes an assessment regarding their mix (or lack thereof). It can also be incorporated in further statistical analysis of individuals. Still, this measure may be influenced by the number and type of offenses included in its calculation and also the observed time window (Sullivan et al., 2006).

### Analytic Approaches

Osgood and Schreck (2007) outlined a number of characteristics necessary for the appropriate measurement and analysis of specialization in offending. According to these authors, key facets in the measurement of specialization include a focus on the type of crimes committed rather than their ordering, definitions of specialization at the individual level, separation of specialization from the more general frequency of offending, and consideration of an individual's pattern of offending in relation to the prevalence with which particular offenses are committed in the sample as a whole. These suggestions were drawn from a review of the methodological difficulties apparent in previous studies of specialization.

Working from this foundation, Osgood and Schreck (2007) used a statistical modeling approach that nests individual offense patterns within individuals to determine whether or not they engage in more offenses of a particular type (violent vs. nonviolent) than would be expected by chance alone. In this approach, specialization is captured by an individual's relative balance of violent and nonviolent offenses. This method also allows researchers to account for other factors, such as the offender's overall frequency of criminal activity, which may be important in the study of specialization.

Another method of assessing specialization, adopted in some inquiries, involves statistically identifying individuals who fall into relatively distinct categories of offending. One statistical modeling approach that can provide some evidence of both prevalence and type of offending patterns is latent class analysis. This method draws on observed offender response patterns to conditionally place individuals into classes based on specific offending types. In this procedure, an offender is asked (or his or her record might be checked) whether he or she has committed any of an array of offenses, and a statistical model is then used to place the offender in a class based on those responses. For example, Britt (1994) found that individuals in the Seattle Youth Study were best represented by two groups, which largely reflected those who committed delinquent acts and those who did not. This suggests a lack of specialization, providing support for general theories of offending. More recently, Francis et al. (2004) undertook a similar type of analysis with a wider array of offense categories and found distinct classes such as shoplifting offenders and fraud/general theft offenders. Where measures like the diversity index and forward specialization

coefficient demonstrate the level of observed specialization, these latent class models can help researchers to determine the nature of the offense type clusters that may be present in the data. These models also offer extensions that allow researchers to discern whether and how offenders may move or transition across offending types over time. Knowledge from such an approach can help in understanding findings of specialization at fixed points in time in the context of versatility over the longer criminal career.

### Time Window

While several studies have shifted away from aggregate, population-level measures of offending specialization, they still tend to aggregate offending careers across a number of years. Sometimes studies pool offenses across more than a decade's worth of time. Therefore, despite the use of measures that tap into individualized offense patterns, the findings that emerge from studies of specialization must be considered in relation to the time frame in which the data are viewed. One recent study, for example, found that the observed level of specialization shifted gradually as the time window was lengthened (Sullivan et al., 2006). This point is also partly supported by Osgood and Schreck's (2007) finding of lower stability in individuals' likelihood of violent specialization as the range of time in focus grew longer.

As mentioned above, operational definitions concerning specialization vary from study to study in terms of the use of time frames and also the order of offenses. Clearly, the degree to which the length of offending career is aggregated or disaggregated in a particular study may impact the degree of specialization or diversity observed. It might also be necessary to use longer time intervals in order to obtain enough volume in individual offending to make an assessment about the presence or level of specialization. As a result, it is important to contextualize findings of specialization and diversity in their observed time window and consider whether a full portrait of the criminal career is desired or a segmented view of some portion of that career is more relevant. Differences in the time window studied will inherently impact findings, so it is important to take note of how specialization is being assessed in a particular study so that it can be properly considered in relation to theory and practice.

### Data Source

Offending has traditionally been measured in two main ways: self-reports and official records. Both have identified strengths and weaknesses for understanding the general prevalence of offending, which also extend to the study of criminal specialization. While official records may allow for the ordering of particular offenses and facilitate transition matrix-based analysis of offense patterns (Farrington et al., 1988), they also have shortcomings in terms of understanding the full scope of offending. It is

well understood that official records capture only a fraction of the overall offenses committed by an individual. In the case of the study of specialization, this has important implications as it may distort the observed pattern of criminal activity toward more serious offense types and not fully capture the array of crimes engaged in by individuals. For example, Lynam et al. (2004) compared levels of specialization in violent offenses across official records and self-reports. Specifically, they examined the observed distribution of violent acts relative to what would be expected based on the overall distribution of offenses to determine whether their values differed, thus indicating specialization. They found evidence of violent specialization in self-reports, but not in official records.

Osgood and Schreck (2007) suggest that self-report information is preferred to the use of official records in studying specialization because it provides more depth of coverage of individual offense patterns and is less susceptible to biases of the type mentioned above. Still, there may be some problems with the use of self-reported offending as a foundation for understanding specialization. Bursik (1980) notes, for example, that self-report data may carry a specific form of risk in the context of such research. He argues that an offender who commits fewer offenses is likely to have better recall regarding their precise nature than a high-rate offender. This results in estimates of offending patterns that may be systematically biased. Clearly, for both official records and self-report methods, any potential systematic inclusion/exclusion of particular offense types might distort findings related to the question of specialization. So, as with offending prevalence in general, it is important to consider the source of the data in making sense of estimates of offending diversity and specialization.

### Underlying Classification of Offenses

In addition to the methodological considerations noted above, the categorization of offenses that underlies a particular measure of specialization has important implications for research findings. Miethe et al. (2007) point out that the potential for finding specialization will decrease as the array of offenses included in its calculation increases. This owes to the fact that finer classification of offense types inherently reduces the likelihood that the same offense(s) would be observed on multiple occasions. Often, researchers investigate specialization based on some configuration of the three overarching crime types—violence, property, and drugs (see Mazerolle et al., 2000). Studies relying on broad “violence,” “property,” and “other” categorizations of crime might generate less observed diversity than those that fully distinguish among offenses that fall within these wider umbrellas (e.g., auto theft, larceny, and fraud for “property”). Also, the manner in which offenses might fit together empirically may be different from initial researcher and practitioner perceptions about which types are similar.

## Applications

Despite some questions from theorists and empirical researchers, the categorization of offenders nonetheless retains some appeal, particularly among policymakers, practitioners, and the general public (see Lieb, Quinsey, & Berliner, 1998; Matson & Lieb, 1997). Differential incarceration and treatment plans, for instance, often assume some offender types, whether in terms of specific groups like sex offenders or the general consideration of violent/nonviolent behavior. Legislation directed against particular subgroups of offenders may be enacted when public outcry regarding a well-known case is high. Simon (1997) points out that few outside the research community understand that offender specialization is a relatively rare occurrence. Consequently, an understanding of the degree to which offenders specialize can inform debates about key aspects of justice processing and crime prevention (Blumstein et al., 1986). For example, specific sanctions and treatment for drug offenders may be more palatable (and effective) if it can be demonstrated that such offenders tend not to engage in other offenses that pose a greater threat to public safety.

Clearly, attaching generalized labels to offenders offers practitioners and policymakers an opportunity to simplify decision making because officials can develop a template for dealing with a particular group and then apply that approach to those who fall in that classification. At the same time, in practice, the viability of this perspective does in part hinge on the reality of whether or not such types, or at least concentrated behavioral patterns, truly exist. Thus, this becomes an important information point in balancing the cost and benefit of particular forms of justice response to such offenders. Although there are others (e.g., domestic violence offenders) (Simon, 1997), two groups that have been a specific focus of policy-related discussion of specialization are drug offenders and sex offenders.

### Drug Offenders

The question of sentencing for low-level drug offenders has been a matter of some debate. Very little empirical literature has examined this question in relation to its specialization assumption, however. DeLisi (2003) addresses the argument of some who contend that there is a group of “drug offenders” who are generally nonviolent and do not pose much of a threat to public safety as they are only users. The held belief is that imprisoning these individuals represents an overly harsh and wasteful reaction on the part of society. DeLisi examined the criminal arrest histories of 500 detained offenders to assess whether their offending careers reflect specialization in drug offenses or generalized criminal behavior. He found that drug offenders, characterized as having a history of imprisonment for drug use/possession, tend to engage in a variety of offenses over their careers and were actually more likely than nondrug offenders to engage in violent, property, and nuisance

offenses. Based on these findings, DeLisi casts doubt on the contention that drug offenders are specialized and therefore should be treated with leniency because they pose little risk to society. Unfortunately, work in this area is quite limited, so it is important that the issue is studied further in the context of specialization. Still, the issue of response to drug offenders provides one example of the important policy discussions inherent in the study of specialization and versatility in criminal behavior.

### Sex Offenders

Due in large part to its policy implications, specialization among sex offenders has received a great deal of attention (e.g., Lussier, 2005; Miethe et al., 2007; Simon, 1997). This comes at least in part because there has been a move toward specialized sanctions and treatment for sex offenders (Simon, 1997). For example, Megan’s Law provides for public notification regarding known sex offenders in the community, and civil commitment procedures permit authorities to house these offenders in secure, residential treatment facilities beyond the completion of their criminal sentence if they are still deemed to be a threat to the community. Both approaches imply some degree of specialization.

Specialization studies focused on sex offenders seek to better understand whether this particular group of offenders differs from others in ways that justify considering them as a distinct group for the purposes of treatment and sanctions. Studies by Lussier (2005) and Simon (1997) looked at this question specifically. Using the proliferation of measures aimed specifically at sex offenders as a pretext, Lussier undertook a comprehensive review of the literature related to specialized and generalized offending among that group. Based on studies that compare recidivism rates for sex offenders to those of nonsex offenders, he concluded that sexual crime does not engender greater levels of specialization than other crimes. Other studies did find, however, that there were differences in degree of specialization between offenders who victimized children compared to those whose offenses were perpetrated against adult women. Overall, Lussier reported mixed findings with regard to specialization and generality in offending but states that sex offenders do not appear to limit themselves strictly to that area of criminal behavior. Simon (1997) came to a similar conclusion in a review of the literature on domestic violence offenders, sex offenders, and general population criminals. In looking at sex offenders specifically, she indicates that findings of generality in criminal histories are often implicit even in studies that treat them as a distinct group.

Drawing on a similar premise as Lussier (2005), Miethe and colleagues (2007) examined the offending patterns of a large sample of sex offenders released from prison in the mid-1990s. They found that, in comparison to other offender groups, sex offenders exhibited lower probabilities of committing the same offense for adjacent arrests.

Furthermore, they identified offending versatility regardless of whether they examined raw probabilities of repeated sex offenses, the forward specialization coefficient, or the diversity index. Thus, the sex offenders in this large, nationally representative sample did not appear to be “persistent specialists” as is often assumed. Studies of the type mentioned here further emphasize the importance of fully considering the available evidence regarding potential specialization of offending in determining whether policies aimed toward specific groups of offenders are likely to be successful.

## Future Directions

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In the future, further consideration of specialization of diversity and specialization of offending is needed to inform criminological theory and public policy and practice. Presently, much of the research regarding criminal specialization is descriptive in nature and does not necessarily consider the context of contemporary theory and practice. On the theoretical side, it is important to consider this characteristic of the criminal career in the context of emerging integrated perspectives. For example, identification of specialized offending patterns in shorter segments of the life course may provide important insights regarding situational influence on criminal behavior. At the same time, stringing shorter portions of the life course together will likely show an aggregate pattern of versatility. The process of merging those segments may provide greater insight into the trajectory of offending careers by identifying the social circumstances in which an offender might limit or expand his or her repertoire of offenses.

In the case of sex offenders, Lussier (2005) notes that limitations in the existing literature may help explain the disparate findings observed in his review. This is also likely the case in more general considerations of specialization and diversity (e.g., Osgood & Schreck, 2007; Sullivan et al., 2006). Lussier criticizes existing studies for not fully capturing the key theoretical issues surrounding specialization in offending. Specifically, researchers have not focused enough on within-individual change across the criminal career in their consideration of the issue of specialization. He suggests that use of the knowledge drawn from the foundation of the criminal career framework is an important aspect of understanding findings that demonstrate both generality and specialization in sex offender careers (see also McGloin, Sullivan, Piquero, & Pratt, 2007; Sullivan et al., 2006). Such a focus may help to reconcile patterns of short-term specialization with the more abundant findings of versatility in criminal careers.

As with much research in criminology, and the social sciences generally, it is important to assess substantive findings in the context of the samples and methods used in specialization studies. A variety of approaches have been used in order to assess the presence and nature of this property of criminal careers. The use of different measures,

analytic approaches, and data sources has caused some difficulty in terms of fully understanding the level of specialization and its meaning for theory and policy. Gradually, emergent methods have begun to deal with some of the criticisms raised about the existing evidence. For example, Osgood and Schreck (2007) identified a variety of guidelines for studying specialization that may serve as a foundation for future research. It is important that findings from studies of specialization are viewed in relation to their operational definitions, time window, data source, the number and type of offenses used, and the analytic procedure.

Policy makers and practitioners make implicit assumptions about categorizations of offenders that allow them to execute prevention, processing, sentencing, placement, and treatment planning. These assumptions allow for simplified decision making, but they may also limit the ability to deal with offending problems in the long term. For instance, treating a versatile offender who just happened to commit a sex offense using a modality designed around assumptions regarding the psychological makeup of “sex offenders” may contribute to a squandering of already limited justice resources. Similarly, a policy that treats drug offenders as a pure category and deals with them as if they are specialized offenders may compromise public safety if those underlying assumptions turn out to be false. As Miethe et al. (2007) point out, if policies and treatment approaches for criminal offenders are based on false assumptions regarding specialized behavior patterns, they may be destined for failure before they are even initiated. Clearly, in the future it is important that policies and practices built on assumptions of specialization be carefully considered in relation to information obtained from actual offenders. In addition, theory and existing empirical findings should be utilized to explain why particular types of offenders might be more or less likely to specialize.

## Conclusion

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The notion that offenders can be categorized in some fashion has been around for as long as criminal behavior has been studied. The potential for specialization continues to be a question of some importance in contemporary criminological theory and justice policy. The ongoing study of criminal careers has led to a great deal of further research in this area. Still, many scholars believe that offenders commit criminal acts based on desire for short-term pleasure and do not regularly engage in specific patterns of offenses. A variety of research methods and analytic approaches have been used to examine this research topic; some focus on offense patterns across groups of offenders, and others attempt to assess specialization and diversity of offending at the individual level. Empirical research tends to suggest that the majority of offenders generalize over the course of their active criminal careers. This raises some questions about theories, policies, and treatment modalities that assume offender types.



Some recent evidence, however, suggests that offenders may specialize during short time periods of their overall careers. Therefore, it is important that further research on specialization accommodate the fact that most offenders will commit a variety of different types of crime over their careers, but the specific nature of those activities may be tied to particular life events and situations. Emerging measurement strategies and analytic techniques offer some opportunity to better understand this property of criminal careers. Incorporating these approaches with greater emphasis on theoretical understanding has the potential to advance knowledge of the degree to which criminal specialization exists and its origins. This area of criminological study has some important implications for how offenders are sanctioned and treated by the justice system as well and should be pursued further to inform responses to crime.

## References and Further Readings

- Blumstein, A., Cohen, J., Das, S., & Moitra, S. D. (1988). Specialization and seriousness during adult criminal careers. *Journal of Quantitative Criminology*, 4, 303–345.
- Blumstein, A., Cohen, J., Roth, J. A., & Visher, C. (Eds.). (1986). *Criminal careers and "career criminals": Vol. 1*. Washington, DC: National Academies Press.
- Britt, C. L. (1994). Versatility. In T. Hirschi & M. Gottfredson (Eds.), *The generality of deviance* (pp. 173–192). New Brunswick, NJ: Transaction Publishers.
- Britt, C. L. (1996). The measurement of specialization and escalation in the criminal career: An alternate modeling strategy. *Journal of Quantitative Criminology*, 12, 193–222.
- Bursik, R. J. (1980). The dynamics of specialization in juvenile offenses. *Social Forces*, 58, 851–864.
- Chaiken, J. M., & Chaiken, M. (1982). *Varieties of criminal behavior*. Santa Monica, CA: Rand Corporation.
- Cloward, R., & Ohlin, L. (1960). *Delinquency and opportunity: A theory of delinquent gangs*. New York: Free Press.
- DeLisi, M. (2003). The imprisoned non-violent drug offender: Specialized martyr or versatile career criminal? *American Journal of Criminal Justice*, 27, 167–182.
- Farrington, D. P. (1986). Age and crime. In M. Tonry & N. Morris (Eds.), *Crime and justice: A review of research* (Vol. 7, pp. 189–250). Chicago: University of Chicago Press.
- Farrington, D. P., Snyder, H. N., & Finnegan, T. A. (1988). Specialization in juvenile court careers. *Criminology*, 26, 461–485.
- Francis, B., Soothill, K., & Fligelstone, R. (2004). Identifying patterns and pathways of offending behaviour: A new approach to typologies of crime. *European Journal of Criminology*, 1, 47–87.
- Gibbons, D. C. (1988). Some critical observations on criminal types and criminal careers. *Criminal Justice and Behavior*, 15, 8–23.
- Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Kempf-Leonard, K. (1987). Specialization and the criminal career. *Criminology*, 25, 399–420.
- Lieb, R., Quinsey, V., & Berliner, L. (1998). Sexual predators and social policy. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 23, pp. 43–114). Chicago: University of Chicago Press.
- Lussier, P. (2005). The criminal activity of sexual offenders in adulthood: Revisiting the specialization debate. *Sexual Abuse: A Journal of Research and Treatment*, 17, 269–292.
- Lynam, D., Piquero, A. R., & Moffitt, T. E. (2004). Specialization and the propensity to violence: Support from self-reports but not official records. *Journal of Contemporary Criminal Justice*, 20, 215–228.
- Matson, S., & Lieb, R. (1997). *Megan's Law: A review of state and federal legislation*. Olympia: Washington State Institute for Public Policy.
- Mazerolle, P., Brame, R., Paternoster, R., Piquero, A. R., & Dean, C. (2000). Onset age, persistence, and offending versatility: Comparisons across gender. *Criminology*, 38, 1143–1172.
- McGloin, J. M., Sullivan, C. J., Piquero, A. R., & Pratt, T. C. (2007). Explaining qualitative change in offending: Revisiting specialization in the short-term. *Journal of Research in Crime and Delinquency*, 44, 321–346.
- Miethe, T., Olson, J., & Mitchell, O. (2007). Specialization and persistence in the arrest histories of sex offenders: A comparative analysis of alternate measures and offense types. *Journal of Research in Crime and Delinquency*, 43, 204–229.
- Moffitt, T. E. (1993). Adolescent-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 674–701.
- Osgood, D. W. (2005). Making sense of crime and the life course. *Annals of the American Academy of Political and Social Science*, 602, 196–211.
- Osgood, D. W., & Schreck, C. J. (2007). A new method for studying the extent, stability, and predictors of individual specialization in violence. *Criminology*, 45, 273–312.
- Paternoster, R., Brame, R., Piquero, A. R., Mazerolle, P., & Dean, C. W. (1998). The forward specialization coefficient: Distributional properties and subgroup differences. *Journal of Quantitative Criminology*, 14, 133–154.
- Piquero, A. R. (2000). Frequency, specialization, and violence in offending careers. *Journal of Research in Crime and Delinquency*, 37, 392–418.
- Piquero, A. R., Farrington, D. P., & Blumstein, A. (2003). The criminal career paradigm. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 30, pp. 359–506). Chicago: University of Chicago Press.
- Piquero, A. R., Paternoster, R., Brame, R., Mazerolle, P., & Dean, C. W. (1999). Onset age and specialization in offending behavior. *Journal of Research in Crime and Delinquency*, 36, 235–274.
- Shover, N. (1996). *Great pretenders: Pursuits and careers of persistent thieves*. Boulder, CO: Westview Press.
- Simon, L. M. J. (1997). Do offenders specialize in crime types? *Applied and Preventive Psychology*, 6, 35–53.
- Sullivan, C. J., McGloin, J. M., Pratt, T. C., & Piquero, A. R. (2006). Rethinking the "norm" of offender generality: Investigating specialization in the short-term. *Criminology*, 44, 205–240.
- Wolfgang, M., Figlio, R., & Sellin, T. (1972). *Delinquency in a birth cohort*. Chicago: University of Chicago Press.

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## DRUGS AND THE CRIMINAL JUSTICE SYSTEM

RALPH A. WEISHEIT

*Illinois State University*

**D**rugs have had a major impact on the criminal justice system for decades. Each year since 1996, more people have been arrested on drug charges than for any other single offense. If one were to include arrests specifically for alcohol (driving under the influence [DUI], liquor law violations), then nearly one third of all arrests have been directly related to alcohol or illicit drugs. If one were to count robberies, burglaries, and assaults conducted under the influence of alcohol or drugs, then it could be said with confidence that no other factor has demanded so many criminal justice resources or has caused communities so many problems. To understand the current situation, it is helpful first to look back to the beginning when drug abuse first came to be defined as a criminal justice problem.

### **In the Beginning**

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Americans like to look to the past as a time of innocence, but substance abuse problems have been a feature of American society from the beginning. At first, alcohol was a problem; by the early 1800s, Americans were consuming perhaps twice the amount of alcohol per person as in the 2000s. Immigration, industrialization, and the rise of cities led to an increase in social problems associated with alcohol and the rise of anti-alcohol groups. Numerous state and local laws were put in place to restrict or even ban alcohol,

but the federal government did not become involved until passage of the Eighteenth Amendment to the Constitution, in 1919. With that amendment, the manufacture, sale, or transportation of alcohol became a federal crime to be enforced by the newly created Bureau of Prohibition, located within the Treasury Department. Prohibition remained in place until 1933.

The social environment that led up to Prohibition also ushered in a host of state and local laws designed to control a wide range of behaviors thought to be a problem—including gambling, prostitution, sex, drugs, the length of women's skirts, and the size of bathing suits. It was during this period that the criminal justice system saw the spread of prisons, the rise of probation, and the creation of the juvenile court. The late 1800s and early 1900s was also a time of relatively widespread drug use. This was a time when medicine was crude, to put it mildly, and a number of drugs were marketed for a variety of ailments. Codeine was discovered in 1831. Morphine was rather freely administered as a pain killer to wounded Civil War soldiers—to the point that morphine addiction was sometimes called the “soldier's disease.” In 1898, Frederick Bayer and Company marketed heroin as a treatment for respiratory problems, and the drug was used by some as a treatment for morphine addiction. Marijuana has a long history of use as a medicine in the United States and by the late 1800s was administered for more than a dozen ailments, from rheumatism to alcohol withdrawal to asthma.

At that time, many of the street drugs known today were freely available, often in over-the-counter medicines known as *patent medicines*. There was no requirement that over-the-counter medicines list their contents. Consequently, consumers were unwittingly taking medicines laced with opiates, cocaine, or other drugs. Medicines sold as treatment for morphine addiction sometimes had morphine as a main ingredient. Similarly, elixirs sold to combat alcoholism sometimes were heavily loaded with alcohol.

Finally, with magazines and newspapers running stories about these unregulated medicines, and with Upton Sinclair's exposé *The Jungle* revealing disgusting practices in the meatpacking industry, Congress felt compelled to act. The result was the Pure Food and Drugs Act of 1906. This act did not ban such drugs as heroin, morphine, or cocaine, but required that the content of medicines and packaged food be clearly labeled. Having been made aware of the presence of addicting drugs in these medicines, the public increasingly turned away from them. While the problem of drug addiction had diminished, it had by no means disappeared.

For so long as the drug problem was defined primarily as one of the white middle class, the government emphasized regulation, not criminalization. However, narcotic drugs (opium, morphine, and heroin in particular) and cocaine were seen as a growing problem among minorities, and there were concerns about violence arising from the use of these drugs. In addition to concerns about domestic abuse, the United States was in the awkward position of encouraging other nations to enact restrictions on the trafficking in narcotics while having no national law of its own.

## The Harrison Narcotics Act

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Efforts to enact strict laws were initially turned back by the pharmaceutical industry. In the end, a compromise was struck in which those who sold or otherwise dealt in narcotics were required to register with the government and pay a tax. This new law, the Harrison Narcotics Act of 1914, was ostensibly a tax act, but was clearly intended to limit the availability of narcotics, such as heroin, morphine, and opium. And, although cocaine is a stimulant and not a narcotic, it was treated as a narcotic in the law. Even today, the Federal Bureau of Investigation's (FBI) annual report on the number of drug arrests lumps cocaine and narcotics into a single category.

At the time of the Harrison Act, the FBI and Drug Enforcement Administration (DEA) did not exist, and enforcement fell to the Treasury Department, which would later be called upon to enforce the prohibition against alcohol. The Harrison Act limited but did not completely ban narcotics. The wording of the act suggested that doctors could use their professional judgment to decide how much of a drug could be prescribed and to whom. The language was vague, however, and the meaning of the law had to be

interpreted—a task that also fell to the Treasury Department. The result was the establishment of a precedent in which law enforcement officials had the final word on what was to be considered proper medical practice. This model is still followed today in that the DEA has the authority to decide which drugs may be used in medical practice, which drugs require a prescription, which doctors may write a prescription, which pharmacists may fill a prescription, and the volume of prescription drugs that pharmaceutical companies are allowed to produce. Thus, from the very beginning in the United States, law enforcement has been viewed as the primary tool for controlling the drug problem.

This was also a time when there were few federal crimes on the books, with nearly all criminal justice functions left in the hands of states. Consequently, drug law enforcement was a major component of the federal criminal justice system. By the late 1920s, for example, nearly one third of federal prison inmates were incarcerated for violating federal drug laws, more than for any other category of federal offense.

## The Federal Bureau of Narcotics

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At first, enforcement of the Harrison Narcotics Act was the responsibility of a division within the Prohibition Unit of the Treasury Department. However, as alcohol prohibition became increasingly unpopular, and as scandals hit the Prohibition Unit, there was pressure for change. That change took place in 1930 when the Prohibition Unit was moved into the Justice Department and a new agency was formed within the Treasury Department specifically to deal with national and international issues regarding illicit drugs. The newly created Federal Bureau of Narcotics was headed by Harry J. Anslinger, who had been the Assistant Commissioner of the Prohibition Bureau. Anslinger's approach to the drug problem was to promote criminal enforcement and harsh penalties as a deterrent to drug trafficking and use. Congress was sympathetic to this approach and passed increasingly harsh penalties, and many state laws were even harsher.

The 1914 Harrison Act explicitly addressed cocaine and opiates, leaving the control of other drugs, including marijuana, up to the states. The Federal Bureau of Narcotics eventually had jurisdiction over marijuana with passage of the Marijuana Tax Act of 1937. Today, while most think of cocaine and heroin when they think of illegal drugs, there are more drug arrests for marijuana than for cocaine and heroin combined.

Though there is a tendency to think of the era of the Bureau of Narcotics as one of only harsh punishments, there were glimmers of treatment. As regards the criminal justice system, the most notable of these treatment efforts was the creation of two prisons specifically designed to treat heroin addicts. These so-called narcotics hospitals

were created in the mid-1930s and housed both inmates convicted on federal drug charges and addicts who voluntarily admitted themselves. Though opened with great fanfare and optimism, over time these facilities came to be seen as failures. For the most part, treatment occurred outside of the criminal justice system.

## A New Era: The 1960s and 1970s

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While government agencies are by their very nature political, it was during the 1960s and 1970s that drug abuse moved into the forefront of the political arena. By the mid-1960s, drug abuse had spread into the middle class, particularly among college-age people, the very people most vigorously protesting the Vietnam war, perhaps because they were also the group most likely to be drafted. Thus, in addition to becoming a more visible problem in itself, drug use also came to be associated with antigovernment sentiments and activities. Richard Nixon, then president of the United States, became the first president to declare a war on drugs and to explicitly tie illicit drug use to more general criminal activity.

With the help of Congress, Nixon took a series of steps that launched the efforts against drugs into a new era. First, Congress passed the Comprehensive Drug Abuse Prevention and Control Act of 1970. This act replaced numerous laws scattered across agencies and combined them into a single law to be enforced by the Bureau of Narcotics and Dangerous Drugs (combination of the Bureau of Narcotics and the Bureau of Drug Abuse Control, formed in 1968). The act was intended to eliminate unnecessary duplication of efforts across agencies and consequently increase efficiency and accountability. It also created the system, still in place today, by which drugs are placed into one of five categories or schedules. Schedule I drugs are those that have no legitimate medical use and therefore cannot be prescribed by doctors. At the other extreme are Schedule V drugs. These drugs have little or no addictive potential and are considered the least dangerous. The act also gave the Bureau of Narcotics and Dangerous Drugs the power to regulate doctors and pharmacists who distribute prescription drugs and to decide production levels of individual drugs. The act gave the Bureau, and later the DEA, the power to decide the category into which drugs were to be placed, the power to take away the ability of physicians and pharmacists to prescribe drugs, and the power to monitor drug distribution to prevent diversion to the illicit market. Reflecting the historical emphasis on law enforcement, the act did not require the agency to reflect the opinion of medical professionals.

Having streamlined drug laws, Nixon then turned to streamlining the bureaucracy of federal drug enforcement. In 1973, he signed a reorganization plan that combined the Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, and other federal offices

into a “super agency,” the Drug Enforcement Administration (DEA). The DEA began an ambitious effort to more aggressively counter the drug problem and to gather information about emerging drug use trends. The DEA also dramatically expanded the number and capacity of federal drug laboratories to assist investigators and prosecutors.

## Drugs and Crime

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Nixon’s war on drugs—and the wars that followed—was predicated on the notion of a direct link between drugs and crime. It was believed that much of the street crime and domestic violence in America could be directly traced to the use of illegal drugs. Researchers have spent years studying this issue, and a clearer picture is emerging. First, there is a distinction between crime linked to the business of drugs and crime linked to drug use. There is no question that the business of drugs is linked to crime, particularly violent crime, as battles emerge over sales turf or as disputes arise over price or the quality of the product. More complex is the link between drug use and crime. Not all drug users engage in crime. In fact, most drug users are experimental users whose drug using career is short, for whom drugs cause no major disruption in their lives, and for whom there is little crime. More problematic for the criminal justice system are chronic drug users, many of whom are actively involved in crime. While fewer in number than the experimental user, their impact on the criminal justice system is substantial. The best evidence is that for chronic drug users who are engaged in criminal activity, their criminal careers began before their drug-using careers, but that once drug use began, their involvement in crime escalated. In other words, drugs do not create crime but amplify existing criminal tendencies. What would happen to crime if illicit drugs were to suddenly disappear? Crime related to the business of drugs would almost certainly go away. Crime by drug users might go down, but this is not a certainty. Users might simply switch to legally manufactured prescription drugs, or they might increase their use of alcohol, the drug most closely connected to violence.

## The Modern Era

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Nixon may have been the first president to declare a war on drugs, but he was not the last. In November of 1980, Ronald Reagan was elected president and by 1982, he was declaring a war on drugs. Like Nixon, Reagan’s war was to include both legislative action and bureaucratic restructuring, all with the help of Congress. He began by creating the Drug Abuse Policy Office (a.k.a. the “Drug Czar’s” office), accountable directly to the president. Next, every federal agency was required to submit a budget indicating what it was doing in the war on drugs. Members of the

president's cabinet were also asked to explain what they were doing in the war on drugs. In short, the entire federal bureaucracy was directed to attack the drug problem. Even the military was expected to provide support for civilian drug enforcement efforts.

President Reagan had made the war on drugs one of the cornerstones of his presidency. During that time, Congress was controlled by Democrats, who were also seeking to gain political advantage from the war on drugs. The opportunity for Congress to make a bold public statement came in 1986, following the death of Len Bias, a college basketball star who within 48 hours of being drafted by the Boston Celtics died from an overdose of cocaine. The media frenzy surrounding his death presented a highly public opening for Congress to quickly pass sweeping legislation that would fund additional antidrug efforts and give the government unprecedented power to apprehend drug traffickers. State lawmakers followed suit, enacting harsher penalties and giving criminal justice unprecedented power to attack the drug problem. Out of this general environment arose a host of programs and practices. Some of these programs arose from grassroots citizens organizations, such as parent groups. Others, such as extensive drug testing for job applicants, arose from private businesses. However, the focus in this chapter is on the criminal justice response, and it was sweeping. Though the various components of the system often worked in concert to respond to the drug problem, to simplify the discussion the police, courts, and corrections will be discussed separately.

## Police

Given the historical precedent of treating the drug problem as a crime problem, as opposed to a public health problem, it should not be surprising that the modern war on drugs is weighted heavily toward interdiction and law enforcement. Each year since 1996, more people have been arrested on drug charges than for any other offense, with the number approaching 2 million people annually. As many as 80% of those arrests are for simple drug possession.

Enforcement has always been the top priority, but within the law enforcement community, there has been some recognition of the value of prevention. Although in the past, the DEA and FBI have provided modest support to prevention programs, by far the most visible of the law enforcement prevention efforts has been the Drug Abuse Resistance Education (D.A.R.E.) program administered by local police.

### Drug Abuse Resistance Education (D.A.R.E.)

Created in 1983 by the chief of the Los Angeles Police Department, D.A.R.E. trained local police all across the country to visit local elementary and senior high school classrooms to educate students about the harmful effects of

drugs and to teach them techniques for resisting drug use. The program became immediately popular and at one point was taught in as many as 80% of the schools in the United States. Although well received by parents, school officials, and local police, systematic evaluations of the program were generally disappointing, suggesting little or no effect on subsequent student drug use. In 2003, the General Accounting Office summarized the existing research on D.A.R.E. and concluded that the program did not reduce drug use. While there was some evidence that the program increased negative opinions about drugs, those effects were short term at best. Others questioned whether D.A.R.E. encouraged children to turn in their parents and friends, and wondered whether this was an appropriate value to instill in students. Despite scientific evidence suggesting its ineffectiveness and concerns about the ethical implications of the program, D.A.R.E. continues to be popular, and the model has been adapted to an antigang program called Gang Resistance Education and Training (GREAT).

Even at its peak, D.A.R.E. represented only a small fraction of police efforts against drugs. The primary task for police is to find and arrest those who possess and sell drugs. The problem for police is that drug possession and sales are what are known as consensual crimes. That is, all parties involved have an interest in keeping their activity from the police. There is no victim in the sense that there is a victim in a homicide or robbery. This means that police must actively seek out drug dealers and users who are actively seeking to avoid detection. This has several implications for the nature of drug enforcement. First, it means that the number of drug-related arrests will be a direct reflection of the amount of resources police put into drug enforcement. Second, it means that police are encouraged to use a variety of surreptitious means to make drug cases, such as using informants and undercover officers. Third, criminal justice officials who handle drug cases may be particularly susceptible to corruption. For example, a drug dealer with 10 kilos of cocaine is not likely to complain if the case against him or her is based on 2 kilos, with the other 8 kilos having been taken by an undercover officer. Attention is now directed to some of the more controversial issues raised in drug enforcement cases.

### Profiling

The idea of identifying drug dealers and drug couriers through the use of profiles appeals to people's sense that humans follow predictable patterns of behavior and that science can identify those patterns and use that knowledge to apprehend drug offenders. The idea of profiling has several dimensions. First is the use of behavioral and environmental cues to identify offenders. This was first tried in the late 1960s to identify potential airplane hijackers. This early effort failed, and hijacking was only reduced when all passengers were screened for weapons, a process that intensified

after the 2001 attack on the World Trade Center. The first efforts to use profiling to identify drug couriers happened in the mid-1970s when a DEA agent at the Detroit airport developed a list of 11 characteristics that would suggest someone was a drug courier.

Ordinarily, the courts have rather strict rules about what scientific evidence may be admitted in court, but behavior-based profiles have been accepted as valid even though there is no scientific proof as to their effectiveness. The courts have ruled that the full profile need not be revealed in court, to protect the integrity of the profile. Instead, officers need only identify the key element used in the profile. An examination of court cases in which profiles were used reveals that over time the list of identifying characteristics became so expansive that nearly everyone could be said to fit the profile. For example, the key identifying characteristics named in various court cases have included the following: first to deplane, last to deplane, and middle to deplane. Some cases were triggered by the individual acting too nervous, while others were triggered by the individual acting too calm, and so on. Eventually, this model was applied to highway stops with an equally wild variability in the factors that were used to identify someone as a drug courier. The public's faith in profiling was bolstered by sensational cases involving serial killers. The agents who developed these profiles became minor celebrities, and a host of movies and television programs touted the accuracy of serial killer profiles. Despite the public fascination with this approach, no serial killer has ever been found because of a profile. Behavioral profiling may someday prove a valuable tool, but to date it has yet to prove its value.

More controversial is a second form of profiling in which race is the key identifying characteristic. This has proven to be one of the more explosive issues in criminal justice. Many minority drivers believe they are stopped simply because of their race, while police typically deny that race plays a role in traffic stops. What is known is that in many (but not all) communities, minority drivers are stopped and searched by police at a disproportionately high rate. Further, even if most police don't engage in race-based profiling, the actions of a few can lead minority drivers to accurately feel they are targeted. Thus far, research has done little to resolve the issue, partly because a conclusive answer requires entering the heads of individual police officers to accurately know what motivated their decision. Unfortunately, police themselves have only reluctantly cooperated with research, generally oppose collecting data that would allow individual officers to be identified, and have opposed programs that would use profiles to identify problem officers. This resistance further arouses the suspicions of minority drivers.

Research has yet to prove that race-based profiling is ubiquitous, as some believe, or has been greatly exaggerated, as is believed by others. Whatever the reality, the *perception* of minorities that they are targeted by police does

a tremendous amount of damage to police–community relations and undercuts broader enforcement efforts.

### Informants

Another controversial issue in drug law enforcement is the use of criminal informants. Informants are people who provide information about criminal activity to the police. While informants provide valuable information for many types of crime, the consensual and secretive nature of drug dealing requires that informants be used more frequently in drug cases than for any other type of criminal case. Nearly all drug cases in some way utilize informants.

The assistance of honest citizens is often valuable in solving crime. Controversy arises, however, when criminals provide information to the police. Criminals are often in a unique position to observe the criminal activity of others, but their motives are not always pure, and they sometimes provide misleading information that frames innocent citizens or exaggerates the criminal involvement of others. Some may cooperate in exchange for cash payments and others to exact revenge. The most common reason why criminals cooperate with police is to have their own charges reduced or dropped altogether. A drug dealer facing 20 years in prison has strong incentives to have his or her charges reduced by telling police about people with whom the dealer has done business, or to even seek out additional co-offenders. The larger the number of names they can provide the police, the greater the sentence reduction such informants can expect. Consequently, they may face considerable pressure to fabricate information.

Particular problems can arise when criminal informants are released with instructions to build cases over time. In order to move among fellow drug dealers, it may be necessary for informants to buy and sell drugs. This, in turn, puts the police in the curious position of shielding someone who is making drugs available in the community. In some cases, the drug-dealing activity of the informant may be greater than that of the people upon whom he is informing. Some informants have used their positions to eliminate competitors while expanding their own drug businesses. In other cases, police may look the other way when the informant pockets a portion of seized drugs in exchange for continuing to provide information to the authorities. Sometimes the drug dealer is also a drug user, and the informant may be allowed to continue using in order to effectively gather information on the street. This becomes particularly problematic when the user overdoses while working for the police or when juveniles are allowed to continue buying and using drugs while gathering information for the authorities.

The use of criminal informants is a dilemma for the police. Without informants, it would be difficult or impossible to make many drug cases. At the same time, using criminal informants presents a host of legal and ethical problems. It may mean tolerating criminal activity by

informants, obtaining false or misleading information, or putting the addict who is discovered to be an informant at risk of being killed, while doing work that ultimately should be done by the police themselves.

### Asset Forfeiture

By any account, the drug business is one that generates enormous revenues. Much of the effort to control drugs has focused on arresting buyers and sellers, and for many years, the revenues from drugs were secondary to enforcement efforts. Asset forfeiture represents a shift in focus from the criminal actor to the financial gain derived from criminal acts. In principle, this is perfectly reasonable and just. In practice, however, the law can be misused. To understand how this can happen, it is important to recognize there are two types of asset forfeiture—criminal and civil. Criminal forfeiture, about which there is little controversy, applies after someone has been convicted of a crime. As an example, no one expects a convicted bank robber to keep money gained from the robbery. Controversy arises with civil forfeiture, which is very different.

The distinguishing feature of civil forfeiture is that it is an *in rem* proceeding. That is, the legal action is against the property itself. The issue is not the guilt or innocence of the owner but the guilt or innocence of the property. For example, the legal title of a criminal case might be “The State of Texas versus John Smith,” whereas in a civil case the title might be “The State of Texas versus a 2008 Ford Mustang.” For much of the history of the United States, there were rather strict limits on the ability of the government to apply civil forfeiture. In the mid-1980s, as part of sweeping legislative changes to provide more tools to fight the war on drugs, Congress enacted legislation giving federal authorities broad powers to seize cash and property under civil law. States soon followed suit, passing their own civil forfeiture statutes.

There are numerous implications of treating forfeiture as a civil matter. Most serious is that as a civil procedure, many of the basic constitutional protections afforded by the Bill of Rights do not directly apply. This was particularly problematic in the early years of these statutes, which were passed with few restrictions on law enforcement. Consequently, hearsay (rumors) could be used as the basis for seizing property. The property owner had no absolute right to be present at a forfeiture hearing. If the property owner was present and asserted his or her right to remain silent, exercising that right could be used as proof of the property’s guilt. If the owner chose to speak and said anything incriminating, those statements could later be used in a criminal case against the owner. While the innocence of the owner could be considered in the decision to forfeit property, the owner’s innocence was no absolute defense against forfeiture because the issue was the guilt of the property, not the owner. Thus, an innocent landlord could

lose his property if a tenant conducted a drug deal in one of his apartments. Further, the property was considered owned by the government from the moment it was used in a drug transaction. Consequently, an innocent citizen who purchased a house that had been used in a drug deal by the previous owner might lose that house. Unlike a criminal case, in which the burden of proof was on the state to prove the defendant’s guilt, in civil forfeiture cases, the burden of proof was on the property owner to prove the property’s innocence. In effect, the property was guilty until proven innocent. Because the property was assumed guilty, it could not be used as collateral for a loan to hire a defense attorney. In some cases, the owner was required to post a bond of as much as \$5,000 for the privilege of asking for the return of his or her property. And, even if the property was returned, the courts were allowed to keep all or a part of that bond to cover the cost of the proceedings. Civil forfeiture does not require that the owner of the property be convicted of a crime, and in as many as 80% of forfeiture cases, there is no criminal conviction.

Law enforcement agencies were initially allowed to keep seized assets, and for many agencies, forfeiture became an important way to supplement their budget. Some drug agents were under greater pressure to seize cash than to seize drugs or to arrest dealers. Consequently, there were instances of agents luring drug dealers into their community so they could seize their cars and cash, or allowing large drug shipments to be sold on the street so that cash could be seized. Stories of misused funds and innocent owners losing their property made their way into the press and put on pressure for change. In many ways, states led the way in reforming forfeiture laws. Stories of the gross misuse of the law and of the forfeited funds, along with the realization that seized assets could be used to shore up sagging state budgets, led most states to require that seized assets go to general revenue rather than the agency. Although it became possible through something called “adoptive forfeiture” for local agencies to keep a portion of the seized assets by having the forfeiture done in cooperation with federal authorities, the pressure to make large seizures was substantially reduced. At the federal level, three Supreme Court cases in 1993 and a change in federal law in 2000 placed some restrictions on the application of federal civil forfeiture. Civil forfeiture remains an area with a high potential for abuse, but as a consequence of changes at the state and federal levels, there are fewer stories today of the law’s misuse. Still, the possibility of the misuse of civil forfeiture remains, and there are concerns that the model created for drug enforcement is now being exported to a range of other crimes.

In the United States, police are at the front line in the war on drugs. Because drug enforcement requires that police seek out offenders, the number of cases they generate depends not only on how many dealers and users exist in a community but also on the resources the police commit to drug enforcement. If money for drug agents is cut, one can

expect a corresponding reduction in the number of drug cases. For police, the size of the war is very much a reflection of the size of the budget. Those elements of the criminal justice system that follow—courts and corrections—do not have the luxury of deciding how many cases they will handle. For the most part, their workload is determined by the decisions made by police and prosecutors. Attention is now turned to their role in the war on drugs.

## Courts

While each year, the FBI assembles data about the work of police agencies across the country, there are no comparable annual reports on the kinds and numbers of cases handled by state and federal courts. However, given the volume of drug arrests, it is safe to say that drug cases make a substantial contribution to the workload of courts. The handling of drug cases has led to two major developments affecting the courts, one from outside the court system (mandatory minimums) and the other from within (drug courts).

### Mandatory Minimums

Mandatory minimum sentences are not new, as they go back to the biblical notion of an eye for an eye. Regarding drugs, the first U.S. mandatory minimums at the federal level were enacted in 1956 and continued until 1970, at which time they were overturned because they were seen as ineffective and unjust. At the state level, mandatory minimums were begun in New York and were specifically aimed at adult, street-level drug dealers. Within a decade, a majority of states had followed suit. In the flurry of legislation passed by Congress in 1986, a new round of mandatory minimums was enacted out of concern that different judges were handing down very different sentences for similar offenses, with a particular concern about some judges being too soft on drug offenders. The idea was to take discretion out of the hands of judges so as to produce more uniform sentencing. The reality was a deeply flawed system that could be criticized on a number of levels, only a few of which will be discussed here.

First, mandatory minimums took discretion from the hands of judges, who are supposed to be neutral, but left discretion in the hands of prosecutors, who are not expected to be neutral. Sentences for similar drug offenses continued to vary widely, but this time they varied across prosecutors, who had the power to decide which specific charges were to be brought and consequently which sentences would apply.

A second criticism is that mandatory minimums are racist. This judgment is based on the federal system by which those arrested on crack cocaine charges face substantially harsher sentences than those arrested on powdered cocaine charges. The majority of crack cocaine arrestees are minority, while the majority of powdered

cocaine arrestees are white. While racism did not appear to play a role in the initial decision to make a 100:1 distinction between crack and powdered cocaine, the result was clearly one of racial bias.

A third criticism of the system is perhaps the most serious. At the federal level, sentence severity is determined entirely by the weight of the drug, not by the actor's role in the drug organization. Consequently, the "drug kingpin" and the lowly gopher who sweeps the floor of the drug house are to receive the same sentence, with an important exception: The only way to have one's sentence reduced is to provide "substantial assistance" to the prosecutor—that is, provide names and information that will enable the government to prosecute others. Of course, the drug kingpin has considerably more information to provide the authorities. As a result, the kingpin is positioned to have his or her sentence substantially reduced, while the gopher who sweeps the floor is likely to receive the maximum sentence. By anyone's calculus, this is an unjust arrangement.

As a change imposed from outside the judicial system and one that severely limits the power of judges to make decisions, it should not be surprising that judges have expressed strong objections to mandatory minimums. Mandatory minimums have had a substantial impact on the prison system by not only increasing the number of offenders sent to prison but also by keeping them there longer, contributing to an imprisonment rate in the United States that is the highest in the world.

### Drug Courts

Drug courts represent a change in the role of judges and courts that grew from within the judicial system. There are two types of drug court—case flow courts and drug treatment courts. Case flow courts began in the 1970s in New York City and have since arisen throughout the country. Case flow courts handle only drug cases, and in exchange for a quick guilty plea, the accused is offered a much reduced sentence. The objective is to move cases through quickly, and in this case, flow courts appear to succeed. More recent is the rise of drug treatment courts, which began in Miami, Florida, in 1989, when a local judge grew tired of seeing the same drug offenders appear in court repeatedly. His model has since been copied across the country so that today, there are more than 1,200 drug courts operating in the United States. While there are many variations, the basic model has several key features: (a) There are frequent random drug tests, and successful completion of the process requires the offender remain drug free; (b) a judge is specifically assigned to the drug court as are drug court staff, including probation, the public defender, the prosecutor, and treatment staff; (c) all members of the drug court staff receive extensive training in the nature of addiction and the requirements of successful drug treatment; (d) treatment occurs in phases, beginning with detoxification, followed by intensive group counseling, and then by



continued drug counseling with the addition of such issues as anger management, job-seeking skills, and parenting; (e) although completion of the program can occur in as few as 12 months, 18 to 24 months is more common because it is understood that relapse will be part of the recovery process for many offenders. Offenders who relapse are identified through frequent drug screens, and the court will quickly respond with immediate and escalating penalties for those who test positive for drug use; and (f) upon completion of the program, there is a graduation ceremony and the offender's record is sealed.

There is some debate about the effectiveness of court-based treatment. It appears that drug courts show some success, but it is likely due to frequent monitoring with immediate sanctions rather than to the particular treatment approach utilized. Success is also enhanced because the most serious offenders—those with a history of violence, drug dealing, or several prior imprisonments—are often not eligible for drug court.

The long-term nature and impact of drug courts remain to be seen. The criminal justice system is, at its heart, a system designed to punish offenders. Past programs (such as probation) that initially emphasized treatment and helping services for offenders have, over time, morphed into systems whose primary function is monitoring and punishing. Only time will tell if a similar transformation occurs with drug courts.

## Prisons

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Much like the courts, the U.S. prison system has little voice in the number of cases it must handle. Both the number of inmates entering the system and the length of time they will stay is beyond the control of prison administrators. Like the courts, there is no annual reporting of the types of crimes for which individuals are imprisoned in state and federal institutions combined. It is clear, however, that drug offenders comprise a substantial proportion of prison inmates in the United States. At the federal level, for example, drug offenders make up about 60% of prison inmates, and nationally, both the number and the rate of people in prison is at its highest level in history.

To focus only on the number of inmates in prison on drug-related charges misses the bigger picture. Many who are in prison on other charges have a drug problem. Drug-using offenders enter prison with a host of other problems that burden the system. They are likely to have more health-related problems than other inmates, including HIV and hepatitis C. Drug-using offenders are also more likely to have mental health problems. In addition, inmates with a drug problem may try to smuggle drugs into the institution.

Prisons have responded to the surge in drug-using inmates through a variety of programs. Most institutions allow for 12-step programs, such as Alcoholics Anonymous

and Narcotics Anonymous. Beyond that, some institutions have set aside separate units as therapeutic communities in which everyone living in the unit is involved in drug treatment. Some states have gone even further and set aside entire institutions as treatment facilities.

## Future Directions

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Predicting the future is always a challenge, and this is particularly true regarding illicit drug use. While many users have their favorite drug, users are notorious for using whatever drug is most available, making interdiction difficult as users switch from one substance to another. In an era when television and print media are flooded with advertisements for legal drugs that will treat any condition, real or imaginary, it's difficult to see a time when America will truly be drug free. It is not surprising that the most recent trend is the illicit use of legally manufactured prescription drugs.

Tackling the problem of illicit drugs requires recognition of differences between experimental or casual users and hard-core addicts. Something like an 80–20 rule seems to be true for illicit drugs—20% of drug users consume 80% of the drugs. That hard-core 20% is also the group most likely to be involved in crime and to come to the attention of the criminal justice system. That group is also least likely to respond to prevention or treatment programs. The criminal justice system may be a useful tool for identifying this hard-core group, but the important question is what happens to those hard-core users after they have been identified. The rise of drug courts and therapeutic communities in prisons represents responses to the problem, but a frustratingly large number of new drug offenders continue to enter the system. This suggests that the United States cannot arrest its way out of the drug problem and that more must be done to prevent drug use and drug-related crime.

## Conclusion

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From the beginning, Americans have chosen to define the drug problem as a criminal justice problem. Consequently, no other issue demands so many criminal justice resources and causes so much controversy. Aggressively enforcing drug laws can mean using controversial tactics while placing a heavy burden on the courts and correctional system. While the public is generally enthusiastic about tough enforcement, it is less willing to provide the tax revenues to properly fund the demands that drug cases place on courts and prisons.

Some argue for viewing the drug problem as a medical problem, as is done in Britain. Others argue for a social work approach, as is used by the Dutch. In many ways, these three approaches—the American, the British, and the Dutch—reflect broader cultural differences in how these

societies view social problems. Those hoping for a radical shift in the American approach should not hold their breath, for it is deeply engrained in the collective psyche.

## References and Further Readings

- Adler, P. A. (1993). *Wheeling and dealing: An ethnography of an upper-level drug-dealing and smuggling community* (2nd ed.). New York: Columbia University Press.
- Baum, D. (1996). *Smoke and mirrors: The war on drugs and the politics of failure*. Boston: Little, Brown.
- Brecher, E. M., & Editors of *Consumer Reports*. (1972). *Licit and illicit drugs*. Boston: Little, Brown.
- Brown, E. (2007). *Snitch: Informants, cooperators, and the corruption of justice*. New York: PublicAffairs Books.
- Caulkins, J. P., Rydell, C. P., Schwabe, W. L. & Chiesa, J. (1997). *Mandatory minimum sentences: Throwing away the key or the taxpayers' money?* Santa Monica, CA: RAND Corporation.
- Dodge, M. (2006). Juvenile police informants: Friendship, persuasion, and pretense. *Youth Violence and Juvenile Justice*, 4(3), 234–246.
- Goldstein, P. (1985). The drugs/violence nexus: A tripartite conceptual framework. *Journal of Drug Issues*, 15, 493–506.
- Harris, D. A. (2002). *Profiles in injustice: Why racial profiling cannot work*. New York: New Press.
- Hyde, H. (1995). *Forfeiting our property rights*. Washington, DC: CATO Institute.
- Inciardi, J. A. (2008). *The war on drugs IV: The continuing saga of the mysteries and miseries of intoxication, addiction, crime, and public policy* (4th ed.). Boston: Allyn & Bacon.
- Kleiman, M. A. (1992). *Against excess: Drug police for results*. New York: Basic Books.
- MacCoun, R. J., & Reuter, P. (2001). *Drug war heresies: Learning from other vices, times, and places*. New York: Cambridge University Press.
- Manning, P. K. (2004). *The narc's game: Organizational and informational limits on drug law enforcement* (2nd ed.). Prospect Heights, IL: Waveland Press.
- Musto, D. (1999). *The American disease: Origins of narcotic control* (3rd ed.). New York: Oxford University Press.
- Rorabaugh, W. J. (1979). *The alcoholic republic: An American tradition*. New York: Oxford University Press.
- Tonry, M., & Wilson, J. Q. (Eds.). (1990). *Drugs and crime*. Chicago: University of Chicago Press.
- Trebach, A. S. (1982). *The heroin solution*. New Haven, CT: Yale University Press.
- Trebach, A. S., & Inciardi, J. A. (1993). *Legalize it? Debating American drug policy*. Washington, DC: American University Press.
- Venkatesh, S. (2008). *Gang leader for a day*. New York: Penguin.
- White, W. L. (1998). *Slaying the dragon: The history of addiction treatment and recovery in America*. Bloomington, IL: Chestnut Health Systems.
- Woodiwiss, M. (1988). *Crime crusades and corruption: Prohibition in the United States, 1900–1987*. Totowa, NJ: Barnes & Noble Books.

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## DRUG COURTS

FAYE S. TAXMAN AND MATTHEW PERDONI

*George Mason University*

**D**rug courts are the most successful innovation to address the treatment needs of substance-abusing offenders. After their launching in 1989 by the Dade County, Florida, local prosecutor, Janet Reno (U.S. Attorney General, 1994–2000), the number of drug courts has proliferated to nearly 800 adult treatment courts and another nearly 1,200 problem-solving courts. The innovation alters how the court handles sentencing and monitors the case, and it integrates treatment into the primary goal of the sentence.

Drug courts provide a seamless system of care involving the judge, treatment agencies, probation/parole agencies, prosecutors, defenders, and other actors in the criminal justice system that are central in assisting offenders in achieving sobriety. This model provides a different framework for handling the drug-involved offender, including the recognition that sobriety is a process where decreased drug use occurs over a period of time. The use of drug testing, treatment, and sanctions also provides for an avenue to modify the existing process for handling offenders with substance abuse disorders.

The following discussion outlines the rationale for the model, the research results on drug treatment courts, the results of a current survey on drug courts, and next steps to advance the concept. The survey results presented are from the recent Criminal Justice Drug Abuse Treatment Studies National Drug Court Survey, the first survey to describe the characteristics of treatment in drug treatment courts.

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### Needs of the Offender Population

Research has consistently shown that the rate of substance abuse and mental and physical health problems is much higher among the offender population than it is for the everyday person. While just under 2% of the general population is infected with hepatitis C (Centers for Disease Control and Prevention [CDC], 2007), roughly 31% of incarcerated populations are infected (Beck & Maruschak, 2004). While one tenth of 1% of the general population is HIV-positive (Glynn & Rhodes, 2005), 2% of inmates are infected with the virus (Maruschak, 2006). A majority of prisoners (56%) and jail inmates (64%) have mental health problems (James & Glaze, 2006), while 16% of prisoners, jail inmates, and probationers could be classified as mentally ill (Ditton, 1999). This is compared to estimates that approximately 10% of adults had some form of serious psychological distress in the past year (Substance Abuse and Mental Health Services Administration [SAMHSA], 2006). The offender population is also at a higher risk for other physical health problems, such as asthma and diabetes, and findings have also shown that offenders returning home following incarceration are subject to higher rates of fatality as a result of substance abuse and violence (Binswanger, Stern, & Deyo, 2007).

Less than 10% of adults in the general population have substance abuse or dependency problems (SAMHSA, 2006). However, studies conducted by the Bureau of Justice

Statistics found that over 80% of prisoners reported past drug use (Mumola, 1999), while two thirds of those in jail classified themselves as regular drug users (Karberg & James, 2005), and roughly half of probationers reported regular drug use (Mumola & Bonczar, 1998). Overall, offenders are 4 times as likely to have a substance abuse problem (SAMHSA, 2006), yet recent studies have shown that the availability of comprehensive treatment service is low across all correctional settings (Taxman, Perdoni, & Harrison, 2007) and that less than 8% of adult offenders have access to the level of care that they need.

Dealing with the pronounced needs of the offender population has proven troublesome for the criminal justice system, but the enactment of legislation creating stiff penalties for drug-related offenses has only compounded these difficulties. The laws meant to deter potential offenders from drug use instead resulted in a massive influx of offenders into the justice system. The Bureau of Justice Assistance (BJA) Drug Court Clearinghouse and Technical Assistance Project found that over 83% of the offenders who were scheduled for release from prison had been involved in drugs or alcohol during the time of their offense.

To reduce the burden of drug offenses on the criminal justice system and in an effort to provide treatment in the hopes that it will aid in preventing offender recidivism and improve their quality of life, drug treatment courts have become a common institution in communities across the United States.

## A Brief History of Drug Courts

In response to an explosion in the use of illicit drugs in the area, the first drug court was established in Dade County, Florida, in 1989. Though the drug problem in this particular jurisdiction was substantial, it mirrored similar issues arising across the United States: a majority of arrestees tested positive for drug use upon arrest, and recidivism rates for drug abuse were close to 67%. As a result, drug court programming became a viable alternative for dealing with drug-involved offenders, and these courts have continued to permeate the criminal justice landscape since their inception (according to the National Association of Drug Court Professionals [NADCP], there are now more than 2,000 drug courts in operation), to the point that all states are now reported to have an operating drug court or are in the planning phases of implementing one (Belenko, 1999).

Drug courts were initially designed to provide adequate rehabilitation for drug abusers by combining treatment with formal supervision and judicial sanctions. The core tenets of drug courts, as outlined by the Drug Courts Program Office, are early identification, referral, and screening; ongoing and continuous criminal justice supervision; comprehensive substance abuse and rehabilitation services; mandatory drug testing on a regular basis; judicial status hearings in which a judge reviews

the progress of participants; appropriate sanctions and incentives given for levels of compliance with program requirements; and coordination among all actors (treatment, courts, probation, etc.).

The underlying notion driving each of these concepts is that drug court programming links the various stages and systems within the criminal justice process to provide a comprehensive and efficient means of supervising and treating offenders with substance-related problems. Members of the legal system work together with drug court and treatment staffs to determine who is the best fit for their programs, to lay out treatment and supervision plans, and to help bring the mission of treating offenders' substance abuse problems to the forefront. This structure allows for the construction of supervision plans that will best fit each offender's needs and is consistent with research findings showing that such a differential approach to supervision planning is best in most cases (Taxman & Bouffard, 2002).

While drug courts provide a means to specifically target and treat offenders' drug problems and research shows that "drug courts outperform virtually all other strategies that have been used with drug-involved offenders" (Belenko, 1998), knowledge regarding the overall state of drug courts across the United States is still in its infancy, due both to the nature of research conducted to date and to the lack of substantive knowledge on these courts' constitution.

## What Is Known About Drug Courts?

Drug courts may "work" for many reasons, but perhaps the most fundamental of these is the fact that drug-abusing offenders, simply put, need drug treatment. Drug-abusing offenders tend to respond better to treatment than other dispositions (Marlowe, DeMatteo, & Festinger, 2003). However, these offenders tend to have difficulty remaining in treatment of their own accord, and even when they do, this treatment is often not available to them for durations long enough to yield impacting changes in behavior. What drug courts provide is a means of integrating treatment into the criminal justice process (Rossman & Rempel, 2007; Taxman & Bouffard, 2002) in a manner that stresses offender accountability through formalized responses to their behavior, and provides the continuous presence of representatives from a broad range of criminal justice agencies.

## Effectiveness of Drug Courts

Though drug courts are a relatively recent innovation, a growing body of literature has been devoted to investigating their working components and overall impacts. Studies continue to find that drug courts and other alternative methods of sanctioning, which tend to be tailored more to the needs of the individual offenders, have positive outcomes

both in regard to the offenders themselves, as well as to the public at large.

Marlowe (Marlowe et al., 2003) begins his investigation by considering the merits and shortcomings of the public health perspective and the public safety perspective for dealing with offenders and suggests that a better way of looking at the problem is by integrating both of these positions.

The public health perspective holds that clients are best served by focusing on treatment and having minimal involvement with the criminal justice system. In this view, drug abuse is a disease needing treatment, not punishment. This approach requires that clients attend sessions and participate for a minimum of 3 months for effective treatment, with 6 to 12 months of participation being ideal. However, about 70% of clients drop out of treatment programs within the first 3 months, and only 10% generally stay for an entire year.

On the other hand, the public safety perspective argues that offenders require constant supervision to prevent them from reoffending. This approach requires imprisonment or intermediate sanction programs such as probation and parole. A potential drawback of this approach is that imprisonment has to date generally failed in deterring future drug use. Many drug offenders return to drug use and criminal behavior after release. In-prison treatment tends to reduce recidivism by 10%, but without follow-up treatment, there is no significant difference in results for those who had in-prison treatment. Likewise, intermediate sanction programs typically yield a 10% decrease in recidivism, but 50% to 70% of offenders fail to meet the program requirements. These programs are also usually administered without treatment, with high emphasis on sanctions.

Integrated strategies, which are embodied through programs such as drug courts, work release, and therapeutic communities, are structured so that substance abuse treatment makes up the core of the program, while criminal justice agents ensure attendance and adherence to program parameters. These programs incorporate community treatment, opportunities for clients to avoid formal charges, close supervision, and certain consequences for noncompliance.

Such integrated programs have consistently been found to be effective in reducing drug use and recidivism. Work release programs and therapeutic communities have shown a 30% to 50% reduction in rearrests for clients. In drug courts, an average of 60% of clients complete at least a year of the program, and about 50% successfully graduate. Although rearrest rates do not appear to be different for drug court clients at 12 months, there is a “delayed effect” at 36 months according to studies of an Arizona drug court (Deschenes, Turner, & Greenwood, 1995; Turner et al., 2002).

Turner et al. (2002) explored prior research conducted on the effectiveness of drug treatment courts over the past decade, beginning with a discussion of the experimental field evaluation of the Maricopa County (Arizona) First-Time Drug Offender (FTDO) Program. The program targeted first-time felony drug offenders with treatment needs.

It was designed to last from 6 to 12 months and consisted of orientation sessions and monthly status reports in front of the drug treatment court judge. The FTDO Program was evaluated on a four-cell randomized track. Three tracks varied the intensity and frequency of drug abstinence testing (none, monthly, biweekly), and the last track was the drug user treatment court program. A total of 630 offenders sentenced between 1992 and 1993 were randomly assigned to either the drug user treatment court or one of the three testing conditions and tracked for a period of 12 months. During this time, data were collected on outcomes such as employment, drug use, and recidivism.

Findings from the FTDO Program study showed that 40% of those in the drug treatment court successfully completed the program within 12 months. In addition, 61% of those assigned to the drug treatment courts either completed the program or were still enrolled at 12 months. The study also found that 85% of drug treatment court respondents were more active in drug education programs and outpatient counseling. However, participants in both tracks (the treatment court and the testing conditions) tested positive for drug use at least once during the 12-month follow-up, and 30% of all offenders were arrested within the first 12 months of probation for a new offense. Despite being successful in providing drug-using offenders with access to treatment, drug treatment court programs had little impact on officially recorded recidivism.

The FTDO study left open questions regarding the longer term impact of drug courts (longer than 12 months). Turner et al. (2002) summarize a 36-month follow-up study, which tracked 80% of the original 630 drug user offenders from the FTDO program. The results from the follow-up reveal that drug treatment court participants were less likely to commit a drug-related violation as compared to their testing condition counterparts (64% versus 75.2%), and fewer were arrested in the 36-month period (33.1% versus 43.7%).

In another study that looked at the long-term impact of drug courts, Wolfe, Guydish, & Termondt (2002) studied the Southern San Mateo (California) County Drug Court during its first 3 years of operation (1995–1998). Primary results showed differences between individuals who participated in the drug court program versus those who did not. The researchers conducted a follow-up 2 years after their initial study in which there were similar findings: Arrest rates were lower for graduates of drug court treatment program than for the control group.

Listwan and colleagues (Listwan, Sundt, Holsinger, & Latessa, 2003), in their study of the Hamilton County Drug Court in Cincinnati, Ohio, found that drug court programming indeed has an impact on those involved. Participation in a drug court had an effect on recidivism for drug crimes, but did not have an effect on general rearrest rates. The more involvement someone had in the drug court, the more likely the person was to reduce his or her criminal behavior.

Preliminary findings from Rossman and Rempel (2007) also suggest that drug courts are a more effective means of

processing drug-abusing offenders through the criminal justice system. Drug court participants fared better than comparison groups in all measures of drug use (less use) and criminal activity (less), while they logged more time in treatment; had more contact with case workers; and had overall better opinions of judges and the system, which is hypothesized to influence offender readiness and willingness to work toward treating their substance abuse problems. According to Brocato and Wagner (2008), offenders who enter treatment abuse programs with positive motivation to not only change their habits but to change their lifestyles are more successful than individuals who lack such motivation.

### Judicial Review Hearings

One of the more heralded aspects of drug courts is their position within the justice system, and their ability to bridge the various interests of the many agencies in the system. Rather than focusing on one aspect of supervision such as compliance, or attendance in treatment, drug court participation is structured to view each of the single components of an offender's involvement with the justice system as a part of a larger mission to effectively address his or her problem behaviors and formulate plans for preventing future criminal activity and substance use.

Programs such as the drug court use an integrated strategy to produce consistent reductions in criminal drug use and recidivism. These programs combine community treatment and case management services with consistent criminal justice supervision and monitoring, give the offender education and employment support, and allow for close contacts with family and social connections. Furthermore, they add the power of judicial interaction, which creates a means of formal sanctioning if the guidelines and requirements of the program are not adhered to (Wilson, Mitchell, & Mackenzie, 2006). However, the influence of the judicial component has come into question. The notion that judicial reviews help to formalize the drug court process is not in doubt, but rather, it is the idea that this judicial interaction impacts offender outcomes that has been questioned.

Marlowe, Festinger, et al. (2003) recognize the judicial component as "the single-most defining component" of a drug court, but openly question how much this aspect influences outcomes. In this study, all drug offenders were randomly assigned to receive biweekly judicial status review hearings or to a group where they were monitored by case managers or treatment providers (who could ask for such hearings but only in response to offender noncompliance). The remainder of drug court programming was identical for both groups. Baseline interviews were conducted with clients, then monthly follow-ups, and follow-ups at 6 and 12 months after completion. Findings showed that more frequent hearings did not result in lower rates of reported substance use or other illegal activity or increase offenders' likelihood of attending treatment sessions. However,

biweekly hearings did result in a greater likelihood of intervention and in detection of noncompliance.

The authors stress that while these findings begin to shed light on what may be a common misconception (that increased presence of a judge has a significant impact on offender behavior), more detail must be gathered on what exactly happens *during* these status review hearings: In other words, it is not enough only to know that they occur; what takes place and how must also be understood.

Festinger et al. (2002) examined whether different types of offenders respond differently to judicial progress hearings, hypothesizing that the hearings would prove more effective for clients who are antisocial and more drug dependent. Results showed that participants diagnosed with antisocial personality disorder (APD) achieved more weeks of abstinence in the biweekly (requisite) hearings group, and the same was true of those with a history of substance abuse. However, participants without APD fared better in the group that attended hearings as needed. More antisocial clients in drug court programs may require more supervision and structure than those without. The same can be said for those with a prior history of drug abuse and treatment. Conversely, clients without antisocial personality disorder or prior drug abuse may have more negative reactions to intense supervision by the criminal justice system. Such findings highlight the point made by Marlowe, Festinger et al. (2003) that each aspect of drug courts must be examined individually and thoroughly in order to fully understand their effectiveness and impact.

Marlowe and colleagues (Marlowe, Festinger, Lee, Dugosh, & Benasutti, 2006) continued this research by examining the effectiveness of matching certain offenders to more or less frequent status review hearings. This study, like the first, divided participants between two groups, but used a prospective matching design rather than completely random placement. In the first group (matched), high-risk offenders (those with diagnosed APD or history of drug abuse) were assigned to biweekly status hearings, and low-risk offenders were assigned to hearings only when deemed necessary by the case manager. In the second group (unmatched), all participants were assigned to the standard hearing schedule imposed in the drug court program (every 4–6 weeks). Participants were randomly assigned to groups.

Results were as expected: High-risk participants in the matched group had significantly more drug-negative tests than any of the other three groups, and high-risk participants in the unmatched group had significantly fewer consecutive weeks of drug-negative screenings. Also, those in the high-risk matched grouping were referred by the judge for IDD (intellectual and developmental disabilities) counseling more than their unmatched counterparts, which suggests that their treatment was more individually tailored to their needs. There was no significant difference between the matched and unmatched groups in terms of low-risk clients, which indicates that judicial status hearings may not be a necessary component of treatment for these individuals.

Marlowe and colleagues (Marlowe, Festinger, Dugosh, Lee, & Benasutti, 2007) repeated this study and found consistent results. Within high-risk participants, graduation rates from the matched group were 75%, compared to 56% from the unmatched group. Again, there was no major difference within low-risk participants, though those from the unmatched group had a 3% higher graduation rate than those from the matched group. Similar results were found in terms of urinalysis results and change in Addiction Severity Index (ASI) scores.

### The Role of Treatment in Drug Courts

While participation in drug courts would seem to imply access to substance abuse treatment, this component of drug courts is perhaps the most difficult to generalize or expand upon. From state to state and court to court, the type of treatment services available to offenders varies greatly. This is a function of the resources available in particular communities, as well as factors such as treatment programs' allowance of criminal justice clients. Treatment services are even proscribed differently from case manager to case manager, or counselor to counselor, making an accurate depiction of the role of treatment in drug courts and how it is delivered to clients even more of an exercise in imprecision. Regardless, evidence points to the positive impact that treatment has on drug court outcomes, making a more definitive understanding of this concept critical.

Taxman, Pattavina, and Bouffard (2005) examined use of a manualized treatment curriculum in drug courts in Maine. The Differentiated Substance Abuse Treatment (DSAT) curriculum formalized the treatment process in the participating courts by implementing screening for substance abuse, employing a multiphase approach to treatment, and providing staff with training on the curriculum. The researchers observed reductions in various risk factors, as well as changes in attitudes and behaviors that would position the offenders to be more open and ready for treatment.

In another study, Taxman and Bouffard (2005) examined how treatment impacts graduation rates. The researchers cite evidence that the graduation rate in drug courts sits in the 35% to 40% range (Belenko, 1998, 1999, 2001; Taxman & Bouffard, 2003), but underscore the critical point that there is little evidence to explain the differences between those who complete drug court versus those who do not. In this study, they looked at the effect of treatment on graduation rates in four drug courts and found that individuals participating in more treatment had a greater likelihood of graduating. However, they are careful to point out that even graduates had a hard time following the complex drug court program requirements.

As noted above, various factors can influence the type and dosage of treatment delivered to clients. One such factor is the staff members within agencies. Taxman and Bouffard (2003) examined the philosophies of treatment

counselors and how they impact the services delivered to drug abusers. In this study of four adult drug courts, the researchers administered surveys, conducted in-person interviews, and observed treatment sessions led by counselors. The counselors were found to support several causes for substance abuse, did not have a strong affiliation with any one model of treatment, and were observed employing various approaches to treatment during counseling sessions. Counselor characteristics, such as education or recovery status, were found to have some influence on their beliefs regarding the causes and solutions for substance use problems, and these factors in turn have a role in influencing the types and effectiveness of treatment services provided to clients.

On one hand, the researchers found these diverging opinions on the causes and means of dealing with substance abuse problems to acknowledge the complicated nature of offender addiction (Taxman & Bouffard, 2003). On the other hand, counselors' "eclectic" approach to providing services may further muddy an already elaborate situation, as these methods (or lack thereof) do not give the client a clear picture of how to deal with their problems, and the messages given by counselors from one session to the next may vary considerably. The authors conclude by recommending a manualized approach and the implementation of proven techniques to help standardize care to make it more lasting and effective.

Similar findings on the beliefs of staff in correctional facilities were uncovered by Taxman, Simpson, and Piquero (2002). While the authors did observe more consistency in beliefs than they had hypothesized, there was still a disconnect between the theories that impact causation and those that are the basis for interventions. In other words, while there was semblance in terms of their opinions of the separate ideas of the causes and responses to substance abuse, there was little connection between these ideas.

The problem of differing messages and approaches is further compounded by what is often a systemic disconnect between criminal justice agencies and those providing treatment services to drug court clients. While a driving principle behind drug treatment courts is that participation will result in decreased substance use and a decrease in substance use will result in reductions in criminal behavior, little research has focused on the delivery of these treatment services and how they are interconnected with the overall programmatic features of drug courts. Taxman and Bouffard (2002) cite previous research illustrating the great variation in the types and amounts of treatment services offered in treatment facilities, but point to the lack of consistency in messages and goals between these facilities and criminal justice agencies as the major issue facing effective programming.

In assessing the integration of goals and activities between treatment and criminal justice agencies, the authors identified what appears to be a "compartmentalized" system of care, in which treatment is not generally

integrated into overall drug court philosophy, and when it is, it is integrated with specific segments of court operations, as opposed to throughout the process as a whole. Screening and assessing for substance abuse problems are often done separately by treatment and criminal justice agencies, and there does not appear to be integration at the “key decision point” of determining clients’ appropriateness for treatment. Further complicating the issue is that most treatment services are rerouted into existing community treatment networks, meaning that the criminal justice agencies often have little knowledge of what type of treatments take place and, just as important, how frequently. Add this to the discussion from above, where findings showed great variance in the methods and intentions of treatment services, and another layer is added to this ever-growing problem of effective service delivery in drug courts.

To help deal with these issues, Taxman and Bouffard (2002) recommend formalizing integration of treatment and criminal justice agencies at several critical points. First, a shared philosophy of substance abuse is recommended. Though cooperating agencies may differ in terms of their roles in dealing with these problems, fostering a shared view of the causes of substance abuse problems is vital for working out fluid and effective responses to them. Along these lines, unified or joint policy decisions are beneficial, as they solidify these shared philosophical views and establish means for dealing with the problem itself. The most important recommendation, however, is information sharing across these agencies. With this, criminal justice agencies will be better informed of the extent of offender problems and the response given to them, and likewise, treatment agencies will have a better understanding of the other risk factors associated with the offenders’ substance abuse needs.

### **The Importance of Tailoring Treatment to Individual Offenders**

Public health advocates claim that clients are disadvantaged by criminal justice involvement, in that it can increase antisocial behavior and cause distrust of treatment providers, not to mention its high financial burden. However, public safety advocates argue that drug-involved offenders are characteristically impulsive and irresponsible, and they need close monitoring and supervision to foster a sense of accountability and help them stay on the right path. Research suggests that both arguments may be accurate, but that they describe different types of clients. The risk principle provides that intensive supervision and criminal justice involvement are useful for high-risk offenders with a strong inclination to engage in drug abuse or criminal activity, but such severe monitoring tends to be impractical for low-risk offenders. Risk factors such as age, start of criminal activity/drug use, and antisocial personality disorder (APD) can influence which

method is best for dealing with these individuals, making the consideration of individual circumstances and characteristics imperative.

Harrell, Cavanagh, and Roman (1998) examined the impact of differing court dockets on offender drug use and criminal activity in their study of the Washington, D.C., Superior Court Drug Intervention Program (SCDIP). Offenders were randomly assigned to one of three dockets. The sanctions-driven docket offered drug-involved defendants a program of graduated sanctions with weekly drug testing, referrals to community-based treatment, and judicial monitoring of drug use, while the treatment docket offered drug offenders weekly drug testing and an intensive, court-based day treatment program. The remaining participants were placed in a standard docket, which offered drug offenders weekly drug testing, judicial monitoring, and encouragement to seek community-based treatment programs.

Records obtained from the Pretrial Services Agency provided data on defendant characteristics to determine intervention eligibility including criminal history, case processing, and drug test results. Semistructured interviews were also conducted annually on each docket to gather information on those who were offered treatment or programs. Focus group interviews were conducted to gather insight on the defendants’ views on drug court procedures and programs. The evaluation assessed the extent to which SCDIP sanctions and programs reduced drug use and criminal activity, increased voluntary participation in drug treatment services, and improved socioeconomic functioning of participants in the year following the program.

Many of the defendants participating in the standard docket voluntarily participated in community-based treatment programs during pretrial release. One third reported detox services and one quarter reported outpatient treatment. Approximately two thirds (65%) were sentenced to probation: 88% of those who consistently tested drug free in the month before sentencing and 63% of those who tested positive for drugs or skipped tests. Graduated sanctions program participants were more willing to receive detox during the program, while 60% of participants reported attending drug treatment services such as Alcoholics Anonymous (AA) as did 63% of those on the standard docket. Overall, 19% of the 140 participants graduated from the treatment program, whereas 9% left the program in good standing. Two thirds of the participants, including all graduates from this program, received probation.

The entire target group of drug-using defendants on both sanctions and treatment dockets were more likely to test drug free in the month before sentencing. There was a lower likelihood of arrest with sanction program participants who had more days on the street prior to their first arrest after sentencing than with the standard docket group. Treatment participants were not significantly less likely to be arrested in the same year as sentencing or to have more street days



before first arrest during the year. Treatment participants were significantly less likely to be arrested for a drug offense than those of the standard docket.

DeMatteo, Marlowe, and Festinger (2006) analyzed the benefits of utilizing secondary prevention services for low-risk drug court clients. Most substance abuse treatment programs are tailored to be beneficial to high-risk clients with serious substance abuse programs, but these programs may be unnecessary or even harmful to those without serious problems. Secondary prevention strategies are designed to interrupt the acquisition of addictive behaviors, rather than trying to treat addiction directly, and are intended for those who have been exposed to risk factors related to certain behaviors but have not yet displayed said behaviors.

Standard drug court procedures incorporate several programs that are ill-suited to the needs of low-risk clients. For example, group counseling sessions often combine high-risk and low-risk offenders and can lead to learned deviance in the low-risk clients. Twelve-step programs are not considered appropriate for individuals who are not addicted to drugs or alcohol and can actually weaken their resistance to such addictions. Motivational interviewing, which is designed to help drug abusers realize the extent to which drug use has negatively affected their lives, may lack effect for those on whom drug use has yet to have a major detrimental effect. It is recommended, then, that interventions for low-risk clients should focus more on interfering with the reinforcing properties of drugs, rather than treating what may be emerging problems as full-fledged addictions.

Marlowe and colleagues (Marlowe, Festinger, Lee, & Patapis, 2005) examined whether perceived deterrence theory helps explain the success of drug courts in dealing with drug-involved offenders. Perceived deterrence theory reasons that the likelihood of an offender engaging in drug use or criminal activity is affected by the perceived likelihood of being detected and the certainty of being punished or rewarded based on behavior. This research used data from three experimental studies on the effect of judicial status hearings on drug court outcomes, in which participants were randomly assigned to either Group 1 (biweekly hearing schedule) or Group 2 (hearings only as needed).

In addition to testing for program success, ASI, and APD, participants were subject to a “perceived deterrence questionnaire,” which was a 6-item Likert scale assessing participants’ perceptions of the likelihood that they would be detected/sanctioned for infractions and recognized/rewarded for achievements, and the likelihood that sanctions/rewards would be meaningful for them. This questionnaire was administered 3 times monthly over the course of the study.

Based on data from the questionnaires, participants were classified into one of five clusters: believers (34%), average (27%), skeptics (11%), disillusioned (14%), and learners (14%). Believers had high perceived deterrence over the

whole course of the program, while skeptics had the opposite. Average had consistently moderate scores. Disillusioned had initially high perceived deterrence, but scores diminished over time, while learners experienced the opposite effect. Believers tended to be older and female, while skeptics were younger and less frequently female. Participants with prior treatment history tended to be disillusioned. Males (who tended to not be believers) had lower graduation rates. Cluster groupings were not significantly linked with ASI scores, alcohol problems, or legal problems.

### Findings From Meta-Analyses

Though the studies discussed to this point have gone to great lengths in establishing a base of knowledge on drug courts, many of these efforts have been limited to one or a handful of study sites or have looked at only one or a few aspects of drug court operations. To address the need for more generalizable information on drug courts, recent research has focused on evaluating knowledge from the field as a whole, in the form of systemic reviews and meta-analyses.

In his review of 37 drug court process evaluations, Belenko (2001) found that participants are predominantly male (72%), are unemployed (49%), or have poor employment and education; have prior criminal records (74% had at least one felony charge); and had at least one failed attempt in treatment (76%). These offenders tend to have serious physical and mental health problems that complicate the recovery process. In addition, drug court clients have a high prevalence of reported prior physical and sexual abuse and suicide attempts. In accordance with post-indictment recidivism, the evaluations are consistent with previous findings that a majority of the studies reveal a reduction in recidivism rates for drug court participants.

Turner et al. (2002) reviewed the Nationwide Evaluation of 14-Site Drug Treatment Court Programs conducted by the Drug Court Program Office in 1995–1996. The program was designed to describe and evaluate eligibility requirements, court and treatment requirements, and program implementation of 14 drug treatment courts representative of drug treatment court programs across the country. It was determined that the programs met the key qualifications of effective drug treatment court programs by integrating alcohol and drug user treatment services with justice system processing; following a nonadversarial approach, which promotes public safety while protecting the due process rights of the offender; providing access to drug-treatment-related services; frequently testing for abstinence; coordinating strategies to govern drug treatment court responses to participants’ compliance; and facilitating ongoing judicial interaction with each participant.

However, the authors conclude by stating that while drug treatment courts continue to grow in popularity, and while they have been found to be generally effective, there is still

much to learn about how drug treatment courts work and how influential they are in reaching desired outcomes.

Belenko (1999) points to several weaknesses in existing research and gaps in knowledge. One of the major limitations of existing research revolves around outcome measures. While drug courts are often commended for their impact on recidivism, the meaning of this reduction is often limited, and it varies from study to study. Estimates on program retention and outcome measures on recidivism would wield more power if time periods were clearly specified. This would allow a more accurate comparison of findings for more established drug court programs, as compared to those early in their development, or on their last legs. Furthermore, these outcomes are most often defined by rearrest, while few evaluations include follow-up information outside of formal arrest data. Studies also tend to ignore those participants who quit or are discharged from drug court programs, leaving major questions about an even more at-risk segment of this already high-risk population and potentially overstating the benefits of participation.

The use of comparison groups in extant research is also troubling. Comparison groups are either not utilized or are composed of participants that differ from the typical drug court client, making true-to-form comparisons of drug court participants versus the general offender population difficult (Belenko, 1999).

Similar sentiments are shared by Wilson et al. (2006). In their meta-analysis, these researchers looked at the results of 55 evaluations on drug courts. These evaluations often showed a reduction in criminal offending in drug court groups as compared to control groups, but although the general findings suggest that drug offenders taking part in a drug court are less likely to reoffend than those sentenced to traditional corrections methods, these authors also point to flaws in study samples and methodologies as evidence that any congratulatory marks should be viewed through a critical lens. In other words, as stated by Goldkamp, White, and Robinson (2001), research as presently constructed tends to show that “successes succeed and the failures fail.”

Wilson et al. (2006) point to several improvements in future research that would advance the field. First, they state that the overall quality of study design should be improved so that more reliable and generalizable data can be gathered. They also point to the need for an expanded view of program effectiveness to include deeper measures of a program’s impact on substance use (not simply rearrest or failed drug tests) and the need for more detailed accounts of comparison groups.

### What Is Missing From Current Research?

Though research has steadily increased and, perhaps more importantly, improved in recent years, the field is still lacking in several key areas. There exists a base of recommended

drug court treatment practices and operations, and while it is known how these factors work in specific courts, there is not yet comprehensive knowledge of how they are implemented at a national level. The field needs expanded information regarding not only the number of drug courts and participants within them, but also knowledge of *what* these courts do and *how* they do it.

The National Drug Court Survey was conducted to help fill these gaps in knowledge. The study provides a picture of the national drug court landscape and the treatment delivery structure within it, giving the field a glimpse of the current state of drug courts, which can be used to form a baseline from which future growth and a plan for improvements can be established. The following will highlight findings from this study.

### The National Drug Court Survey

To fill the gap in knowledge on drug courts, the National Drug Court Survey was administered to drug court coordinators and treatment providers across the United States as a project of the Criminal Justice Drug Abuse Treatment Studies (CJ-DATS) research cooperative. The focus of this study was to provide a more accurate picture of the characteristics of courts and their administrators and employees, the types of treatment services offered within drug courts, arrangements with treatment and other service providers, the integration of evidence-based practices, as well as a host of other information. With this data, more focused and informed improvements for drug courts can be designed.

### Methodology

The sampling frame for the National Drug Court Survey was composed of drug court coordinators and the agencies that provide treatment services to these courts. The first portion of the sample, drug court coordinators, was generated in two parts. First, the sampling frame from another CJDATS study, the National Criminal Justice Treatment Practices Survey (NCJTP), was used. The NCJTP sampling frame was drawn from a representative sample of prisons and community correctional facilities using a two-staged stratified sampling technique.<sup>1</sup> This left 72 counties from which all active adult drug courts were selected. The second portion of the coordinator sample consisted of all adult drug courts that have received an implementation or enhancement grant from the Office of Justice Programs since 2002. The final coordinator sample consisted of 208 adult drug courts. Each coordinator was then asked to give the contact information for the treatment agencies providing services to their clients, and surveys were mailed to each of these agencies. A response was received from 68% of courts (141 of 208), and a matching pair of coordinator and treatment surveys was received for 75% of courts in the sample (100 of 141).

## Characteristics of Drug Courts

On average, drug courts had 102 participants on any given day.<sup>2</sup> Thirty-two percent of courts had an average daily population of under 40 drug court participants (DCPs), while 41% ranged from 41 to 100 DCPs, and 27% had over 100 DCPs on any given day. The average court graduates 38 DCPs on an annual basis, while discharging an average of 29 due to noncompliance with program requirements. Sampling weights were applied to the NCJTP portion of respondent data to generate a national estimate of drug court participants. This resulted in an estimate of 49,000 DCPs across the country on any given day. This figure is higher than the last estimate of DCPs generated by Huddleston and colleagues (Huddleston, Freeman-Wilson, Marlowe, & Roussell, 2005), a result of the continued increase in the number of drug courts across the country.

## Administrators and Staff

A total of 87% of drug courts reported having a singularly focused coordinator, while the remaining courts used existing positions (judges, case managers, etc.) to administer the program. On average, coordinators or those in charge of drug courts reported having been in their position for just over 4 years. The majority were between the ages of 36 and 55 (65% of coordinators fell within this range) and were women (65%). A total of 32% reported having a bachelor's degree, while 44% reported having a master's degree or higher.

On average, courts had 12 full-time and part-time staff members working with the drug court, with an average of 3.2 new hires in the past year. Courts had an average of 2.8 treatment counselors assigned to the court, and 1.2 treatment coordinators on staff.

## Determining Eligibility and Admission

In determining eligibility for drug court, legal criteria are far more integral in making admission decisions than issues related to severity of offenders' substance use problems or treatment needs. Furthermore, legal staff, such as prosecutors, defense attorneys, and judges, are far more influential in reaching admission decisions than other members of the drug court team. Whereas members of the legal team are involved in reaching admission decisions in over 92% of courts, coordinators and case managers are involved in 79% of courts, and only 48% of courts involve treatment providers in making this decision.

## Screening and Assessments

Overall, 68% of drug courts reported using a standardized substance abuse screening tool. The most commonly used tools are the Addiction Severity Index (ASI) (used in 45% of courts) and the Substance Abuse Subtle Screening Inventory (SASSI) (23%). Only 21% use risk assessment

tools, most commonly, the Level of Service Inventory-Revised (LSI-R) (18%) and the Wisconsin Risk and Needs (WRN) tool (4%), and less than 4% use mental health screening tools. Thirty-three percent of courts use a tool created by the state or a tool of their own design.

Policy-based reassessments are extremely rare, with only 4% of courts having written protocol for doing so. On the other hand, 77% of courts reassess as a reaction to DCPs' performance or compliance. A total of 18% of courts do not reassess for severity of substance use disorders.

## About Phases and Treatment Within Drug Courts

Though the phase approach is a hallmark of drug courts, this structure is not universally adopted. Roughly three quarters of drug courts reported using formal phases, with approximately half using a four-phase structure and 25% using a three-phase structure. The remaining 25% of courts do not have a set phase structure. The typical drug court program lasts approximately one year.

"Low-impact" services such as drug testing, self-help meetings, and group counseling are those most frequently integrated within drug courts. While these less intensive services are pervasive across all courts, more intensive, treatment-oriented services are not as common, particularly as participants move further along within the phase structure. Though clinical treatment services such as motivational enhancement, psychosocial education, individual counseling sessions, or family therapy sessions are offered in 61% of programs' Phase 1, by Phase 3 only 54% of programs provide clinical services. By Phase 4, only one third of programs (36%) provide clinical treatment services.

The same trend is seen in regard to attendance at status review hearings. Though in earlier phases, DCPs are required to attend status review hearings in front of a judge twice per month or more (88% of courts require such attendance in Phase 1, and 80% in Phase 2), as they move further along within the program, their required attendance decreases substantially. By Phase 3, only 21% of courts require appearances in front of judges every 2 weeks or more frequently, and by Phase 4, this drops to 15%. In addition, by Phase 4 over half (53%) of courts have no set schedule for DCPs' attendance at status review hearings.

These low rates of continuous attendance at status review hearings are symbolic of an overall pattern of a lack of judicial involvement across the drug court process. Though it is one of the "key components" of drug courts, ongoing judicial interaction with DCPs is practiced in less than 10% of courts (7.8%). In addition, nearly half (45%) of courts reported that judges do not review or modify treatment plans.

## Service Delivery in Drug Courts

Coordinators and case managers are more frequently involved in case planning and treatment activities than members of the legal team. Where nearly 80% of coordinators and

case managers maintain contact with treatment providers, 25% of judges, 14% of defense attorneys, and 13% of prosecutors engage in this activity. Coordinators and case managers are also far more likely to contact other service providers in the community, to identify short- and long-term goals for the DCP, and to adjust the treatment plan when the DCP is doing poorly.

Overall, the legal team is less involved than its drug court or treatment counterparts in such treatment activities, engaging in an average of 1.3 (of 8) activities, as compared to 4.5 for the core drug court team and 6.3 for treatment agencies and providers. This pattern also holds true for legal teams' involvement in drug-court-related activities as a whole. Whereas judges, defense attorneys, and prosecutors are involved in an average of 4.9 (of 19) activities, coordinators and case managers are involved in an average of 11.3, and treatment providers in an average of 12.5.

### **Treatment Arrangements With Outside Agencies**

Most courts reported having an agreement or contract for treatment services with an outside treatment agency (23% had no such arrangements). One third (33%) of courts reported having a formal agreement for services, which often laid out the types of services to be provided (62%) or dealt with issues related to confidentiality (53%). In addition to formal agreements, 43% of courts reported also having contracts with treatment providers, through which money changes hands in exchange for services. Within these arrangements, 13% required the drug court to pay service fees, 20% required the DCP, and 68% had some combination of court and DCP fees. Nearly half (46%) of courts had formal written agreements with up to three treatment service providers, while 27% had agreements with more than three providers.

### **Treatment Agencies and Staff**

Treatment agencies reported serving an average of 75 clients. Though over three quarters of agencies reported being licensed, only 32% reported accreditation by the Commission on the Accreditation of Rehabilitation Facilities (CARF) or the Joint Commission on the Accreditation of Health Care Organizations (JCAHO).

A total of 57% of respondents fall between the ages of 36 and 55, 55% are female, and on average they have spent 7 years with their agencies and 3 years in their positions working with the drug court. A total of 20% of respondents reported having a bachelor's degree, and 55% have an advanced degree, with the most common fields of education being counseling (30%), social work (27%), and psychology (16%).

Staff in treatment agencies have an average caseload of 25 clients (both drug court clients and their general client caseload). Sixty percent of staff have credentials in substance abuse treatment (such as CADC, CASAC), while

75% have specialized training in substance abuse treatment (credits toward CADC, CASAC), and 30% have certification in a general mental health specialty. Seventy-six percent of agencies allow staff to be in recovery, with 37.5% of staff actually in recovery, while 46% of agencies allow ex-offenders on staff, though only 12% of staff are ex-offenders. Roughly one third (34%) of staff have a bachelor's degree, one third (34%) have a master's degree or higher, and the remaining staff have a 2-year degree (17%) or less (15%).

### **Characteristics of Treatment Services Provided by Outside Agencies**

Only 56% of agencies reported using a standardized substance abuse screening or assessment tool, while 54% use a state- or agency-designed tool. Slightly over half (52%) of agencies reported using a written treatment protocol or curriculum, with 26% of these agencies using the Martix model, while others tended to develop their own protocol. One third (33%) of agencies trained staff on their protocol for up to 2 days, while 23% of agencies trained staff by having them watch other counselors. Ten percent of agencies do not train staff on their treatment protocol.

A total of 31% of agencies provide specialized services for co-occurring disorders, while 42% provide specialized services for adult offenders. Roughly 60% of agencies reported providing cognitive-behavioral services 2–3 times per week or more, though only 23% offer short-term residential programs (28 days or less), and less than 20% offer detoxification (19%) or long-term residential programs (18% offered programs that were 6 months or longer). Mental and physical health services are more common across treatment agencies. Roughly half of agencies reported providing counseling or assessment for mental health problems, whereas 32% provide HIV/AIDS testing, and 38% provide counseling for HIV/AIDS.

Pharmacological services are rarely provided by treatment agencies. Only 17% of agencies prescribe buprenorphine, while 16% report prescribing Antabuse, 15% report prescribing naltrexone, and 12% prescribe methadone. More troubling is the fact that very small percentages of DCPs in treatment agencies are recommended for these medications, with no more than 6% (Antabuse) being recommended for any of those listed.

### **Utilization of Evidence-Based Practices**

Compared to national findings on their use in community correctional settings (Friedmann, Taxman, & Henderson, 2007), drug courts are more likely to implement consensus-driven, evidence-based practices (EBPs). On average, drug courts utilize 5.5 (of 11) EBPs, compared to 4.6 for probation and parole agencies.

Addressing co-occurring disorders is the most commonly utilized EBP (present in 96% of treatment agencies), followed by the use of incentives for positive DCP

behavior (89%) and the presence of a continuum of care (84%). The use of standardized risk tools (21%) is quite low. Other important EBPs are also widely uncommon, as only 38% of agencies use engagement techniques, and 41% involve family in treatment. Less than three quarters (72%) of agencies report planned service durations of over 90 days, while half (53%) report that the staff in their agencies are qualified to address the needs of DCPs.

An important difference in the use of EBPs is found between agencies that have a written agreement or contract for services with outside treatment agencies and those that do not. In particular, agencies with agreements or contracts are much more likely to implement standardized substance abuse tools, to involve family in treatment, to report systems integration, and to use graduated sanctions.

### Adherence to Key Components

On average, drug courts implement 6 of the 10 key components, with nearly all courts reporting drug and alcohol treatment with case processing (99%), 87% supporting continued staff training or education, 77% establishing partnerships with other community agencies to enhance effectiveness, and 77% monitoring substance use through frequent drug testing. However, only 25% of courts identify eligible participants early on in the criminal justice process, 22% report that a coordinated strategy determines responses to DCPs' compliance, and 8% report ongoing interaction with the drug court judge.

### Integration

Perhaps the most innovative aspect of drug courts is their unique position within the criminal justice system. Bringing together key players from the legal, treatment, and corrections communities, drug courts have the ability to bridge the services and functions of these agencies to more effectively supervise offenders and target their specific needs. With this, meaningful integration among these agencies becomes critical.

Drug courts collaborate with treatment agencies on an average of 7.2 (of 12) activities—activities such as sharing DCPs' needs for types of treatment, developing joint policy and procedures manuals, cross-training staff, holding joint staffing, pooling funding, and so forth. While this degree of integration indicates relatively formal working relationships with substance abuse agencies, a more informal system exists in regard to working relationships between the drug courts and prosecutorial agencies, in which these agencies collaborate on an average of 4.7 of the aforementioned activities.

### Conclusion

Drug courts are still growing, and much is needed to understand how each of the parts contributes to the overall

functioning and outcomes generated. Drug courts continue to demonstrate positive findings. The National Drug Court Survey fills a gap by providing a picture of how drug courts operate. While improvement needs to occur, it appears that the drug court model is viable. The proliferation of the drug court means that the innovation is working well. Although it appears that more work needs to be done to develop the model, particularly in terms of adopting evidence-based treatments, the drug court model is thriving.

### Notes

1. See Taxman, Young, Wiersema, Rhodes, and Mitchell (2007) for a complete discussion of NCJTP survey methodology.
2. Three cases were excluded from this average due to their having an average daily population of over 1,000 participants.

### References and Further Readings

- Beck, A. J., & Maruschak, L. M. (2004). *Hepatitis testing and treatment in state prisons* (NCJ 199173C). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Belenko, S. (1998). Research on drug courts: A critical review. *National Drug Court Institute Review*, 1(1), 1–42.
- Belenko, S. (1999). Research on drug courts: A critical review: 1999 update. *National Drug Court Institute Review*, 2(2), 1–58.
- Belenko, S. (2001). *Research on drug courts: A critical review: 2001 update*. New York: National Center on Addiction and Substance Abuse at Columbia University.
- Binswanger, I. A., Stern, M. F., Deyo, R. A. (2007). Release from prison: A high risk of death for former inmates. *New England Journal of Medicine*, 356, 157–165.
- Brocato, J. O., & Wagner, E. F. (2008). Predictors of retention in an alternative-to-prison substance abuse treatment program. *Criminal Justice and Behavior*, 35(1), 99–119.
- Centers for Disease Control and Prevention. (2007). *Hepatitis C fact sheet*. Retrieved February 23, 2007, from <http://www.cdc.gov/ncidod/diseases/hepatitis/c/fact.htm>
- DeMatteo, D. S., Marlowe, D. B., & Festinger, D. S. (2006). Secondary prevention services for clients who are low risk in drug court: A conceptual model. *Crime & Delinquency*, 52(1), 114–134.
- Deschenes, E. P., Turner, S., & Greenwood, P. W. (1995). Drug court or probation? An experimental evaluation of Maricopa County's drug court. *Justice System Journal*, 18(1), 55–73.
- Ditton, P. M. (1999). *Mental health and treatment of inmates and probationers*. Washington, DC: U.S. Department of Justice, Department of Justice Statistics.
- Festinger, D. S., Marlowe, D. B., Lee, P. A., Kirby, K. C., Bovasso, G., & McLellan, A. T. (2002). Status hearings in drug court: When more is less and less is more. *Drug and Alcohol Dependence*, 68, 151–157.
- Friedmann, P. D., Taxman, F. S., & Henderson, C. (2007). Evidence-based treatment practices for drug-involved adults in the criminal justice system. *Journal of Substance Abuse Treatment*, 32(3), 267–277.
- Glynn, M., & Rhodes, P. (2005, June). *Estimated HIV prevalence in the United States at the end of 2003*. Presentation at the National HIV Prevention Conference, Atlanta, GA.

- Goldkamp, J. S., White, M. D., & Robinson, J. B. (2001). Do drug courts work? Getting inside the drug court black box. *Journal of Drug Issues*, 31(1), 27–72.
- Harrell, A. V., Cavanagh, S. E., & Roman, J. (1998). Evaluation of the D.C. Superior Court drug intervention program. *Research in brief*. Washington, DC: Urban Institute.
- Huddleston, C. W., Freeman-Wilson, K., Marlowe, D., & Roussell, A. (2005, May). *Painting the current picture: A national report card on drug courts and other problem solving court programs in the United States*, 1(2). Alexandria, VA: National Drug Court Institute.
- James, D., & Glaze, L. (2006). *Mental health problems of prison and jail inmates*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Karberg, J., & James, D. (2005). *Substance dependence, abuse, and treatment of jail inmates, 2002* (BJS Report No. 209588). Washington, DC: U.S. Department of Justice.
- Listwan, S. J., Sundt, J. L., Holsinger, A. M., & Latessa, E. J. (2003). The effect of drug court programming on recidivism. *Crime & Delinquency*, 49(3), 389–411.
- Marlowe, D. B., DeMatteo, D. S., & Festinger, D. S. (2003). A sober assessment of drug courts. *Federal Sentencing Reporter*, 16, 153–157.
- Marlowe, D. B., Festinger, D. S., Dugosh, K. L., Lee, P. A., & Benasutti, K. M. (2007). Adapting judicial supervision to the risk level of drug offenders: Discharge and six-month outcomes from a prospective matching study. *Drug & Alcohol Dependence*, 88S, 4–13.
- Marlowe, D. B., Festinger, D. S., Lee, P. A., Dugosh, K. L., & Benasutti, K. M. (2006). Matching judicial supervision to clients' risk status in drug court. *Crime & Delinquency*, 52, 52–76.
- Marlowe, D. B., Festinger, D. S., Lee, P. A., & Patapis, N. S. (2005). Perceived deterrence and outcomes in drug court. *Behavioral Sciences and the Law*, 23, 183–198.
- Marlowe, D. B., Festinger, D. S., Lee, P. A., Schepise, M. A., Hazzard, J. E. R., Merrill, J. C., et al. (2003). Are judicial status hearings a key component of drug court? During-treatment data from a randomized trial. *Criminal Justice and Behavior*, 30(2), 141–162.
- Maruschak, L. M. (2006). *HIV in prisons, 2004* (NCJ-213897). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Mumola, C. J. (1999). *Substance abuse and treatment, state and federal prisoners, 1997*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Mumola, C. J., & Bonczar, T. P. (1998, March). Substance Abuse and Treatment of Adults on Probation, 1995 (NCJ-166611). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Rossman, S., & Rempel, M. (2007, July 24). *Preliminary results from the Multisite Adult Drug Court Evaluation*. Presented at the National Institute of Justice Annual Conference on Justice Research and Evaluation, Crystal City, VA.
- Substance Abuse and Mental Health Services Administration. (2006). *Results from the 2005 National Survey on Drug Use and Health: National findings* (Office of Applied Studies, NSDUH Series H-30, DHHS Publication No. SMA 06-4194). Rockville, MD: Author.
- Taxman, F. S., & Bouffard, J. A. (2002). Treatment inside the drug treatment court: The who, what, where, and how of treatment services. *Substance Use & Misuse*, 37(12/13), 1665–1689.
- Taxman, F. S., & Bouffard, J. A. (2003). Substance abuse counselors' treatment philosophy and the content of treatment services provided to offenders in drug court programs. *Journal of Substance Abuse Treatment*, 25, 75–84.
- Taxman, F. S., & Bouffard, J. A. (2005). Treatment as part of drug court: The impact on graduation rates. *Journal of Offender Rehabilitation*, 42(1), 23–50.
- Taxman, F. S., Pattavina, A., & Bouffard, J. A. (2005). *An evaluation of treatment in the Maine adult drug courts*. College Park: University of Maryland.
- Taxman, F. S., Perdoni, M., & Harrison, L. D. (2007). Drug treatment services for adult offenders: The state of the state. *Journal of Substance Abuse Treatment*, 32, 239–254.
- Taxman, F. S., Simpson, S. S., & Piquero, N. (2002). Calibrating and measuring theoretical integration in drug treatment programs. *Journal of Criminal Justice*, 30(3), 159–173.
- Taxman, F. S., Young, D., Wiersema, B., Rhodes, A., & Mitchell, S. (2007). National Criminal Justice Treatment Practices Survey: Multi-level survey methods and Procedures. *Journal of Substance Abuse Treatment*, 32(3), 225–238.
- Turner, S., Longshore, D., Wenzel, S., Deschenes, E., Greenwood, P., Fain, T., et al. (2002). A decade of drug treatment court research. *Substance Use & Misuse*, 37, 1489–1527.
- Wilson, D. B., Mitchell, O., & Mackenzie, D. L. (2006). A systematic review of drug court effects on recidivism. *Journal of Experimental Criminology*, 2, 459–487.
- Wolfe, E., Guydish, J., & Termond, J. (2002, Fall). A drug court outcome evaluation comparing arrests in a two year follow-up period. *Journal of Drug Issues* (0022-0426/02/04), 1155–1172. Retrieved March 10, 2009, from [http://www.ncjrs.gov/pdffiles1/bja/two\\_ys.pdf](http://www.ncjrs.gov/pdffiles1/bja/two_ys.pdf)

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## FORENSIC SCIENCE

DAVID N. KHEY AND IAN TEBBETT

*University of Florida*

For many Americans, the word *forensics* evokes a cascade of vibrant imagery that entails crime and intrigue. It is a buzzword for DNA, bite marks, bullet wounds, fingerprints, autopsy, gore, death investigations, semen stains, and rape kits. This, however, is only a small part of a much larger picture. Forensics itself is extremely broad—it is the application of the scientific method to assist the law. This can mean almost anything—accountants who perform analysis to assist the courts are forensic accountants; computer enthusiasts who hack into the hard drives of sexual predators are forensic computer technicians; physical anthropologists who study bones in a legal investigation are forensic anthropologists. The field of forensics is growing, and the list becomes even longer as more divisions of labor and specialization occur. With this large influx of experts in fields that expand with technology and multitudes of new techniques, it is amazing that the courts can even keep up.

The many different disciplines that make up forensic science have been embedded in popular culture since their inception. Long before criminal investigations incorporated the use of fingerprints, document examination, blood spatter pattern analysis, gunshot trajectories, accident reconstruction, and the like, these were the topics of fiction. Most familiar to many, Sherlock Holmes and his partner, Dr. Watson, applied the scientific method and stellar detective work to solve crimes and thereby introduced these concepts to the masses. Broadly speaking, this is the definition of *forensic science*: applying science

and technology to legal investigations, whether civil or criminal. From the “medicolegal” examination of a human body postmortem (after death) to analyzing the breath of a driver who had a few too many drinks, the reconstruction of how the Twin Towers collapsed, and the identification of unknown soldiers and civilians in battlefields in mass graves, these practices have now long been integrated into Westernized contemporary court and justice systems. Yet, it was only in recent decades that the abilities of forensic scientists have vastly expanded due to a renaissance of scientific breakthroughs. The purpose of this chapter is to give an overview of the primary areas of forensic science and to review the breakthroughs and controversies within each of its disciplines. Secondly, this chapter provides an introduction into how the courts screen expert witnesses and concludes with a summary of important recent developments in forensic science.

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### Primary Areas of Forensic Science

Many of the foundations of forensic science are rooted in keen criminal investigative principles adjoined with analysis using the scientific method. The work of Edmond Locard is a case in point. In the early 1900s, Locard developed a simple investigative principle that has stood the test of time and is very much incorporated in today’s detective work. Basically, Locard realized that as individuals interact with others or come in contact with objects in an environment, a

“cross-transfer” of microscopic and macroscopic elements will occur. A bit of a dog owner’s hair will remain on the person’s clothes and may be left at a crime scene along with some skin cells, and perhaps some of the carpet fibers at the crime scene will cling to the cuff on an individual’s pants; either way, evidence of this transfer may serve as a substantial piece of circumstantial evidence in a case. This principle, called “Locard’s exchange principle,” is at the heart of trace evidence and criminal investigations. Much of the forensic investigation performed at a crime scene, such as utilizing the exchange principle to collect and subsequently analyze evidence, is in the area of criminalistics.

### Criminalistics

The majority of the forensic services provided in a robust crime laboratory are of a discipline called *criminalistics*. Put simply, this area of forensic science seeks to process physical evidence collected from a crime scene and produce a final report based on analysts’ findings. It is also the broadest category of forensic science, with many subspecialty units and much expertise. The easiest way to classify these services is to divide them by the units typically found in a robust crime lab: controlled substances, serology/biological screening, DNA, trace analysis, firearms/explosives, toolmarks, questioned documents, latent prints, and toxicology. While a vast amount of different analyses fall within these areas, these highlighted areas are nonexhaustive. It is also important to note that the widest amount of contemporary controversies revolve around many of the more subjective analyses performed by these analysts.

Over the last decade, the Bureau of Justice Statistics (BJS) commissioned a census of publicly funded crime labs to gain a better understanding of the collective trends in forensic services in the United States. By order of usage of service, controlled substances examination has persisted in being the most requested over the years of the census (Durose, 2008). Simply put, these requests concern seized substances thought to be illicit or unidentified controlled drugs. To perform the examination, analysts use a two-pronged process to first screen substances and then use this preliminary data to run a confirmation analysis if the initial one screens positive for a controlled substance. This secondary analysis has the power to examine the unknown substance both qualitatively and quantitatively with high levels of statistical certainty. Thus, at the end of a controlled substance analysis, investigators will learn the consistency of the substances submitted for testing, down to their molecular makeup. For example, if an unknown white powder is examined, controlled substance analysis will show the different components that constitute that powder and to what extent these components make up the whole sample—perhaps 85% cocaine, 5% lidocaine, and 10% baking powder (sodium bicarbonate).

This differs slightly from toxicological services, as the analyses in this area serve to qualify and quantify controlled substances and their metabolites in biological matrices (e.g.,

blood, saliva, hair, urine, and vitreous fluid of the eye), as well as toxic substances (e.g., mercury, arsenic, and cyanide), alcohol, over-the-counter products, and many other foreign compounds to the body. Depending on the circumstances, investigators typically request only a certain subset of toxicological examinations to be performed, as a full “tox” screen is costly and wasteful. In particular, two situations call for a more comprehensive toxicological examination: in cases of offender/probationer/parolee drug screening and in post-mortem toxicology. In the BJS census, toxicological services were requested a far second (298,704 requests in 2002; 251,585 requests in 2005) behind controlled substances (844,183 requests in 2002; 855,817 requests in 2005). There is limited subjectivity in these areas of forensic science—thus, controversies are limited to individual cases.

Latent print analysis seems ubiquitous in forensic science and police investigations. Examining visible (*patent*) or invisible (*latent*) fingerprints and comparing them to known samples or a computer database called AFIS (Automated Fingerprint Identification System) is a long-standing tradition in the field, and is the third most common type of request for forensic services (Durose, 2008). Based on the premise that no two fingerprints are alike—even identical twins have fingerprints that differ—the criminal justice system as well as private security firms have invested heavily in a fingerprint-driven identification system. Using *proficiency tests*, or controlled examinations designed to gauge the accuracy and reliability of forensic analyses, researchers have proven to be very accurate in their identification, given typical casework circumstances. Thornton and Peterson (2002) find that the existence of misidentifications is a rare event in typical casework (fewer than 0.5% of comparisons); correct identification lies within the 98%–99% range under normal circumstances. Fingerprints are among only a few other analytical tests, such as DNA typing and blood typing, that share such high success rates.

Firearm and toolmark analysis, the next most requested service, is an example of a subset of forensic analysis that contains elevated amounts of subjectivity, which increases the likelihood of error. Shotgun shells and shot pellets, discharged bullets, bullet casings, and any sort of firearm and its ammunition can be examined to understand the origin of a spent bullet, the trajectory of shots fired, and much more. The physical construction of firearms and their mechanisms make relatively unique impressions on fired bullets suitable for these analyses. Forensic science examinations dealing with toolmarks work in a remarkably similar manner. Impressions left by screwdrivers, crowbars, knives, saws—any tool imaginable in a garage—can give investigators an idea of what tools were used in the commission of a crime. If these tools can be identified, additional evidence left on these objects may be collected, if found.

It is true that as time passes, unique wear and tear on these items may produce remarkably unique impressions on objects (e.g., bullets, walls, bone, etc)—especially when these items are frequently used. When this occurs, the ability of forensic firearm and toolmark examiners to make a



determination of whether the suspect impression embedded in an object shares a “common origin” with a sample impression made by the firearm/tool in a laboratory increases in confidence. Regardless whether if these conditions are met or not, these forensic examiners have good success in making these determinations; however, their success can wane in comparison to objective analyses such as DNA testing and blood typing. It is important not to overweigh the probative value of these examinations, especially when environmental conditions such as decay or damage make these analyses exceedingly more difficult.

DNA analysis, what has become the gold standard in forensic identification, is the next most requested service in the United States (Durose, 2008). According to the BJS, this service has remained the most backlogged during the census of publicly funded crime labs in the country. This should not be surprising, as this type of forensic analysis is demanding on both human and operational resources. While the field has come a long way from the origins of the use of DNA in the criminal justice system over three decades ago, the average time to complete these requests is typically much longer than for any other forensic service. For example, a typical forensic toxicological analysis may take anywhere from a week to a month, but comparing DNA samples from a suspect or several suspects to biological samples gathered from a crime scene may take anywhere from a few months to a year. Many times, if backlogs become a surmounting problem and local or state funding permits, outsourcing to private labs may be an option. In fact, about 28% of the crime labs included in the BJS census have outsourced their DNA casework to private labs (Durose, 2008).

The value of DNA analysis is twofold: (1) Several kinds of DNA analyses are embraced by robust methodologies that include error rates that can be measured, calculated, and interpreted to yield results that are concrete and objective. These results can be interpreted to estimate the likelihood of both a false positive (e.g., the likelihood of finding a “match” when, in fact, the samples from a crime scene and a suspect do not “match”) and a false negative (e.g., the likelihood of not finding a “match” when, in fact, the samples from a crime scene and a suspect should “match”). (2) These types of requests also have the power to provide exculpatory and inculpatory evidence with the same amount of certainty, accuracy, and reliability. Both types of evidence are equally important in criminal justice, particularly when a person’s freedom is on the line: *exculpatory* evidence includes any proof of an individual’s innocence, while *inculpatory* evidence provides proof of guilt.

Even years after a crime occurs, DNA analysis has proven itself to be the chief piece of analysis in many criminal cases. The past few decades have seen wrongful convictions overturned by DNA analyses at the cost of proving other forensic science evidence (or at least the *interpretation* of this evidence) wrong. Saks and Koehler (2005) point out that forensic science testing errors and false or misleading testimony by forensic expert witnesses are the second and fifth most common issues (respectively) in the

wrongful conviction cases overturned by Project Innocence. This organization consists of a group of attorneys and advisors working pro bono that have been highly critical of many components of the criminal justice system, including a variety of areas in forensic science. Since the late 1980s, over 225 convicted felons typically serving life sentences have been exonerated by the efforts of Project Innocence using DNA analysis as the cornerstone of their litigation. On their Web site and in their promotional literature, Project Innocence echoes Saks and Koehler’s calls for reform in forensic science, particularly within areas that only give limited probative value. This includes much of the remaining facets of criminalistics not previously discussed: serology and biological screening, trace evidence analysis (e.g., hairs, fibers, glass, paint, etc.), impressions (e.g., bite marks, shoeprints, tire marks, etc.), fire and explosive examination, and questioned documents.

Each of these areas of analysis has its strengths and weaknesses, but all of them have been shown to assist investigators in their casework. Serology and biological screening is an example of a subset of forensic services that allows any investigator to narrow down the possibilities of suspects or helps the investigator understand the circumstances and nature of the event(s) in question, yet it has limited probative value. While a variety of these forensic services are able to produce results with reliable statistics and defined error rates, critics remain steadfast that these results can be misleading to jurors. Blood grouping methods are a good example: These methods allow analysts to examine a sample of blood and produce a report that identifies the blood type of the “donor.” In stark contrast to the cost and effort of DNA analysis, these reports can be produced rapidly and at a low price. The issue, however, becomes the lack of power these analyses have in narrowing suspects with a good degree of certainty, as many people share the same blood type. “Presumptive tests” for suspected semen and saliva samples are examples of less powerful biological analyses that can yield useful results, giving investigators reasonable evidence that these samples do, in fact, consist of seminal fluid or saliva. If there is sufficient biological material and these samples are viable enough to run DNA analysis (e.g., the material has not been contaminated or degraded below qualifying levels), further analysis can be run to refine these preliminary results. Forensic analysts may also choose to use other methods, such as microscopy and species typing, to refine these results if DNA analysis is not an option.

Other kinds of forensic tools, such as particular types of trace analysis and questioned document analysis, do not have as good a track record of producing reliable, accurate, and powerful results. Observers, however, should not cast them off as not being useful. For example, if an analyst were to find a hair in the trunk of a car bound to a piece of duct tape that was *consistent* with a victim’s head hair, the car owner would have a lot of explaining to do. This is not to say that this hair couldn’t have come from another source—in fact, the analyst would be hard-pressed to come up with a statistic of the likelihood that the hair came from the victim’s

head. If, in fact, the analyst offered this statistic, it would be a disservice to a jury, the defendant, and even the victim since this information is uncertain and not based on sound statistical principles. If DNA material—whether nuclear DNA material or a kind called mitochondrial DNA material—were available for examination, then analysts would gain the power to include specific statistics in the present case to aid in the interpretation of the findings. Otherwise, a certain degree of caution should be used in interpreting the results and weighed accordingly when making a decision based on the information found in a final report.

In particular, questioned document analysis has received a significant amount of criticism, particularly in its ability to determine “matched” writing samples (or more accurately stated, *consistent* writing samples). Proficiency testing has proven to yield weak results in this area (see Peterson & Markham, 1995b). Yet, handwriting comparisons are the most commonly requested service in the area of questioned documents. Based on the reasonable assumption that people’s handwriting evolves over time, and that writing habits contain idiosyncrasies, both conscious and subconscious, analysts look for consistencies in writing samples for particular classes and characteristics of writing behavior. This holds true even when a person tries to disguise his or her writing to conceal authorship. For the most part, these services are more critical in civil trials where the burden of proof does not have to meet the “beyond a reasonable doubt” standard. Other types of questioned document analysis can fortify these results to offer more resolute findings. These include the analyses and comparisons of paper, inks, and printer and typewriter output. It must be stated, however, that few of these analyses come with the ability to include standard statistics and error rates, leaving them open to the aforementioned criticism.

While the above is not an exhaustive list of forensic services performed by many crime labs, it should offer a sampling of analyses that make up a spectrum from objective to subjective. While those from the subjective end of the spectrum may not be able to conclusively yield the proverbial finger pointed at a wrongdoer or give black-and-white answers, they can further clarify what occurred or did not occur with a series of events under investigation. Obviously, very few pieces of evidence can offer a smoking gun, so to speak, on their own. It is not the sole responsibility of the forensic analyst to make this clear; it is the responsibility of all of the key players in the courtroom work group—judges, prosecutors, attorneys, jury foreman, and the jury—to use their role to get the most out of each analysis, report, and expert testimony to be able to reach a just verdict. While many of the critiques of the more subjective aspects of forensic science merit close attention, the importance should be stressed on the proper weighing of this evidence when offered at trial. As mentioned above, these analyses do hold scientific value but only to a limited extent. The results must be weighed carefully with all of the other evidence, testimony, and circumstances about a particular trial in question.

While the forensic services at a crime lab play an important role in contemporary criminal justice and civil courts, other key services are offered outside of the crime lab that are important to mention. Two areas in particular stand out—forensic pathology, since these services are utilized so regularly, and forensic anthropology, for its topical importance in solving identification mysteries worldwide. The following two sections describe these aspects of forensic science, often considered off in their own realms and separate due to where they are organizationally located, in the government (pathology, and a minor part of anthropology) and in academia (anthropology).

### Pathology

In the case of a sudden and unexpected death, an autopsy has become a mandatory public health and legal investigation to ensure that any disease threat—or more typically, wrongful death—does not go uninvestigated. A variety of organizational schemas exist to accomplish this in the United States. At the heart of these schemas are inherently two systems, the medical examiner system and the coroner system (Hanzlick & Combs, 1998). While it was previously important to speak of the differences between these two systems, these differences are narrowing as medically trained forensic pathologists are becoming the core of both. In earlier coroner systems, individuals of various backgrounds—undertakers, sheriffs, and farmers—served as the lead investigators in forensic death investigations. In the present day, this elected position still exists in rural areas; however, if there is a questioned death, most coroners have easy access to a district medical examiner or forensic pathologist with specialized training to thoroughly investigate a death. Famed pathologists DiMaio and DiMaio (2001) describe the duties of the death investigation system in their comprehensive overview of forensic pathology:

- To determine the cause and manner of death
- To identify, if the deceased is unknown
- To determine the time of death and injury
- To collect evidence from the body that can be used to prove or disprove an individual’s guilt or innocence and to confirm or deny the account of how the death occurred
- To document injuries or lack of them
- To deduce how the injuries occurred
- To document any natural disease present
- To determine or exclude other contributory or causative factors to the death
- To provide expert testimony if the case goes to trial (p. 1)

While this list is comprehensive, it ignores the most fundamental roles both medical examiners and coroners play in public health and epidemiology (Hanzlick & Parrish, 1996). For example, medicolegal investigation may uncover environmental hazards, poisons, or communicable diseases that have the potential to harm others.

In this case, medical examiners or coroners can warn the appropriate authorities to take proper action to prevent harm. They also monitor trends in disease and drug overdose over time to fuel public health and drug abuse research.

Forensic pathology centers on the autopsy process. This process serves to answer two questions: What is the cause and the manner of death? The cause of death is the injury/condition or set of primary and secondary injuries/conditions that result in and contribute to the death in question. For example, myocardial infarction (heart attack), liver failure, asphyxia, alcohol poisoning/overdose, gunshot wound, blunt force trauma, and emphysema can be causes of death. The manner of death consists of only a few categories: natural, homicide, suicide, accident, and undetermined/unclassified. This determination takes the circumstances surrounding the death, including the activity of the decedent just before death, and blends it with the findings at autopsy, toxicology reports, medical history, and police narratives among other sources to categorize the individual into one of these pathways of death. This is the most subjective part of the autopsy process, and is only finalized at the end of the forensic death investigation—typically a few days before the certificate of death is printed.

The controversies in this discipline are by and large localized to disagreements over the cause and manner of death in particular investigations—and since the determination of the cause of death can be documented and preserved for years past autopsy, these disagreements are quite limited. It is the manner of death that can be the most controversial, second only to outright malfeasance and malpractice. As this determination has bearing on life insurance policies, criminal and civil trials, and individuals' reputations, challenges are relatively frequent in today's society.

## Anthropology

Sometimes death investigation, particularly human identification, requires the expertise of professionals who can interpret clues derived from the skeleton. Forensic anthropology, a specialization within physical anthropology, has particular import when the typical means of identification are destroyed, decomposed, or otherwise damaged. The determination of age, race/ancestry, sex, and living height/stature can be assessed by the advanced anthropometric methods available in the discipline to aid investigators by providing an antemortem (before death) profile of the unknown individual. These methods are based on the forensic skeletal collections of leading anthropologists around the world, particularly in the United States (Ousley & Jantz, 1998). The skeletons in these collections have been meticulously measured and documented, and have been programmed into specialized computer statistical packages that give forensic anthropologists the ability to estimate most individuals' living profile with reasonable statistical

confidence. As more contemporary skeletons are contributed to this data bank, and particularly as these collections become more diverse in their sampling, the statistical confidence of these practitioners will be enhanced.

Beyond this profile, the physical examination of the skeleton can reveal injuries, damage or wear by occupational stress, unique genetic variations, surgical modifications, and an estimate of time since those events that all can assist in identification. For example, someone who broke his or her forearm 2 months before death will show evidence of trauma and healing in the ulna or radius in that arm. The healing process comes to a stop once a person dies, so this evidence gets frozen in time, so to speak. Evidence of perimortem (around the moment of death) trauma to the skeleton may also be helpful to investigators in determining the circumstances of death. In fact, the timing of injuries can be imperative in determining wrongdoing in homicide cases (Sauer, 1998).

In contemporary times, forensic anthropologists have been key players in the investigation of mass disasters and mass graves. These individuals are highly trained in the gentle excavation and analysis of skeletal remains in many different environments. In fact, one of the leading research programs in the world—the Forensic Anthropology Center at the University of Tennessee—has made many contributions to scholarly literature on the impact of environmental and circumstantial factors on the human skeleton. This literature continues to aid forensic anthropologists in the field as they travel to distant corners of the globe in which different climates, soils, environmental factors such as acid rain and salt water, and so much more have differential impacts on skeletal remains over time.

## Handling of Scientific Testimony by the Courts

With the increased use of forensic science testimony in the courts, there also must be safeguards against so-called junk science being admitted into trials. The manner in which the courts perform this task is being debated among many experts that offer their services to the court, litigants, plaintiffs, and defendants. In the days before any guidance was issued by the courts, justices used to rely on the “marketplace test” for expert witnesses. Basically, if the expert witness could sell his or her craft and survive in the marketplace, and if he or she offered testimony that was not common knowledge or within the grasp of the average juror, more than likely that testimony was admitted. Note that this did not screen out those who practice mumbo-jumbo science, and it could not distinguish between astrology (a very old tradition that still can make money today) and astronomy. Today, this strategy would not work. Psychic detectives would not be allowed to testify to their experiences in speaking with the dead—something that cannot be verified by any sort of empirical tests, which leaves the court and other experts skeptical. However, a

homeopathic doctor who has credentials from a nonaccredited institution may be able to give testimony on the effects of the sage plant on insanity from his self-documented case studies. Thus, the courts must have some sort of method to be able to distinguish between what could be considered science and what can be considered bogus.

The first black-and-white method of screening expert testimony was offered in *Frye v. United States* (1923). In this case, the defendant was accused of murder, to which he offered an expert to testify to his innocence by analyzing the results of a very primitive lie detection exam (the systolic blood pressure deception test). This witness and subsequent testimony were rejected, since they did not yet receive *general acceptance* in the field from which they came. This type of lie detection device was new on the scene, and the court made the stand that testimony given and evidence offered should have a real-world basis and be generally accepted among the experts in the field. This will prevent evidence “in the twilight zone” from prematurely influencing court decisions before it can be perfected within the expert’s field.

*Frye’s* general acceptance test survived until contemporary times, and was hardly mentioned until talk about updating the Federal Rules of Evidence began to stir up controversy. In 1993, this controversy came to a head in *Daubert v. Merrell Dow Pharmaceuticals* when the Court revised the judge’s role in admitting expert testimony. The decision was to make the judge act as the gatekeeper to screen out junk science and allow the expert testimony that is reliable, valid, testable (falsifiable), and generally accepted. The Court did not mandate that these criteria should be limiting nor inflexible, but it did stress that judges should utilize, to the best of their ability, their analytical skills in making a judgment call on the evidence or testimony’s methodology and standing in the field from which it came. Two more key decisions were made by the Court to enhance the role of trial judges as gatekeepers of expert testimony. In *Joiner v. General Electric Co.* (1997), the method of appealing lower courts’ decisions on allowing or disallowing expert testimony was set to *abuse of discretion* instead of a *de novo* review of the proffered expert testimony. This means that trial judges should be challenged on their decisions to accept or disallow expert testimony only if a plaintiff or defendant can prove that this judge broke a procedural rule in the process of coming to this decision. Complete overviews of this judicial decision were deemed inappropriate. The second was *Kumho Tire Co. v. Carmichael* (1999), which expanded the *Daubert* decision to include all expert witnesses, not just those with a scientific background (auto mechanics, accountants that have worked closely with the FBI on fraud cases, and many others without advanced degrees but who have specialized knowledge).

So, the courts are set with the precedent to keep out junk science, but can they actually perform the task well? The Court has spoken about the ability to utilize “special masters” to aid the court in coming to a conclusion on the veracity of offered expert testimony. Some scholars

suggest that a research foundation be created, at least for the Supreme Court, similar to what the Congress currently has the capacity to do. This way, the parties can offer expert testimony, but the court can make a counteroffer with nonbiased (as much as this is possible) research that can guide the trial in the right direction. The issue of whether these safeguards, if instituted regularly, assist in keeping out junk science is an empirical question that desperately needs answering.

Today, decisions have been made at the state level to continue to follow a *Frye*-based system, or a *Daubert*-based system, or a third system that is a hybrid of the two. The federal system works solely on *Daubert* principles. As can be anticipated, there are advocates of both *Frye*- and *Daubert*-based systems—the differences between them are outside of the scope of this chapter. However, readers should take note that challenges to expert testimony are constantly being litigated. The decisions of these trials will serve to be the most important shaping factors in what will be deemed appropriate in U.S. courts.

## Conclusion

Due to the wide variation of facets in the forensic sciences, the undertaking of sifting through all methods and techniques of all forensics is the stuff that makes up a complete book, if not a series of books. As outlined in this chapter, a variety of types of examinations performed in forensic laboratories cannot even be assessed with conventional statistics with the exceptions of DNA analysis and blood group typing (which has lost prevalence as DNA analysis gained popularity), and certain analyses of gunshot residue models (Faigman, Kaye, Saks, & Sanders., 2002). Therefore, it is important to cite the variability of the subjectivity and objectivity within these methods and techniques to gain some insight into the overall utility of these analyses as stand-alone pieces of information. David Faigman et al. begin taking on the task of typing many techniques used within the vast fields of the forensic sciences in terms of amount of subjectivity, reliability in the minds of forensic scientists, and their individual susceptibility of attack when measured by the criteria posited by *Daubert*. Since no aggregate data are available to seek relative frequency probabilities, it is up to the experience of the individual examiner to establish levels of confidence around his or her determinations. The complexities of placing these confidence intervals around scientific testing are apparent to those with even an elementary knowledge of statistics.

The future of forensic science has much to do with evolving with the standards the courts will set over the coming years. If more states were to move to the *Daubert* criteria for evaluating expert testimony, it is more likely that a portion of the more subjective-heavy analyses of forensic science would be decommissioned. While many would argue that this is a necessary and overdue development in forensic science, a good portion of these forensic

services do offer value to investigators that may or may not be lost. For example, there is no reason that investigators or litigants should not continue to use these services to provide this value—it is just that the information found in the final reports of these investigations must be used only to help someone make a case and would not be allowed at trial. As previously suggested, these analyses can lead to further inquiries, which may break cases wide open, whether they are civil or criminal.

As a conglomerate of professions, the forensic sciences are actively overhauling their professional codes of ethics to address the rash of cases in which rogue forensic scientists were falsifying reports, doing bad science, and egregiously overstepping their bounds as expert witnesses. While frauds exist in every aspect of life, any person who harms the liberty of another person just for personal gain or lack of professionalism is surely the most despised from both within and outside of the professions. Even entire crime labs have been identified as corrupt. Accreditation that is monitored by professional organizations, and making these accreditation processes more robust, have been seen as ways to begin to root out such problems before they begin. This accreditation must be maintained throughout one's professional career and through the duration of a lab's existence.

On a final note, much investment has been made in professionalization and the encouragement of continuing education and training to assist forensic practitioners in expanding their knowledge base. This will assist these professionals in keeping up with the state of the art in the fast-paced world of science and technology, and their advancement. The most recent U.S. presidents have also made commitments to expand forensic science research and development, particularly in the DNA analysis and human identification areas. Such advances in technology will be key for many years to come in the U.S. criminal justice system's capacity to solve crimes, seek justice, and learn truths about the many mysteries that will confront it.

## References and Further Readings

- Butler, J. M. (2005). *Forensic DNA typing: Biology and technology behind STR markers*. San Diego, CA: Academic Press.
- Clarke, G. W. (2008). *Justice and science: Trials and triumphs of DNA evidence*. Newark, NJ: Rutgers University Press.
- Coppock, C. A. (2007). *Contrast: An investigator's basic reference guide to fingerprint identification concepts* (2nd ed.). Springfield, IL: Charles C Thomas.
- Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993).
- DiMaio, V. J., & DiMaio, D. (2001). *Forensic pathology*. Boca Raton, FL: CRC Press.
- Durose, M. R. (2008). *Census of publicly funded forensic crime laboratories, 2005*. Washington, DC: U.S. Department of Justice.
- Faigman, D. L., Kaye, D. H., Saks, M. J., & Sanders, J. (2002). *Modern scientific evidence: The law and science of expert testimony*. St. Paul, MN: West Publishing.
- Frye v. United States, 293 f. 1013 (D.C. Cir. 1923).
- Geberth, V. J. (2006). *Practical homicide investigation: Tactics, procedures, and forensic techniques* (4th ed.). Boca Raton, FL: CRC Press.
- Hanzlick, R. (2007). *Death investigation: Systems and procedures*. Boca Raton, FL: CRC Press.
- Hanzlick, R., & Combs, D. (1998). Medical examiner and coroner systems: History and trends. *Journal of the American Medical Association*, 279, 870–874.
- Hanzlick, R., & Parrish, R. G. (1996). The role of medical examiners and coroners in public health surveillance and epidemiologic research. *Annual Review of Public Health*, 17, 383–409.
- James, S. H., & Nordby, J. J. (2005). *Forensic science: An introduction to scientific and investigative techniques* (2nd ed.). Boca Raton, FL: CRC Press.
- Joiner v. General Electric Co. 522 U.S. 136 (1997).
- Karch, S. B. (2007). *Drug abuse handbook*. Boca Raton, FL: CRC Press.
- Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999).
- Lee, H. C., & Harris, H. A. (2006). *Physical evidence in forensic science*. Tucson, AZ: Lawyers & Judges Publishing.
- Maples, W. R., & Browning, M. (1995). *Dead men do tell tales*. New York: Random House.
- Ousley, S. D., & Jantz, R. L. (1998). The forensic data bank: Documenting skeletal trends in the United States. In K. J. Reichs (Ed.), *Forensic osteology: Advances in the identification of human remains* (2nd ed.). Springfield, IL: Charles C Thomas.
- Peterson, J. L., & Markham, P. N. (1995a). Crime laboratory proficiency testing results, 1978–1991, I: Identification and classification of physical evidence. *Journal of Forensic Sciences*, 40, 994–1008.
- Peterson, J. L., & Markham, P. N. (1995b). Crime laboratory proficiency testing results, 1978–1991, II: Resolving questions of common origin. *Journal of Forensic Sciences*, 40, 1009–1029.
- Pyrek, K. M. (2007). *Forensic science under siege: The challenges of forensic laboratories and the medico-legal investigation system*. San Diego, CA: Elsevier.
- Saferstein, R. (2006). *Criminalistics: An introduction to forensic science* (10th ed.). Upper Saddle River, NJ: Pearson Education.
- Saks, M. J., & Koehler, J. J. (2005). The coming paradigm shift in forensic identification science. *Science*, 309, 892–895.
- Sauer, N. J. (1998). The timing of injuries and manner of death: Distinguishing among antemortem, perimortem, and post-mortem trauma. In K. J. Reichs (Ed.), *Forensic osteology: Advances in the identification of human remains* (2nd ed.). Springfield, IL: Charles C Thomas.
- Taroni, F., Aitken, C., Garbolino, P., & Biedermann, A. (2006). *Bayesian networks and probabilistic inference in forensic science*. San Francisco: Wiley.
- Thornton, J. L., & Peterson, J. L. (2002). *The general assumptions and rationale of forensic identification*. In D. Faigman, D. Kaye, M. Saks, & J. Sanders (Eds.), *Science in the law: Forensic science issues*. St. Paul, MN: West Group.

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## YOUTH GANGS

LORINE A. HUGHES

*University of Nebraska at Omaha*

JAMES F. SHORT JR.

*Washington State University*

After some time out of the media spotlight, youth street gangs have made their way back. News coverage of drive-bys and crimes committed by persons with “possible gang ties” appear regularly alongside *Gangland* documentaries chronicling the rise and fall of notorious gangs and their leaders. Occasionally, these stories tell of successful law enforcement efforts to dismantle the gang by “cutting the head off the snake,” as anonymous informants reveal coveted gang secrets and boast of their role in bringing down those who had somehow betrayed or disrespected them. Joining the usual suspects in Chicago and Los Angeles at the center of public scrutiny and fear are gangs and gang nations such as the United Blood Nation and Double II’s on the East Coast, Nortenos and Surenos in the Southwest, and MS-13 (Mara Salvatrucha) everywhere in the United States.

By contrast, with few exceptions, recent scholarly attention to gangs has become stagnant, lacking fresh insights and the intellectual spirit out of which it was born. Not everyone will agree with this assessment, noting that more than two decades passed between Frederic Thrasher’s (1927) landmark study and the pioneering work of Albert Cohen (1955), Walter Miller (1958), Richard Cloward and Lloyd Ohlin (1960), Irving Spergel (1964), James Short and Fred Strodbeck (1965), Gerald Suttles (1968), and Malcolm Klein (1969, 1971). Attention to gangs has followed a sometimes cyclical and faddish course, and important research occurred in the United States and elsewhere

during the 1980s and 1990s. However, movement forward requires greater recognition of the problematic nature of gangs, better integration of empirical research concerning the efficacy of gang control efforts, and new research tools that are both theoretically and empirically reliable and valid. Roughly a decade into the 21st century, it is time to take stock and to assess the relevance of gangs to criminology and vice versa.

### Definitional Issues

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Definitional issues distort and confound understanding of what gangs are, why they behave as they do, and what to do about them. Disagreements exist in law, and among and between law enforcement agencies, social agencies, schools, media portrayals, the general public, and academic researchers. One knowledgeable observer likens the process of “deciphering and doing something about modern street gangs” to “interpreting inkblots” (Papachristos, 2005).

Despite such ambiguity, a great deal is known about the history of gangs and the forms they take in modern societies. In addition, it is universally agreed that gangs contribute substantially to such social problems as juvenile delinquency, crime, and racial/ethnic and community tensions. In extreme form, they may also be involved in ethnic wars and terrorism. More will be said about each of these problems below, but first the definitional issues are addressed.

The main concern in this chapter is with a particular type of gang, namely, the *youth street gang*. All definitions of youth street gangs include the following elements: They are unsupervised groups of young people that meet together with some regularity and are self-determining with respect to membership criteria; organizational structure; and the sorts of behavior that are considered acceptable and, in some cases, necessary for belonging. Rather than being products of adult sponsorship (such as church-, social agency-, or school-sponsored groups), they form and develop out of interactions and decisions among young people on their own terms.

For most young people in most societies, “hanging out” with one’s friends is an important part of growing up, and for many, “that old gang of mine” is a normal part of making the transition from childhood to adulthood. Gangs become problematic when they engage in crime or delinquency; conflict with each other; or otherwise disrupt families, schools, and other institutions. Perhaps because most of the gangs studied by social scientists are involved in delinquent or criminal behavior, many social scientists include law breaking in their definitions of gangs. Others do not, preferring to avoid the logical problem of including in their definitions the very behavior they wish to explain.

The most systematic attempt to overcome this problem has been made by the Eurogang Research Program (ERP), an international effort to understand gangs and other troublesome youth groups in European nations. Although the primary goal of the ERP is to study groups involved in crime and delinquency (which is included in the ERP definition of gangs),<sup>1</sup> the opportunity exists to study other collectivities, and to follow changes in their membership, structure, behavior, and other characteristics helpful in explaining their differences from gangs.

A commonly adopted solution is to be as specific as possible about the group(s) being studied: why they are of interest (because they have been identified as problematic by the police, by a social agency, or by observation, for example), their members and criteria for membership, behavior and organizational structure, cultural style and symbolic markers (often including speech, group colors, tattoos and scars, clothing, and jewelry), and location in social space—that is, how they relate to each other and to their communities.

## The Chicago School of Urban Sociology

Specific definitional criteria have long influenced the way in which criminologists think about and study gangs—and, consequently, what has been learned about them. Rooted in the tradition of the Chicago School of Urban Sociology, early studies tended to view and present gangs as products of their environment, directly and indirectly shaped by (and shaping) their relations with neighborhood adults, local agencies and institutions, and each other. Gangs, therefore,

were to be understood as part of a complex story *unfolding* in the real world. Even as disciplinary emphases shifted to grand theory and opportunity structures in American society, researchers remained open to new discoveries in the field and to identification of mechanisms by which problems in the broader class system translated into behavior on the streets. Having intentionally exposed themselves to “data not specifically relevant to existing hypotheses concerning gang delinquency,” for example, Short and Strodtbeck (1965, pp. 24–25) and their research team (with the Program for Detached Workers of the YMCA of Metropolitan Chicago) quickly realized that there was more to gangs than suggested by the macrolevel theories they had set out to test, that the behaviors observed by street workers and graduate students in situ could not be fully explained without reference to the specific contexts in which they occurred.

“Keeping a window open” on the daily lives of gang members and their behavior, individually and collectively, Short and Strodtbeck (1965) conceptualized street gangs and their behaviors as products of ongoing processes rather than as a series of disjointed pathological outcomes. Much like Thrasher (1927), they came to view the gang as the primary social world of its members, and they suggested that the decisions of members, especially leaders, to engage in violence and other serious delinquency were better understood as a product of group dynamics than as exaggerated reactions to middle-class America. Indeed, much of what previously had been taken as evidence of short-run hedonism and flouting of conventional norms appeared, under closer scrutiny, to reflect a rational balancing of immediate status losses or gains *within specific gang contexts*.

Klein’s research (1969) identified gang cohesiveness as the “quintessential” group process. Based on analysis of research data from a 1960s street worker program (the Group Guidance Project) in Los Angeles County in California, Klein suggested that “a group-work approach to gang intervention may inadvertently defeat its own purpose” (p. 135), increasing feelings of attachment to the gang and willingness to engage in delinquency with other gang members. Before this link could be examined systematically, however, street worker programs faded in popularity. As a result, there have been few opportunities to consider more “active development of alternatives to gang participation” (p. 135) or to reconcile Klein’s findings with other research showing the risk of gang delinquency to be highest during periods of low, not high, group cohesion.

Outside the academy, multiple social and political movements, some quite militant, converged during this period, polarizing society and fostering a climate in which some street gangs became politically and economically active in Chicago’s black ghetto and elsewhere. In Chicago, with the help of private foundation and federal agency grants, programs attempted to promote and institutionalize efforts begun by a few street gangs to better themselves and their

communities. Money poured into the hands of three black gangs boasting membership in the thousands and expressing publicly their intent to “go conservative,” that is, legitimate: Black Stone Rangers, Devil’s Disciples, and the Conservative Vice Lords. Almost as soon as these programs were launched, however, they were overshadowed by massive rioting touched off by Dr. Martin Luther King Jr.’s assassination and by growing resentment among police and local businesspeople toward what they viewed as preferential treatment of predatory teens. Allegations of fraud, mismanagement of funds, and downright failure quickly followed. Recalling this history, as noted elsewhere (Hughes & Short, 2006),

Defenders of the projects attributed failure to resistance by police and local authorities or to the lack of expertise required of such enterprises. Critics charged that the projects were riddled with fraud and that the gangs used government resources as a front to their continuing criminal activities. The U.S. Senate Permanent Subcommittee on Investigations of the Committee on Government Operations (named the McClellan committee, after its chairman, Senator John McClellan) documented massive fraud in the Manpower project and the tortured path by which the grant from the Office of Economic Opportunity was secured. Running throughout the committee hearing documents are the political struggles between The Woodlawn Organization (TWO, which received the grant), Reverend Fry (minister of the church in which many gang meetings occurred), and Chicago officialdom, including the Police Department and the Mayor’s office. Although the committee’s findings were tainted by charges of committee bias and harassment by police and other authorities, the troubles it highlighted were followed shortly after, in 1969, by Chicago Mayor Richard Daley’s “war on gangs.” Controversy continues concerning both the programs and official responses to them, including charges that some prominent gang leaders were “framed” by officials. (pp. 45–46, citations omitted)

During this turbulent era, major changes also occurred in the academy. Study of the human ecology of the city and the diverse and sometimes conflicting forces within local communities grew increasingly rare in sociology, as survey research methods and preoccupation with grand theory came to dominate the discipline. Although the Chicago School tradition continued to live on in the work of gang researchers such as Joan Moore (1978), whose *Homeboys* study extended Suttles’s (1968) *The Social Order of the Slum* to analysis of barrios of East Los Angeles, the 1970s may be best remembered as a decade of transition, in between the social problems approach of Chicago-style inquiry and the research paradigm that followed.

### The Variables Paradigm

Hoping to correct common misconceptions of Chicago sociology in the 1920s and 1930s, Martin Bulmer (1984)

noted that an “emphasis on field research and personal documents, though certainly a distinctive feature, is far from the whole story. . . . Notable developments in early quantitative methods took place which tend to have been ignored” (p. 188). For evidence of such methodological coexistence in the study of gangs, one need look no further than Thrasher (1927), whose commitment to the collection of social facts demanded both qualitative and quantitative approaches. Picking up where Thrasher left off, the subsequent generation of researchers tended to blend then-sophisticated quantitative analyses with qualitative insights, relying on both to bring gangs into clearer focus.

As the popularity of the group work approach to gang intervention waned, comprehensive research efforts became increasingly difficult to sustain. Throughout the 1980s, and especially the 1990s, studies of gangs divided sharply along methodological lines. The survey data approach, with its ease of administration and quick turnaround to publication (compared to field research), fit well within the new “variables paradigm” dominating sociological inquiry. Surveys and statistical manipulation of data obtained from official records also suited the interests of government funding agencies in quantitative findings obtained quickly, objectively, and for purposes of gang control policy. In addition, crack cocaine had exploded onto the American scene, and despite conflicting evidence, the frequency of hustling activities among individual gang members convinced many within and outside of law enforcement that gangs had assumed violent control over the drug trade and become virtually synonymous with organized crime. Furthering this perception were soaring rates of gun violence and gang homicides; high-profile convictions of ranking members of the Gangster Disciples and their imprisoned leader, Larry Hoover; big-screen movies, such as *Colors* (1988) and *Boys N the Hood* (1991), which drew national attention to the often deadly rivalry between L.A.’s Crips and Bloods; news reports of drive-by shootings claiming the lives of gangbangers and innocent bystanders alike; and the growing prominence of hypermasculine gangsta rap and related industry feuds. What everyone now wanted to know was how many gangs and gang members were out there, who these people were, and how much crime they were committing.

Such questions required answers only quantitative studies could provide. Surveys of law enforcement officials, analyses of police and court records, and self-reports by youth in institutionalized and noninstitutionalized settings were all employed in an effort to determine the overall scope of gang problems.<sup>2</sup> In addition, although the data occasionally were contradictory, a consensus emerged identifying the typical gang member as a young minority (black or Hispanic) male living in an inner-city urban area plagued by a host of neighborhood, educational, or family challenges. Bolstered by analyses of longitudinal self-report data, quantitative studies also provided the clearest



and most convincing evidence that *something* about gangs *causes* its members to behave badly.

Explanation of this “something,” together with the reasons behind the formation and evolution of gangs, should have been the next order of business, but the shift toward quantitative research methodologies was so strong and pervasive that etiological inquiry suffered. By their very nature, survey research and analyses of official records focus primarily on *individual* gang members, rather than on the complexity and dynamics of gangs as *groups*. Even field research came to be based primarily on in-depth interviews with former and current gang members. Although these studies yielded important insight into the attitudes, experiences, and activities of gangs and gang members, including females and Asians in the United States and elsewhere, too often they lacked attention to the contexts of these young people’s lives.

### Bringing Context Back In

Mercer Sullivan (2006) questions whether studies of gangs distract attention from the larger problem of youth violence. His point is well taken inasmuch as gang research obscures the nature of young people’s associations with one another and the influences that shape their lives. Viewing gangs as “fractals” of crime and violence, as “official” definitions and data would have it, ignores the myriad forms of behavior among gang youth and the conditions under which they behave badly as individuals, clique members, or in large (possibly, named) groups. Understanding such varied patterns requires attention to context.

Toward this end, it is especially important to build on the insights of ethnographic studies of gangs, a few good examples of which must suffice. Ruth Horowitz (1983) carefully documented status considerations within the gang and the complex interplay between gangs and their environments. Other ethnographers, sensitive to process, likewise situate their observations of gangs within broader contexts. Mark Fleisher’s (1998) study of the day-to-day lives of the Fremont Hustlers, a “gang” of white teens in Kansas City, chronicles the changing nature of the group and its influence on behavioral choices by individual members, and how they add to already troubled family and other problems. Researchers such as Sullivan (1989), John Hagedorn (1988), James Diego Vigil (1988), and Sudhir Venkatesh (2000, 2008) document the subtleties and complexities of local social orders in which gangs play an important role.

In addition to ethnographic research, network analyses in Chicago and elsewhere add to knowledge of the social relationships within and between gangs, and the integration of qualitative and quantitative methods offers new insights into the group processes leading to violence and the avoidance of such behavior. Comparative multisite, multimethod, and substantively diverse analyses are also

beginning to develop, highlighting the need to understand gangs from more than one perspective.

### “Levels of Explanation,” “Capital,” and the “Code of the Street”

Attempts to explain gangs take many forms: examination of characteristics of individual gang members or their communities, for example, or the nature of group behavior or the worldwide forces that impact each of these. Such different levels of explanation require different methods of research and data that serve different purposes. Although findings occasionally may seem contradictory, they are, and should be, complementary. Like all other phenomena of interest to criminologists, gangs and gang members cannot be understood apart from the extremely varied spatial, temporal, social, and cultural contexts in which they are embedded.

Among the most important of these contexts in the United States are historical patterns of immigration, migration, social and cultural conflict, accommodation, and assimilation. Following the Revolutionary War, as the country became more industrialized, immigrants flooded into rapidly growing cities and intensified existing problems of social control. Ethnic conflict involving gangs of immigrant Irish (young and old) versus “nativists” were common (Asbury, 1927), a pattern repeated throughout the 19th-century influx of new white ethnic immigrants. Youth street gangs were problematic during this time, but even they tended to follow the paths of their ethnic progenitors, assimilating and accommodating to America as part of an ethnic enclave or without primary ethnic identity.

The historical pattern of ethnic succession characterizing U.S. communities and their gangs has changed a great deal since these early years. Recent immigration streams to the United States have come from a large number of Central and Latin American countries, as well as from Asia and the Near East. Street gang formation and distribution within this country reflect these patterns, showing especially high concentrations among rapidly growing Latino populations. Contrary to trends observed among white gangs, however, the problem of black street gangs only worsened during this period, and Henry McKay’s (1969) optimistic conjecture that blacks in northern U.S. cities would follow the path of their European predecessors (i.e., assimilation into middle-class American society) proved sadly mistaken.

Despite advances in the civil rights of minorities and changed economic conditions that have provided opportunities for the integration of many, those who have been left behind increasingly are relegated to the status of a “permanent underclass” in many U.S. cities. This underclass can be located ecologically in terms of such conditions as unemployment, welfare, educational deficits, and broken families, but William Julius Wilson (1978, 1987, 1996) points to concentrated poverty and isolation from mainstream social and economic opportunities as the defining characteristics of this population and as the primary

villains in the production of crime; gang delinquency; “off the books” illegal enterprises; and, ultimately, ineffective social control (cited in Venkatesh, 2006).

Recent empirical and theoretical research linking the structural characteristics of neighborhoods to individual behaviors has helped bridge macro-, individual, and micro- (interaction and situational) levels of explanation. Building on the “social disorganization” thesis of the Chicago School of urban sociology, which attributed contrasting trends among communities to the relative effectiveness of their social control organizations and institutions, Robert Sampson and colleagues (Sampson, Morenoff, & Earls, 1999; Sampson, Raudenbush, & Earls, 1997) link crime to specific dimensions of neighborhood social capital, including *intergenerational closure*, *reciprocated exchange*, and *informal social control and mutual support of children*. Together, these dimensions comprise what they term “collective efficacy,” a property of neighborhoods and communities based on mutual trust and shared expectations that residents will take responsibility for each other’s children. When neighborhood characteristics hinder collective efficacy, crime and disorder flourish alongside street gangs and other troublesome youth groups. A major consequence for young people in such environments is limited “street efficacy,” that is, the “perceived ability to avoid violent confrontations and to be safe in one’s neighborhood” (Sharkey, 2006, p. 920).

Growing up in deprived neighborhoods and families, capital-deficient youth search for other ways to *be somebody*. Many young black males find themselves, in Elijah Anderson’s (2008) felicitous phrasing, “against the wall” in American society and, in the interest of survival and the search for self-respect and status, craft a public image out of unique styles of dress, mannerisms, and behaviors compelled under the “code of the street.” Described by Anderson (1999) as an emergent but pervasive value system based on achieving respect through violence, street codes have been documented in a variety of settings, especially the most disadvantaged neighborhoods in which gangs and gangbanging flourish. To outsiders, what transpires in these environments is evidence of depravity and perversity, attributable mainly to personal problems and shortcomings. For those more directly involved, however, adherence to the code of the street may simply be common sense. Reviewing *The Violent Gang* (Yablonsky, 1962), for example, R. W. England (1965) noted that description of the “Balkans” gang as an unstable “near-group” led by five sociopathic youth can be interpreted just as readily in a manner consistent with the code-of-the-streets thesis:

In a society that motivates toward the achievement of success and notoriety, the disadvantaged slum boy with limited social ability and training can achieve a simulacrum of these goals through the use of an elemental violence which serves as a ready means for upward social mobility within the gang and, to some extent, in the larger society. (p. 639)

Like other subcultural adaptations, the code offers to its adherents status criteria that are within reach. Those who succeed are afforded street credibility and given their due “props,” some even rising to the rank of “ghetto star,” “badass,” “O. G.” (original gangsta), or “veterano.” Such street capital is the currency among those lacking in economic, political, social, cultural, and human capital and resources. Gangs are an important part of this picture, offering young people the chance to negotiate, albeit not always successfully, the difficult world around them and their place in it.

## Global Contexts

Although disagreement exists concerning the precise nature of the forces comprising globalization, it is impossible to deny the human impact of worldwide changes in economic and political systems, international criminal enterprises, and responses to crime. Global trends, often driven by advances in technology and transportation, have transformed economies on many levels of organization. The most devastating effect for inner-city local economies has been the loss of well-paying manufacturing jobs. Once providing avenues of mobility out of poverty and poverty-stricken neighborhoods, these jobs have moved to the suburbs and, in many cases, to developing and third world countries in which human labor is easily exploited.

Extending the argument of Wilson (1987) in the United States, Hagedorn (2008) argues that an important result of global trends has been the emergence of large-scale underclass populations in many cities throughout the world. Hagedorn’s “world of gangs” thesis paints a very different picture of gangs than did research carried out during much of the 20th century. Contrary to Thrasher’s (1927) emphasis on the spontaneous emergence of street gangs out of common interests and play groups, for example, Hagedorn argues that the forces of globalization have transformed and *institutionalized* traditional street gangs and created new collectivities of “armed young men.” Hagedorn adopts the view that a “new geography of social exclusion” increasingly affects the “Fourth World,” comprising “large areas of the globe, such as much of Sub-Saharan Africa and impoverished areas of Latin America and Asia,” and is “present in literally every country, and every city” (cited in Castells, 2000, p. 168). Large numbers of young people in these places have been displaced by intertribal conflict and genocide, pressed into military service, sexually enslaved, recruited into drug distribution, and forced to adapt to other extreme conditions. Although such devastations are not limited to young people, the effects of exposure to violence and posttraumatic stress disorder—previously observed among military veterans, street gang members, and victims of crime and torture—may be especially harmful and lasting among youth. In some countries, entire generations of children have become victims.

Despite Hagedorn's (2008) defense that "gangs are not a unique form but one of many kinds of armed groups that occupy the uncontrolled spaces of a 'world of slums'" (p. xxiv), his amorphous definition of gangs as "alienated groups socialized by the streets or prisons, not conventional institutions" (p. 89) obscures important distinctions among and between "street gangs" and other gangs in levels of alienation, armament, and unconventional socialization. Child soldiers and other groups of armed young men (and young women) have become a tragic reality, no matter their differences from street gangs. However, Hagedorn's impressive documentation that such groups exist in many parts of the world fails to provide the sort of rich, locally contextualized information needed to answer questions of how, why, and under what conditions they develop into a street gang or "morph into an ethnic militia, a fundamentalist paramilitary group, or a drug cartel" (p. 22). His overall theme that the ubiquity and permanence of racism and the black/white divide trumps social class and the underclass thesis fits uncomfortably with armed conflicts involving other groups and with huge variations in intergroup relations based on class distinctions in the United States and elsewhere.

However, Hagedorn's (2008) insistence that gangs are "social actors" rather than passive reactors to oppressive conditions is surely correct, as confirmed by a number of researchers. Venkatesh (2000) links the emergence of street gang control of the distribution of crack cocaine in Robert Taylor Homes (on the South Side of Chicago), the largest public housing complex in the world, to a combination of the disappearance of legitimate work, weakened police and Chicago Housing Authority control, and the compensatory rise of indigenous forms of social control within the massive complex. Indigenous forms of control included gang leaders and members who provided "protection" for legitimate as well as underground businesses and "enforcement" of informal contractual arrangements. Such arrangements were successful for a time, but in the absence of effective police protection, they proved to be too fragile to contain excesses of gang violence and harassment. Venkatesh and Murphy (2007) concur with Hagedorn in suggesting that local indigenous behaviors, including those of gangs, "can be understood as a reaction to and a manifestation of greater, global shifts that have transformed both the formal and informal structures under which communities balance local demands and relations with those of a broader, global order" (p. 153).

## Gang Control

Thus far, little has been said in this chapter about efforts to address the problem of gangs, saving for last what has become an enormously important and controversial topic. Reflecting multiple points of view, the history of gang control in the United States has changed drastically since the

early days of street worker programs, an indirect descendent of the Chicago Area Project emphasizing community organization. Fast forward roughly 50 years, and the picture appears quite different. Weapons, drugs, money, and cars have all made gang violence more deadly, fueling American society's long-term reliance on the police and the nation's prisons for "suppression" of such problems.

Although programs emphasizing suppression have dominated gang control policy, little success can be demonstrated that is based on rigorous evaluation. Malcolm Klein and Cheryl Maxson (2006) express skepticism, however, noting that the vast majority of gang control programs in the United States have targeted individuals rather than groups, thus ignoring the group processes and structures that are so important to gang behavior. A few consequences of this approach are illustrated by anthropologist Elana Zilberg's (2007) ethnographic study of criminal, immigration, refugee, and human rights law within and between the United States and El Salvador. Zilberg studied the rise and decline of Homies Unidos, "a transnational youth violence prevention organization," an organization of young people, many of them members or former members of Salvadoran gangs who had been deported from the United States:

Homies functions as a liaison between gangs, civil society, and the state, and is one of the only alternative spaces of representation available to gang and deported gang youth. While the organization works with gang-affiliated, -alleged, and -impacted youth in general to redirect the gang structure, its disciplines, and its solidarities into tools for stopping the violence committed by gangs and against gangs, it also functions as a support group for gang members deported from the United States who are seeking an alternative to violence. (p. 62)

Pointing to the paradox that the United States has championed both human rights legislation and draconian law enforcement policies with respect to street gangs, Zilberg (2007) attributes the declining effectiveness of Homies Unidos to the "boomerang effects of the globalization of zero tolerance policing strategies" (p. 83), which undermine their efforts by treating members of the organization as active gang members. Further, to earlier criticisms that deportation globalizes gangs and gang violence, she adds that the U.S. policy of forced exile has had especially devastating effects on the identity and future prospects of targeted youth.

As indicated by recent calls for expanded police gang units and punitive legislation such as the Gangbusters' Bill, suppression is likely to remain for some time the single most popular strategy for dealing with gang problems. However, there is growing consensus concerning the need to get past "business as usual" and focus on community involvement, investment, and institutional support. In California, for example, authorities continue to experiment

with civil gang injunctions and other civil—as opposed to criminal—remedies, albeit often involving legal controversy. The Office of Juvenile Justice and Delinquency Prevention has supported the (Irving) Spergel model for a comprehensive, community-wide approach to gangs, seemingly embracing the importance of prevention and intervention as well as suppression. The Gang Resistance Education and Training (GREAT) program brings gang education to many classrooms throughout the country, and encouraging results have been reported for Operation Ceasefire, an initiative of the Boston Gun Project. Father Gregory Boyle's Homeboy Industries, offering "at-risk and former gang involved youth . . . a variety of services [e.g., tattoo removal, job training, counseling, and so on] in response to their multiple needs," emphasizes mentoring, life skills, and "first chances" (<http://www.homeboy-industries.org>). Several other programs have placed workers (i.e., ex-gang members) back on the streets, in an effort to build capital and promote collective efficacy among gang youth and their communities.

Determining the efficacy of such programs is extremely complex, if not impossible. Few systematic evaluations have been conducted, and criteria for "success" among existing studies are often defined and measured narrowly in terms of arrest, prosecution, and incarceration. The issues discussed in this chapter underscore the need for an expanded view of gangs and strategies for their control. In addition to problems of capital and their effects on families, communities, and individual socialization, both in the short and long term, much greater attention must be paid to the relationship between prison and street gangs. In view of America's heavy reliance on incarceration and suppression as means of crime control, it is also important to understand the nexus of prison and street. Since James Jacobs (1977) documented the dramatic rise of Chicago gangs in an Illinois maximum security prison during the 1970s, the consequences of prison gang influences on the street, as well as street gang activity behind bars, have received little consideration.

## Conclusion

Understanding gangs and the control of their behavior has become much more complex as a result of social change at global, national, and local levels. Immigration continues to change the face of this country, as people come from all over the world in search of a better life. Most will be welcomed and assimilate rapidly, adding to the growth of the country and American culture. Some will do much worse, contributing to and confirming stereotypes that both fuel and reflect intergroup conflict and competition over scarce resources.

To young people facing the impacts of such broad changes in society, in school, at home, on the streets, and in their communities, gangs represent an attractive means by which to negotiate and capitalize on their daily

lives. In return for the often high, sometimes deadly, costs of "putting work in," gangs offer protection, friendship and belonging, status, and material comforts. David Brotherton (2008), long-time student of the Almighty Latin King and Queen Nation street gang in New York, suggests that gangs also provide members and associates with opportunities for political resistance against oppression and social control. This contrasts sharply with the history of Latino gangs elsewhere, and with the work of Thrasher (and Asbury before him), who documented the participation of white ethnic street gangs *in the service of* politicians in Chicago and New York. Latino and white gang histories, in turn, contrast with the history of failed attempts by black street gangs to achieve political power. Despite the apparently sincere efforts of some gang leaders and their followers to "go conservative," continued violent and other types of criminal behavior by gangs and their members made them easy targets for Chicago officials threatened by the prospect of politically organized black gangs.

Whatever their consequences for the politicization of gangs, it is clear that arrest, prosecution, and incarceration did not make gangs go away back then, and they are unlikely to do so today. These are strategies for dealing with the problem of individuals. Gangs are part of ongoing processes played out in the lives of young people, but heavily influenced by the world around them. Insight into these processes has been slow to develop, but decades of hard work have brought them into much clearer focus. More hard work is needed, however, to bridge levels of explanation and existing gaps in knowledge. Problems of youth violence and troublesome youth groups (including street gangs), and what to do about them, will always be present. The least that can be done is to try to better understand them.

## Notes

1. The ERP consensus definition is this: "A gang is any durable, street-oriented youth group whose involvement in illegal activity is part of its group identity" (Klein & Maxson, 2006, p. 4). Although durability is subjective, this stipulation is meant to distinguish street gangs from ad hoc groups or milling crowds that engage in delinquent, criminal, or other types of troublesome behaviors.

2. Recent estimates place the number of gangs in the United States at 24,000, with approximately 760,000 active members in 2,900 jurisdictions (Egley, Howell, & Major, 2004).

## References and Further Readings

- Anderson, E. (1999). *Code of the street: Decency, violence, and the moral life of the inner city*. New York: Norton.
- Anderson, E. (Ed.). (2008). *Against the wall: Poor, young, black, and male*. Philadelphia: University of Pennsylvania Press.
- Asbury, H. (1927). *The gangs of New York*. New York: Capricorn Books.

- Brotherton, D. C. (2008). Beyond social reproduction: Bringing resistance back in gang theory. *Theoretical Criminology*, 12, 55–77.
- Bulmer, M. (1984). *The Chicago School of sociology: Institutionalization, diversity, and the rise of sociological research*. Chicago: Chicago University Press.
- Castells, M. (2000). *End of millennium. The information age: Economy, society and culture* (Vol. 3, 2nd ed.). Malden, MA: Blackwell.
- Cloward, R. A., & Ohlin, L. E. (1960). *Delinquency and opportunity: A theory of delinquent gangs*. Glencoe, IL: Free Press.
- Cohen, A. K. (1955). *Delinquent boys*. Glencoe, IL: Free Press.
- Egley, A., Jr., Howell, J. C., & Major, A. K. (2004). Recent patterns of gang problems in the United States: Results from the 1996–2002 National Youth Gang Survey. In F. A. Esbensen, S. G. Tibbetts, & L. Gaines (Eds.), *American youth gangs at the millennium* (pp. 90–108). Long Grove, IL: Waveland Press.
- England, R. W., Jr. (1965). Book review: The Violent Gang. *American Journal of Sociology*, 70, 638–639.
- Fleisher, M. S. (1998). *Dead end kids: Gang girls and the boys they know*. Madison: University of Wisconsin Press.
- Hagedorn, J. M. (1988). *People and folks: Gangs, crime, and the underclass in a rustbelt city*. Chicago: Lakeview Press.
- Hagedorn, J. M. (2008). *A world of gangs: Armed young men and gangsta rap*. Minneapolis: University of Minnesota Press.
- Homeboy Industries: <http://www.homeboy-industries.org>
- Horowitz, R. R. (1983). *Honor and the American dream: Culture and identity in a Chicano community*. New Brunswick, NJ: Rutgers University Press.
- Hughes, L. A., & Short, J. F., Jr. (2006). Gangs and unions: Civil and criminal remedies. *Trends in Organized Crime*, 9, 43–59.
- Jacobs, J. B. (1977). *Statesville*. Chicago: University of Chicago Press.
- Klein, M. W. (1969). Gang cohesiveness, delinquency, and a street-work program. *Journal of Research in Crime and Delinquency*, 6, 135–166.
- Klein, M. W. (1971). *Street gangs and street workers*. Englewood Cliffs, NJ: Prentice Hall.
- Klein, M. W., & Maxson, C. L. (2006). *Street gang patterns and policies*. New York: Oxford University Press.
- McKay, H. D. (1969). Rates of delinquents and commitments: Discussion and conclusions. In C. R. Shaw & H. D. McKay (Eds.), *Juvenile delinquency and urban areas* (pp. 329–388). Chicago: University of Chicago Press.
- Miller, W. B. (1958). Lower-class culture as a generating milieu of gang delinquency. *Journal of Social Issues*, 14(3), 5–19.
- Miller, W. B. (1976). Youth gangs in the urban crisis era. In J. F. Short, Jr. (Ed.), *Delinquency, crime, and society* (pp. 91–128). Chicago: University of Chicago Press.
- Moore, J. W. (1978). *Homeboys: Gangs, drugs, and prison in the barrios of Los Angeles*. Philadelphia: Temple University Press.
- Papachristos, A. V. (2005). Interpreting inkblots: Deciphering and doing something about modern street gangs. *Criminology & Public Policy*, 4, 643–652.
- Sampson, R. J., Morenoff, J. D., & Earls, F. (1999). Beyond social capital: Spatial dynamics of collective efficacy for children. *American Sociological Review*, 64, 633–660.
- Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997). Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, 277, 918–924.
- Sharkey, P. T. (2006). Navigating dangerous streets: The sources and consequences of street efficacy. *American Sociological Review*, 71, 826–846.
- Short, J. F., Jr., & Moland, J., Jr. (1976). Politics and youth gangs: A follow-up study. *Sociological Quarterly*, 17, 162–179.
- Short, J. F., Jr., & Strodtbeck, F. L. (1965). *Group process and gang delinquency*. Chicago: University of Chicago Press.
- Spergel, I. A. (1964). *Racketville, Slumtown, Haulburg: An exploratory study of delinquent subcultures*. Chicago: Chicago University Press.
- Spergel, I. A. (2007). *Reducing youth gang violence: The Little Village Gang Project in Chicago*. Lanham, MD: AltaMira Press.
- Sullivan, M. L. (1989). *Getting paid: Youth crime and work in the inner city*. Ithaca, NY: Cornell University Press.
- Sullivan, M. L. (2006). Are gang studies “dangerous”? Youth violence, local context, and the problem of reification. In J. F. Short, Jr., & L. A. Hughes (Eds.), *Studying youth gangs* (pp. 15–35). Lanham, MD: AltaMira Press.
- Suttles, G. D. (1968). *The social order of the slum: Ethnicity and territory in the inner city*. Chicago: University of Chicago Press.
- Thrasher, F. M. (1927). *The gang: A study of 1,313 gangs in Chicago*. Chicago: University of Chicago Press.
- Venkatesh, S. A. (2000). *American project: The rise and fall of an American ghetto*. Cambridge, MA: Harvard University Press.
- Venkatesh, S. A. (2006). *Off the books: The underground economy of the urban poor*. Cambridge, MA: Harvard University Press.
- Venkatesh, S. A. (2008). *Gang leader for a day: A rogue sociologist takes to the streets*. New York: Penguin Group.
- Venkatesh, S. A., & Kasimir, R. (Eds.). (2007). *Youth, globalization, and the law*. Palo Alto, CA: Stanford University Press.
- Venkatesh, S. A., & Murphy, A. K. (2007). Policing ourselves: Law and order in the American ghetto. In S. A. Venkatesh & R. Kasimir (Eds.), *Youth, globalization, and the law* (pp. 124–157). Palo Alto, CA: Stanford University Press.
- Vigil, J. D. (1988). *Barrio gangs: Street life and identity in Southern California*. Austin: University of Texas Press.
- Wilson, W. J. (1978). *The declining significance of race: Blacks and changing American institutions*. Chicago: University of Chicago Press.
- Wilson, W. J. (1987). *The truly disadvantaged: The inner city, the underclass, and public policy*. Chicago: University of Chicago Press.
- Wilson, W. J. (1996). *When work disappears: The world of the new urban poor*. New York: Knopf.
- Yablonsky, L. (1962). *The violent gang*. New York: Penguin.
- Zilberg, E. (2007). Refugee gang youth: Zero tolerance and the security state in contemporary U.S.–Salvadoran Relations. In S. A. Venkatesh & R. Kasimir (Eds.), *Youth, globalization, and the law* (pp. 61–89). Palo Alto, CA: Stanford University Press.

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## JUVENILE JUSTICE

STEVEN P. LAB

*Bowling Green State University*

JOHN T. WHITEHEAD

*East Tennessee State University*

Juvenile justice is barely over 100 years old but has undergone a range of transformations. It began by introducing a new philosophy of *parens patriae* into the handling of youthful offenders and has since been transformed into a hybrid of the new philosophy and the due process approach of the adult criminal justice system. Today, juvenile justice is still seeking out its appropriate form and place in society. While it is unlikely to totally disappear anytime soon, it is unknown exactly what it will look like in the future.

### History

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The history of juvenile justice is a relatively short one. While deviance on the part of young persons has always been a fact of life, formal, organized societal intervention and participation in the handling of juvenile transgressors has gained most of its momentum in the last 100 to 150 years. Throughout most of history, youthful members of society did not enjoy a separate status that brought with it a distinct set of expectations, behaviors, and privileges. Once an individual reached the age of 5 or 6, he or she became a full-fledged member of society and was expected to act according to the same mandates placed on all “adults.” This extended to the realm of legal sanctioning, where children were viewed as adults and were subject to

the same rules and regulations as adults. There did not exist a separate system for dealing with youthful offenders. The law made no distinction based on the age of the offender. While the law allowed for and prescribed harsh punishments, there is some question regarding how frequently the more serious actions were actually used. Indeed, a process of nullification, or refusal to enforce the law against children, took place because of the lack of penalties geared specifically for juvenile offenders.

Changes in how to deal with problem youths emerged in the early 1800s as American society was undergoing major shifts. During this time, industrialization was drawing people to the cities. This movement resulted in overcrowded cities inhabited by people from diverse backgrounds with limited skills and education. Such growing diversity was especially true of cities in the United States, which were attracting immigrants from a wide range of European countries. This population growth also resulted in a great deal of poverty in the cities.

Methods for dealing with offending youths grew out of the establishment of ways to address the growing urban poverty. The primary method for dealing with the poor entailed training the children of the poor. Key to this training was removing children from the “bad influences” and substandard training of their poor parents. The institutions in the early 1800s in the United States were intended to provide skills training to the youths so they would become

productive members of society and not threats to others. The failure of these early institutions to adequately address poverty and juvenile offending led to the establishment of a formal system for handling problem youths.

## The Juvenile Court

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The beginnings of the juvenile justice system are pegged to the establishment of the juvenile court in Cook County, Illinois, in 1899. The legislation that established the Illinois juvenile court reflected the general belief in the ability to alter youthful behavior. First, the court was to operate in a highly informal manner, without any of the trappings of the adult court. Lawyers and other adversarial features of the adult system (such as rules of evidence and testimony under oath) were discouraged. The judge was to take a paternal stance toward the juvenile and provide whatever help and assistance was needed. The emphasis was on assisting the youth rather than on punishing an offense. Second, all juveniles under the age of 16, regardless of whether they had committed an offense or not, could be handled by the new court. The court could intervene in any situation where a youth was in need of help. In practical terms, this allowed intervention into the lives of the poor and immigrants, whose child-raising practices did not conform to the ideas of the court. Third, the new court relied extensively on the use of probation for both administrative functions and supervising adjudicated youths.

The reforms that led to the establishment of juvenile courts also had other influences. One impact was a gradual widening of the juvenile court's mandate to include intervention for criminal activity, dependency, and neglect, as well as status offenses such as curfew violation and incorrigibility. A second area of change involved the development of new institutions for handling youths who needed to be removed from their families. These institutions closely followed the family/cottage model used throughout the late 1800s, with the greatest distinction being administration by the juvenile court. Third, the court relied on full-time, paid probation officers. A final major movement was the institution of court-affiliated guidance clinics. These clinics relied on the emerging psychological and sociological explanations for behavior. Central to these explanations was the need for the expert examination of each juvenile in order to identify the unique factors contributing to the individual's behavior.

## The Legal Philosophy of the New System

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Perhaps the greatest challenge to the growth of juvenile justice entailed debate over the philosophy of the court and the question of a juvenile's constitutional rights. Critics of the

court and earlier interventions often claimed that the state was subjecting juveniles to intervention without regard to their rights and those of the family. In many instances, the state was forcibly removing a youth from his or her parents' custody. These new interventions were viewed as an abrogation of the family's position in society. However, the problems of constitutional rights and the new juvenile justice system were deemed inconsequential compared to the possible benefits that could accrue from intervention. Indeed, the state relied on the doctrine of *parens patriae*, or the state as parent, for justification of its position.

The case *Ex parte Crouse* (1838) stated that the Bill of Rights did not apply to youths and argued that the public's interest in the education of its members gave it the right to intervene despite the wishes of the parents. In essence, the state could intervene, regardless of the reason, if it found that the child was in need of help or assistance that the parents and family could not or would not provide. This belief in the court's right to intervene at any time, providing the goal was to help the youth, remained largely unchallenged until the late 1960s.

Challenges to the *parens patriae* doctrine through a growing number of court cases in the late 1960s and early 1970s were signals of major changes in society's approach to both juvenile misbehavior and adult criminality. Cases including *In re Gault* (1967), *In re Winship* (1970), *Kent v. United States* (1966), and *McKeiver v. Pennsylvania* (1971) challenged the good intentions of the juvenile court and introduced the need for providing some constitutional due process protections to youths. In addition, the strong reliance on and belief in rehabilitation and treatment that dominated throughout the 20th century were joined by retribution, just deserts, and deterrence in the juvenile justice system.

Despite these changes, *parens patriae* remains the key philosophy underlying juvenile courts in the United States. This is illustrated in an inspection of the "purpose clauses" for juvenile courts found in state statutes. There are five general categories of juvenile court purpose clauses—Balanced and Restorative Justice clauses; Standard Juvenile Court Act clauses; Legislative Guide clauses; Punishment, Deterrence, Accountability, and Public Safety clauses; and Traditional Child Welfare clauses (Griffin, Szymanski, & King, 2006). In only 1 of the 5 categories (Punishment, Deterrence) is *parens patriae* largely excluded and the emphasis shifted to an adult court/criminal law orientation for the juvenile court. The other four categories maintain *parens patriae* as at least a key component (if not directly named) in addressing problem youths.

The shift in juvenile justice to a more adversarial, due process model elicits a wide range of problems and issues within the system. Among these is the introduction of attorneys (on both the prosecutorial and defense sides), the transfer or waiver of youths to adult court processing, divesting the court of jurisdiction over status offenders, and various transformations in the juvenile court itself.

## Attorneys in Juvenile Court

The introduction of attorneys to juvenile proceedings raises several concerns, among which is the availability of attorneys, their role in the court, and their effectiveness. First, it is important to note that many juveniles do not have attorneys. It is not uncommon for juveniles to waive their right to an attorney, often because they do not fully understand their rights, especially the importance of the right to legal representation. When juveniles do utilize an attorney, they often rely on public defenders who are burdened by very high caseloads that can range from 360 to 1,000 cases per defender (Jones, 2004). The public defender system often faces problems of insufficient funding, lack of training, high turnover, low prestige, and low salaries. Low pay rates in juvenile justice do not help to attract or retain competent attorneys. In addition, the juvenile court (often called “kiddie court”) is not considered prestigious, and judges may pressure attorneys into taking cases and cooperating.

Many public defenders and private attorneys are reluctant to fight as hard as possible for all youthful defendants, even those who have admitted that they are factually guilty. They argue that such advocacy is inappropriate when the goal is to help the youths rather than punish them. In juvenile court, some attorneys and judges worry that strong advocacy can result in an outcome where a child who “needs help” will not get it because a failure to establish a delinquency petition leaves the court with no jurisdiction over the child. As a result, at least some attorneys assume a concerned adult role rather than a zealous advocate role, encouraging youths to admit to petitions in cases in which an adversarial approach may have resulted in a dismissal of the petition. In a survey of 100 court workers in three juvenile courts, Sanborn (1994) found that 8 out of 10 workers thought that attorneys gave inadequate representation. In fact, 1 out of every 3 was of the opinion that attorneys engaged in behaviors that undermined a fair trial for their juvenile defendants. In addition, about 25% of the respondents thought that defense attorneys would not vigorously represent their youthful clients, and 29% claimed that attorneys acted like guardians rather than zealous advocates.

One qualitative study indicated that attorneys expressed considerable concern for their youthful clients but that they were not always sure of the correct course of action. Attorneys felt that their youthful clients were often passive about decisions such as pleading guilty, and thus the attorneys were unsure of who was making the decisions and the degree to which the youths were making informed choices (Tobey, Grisso, & Schwartz, 2000).

The increased participation of attorneys in the juvenile system is also evident in the growth of prosecutorial participation. Where the initial decision on whether to file a petition and detain a youth traditionally rested with the intake officer, today these decisions often require the approval of the prosecutor. The prosecutor’s approval of the probation officer’s decision to file a petition ensures that the

legal criteria exist for a properly authorized petition. The prosecutor checks the legal wording of the petition, determines that enough evidence is available for establishing the petition (finding the delinquent or status offender “guilty”), and makes sure that the offense occurred in the court’s jurisdiction and that the child was of proper age at the time of the offense.

Because of the importance of such legal criteria and because of the growing emphasis on more punitive juvenile models, some jurisdictions have turned away from the traditional probation officer model of intake to models in which the prosecutor is either the first or the sole intake decision maker. Such models are consistent with more legalistic views of juvenile court in which the state has abandoned the traditional *parens patriae* philosophy.

A further development is that the prosecutor is now taking on increased responsibility in juvenile cases as more and more states are allowing prosecutors to file cases directly in adult criminal court. In addition to the traditional waiver (transfer), several mechanisms allow prosecutors to proceed against juveniles in criminal court: concurrent jurisdiction; statutory exclusion; presumptive waiver; reverse waiver; and once an adult, always an adult statutes. Bishop (2000) estimates that approximately a quarter million youths under 18 were prosecuted as adults in 1996.

Research has shown some interesting results concerning the effectiveness of attorneys in juvenile court. Recent American Bar Association investigations of juvenile courts produced several disturbing findings. First, significant numbers of youths did not have representation, and many others had ineffective counsel due to lack of preparation or training. For many youths who have attorney representation, the quality of that representation is questionable. At detention hearings, attorneys often have little chance to confer with their juvenile clients and are not familiar with alternatives to detention. Most cases are resolved by pleas, and attorneys see many courts as simply interested in dispensing treatment or punishment. Probation officers also make disposition recommendations with little challenge from attorneys. At disposition, many attorneys simply do not act as advocates for their juvenile clients. Most cases are handled informally or by plea bargaining, and attorneys have little impact at disposition.

The situation in America’s juvenile courts appears to be that some attorneys are adversarial, some are still traditional and act as concerned adults, and some are in between the two extremes. Furthermore, in some states, many juveniles are not represented by attorneys. One frequent problem is simply that many juveniles waive their right to an attorney. This state of affairs raises the issue of which is the best approach: zealous advocate, concerned adult, or some compromise between the two alternatives.

The chief advantage of the zealous advocate model is that it is probably the best insurance that only truly guilty youths will come under court jurisdiction. Since the attorney does not pressure the child to admit to the petition (plead guilty), there is less danger that the court will attempt some type of



intervention program with youths who are not really guilty. An added advantage is that this approach may well generate the most respect from juveniles for the court system. Fewer youths will feel that they have been betrayed or tricked into something that some adult thought was best for them, despite their own wishes.

The biggest danger of the zealous advocate approach is that it may contribute to what Fabricant (1983) calls benign neglect. That is, since many youths appearing in juvenile court come from families wracked with problems, such as low income, public assistance, or broken homes, they need assistance. An adversarial approach may prevent these children from being railroaded into juvenile prisons or other types of intervention due to insufficient legal defense. That adversarial approach, however, does nothing about the real problems faced by these children in their homes and their neighborhoods.

The advantage of the concerned adult model is that it seeks to address the problems of the child that presumably led the child into delinquency. It also focuses on the needs of the individual child rather than applying a one-size-fits-all punishment based solely on the criminal act that took place. The problem is that this helping philosophy has been the rationale of the juvenile court since 1899, which unfortunately has not met with success.

## Transfer/Waiver to Adult Court

The shift away from *parens patriae* and toward due process is evident in steps that emphasize punishment. Some states have adopted determinate sentencing statutes with an emphasis on penalties that are proportionate to the seriousness of the offense. Some states have enacted mandatory minimum provisions. This means that if the judge commits a child to the state youth authority, the law dictates that the youth must serve a certain minimum amount of time. Some states have adopted dispositional guidelines or suggested sentences for most adjudicated delinquents. Unless a case has some unusual factors, judges are supposed to sentence within the ranges stipulated in the guidelines.

Perhaps the ultimate example of this trend toward punitiveness is the move by many states to expand provisions for processing juveniles in adult criminal court rather than juvenile court. The decision to process a youth in adult court is a crucial one because it makes the juvenile subject to adult penalties such as lengthy incarceration in an adult prison and results in the creation of an adult criminal record, which is public and may hinder future opportunities for employment.

There are several methods that states use to place juveniles into adult court jurisdiction: transfer or waiver, statutory exclusion, prosecutorial waiver, and lowering the age of juvenile court jurisdiction. Traditionally, waiver or transfer was the primary method to place juveniles into adult criminal court. In 2004, a total of 46 states and the District of Columbia had statutes allowing judicial waiver

(Griffin, 2005). The waiver decision is made at a hearing, which is analogous to the preliminary hearing in adult court. At a waiver hearing, the prosecutor must show probable cause that an offense occurred and that the juvenile committed the offense. In addition, the prosecutor must establish that the juvenile is not amenable to juvenile court intervention or that the juvenile is a threat to public safety. An example of nonamenability would be the case of a youth who is already on parole from a state training school for an earlier delinquent act who then commits another serious offense (e.g., armed robbery). In 2000, approximately 5,600 juveniles were waived to adult criminal court. This was considerably below the peak number of 12,100 cases waived in 1994. Forty percent of waived cases in 2000 involved a personal offense, and 36% involved a property offense (Puzzanchera, Stahl, Finnegan, Tierney, & Snyder, 2004).

Statutory exclusion, also called *legislative waiver*, means that state legislatures rule that certain offenses, such as murder, automatically go to adult court. In 2004, a total of 29 states had exclusion laws (Griffin, 2005). The list of offenses that are excluded from juvenile court jurisdiction typically includes murder, aggravated sexual assault, robbery with a firearm, and gang-related felonies.

Prosecutorial waiver (direct file/concurrent jurisdiction) is another method for placing juveniles into adult criminal court. State law gives juvenile court and adult court concurrent jurisdiction over certain cases. Depending on the offense, the age of the offender, and the youth's prior record, the prosecutor decides whether to file the case in juvenile or adult court. In 2004, prosecutorial waiver (concurrent jurisdiction) was available in 15 states and the District of Columbia (Griffin, 2005). Another way to direct juveniles to adult court is for state legislatures to lower the maximum age of juvenile court jurisdiction.

It should be noted that 23 states allow for reverse waiver. This means that the criminal courts can return certain cases that they received due to mandatory judicial waiver, legislative exclusion, or prosecutorial waiver to juvenile court. It is also important to note that 31 states have "once an adult, always an adult" provisions. This means that all or certain categories of youths placed in criminal courts must automatically be processed in adult court for any subsequent offenses.

Still another development in this direction is blended sentencing. In blended sentencing, either the juvenile court or the adult court imposes a sentence, which can involve the juvenile or the adult correctional system or both correctional systems. The adult sentence may be suspended pending either a violation or the commission of a new crime. Fifteen states have juvenile blended sentencing schemes (the juvenile court imposes sentence), and 17 states have criminal blended sentencing laws (the criminal court imposes sentence) (Griffin, 2005).

These various transfer alternatives make it more and more likely that youthful offenders will be handled in the adult system. This action is counter to *parens patriae* but

very much in line with public sentiments for harsher punishments regardless of the age of the offender. The “get tough on crime” movement has greatly impacted the juvenile justice system.

## The Case of Status Offenses

Nowhere is the *parens patriae* philosophy more evident than in the juvenile justice system’s intervention with status offenders (those who committed offenses that were only deemed crimes because of the offender’s age [status]). The rationale underlying this activity is to keep kids from progressing from these minor indiscretions to actual criminal behavior. While the juvenile justice system is no longer supposed to incarcerate youths for status offenses (although there are some exceptions to this fact), the system is still involved in working with these youths. Over the course of the past 40 years, there have been increasing calls for the juvenile justice system to completely divest itself of working with status offenders.

As states choose to shift more and more youths to adult court, should it continue to exercise control over disobedient, runaway, and truant adolescents? The state of Washington has opted to eliminate jurisdiction over status offenses. Maine has written full divestiture into law. Most states have retained jurisdiction over status offenses but implemented policies of deinstitutionalization (stopped confining status offenders in state institutions). In many places, private drug treatment and mental health facilities have stepped in to fill the void that juvenile court previously occupied.

Despite such efforts, status offenses and status offenders continue to take up a considerable portion of juvenile court time and effort. In 2005, juvenile courts handled an estimated 150,600 petitioned status offense cases, an increase of over 30% since 1995. Despite more than a decade of discussion about ending juvenile court jurisdiction over status offenses, approximately 11,000 youths were adjudicated status offenders and placed in out-of-home placements in 2005 (Puzzanchera & Sickmund, 2008). Concerns over intervening with status offenders have engendered a great deal of debate about whether the juvenile justice system should divest itself of jurisdiction or not.

There are several arguments in favor of complete divestiture. First, divestiture would allow the juvenile court more time and resources to deal with juvenile delinquents—especially violent and chronic delinquents. Since the court would not have to process or supervise status offenders, probation officers, prosecutors, public defenders, judges, and correctional program employees would be able to focus on more serious delinquents. Second, the elimination of status offense jurisdiction would prevent any possible violations of the due process rights of status offenders, such as being prosecuted for very vague charges. For example, how disobedient does a child have to be before he

or she is “incorrigible,” or how truant before he or she is eligible for a truancy petition? Status offense statutes typically are unclear and vague. Third, elimination of this jurisdiction would recognize the reality that juvenile courts are not adequately staffed and equipped to deal with status offenders. Most probation officers often have only bachelor’s degrees and are not qualified to do the social work and psychological counseling necessary to assist troubled teenagers and their families. Thus, status offenders should be diverted to private agencies with trained social workers and counselors who are better equipped to handle the complex problems of these youths and their families. Furthermore, eliminating juvenile court jurisdiction would force any intervention to be voluntary, which some argue is the proper way to deal with status offenders.

Another argument for elimination is that jurisdiction over status offenses has deteriorated the role of families, schools, and other agencies that traditionally handled, or should have handled, behaviors that fall under the rubric of status offense. Instead, status offense laws have allowed schools to run inadequate and boring programs that promote truancy and, in turn, blame parents and children for the problem. Instead of petitioning youths to juvenile court, schools should be improving instructional programs or offering innovative approaches such as alternative schools such as those where children attend school half a day and then work half a day for pay. In other words, prosecuting status offenders often is a blame-the-victim approach that ignores the real causes of the problems: inferior schools, ineffective parents, and insensitive communities.

Many commentators, however, believe that juvenile court jurisdiction over status offenses is both desirable and necessary. Proponents of continued jurisdiction contend that parents and schools need the court backing to impress adolescents with the need to obey their parents, attend school, and not run away from home. For example, repeal of status offense jurisdiction over truancy would remove the force of law behind compulsory education and allow youths to avoid school with no legal recourse by the schools or parents. Second, proponents of court jurisdiction argue that private agencies in the community will not handle (or will not be able to handle) all of the status offense cases if the juvenile court cannot intervene. Private agencies intervene only with willing clients, and many status offenders taken to such agencies simply refuse assistance. Moreover, some agencies do not provide the services they claim to provide.

Proponents also contend that status offenders often escalate into delinquent activity, and they note that truants are linked with the commission of a range of criminal offenses. Therefore, these proponents claim that early intervention can prevent current and future delinquency. This escalation hypothesis, however, is controversial. While some proportion of status offenders does indeed escalate or progress, most do not. Hence, it is questionable whether all status

offenders should be subject to juvenile court jurisdiction. A similar argument is that many status offenders become involved in very dangerous situations that can cause serious harm to the child. For example, runaways are often found to be heavily involved in drug offenses, property crimes, and acts of prostitution to support themselves. Proponents of court jurisdiction argue that it might prevent some children from running away and becoming involved in associated dangerous behaviors. A related argument is that since states intervene with adults to protect them from harmful behavior (such as drug use), the state should protect juveniles from the harmful consequences of their actions.

Another argument in favor of continued jurisdiction is that it prevents status offenders from being processed as delinquents. That is, where divestiture has occurred, there is some evidence that states have turned to treating status offenders as minor delinquents. There is concern that total removal of status offense jurisdiction from juvenile court may weaken the argument regarding why there should be a juvenile court at all. Instead, it may be possible to just move “delinquents” to the adult criminal court. The removal of status offense jurisdiction, with a concentration on delinquency only, may lead to a view of the juvenile court as concerned with crime only and, hence, a belief that adult criminal courts can exercise that function. Thus, removal of status offense jurisdiction may very well be the beginning of the end of the juvenile court.

Unlike a decade ago, the emphasis is not so much on the status offender as a distinct problem, but on those risk factors that can lead to serious, violent, or chronic delinquency. Attention to reducing risk factors and enhancing protective factors is considered to be the way to prevent such problematic delinquency. The juvenile justice system can play a strong role in addressing risk factors and encouraging activities that assist status offenders.

## **Proposals for Reforming Juvenile Court**

The juvenile justice system continues to face calls to reform itself in light of significant levels of juvenile delinquency and its apparent failure to address youthful misbehavior. The reforms range from returning to the promise of *parens patriae*, to criminalizing the juvenile court, to abolishing the juvenile court altogether. These and other suggested reforms mean that the juvenile system is constantly buffeted by opposing forces.

### **Rehabilitating the Rehabilitative *Parens Patriae* Court**

One approach to the problems of the juvenile court is to try to return to the rehabilitative and *parens patriae* roots of the court. Reformers who support this option think that the failures of juvenile court are failures of implementation: The juvenile court has not delivered the rehabilitation that

it initially promised. A major factor behind this failure of implementation is lack of funding. Legislators have not provided the money needed to help youths obtain education, counseling, family assistance, and vocational training. The assumption is that if juvenile courts received adequate funding and if they followed the advice of the research on effective rehabilitation programs, juvenile court could be the ideal youth court envisioned by the Progressives at the beginning of the 20th century. Juvenile court judges could act like concerned parents trying to help children.

Numerous commentators advocate both early intervention and the use of proven rehabilitation principles. They urge the use of verified risk assessment techniques so that the court can identify and focus on youth most likely to become serious, violent, and chronic offenders, rather than wasting efforts on the least serious offenders who will not offend again. In addition, they support efforts such as graduated sanctions, matching youths and interventions, gender-specific programming for girls, culturally appropriate programs for minority youths, family interventions, and the elimination of transfer to adult court.

Feld (1999) points out flaws with the argument that juvenile court failure is simply a failure of implementation and that all that is needed is a rededication to the original rehabilitative ideals of juvenile court. Feld agrees that adequate funds have not been devoted to juvenile court, but he argues that funds will always be inadequate. One reason is that there is “pervasive public antipathy” to helping the poor, disadvantaged, disproportionately minority youths who are the clients of juvenile court. Another reason is that since committing a crime is the condition for receiving “help” from juvenile court, there is a built-in punishment focus. Feld argues that providing for children is a societal responsibility, not just a responsibility of the juvenile justice system. In fact, the mere existence of the juvenile system is an excuse or alibi for not providing for poor, minority youths.

Feld (1999) also argues that juvenile court does not provide procedural fairness to children. Traditionally, some of the procedural protections of adult court, such as the right to a jury trial, have been denied children on the justification that the juvenile court was not a punitive court like adult court. Even worse than denying procedural protections, juvenile courts have treated children in similar circumstances who commit similar offenses in unequal and disparate fashion. This individualized handling was originally justified based on the supposed rehabilitative foundation of juvenile court. But since juvenile court is punitive and does not provide rehabilitation, this denial of due process safeguards makes juvenile court unfair and unjust. In summary, Feld thinks that efforts to return the juvenile court to its rehabilitative ideal are doomed to failure.

### **A Criminalized Juvenile Court**

A second possible solution to the problems of the juvenile justice system is to “criminalize” the juvenile

court—to attempt to make it a scaled down version of adult criminal court. Two things need to be done to accomplish this. First, a criminalized juvenile court would entail providing juveniles with all the procedural protections of criminal court. Thus, children would have the right to a jury trial and would have fully adversarial defense attorneys, not attorneys who often slip into the role of a concerned parent trading off zealous advocacy for promises of treatment. A second action that needs to be taken to transform juvenile court into a criminal court for youths would be to scale down penalties out of concern for the reduced culpability of children. Sentences would be shorter in such a juvenile court compared to adult criminal court. This reform was suggested about 30 years ago by the American Bar Association and the Institute of Judicial Administration.

The major problem with the suggestion of a criminalized juvenile court is that it may not satisfy calls for a more punitive approach to juvenile offenders. Critics of the current juvenile justice system do not want reduced penalties; they want adult penalties for what they perceive as adult offenses. Such critics contend that violent offenses indicate culpability and should be punished with lengthy prison terms.

### **Abolishing Juvenile Court**

Some critics feel that the problems of juvenile court are too extensive and too fundamental to be fixed and that it is time to abandon the sinking ship of juvenile court. Since juvenile court provides neither help nor crime control, it should be abolished. In its place, Feld (1999) proposes adult criminal court for all, both juveniles and adults.

Adult court would mean that juveniles would receive adult procedural protections. Juveniles would have the right to a jury trial, and defense attorneys would act as zealous adversaries. At the same time, Feld (1999) argues that juveniles should still get shorter sentences because shorter sentences have been a saving feature of the juvenile system and they allow youths who have made mistakes to still have a chance at a normal adult life. He fails to note that adult court sentencing for juveniles would also require some type of protection of the youth's record. In the juvenile justice system, adjudications and dispositions do not count against the individual. In other words, the youths can legally say that they have not been "arrested" or "convicted." Such legal protections against arrest and conviction records can be extremely important if one is applying for a job, college, or the military.

Opponents argue that many juveniles are now handled in adult court, and the results have been harmful for juveniles. They contend that juveniles actually receive fewer due process protections in adult court than they would in juvenile court. Instead, juveniles are simply getting punishment in adult court, not treatment.

Some critics have tried to deflect concerns about overly harsh sentences in the adult system by suggesting

that youthful offenders receive some form of reduced sentences. The problem with suggestions of discounted sentencing for youths in adult court is that even discounted sentences might not be much of a bargain. For example, if a life sentence is equivalent to a sentence of 50 years, a 16-year-old processed in adult court and receiving a 50% reduction of an adult sentence would still stay in prison until age 41. Thus, even with a youth "discount," youths processed in adult court would pay a heavy price to leave juvenile court where the maximum sentence is until age 21.

### **Creating a New Juvenile Court**

Still another suggestion is to make a new juvenile court. Noriega (2000) suggests the creation of a new juvenile court that has two branches: one for children and one for adolescents. The children's court would be rehabilitative and would presume that children do not have criminal responsibility. The adolescent court would presume partial culpability and would be more punitive than the children's court. Waiver would be by judicial hearing only. There would be no prosecutorial or legislative waiver, and waiver would be only to the next step. Thus, children could only be waived to adolescent court, and only adolescents could be waived to adult court. Juveniles (children and adolescents) would not be allowed to waive their right to counsel. Noriega's reasoning for this is that children and adolescents are generally presumed not competent. Since they are not allowed to enter into contracts, cannot legally drink alcohol, and cannot vote or drive (until late adolescence), it is a logical extension that they be barred from making the decision on whether to waive their rights in court.

An attractive feature of this proposal is that it offers a more complex and more realistic view of child development. Instead of assuming that one day a juvenile is a child and the next day he or she is an adult, it recognizes the intermediate stage of adolescence. The impact of this approach is also probably more realistic than the results that would emerge from abolishing juvenile court and letting adult court handle juvenile matters. Adult courts are likely not going to be as caring and protective or concerned about youth discounts as advocates for that approach hope.

### **A Restorative Justice Juvenile Court**

Some commentators suggest that now is the time to forge a new path for juvenile court. Namely, they propose adopting a restorative justice model in the juvenile justice system. This represents a radical rethinking of the role of juvenile court. Instead of sanctioning and supervising offenders, the role of the court would be to build community so that neighborhoods can better respond to and also prevent delinquency. Communities would be more involved in sentencing through community panels or conferences or

dispute resolution programs. Communities would return to their role of being responsible for youths.

Examples of this approach can be found in many communities. Young offenders are involved in service projects such as home repair for the elderly and voter registration drives. In many places, offenders are paying victim restitution out of wages from public service jobs. In Oregon, offender work crews cut firewood and deliver it to the elderly. More than 150 cities are utilizing victim-offender mediation. In Colorado and Florida, offenders work with Habitat for Humanity building homes for lower-income families. In Florida, probation officers are walking neighborhood beats to help promote local guardianship of communities. In Boston and Florida, probation officers are helping police monitor probationers at night.

A positive feature about this proposal is that many restorative justice programs are already in place. Thus, this is not a hypothetical proposal. As noted, numerous communities already are working at restorative justice. A major question, however, is how far restorative justice can go. How willing are citizens to assume the responsibilities that restorative justice would give them in deciding cases and monitoring sanctions such as community service? If people are not available to staff the restorative justice programs, they will not work. The answer to this question is that restorative justice programs are thriving in communities throughout the United States, and they are gaining momentum within both the juvenile and criminal justice systems.

### Teen Courts

Another alternative to the traditional juvenile court is teen court. Here, the philosophy is based on restorative justice. Youths act as judges, attorneys (prosecutor and defense attorney), and jury members in cases involving status offenses, misdemeanors, and occasionally low-level felonies. The most common penalty is community service. Other sentences may include teen court jury duty, writing essays about offending, writing apologies to victims, community service, and monetary restitution. As of 2002, it was estimated that there were over 800 teen court programs in operation, handling over 100,000 cases per year, making them a primary diversion option (Butts, Buck, & Coggershall, 2002).

Teen court is not intended to deal with serious delinquency. Rather, it appears to be an alternative method for dealing with either status offenses or minor delinquent acts such as shoplifting or problems with alcohol or marijuana. Research has shown that these courts are capable of reducing recidivism when compared to normal court processing.

### Drug Courts

Another option for reforming the juvenile court or diverting youths out of the justice system is the use of juvenile drug courts. In these courts, the judge, prosecutor,

and defense attorney collaborate as a team with drug treatment specialists. Like adult drug courts, juvenile drug courts attempt to intervene in both the criminal activity and the drug usage of clients. The courts use treatment, coordination, and extensive monitoring. The youths must appear in court frequently so that judges can monitor progress and offer encouragement or admonish the juveniles. There is frequent drug testing and there are penalties for failing to test negative. Sanctions for youths who are not following the rules can range from a warning; to an order to write a book report or paper; to doing household chores; to fines, community service hours, or even detention. There are also incentives such as the dismissal of charges and the termination of probation requirements upon graduation. Other rewards include verbal praise and various incentives such as gift certificates and tickets to local events. Drug courts usually celebrate completion with a graduation ceremony in the court that may include additional positive feedback such as providing graduation gifts to the youths.

One problem with drug courts is that they may be reaching the wrong population. If drug courts are actually intended for drug-dependent or addicted youths, they are not capturing many youths with severe drug problems. Much like the “war on drugs” in general, drug courts often paint a wide stroke that takes in more than is necessary. This means that the court is focusing on minor offenders who may be better left alone or handled in a less intrusive fashion. Society worries so much about adolescent drug use that the juvenile justice system overreacts and does too much. The “jury is still out” on the question of whether drug courts have positive effects such as reducing recidivism and drug usage. Although there are studies that claim to have had a positive result, the findings are not yet settled.

### Conclusion

Juvenile justice faces an uncertain future. Despite this fact, it continues to operate (at least in part) under the *parens patriae* philosophy upon which it was built. The system now incorporates elements of due process and adapts to the changing demands placed on it. There is little doubt that this metamorphosis will continue in the future.

### References and Further Readings

- Bishop, D. M. (2000). Juvenile offenders in the adult criminal justice system. In M. Tonry (Ed.), *Crime and justice* (Vol. 27, pp. 81–165). Chicago: University of Chicago Press.
- Butts, J. A., Buck, J., & Coggershall, M. B. (2002). *The impact of teen courts on young offenders*. Washington, DC: Urban Institute.
- Fabricant, M. (1983). *Juveniles in the family courts*. Lexington, MA: Lexington Books.

- Feld, B. (1999). *Bad kids: Race and the transformation of the juvenile court*. New York: Oxford University Press.
- Griffin, P. (2005). *National overviews*. Pittsburgh, PA: National Center for Juvenile Justice.
- Griffin, P., Szymanski, L., & King, M. (2006). *National overviews*. State Juvenile Justice Profiles. Pittsburgh, PA: National Center for Juvenile Justice.
- Jones, J. B. (2004). *Access to counsel*. Washington, DC: U.S. Department of Justice.
- Noriega, C. (2000). Stick a fork in it: Is juvenile justice done? *New York Law School Journal of Human Rights*, 16, 669–698.
- Puzzanchera, C., & Sickmund, M. (2008). *Juvenile court statistics 2005*. Pittsburgh, PA: National Center for Juvenile Justice.
- Puzzanchera, C., Stahl, A. L., Finnegan, T. A., Tierney, N., & Snyder, H. N. (2004). *Juvenile Court Statistics 2000*. Pittsburgh, PA: National Center for Juvenile Justice.
- Sanborn, J. (1994). Remnants of *parens patriae* in the adjudicatory hearing: Is a fair trial possible in juvenile court? *Crime & Delinquency*, 40, 599–615.
- Tobey, A., Grisso, T., & Schwartz, R. (2000). Youths' trial participation as seen by youths and their attorneys: An exploration of competence-based issues. In T. Grisso & R. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 105–138). Chicago: University of Chicago Press.

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## MASS MEDIA AND CRIME AND JUSTICE

KEVIN BUCKLER AND PATTI ROSS SALINAS

*University of Texas at Brownsville*

Crime and justice issues have been a stable fixture of mass media portrayal of American society. From the 1920s onward, crime appeared very frequently in tabloid journalism, especially in the context of photographic accounts of crime scenes. Since television became popularized in the United States in the 1940s and 1950s, crime has been featured extensively on television programming, including both entertainment and news programming. In terms of local television news, coverage of crime has intensified as local stations have shifted to “eyewitness” and “action news” formats (which rely on live, from-the-scene footage) beginning in the 1970s (Lipschultz, & Hilt, 2002). Crime also occupies a prominent position on many of the “infotainment”-oriented cable news network programs (on CNN, Fox, and MSNBC) that infuse entertainment elements with news elements.

This chapter focuses attention on mass media and crime and justice. This topic is very broad and encompasses too many multifaceted aspects to cover them all in the space that a book chapter provides. Media and crime studies have covered such diverse issues as the sheer volume of crime coverage by mass media (relative to other topics), the ideological content of mass media artifacts concerning crime and justice, how media organizations select certain crimes for coverage, the impact of media coverage on high-profile criminal trials, the impact of crime coverage on public opinion and public policy, and the impact of mass media consumption on how fearful a person is with respect to his

or her likelihood of victimization, to name a few. In addition, research has been done on news media and crime (relating to newspapers, national news programs, local television news programs), entertainment media and crime (relating to television programs, movies, songs, etc.), and “infotainment” media and crime.

This chapter will focus broadly on mass media and crime and justice. First, the chapter identifies a framework within which mass media behavior can be understood—from a market-oriented perspective. Distinctions between the market and public sphere models of mass media are noted. Justifications are next provided as to why it is logical to believe that market-oriented concerns have trumped public-sphere-oriented concerns in the production of mass media artifacts. This section of the chapter also illustrates how market-oriented concerns impact media decisions by discussing perspectives and research on “newsworthiness” criteria used by journalists. This section concludes with the application of the market model framework to research on entertainment media decision making.

Second, media decision making is assessed from the perspective of organizational imperatives of the mass media organization. This discussion is framed in the context of news organizations. This section focuses on how journalists create “news themes” in the reporting of news and how journalists are reliant on official sources of information. Third, research on the effects of media coverage of crime is discussed. Here, research on the concept of “moral

panics” is presented. Finally, research on the link between media consumption and fear of crime is discussed.

## The Importance of Market Demands in Mass Media Production

### The Market and Public Sphere Dichotomy

Personnel of mass media organizations face two overarching objectives in the production of mass media output. First, mass media organizations have an obligation to deliver information to the public in a thought-provoking manner that facilitates the further development of democracy. But even though mass media organizations have an obligation to the public they serve, in the United States these organizations are privately held companies. This fact creates a second, equally important role of media organizations—to earn profit for shareholders. In their book, *The Business of Media: Corporate Media and the Public Interest*, David Croteau and William Hoynes (2001) suggest that these two directives that media companies face often compete with one another over primacy when media personnel make decisions about what news items to cover and how to cover them.

Croteau and Hoynes (2001) call these two competing dynamics the market model and the public sphere model. In the *market model* of mass media, the media company is conceptualized as a private company that is selling a product. Based on this understanding of the role of the mass media organization, there is no real difference between media organizations and private retail companies (such as Wal-Mart or Target); both the retail organization and the media organization are manufacturing a product that they market to the public in hopes of maximizing profit. Since in the market model the primary purpose of the media is to generate profit for owners and shareholders of the company, the media company views the audience as consumers with tastes and preferences that need to be understood and addressed. The success of the media company is determined by the amount of profit that the company generates. In this model, the media company encourages “consumers” to enjoy themselves, view ads, and buy products. Information that is potentially presented to the public by the media company is deemed to be in the interest of the public only when the information is believed to be popular among citizens. Therefore, government attempts at regulating the mass media are viewed as interference with normal market processes involving supply and demand.

In contrast, Croteau and Hoynes point out that in the *public sphere model*, the media company is seen as a public resource that is supposed to serve the public. The main purpose of media in the public sphere model is to promote citizenship through information, education, and social integration. In this regard, the public sphere model of media addresses audiences as citizens who should be encouraged to

learn about their world in order to become actively involved. According to the public sphere model, when media companies are acting in the public’s best interest, it is because they are delivering diverse, substantive content, even when this type of content is not popular among citizens. Thus, in this model, the ultimate success of mass media organizations is not tied to profits generated for owners and shareholders, but instead is measured by whether the media organization is serving the interests of the public. In contrast to the market model, regulation of media organizations is viewed as a useful tool for protecting the public interest.

### Market-Based Criteria and Media Assessments of “Newsworthiness”

Media scholars typically argue that media corporation personnel make decisions about media content on the basis of the market model. They suggest that mass media personnel perceive that the general public is interested in crime; thus, the topic of crime is used as a method of attaining ratings and high sales of their products. While the elements of this model are certainly applicable to various forms of entertainment media, the tendency by mass media to use market-based criteria in decision making is most clearly evident when *news reporting* of crime is considered. In this regard, mass media personnel make assessments as to the “newsworthiness” of potential news items, and newsworthiness assessment is a function of market-based criteria.

With respect to news reporting of crime, the concept of newsworthiness can be assessed in a variety of ways. Media researchers have consistently found that compared to other types of stories (e.g., business, foreign affairs, politics), crime stories occupy a prominent position in news reporting (Lipschultz & Hilt, 2002). Thus, one way of assessing newsworthiness is to compare media coverage of crime to media coverage of other topics of interest. Using this standard of newsworthiness, researchers generally conclude that journalists view crime events as quite newsworthy, in comparison to other story types.

But the main way that researchers assess the issue of newsworthiness is to compare the coverage of crimes with certain characteristics against coverage of crimes with other characteristics to determine whether there are differences across criminal events with respect to the intensity of coverage. In this respect, the notion of newsworthiness is synonymous with the intensity of the coverage. If a particular crime is covered more intensively than others, it can generally be said that the crime receiving more attention is deemed more newsworthy than the less covered story. Some researchers look at whether a particular crime receives any coverage as a way of understanding intensity of coverage. Others examine whether a story about a particular event was published on the first page of a newspaper or was the main story on a television news program. Some measure intensity of coverage by the number of words published or the amount of time devoted to a news item.



In terms of identification of the circumstances that would produce the most intense coverage, most commentators use the crime of murder to illustrate how market-based criteria impact journalistic decision making. Journalist Pat Doyle of the *New York Daily News* (1995) suggests that a murder incident makes for a good human interest story when the murder (1) involves a socially prominent or respectable citizen who is involved as either a victim or an offender in the story; (2) the victim is an overmatched and innocent target; (3) the method of murder is either shocking or brutal or involves multiple victims or offenders; and (4) the narrative generates mystery, suspense, or drama. In addition, Steve Chermak (1995) argues that the decision criteria used by journalists to assess the newsworthiness of crime stories include (1) the relative violent or heinous nature of the offense, (2) demographic characteristics of the victim and offender (age, gender, race, social status), (3) the uniqueness of the event, (4) characteristics of the incident producers (the news agency and staff), and (5) event salience (e.g., whether the offense is a local crime).

David Prichard and Karen Hughes (1997) looked to synthesize these various perspectives into a concise theory to explain journalistic newsworthiness assessments pertaining to crime. They establish four different “forms of deviance” that they argue lead journalists to intensively cover certain types of homicides. First, they argue that the greater the *statistical deviance* from the norm, the greater the likelihood that a homicide will receive intense media coverage. In essence, they theorize that there are typical crimes (like theft), and there are atypical crimes (like murder). Typical crimes are less likely than atypical crimes to be covered. Similarly, there are typical and atypical offenses within certain categories of crime, such as homicide. Based on the statistical deviance hypothesis, atypical homicides (for instance, a stranger homicide) will receive more coverage than more typical homicides (for instance, those involving acquaintances or family members).

Second, they theorize that the higher the degree of *status deviance*, the greater the likelihood that journalists will intensively cover a criminal event. They define status deviance as the extent to which a person or a group of persons is different based on established social benchmarks. For instance, Prichard and Hughes (1997) wrote that in society, wealthy white males have more status than poor African American women. Thus, a crime committed against a wealthy white man would violate the established social benchmarks more than a crime committed against a poor African American woman.

Third, they hypothesize that the higher the degree of *cultural deviance*, the greater the likelihood that the criminal event is intensively covered. A crime is considered to be culturally deviant when it is unclean, unhealthy, or perverted when measured against mainstream social norms. They suggest that crimes that are linked to involvement with drugs can be considered culturally deviant. In addition, they suggest that a crime committed against a particularly vulnerable victim (an elderly victim or a child, for instance) is the type

of crime that is most culturally deviant. The conceptualization of culture deviance by these two authors suggests that any crime involving certain circumstances that leads the average person to be repulsed to the point of experiencing negative emotional states (for example, anger, revenge, etc.) could be construed as culturally deviant.

Last, Prichard and Hughes (1997) identify the notion of *normative deviance* as a criterion that journalists use to assess the newsworthiness of a criminal event. Normative deviance is conceptualized as involving gradational levels of offense seriousness as determined by the level of punitive consequence dictated by statute. At its most basic level, the normative deviance hypothesis is an acknowledgment that society implements a gradational approach to sanctioning based on determinations of seriousness of the offense. Therefore, it is expected that crimes that are most serious (based on statute) will be judged by journalists to be the most serious; thus, the crimes and circumstances of crime that receive the most stringent punishments will be covered most intensively by news organizations. Even though Prichard and Hughes focus on the conceptual distinctions of these four types of deviance, they are not mutually exclusive. There can be overlap when applying these concepts to journalistic determinations of newsworthiness of crime events.

Croteau and Hoynes (2001) established the foundation for understanding what it means for a mass media organization to be what John H. McManus (1994) refers to as “market-driven.” The perspectives of Doyle, Chermak (1995), and Prichard and Hughes (1997) facilitate an understanding of the criteria that journalists use to make assessments about the newsworthiness of a particular criminal event. But it is important to keep in mind that the processes that each body of work identifies are intricately connected. Journalists use newsworthiness criteria as a method of making a judgment concerning the types of news items the general public is interested in consuming. In essence, the development of newsworthiness judgments is based on shared understandings of what is marketable to the general public.

The research of Prichard and Hughes (1997) most powerfully illustrates the importance of market-based criteria in journalistic decision making. In their qualitative interviews with journalists in Milwaukee, they quote one journalist as saying,

This is just a guess [but] I don't think we sell so many papers in the central city. But we do sell a lot of papers in the suburbs. So it is important that we give something to our readers that they can relate to as opposed to something that does not affect them. (p. 63)

The journalist was discussing why crime in the suburbs receives more coverage than crime in the central city, even though there is more crime in the central city. Another journalist stated, “In a mass-circulation paper, you need to consider what the reader wants” (p. 63). Another stated, “If the reader can say ‘that could have been me that was killed,’ then that has more news value” (p. 63).

While the connection between the market-based tendencies of journalism and use of newsworthiness criteria to cater to market demands is rather easily understood, precise propositions about what journalists and news editors view as a newsworthy crime story are not nearly this straightforward. Most of the perspectives about criteria of newsworthiness (for instance, the perspectives of Doyle, Chermak, and Prichard and Hughes discussed above) focus much attention on obvious factors about newsworthiness (heinous methods, multiple victims or offenders, well-respected people) and do not provide very specified direction about other factors (for instance, characteristics of the news producers and demographics of the victim/offender) that have been mentioned as those that influence news coverage of criminal events. In fact, the best-developed theoretical framework that has been set forth to date for understanding journalistic decision making (Prichard and Hughes's 1997 article on "Patterns of Deviance") makes competing predictions about newsworthiness criteria. For instance, the statistical deviance hypothesis predicts that homicides involving female victims will be most newsworthy, whereas the status deviance hypothesis predicts that crimes with male victims will be most newsworthy.

Sociologist Richard J. Lundman (2003) attempts to better understand how race and gender typification impacts journalistic assessment of newsworthiness. In his analysis of how gender and race affect newsworthiness of homicide cases, Lundman provides a framework for understanding the impact of demographic characteristics of the offender and victim on these decisions. He suggests that typification, or stereotypes, associated with gender and race provide journalists with templates, or "ready-made scripts," for potential stories. In other words, according to Lundman, the more closely a crime story fits existing stereotyped understandings of race and gender, the more likely the crime will be judged to be marketable.

With respect to race, Lundman (2003) argues that homicides that involve an African American offender and a white victim will be perceived by journalists as more newsworthy because such a crime can be framed in the context of white fear of minority offenders. He also suggests that crimes involving a male offender and a female victim will be viewed by journalists as being highly newsworthy because these crimes can be covered by using "male sexism" and "male aggression and female submission" frames of reference. The logic of this argument is that the common understandings about gender and race (e.g., the stereotypes) that exist in society are more acceptable and easily understood by the market audience. Likewise, audiences are viewed as likely to reject "confusing" stories that do not conform to the dominant, easily understood, gender and race typification. Journalists are not likely to devote time, energy, and attention to stories that they believe the market audience will reject.

Research on news media decision making in the reporting of homicide cases suggests that market concerns do

appear to impact the decisions of journalists and news editors in ways predicted by the literature on newsworthiness criteria. Prichard and Hughes (1997) examined newspaper coverage of 100 homicide cases in Milwaukee, Wisconsin, that occurred in 1994. They found that homicides involving white participants, female victims, and victims that were either children or elderly received the most attention in the *Milwaukee Sentinel* and *Milwaukee Journal*.

In an analysis of media coverage of 249 homicides committed in Houston, Texas, in 2001, Kevin Buckler and Lawrence Travis (2005) discovered that homicides that involve female victims received substantial coverage, and they found that crimes involving minority offenders and nonminority victims received more intense coverage. But they also determined that circumstance characteristics of the crime increase newsworthiness as well. They found that intensity of coverage increases if the crime involves multiple victims, if it is a stranger homicide, if it involves the use of an unusual weapon, and if there is a robbery motive.

Lundman's (2003) analysis of how gender and race impact media coverage of homicide in Columbus, Ohio, found that compared to the most common occurrence (black male offender, black male victim), situations involving a black male offender and a white female victim and situations involving a white male offender and a white female victim receive more intensive coverage.

### The Market Model and Entertainment Media

While this discussion primarily focuses on mass media decision making in a news journalism context, it is not difficult to see the applicability of these theoretical perspectives to various forms of entertainment media. Indeed, an argument can be made that entertainment-oriented mass media companies that produce crime-related output are even more deeply entrenched in the market model. These companies may have less of an obligation than news media companies to inform audiences about their culture and society, and instead, conform to imperatives of the organization that are dictated by market concerns.

Television crime dramas have become increasingly popular with the general public. Crime shows like *The Avengers*; *Baretta*; *Cagney and Lacy*; *The Commish*; *Colombo*; *CSI*; *Dragnet*; *Hawaii Five-O*; *Hill Street Blues*; *In the Heat of the Night*; *Kojak*; *L.A. Law*; *Law & Order*; *Magnum, P.I.*; *Miami Vice*; *Mod Squad*; *Murder, She Wrote*; *NYPD Blue*; *The Practice*; *The Rockford Files*; *Simon and Simon*; *Starsky and Hutch*; and *T. J. Hooker* have proven to be immensely popular. Danielle Soulliere (2003) analyzed episodes from three of these shows (*Law & Order*, *NYPD Blue*, and *The Practice*) focusing on how the content of the episodes both diverges and converges with information on crime from official crime statistics. One of the most important conclusions from her research is that market factors may explain both divergence from the "reality" of crime and convergence with the "reality" of crime.

In terms of divergence, Soulliere (2003) found that these shows disproportionately focus attention on violent crime, and especially murder. Whereas murder makes up less than 1% of all crimes, in the episodes that were analyzed, murder was the focus in over 60% of the episodes. She concludes that this finding is attributable to the market demands of entertainment media organizations, noting that “violent crime, especially murder, strikes at the very core of our humanity and is therefore fascinating, dramatic, and entertaining. It is no surprise, then, that murder remains the most *marketable* crime in the entertainment television industry” (p. 30, emphasis added). In contrast, she found that there is convergence between official crime statistics and portrayal by these shows on the issue of victim–offender relationship (e.g., that most crimes are committed by acquaintances or family of the victim). She argues that this convergence may be “coincidental rather than intentional” (p. 31), noting that close relationships between the victim and the offender add drama to the plot and make it more marketable.

In addition, there is some evidence that entertainment-based media organizations also behave as Lundman (2003) suggests in that they organize content around a script that is known, widely accepted, and socially safe (in that it does not offend the market audience). Buckler’s (2008) analysis of the 2005 film *Crash* provides an illustration using the framework established by Lundman. The film won three Oscars, for Best Picture, Best Screenplay, and Best Editing. The film *Crash* follows a group of racially and ethnically diverse characters in Los Angeles as they interact with one another, often in criminal ways. In his analysis, the author notes how the film was promoted as one that tackled the issue of race in a unique way, but Buckler goes on to show how the film conformed to existing racial and ethnic scripts.

Buckler (2008) conducted a content analysis of 29 separate instances of verbal and nonverbal discourse in scenes where race- or ethnically based behavior and stereotypes are present in the film. He concludes that the film was able to successfully (in terms of monetary sales and awards) tackle a controversial social issue like race/ethnicity and crime because it presents the issues in ways that are socially safe for white viewing audiences, by using the following techniques: (a) contextualizing and explaining white prejudice while presenting prejudiced actions by minorities as arbitrary and devoid of context, (b) reaffirmation of minority stereotypes, (c) portraying minority characters in interactions with police as the instigator, and (d) showing white racist characters in positive ways that redeem their behavior in some respect.

## Organizational Factors Intrinsic to Media Production

### News Themes

Some research also implies that organizational factors that are intrinsic to the media production process impact

mass media organization coverage of crime. Research by Mark Fishman (2006) suggests that organizational imperatives of news media production can create perceptions of crime waves. To Fishman, a crime wave is nothing more than a sporadic “social awareness about crime” and is essentially a “thing of the mind” (p. 42). In essence, Fishman saw crime waves as nothing more than media waves of coverage on crime topics. Thus, it can be said that Fishman believes that crime waves do not represent an objective reality, but instead, a subjective reality created by mass media behavior.

Fishman (2006) arrives at these conclusions in a study of a “crime wave” against elderly victims in the 1970s in New York City. In 1976, three daily newspapers and five local television stations began to report heavily on crimes committed against the elderly. These reports focused mainly on incidents where young African American or Hispanic offenders were victimizing elderly white people in and around ghetto areas of the city. Fishman noticed that the trend in official police statistics concerning crime against the elderly did not match the trend in the media reports; official statistics suggested that some crimes against the elderly were decreasing and other crimes against the elderly matched the trends for crimes against the general population. But the media reports were suggesting that this type of crime was increasing.

What accounts for the massive disconnect between media reports and official statistics? Fishman (2006) suggests that the organizational realities of news production contribute substantially to this disconnect. He explains that when news organizations create the day’s news, media personnel have countless stories that can potentially be reported as news items. There are national, state, and local possibilities. They can retrieve stories from the Associated Press and Reuters news services. In addition, they have potential stories that local journalists have developed. There are also countless other types of stories that could be reported: arts and entertainment, business, crime, health related, politics, and sports, to name a few. Thus, the job of the news editor is to develop “news themes” around which potential news items and reports are organized. A *news theme* is simply a broad idea that a group of news items are associated with because of a commonality that runs through each of the stories. In other words, a news theme is a technique of packaging a group of stories, each as a single instance of something broader.

A news theme can be applied to (a) how the news organization organizes a single day’s coverage or (b) coverage over a longer time period (for instance, a week, a month, or even a year). The best illustration of the first scenario is a themed news package identified by Fishman (2006) that was developed by a television station in its coverage of elderly crime in New York City. He observed that the news station covered the following stories:

- Police apprehend juveniles who mugged an elderly couple in Queens.
- Police and citizens in Queens meet to discuss crimes against the elderly.

- Feature segment on Senior Citizens Robbery Unit.
- Police seize guns and drugs that were intended for warring gangs.
- Two members of a youth gang are arrested for robbery at knifepoint.
- ROTC cadet arrested in stabbing death of another cadet.
- NYC audit finds city police have been mishandling funds.
- NYC police union working on contract at the same time that laid-off firemen and subway cops will be rehired.

In this package, there are two broad themes: crime and budget issues. But there is also a more specified theme with respect to the coverage of crime: crime against elderly and crime committed by young people. In essence, the likelihood that a potential news item is covered often depends on whether the news item can be clearly connected to other marketable news items. Fishman (2006) concludes that the use of news themes produces a situation where a journalistic search for knowledge mutates into a process of not knowing. What he means is that the process of developing news packages strips the criminal event of its actual context and places the occurrence within a new symbolic context: the news theme itself.

In terms of the second scenario, Fishman (2006) suggests that news themes can also develop over a longer period of time. In his research, he noticed that when one news organization reports a story, other news organizations are apt to look for stories that tie into the previously covered story. Journalists get story ideas by watching or reading media reports from other news organizations. If journalists are able to find other instances that can be tied into the theme, the theme can be kept alive for weeks or months. Fishman found evidence of this in his study of media coverage of elderly crime in New York City. The majority of the coverage on crime against the elderly occurred over a 7-week time period. Prior to this massive media wave of coverage, news organizations had been covering crime against the elderly at a pace of one story every other week. In addition, the data indicated that the coverage that appeared in the news outlets that were examined did not coincide with actual events; instead, there was evidence that news organizations were responding to the coverage of other organizations.

The tendency to develop news themes is an organizational aspect of mass media production that influences media outcomes. News themes are functional for news organizations. On a daily basis, editors face a mountain of raw material in the form of information (press releases, news from the wires). They must sift through this mountain of material and produce a clear and concise plan to deliver information to the public. They have no limit to the information that is available, but they can only filter a limited amount of information to the public. News themes aid editors in the task of processing massive amounts of information down to a usable form; in essence, news themes facilitate efficiency.

## Reliance on Official Sources of Information

Another important organizational tendency of news organizations that influences crime coverage is their reliance on official sources of information over unofficial sources. Kevin Buckler, Timothy Griffin, and Lawrence Travis (2008) note how research suggests that news media personnel and government agencies/agents are “coupled.” This means that both have an interest in the coproduction of crime information presented to the public. Whereas the news media’s interest is in the actual production of news as a tangible output, government agencies and agents have a public relations interest in mass media production. The clearest example of this is the relationship that has developed between public information officers in police departments and crime “beat” reporters. News reporters rely on official sources for information, and those official sources often filter the information released to the press in an attempt to manage public understanding about official agencies of social control. The reliance on official sources of information about crime thus places the news organization in quite a conundrum. News media are supposed to perform a “watchdog” function, but reliance on official sources of information limits the capacity to do so in the context of crime coverage.

The research by Buckler et al. (2008) documents the extent to which news organizations and official sources of information are coupled. They examined the use of sources in crime coverage in two major papers, the *New York Times* and the *Washington Post*. They found substantial use of official sources of information in quotations and references to persons in crime stories, whereas unofficial sources (professors, nonacademic researchers, etc.) were used much less frequently.

Other scholars focus on how news organization reliance on official sources of information can impact the content of news media coverage of crime and criminal justice. Katherine Beckett’s (1995) analysis of news organization coverage of the war on drugs focuses on how the use of different types of sources of information was related to how news organizations framed the war on drugs. She found that the news media heavily relied on official sources of information and that most often these official sources advocated a “get tough/law and order” approach to handling drug offenses.

Similarly, Michael Welch, Melissa Fenwick, and Meredith Roberts (1998) focus on the differential content between official sources (e.g., state managers) and professors/nonacademic researchers (e.g., intellectuals) in feature crime articles that were published in the *Chicago Tribune*, the *Los Angeles Times*, the *New York Times*, and the *Washington Post*. They examined quotations along two different topical dimensions: crime causation and crime control. They found that quotes used by journalists taken from state managers were more likely to focus on the potential solutions to crime (e.g., crime control), whereas quotes used by journalists that originated from professors

and nonacademic researchers were more likely to focus attention on the causes of crime (e.g., crime causation).

There were also notable differences between state managers and professors/nonacademic researchers within the “crime causation” and “crime control” categories of quotations. In terms of crime causation quotations, state managers were more likely to attribute the causes of crime to utilitarian explanations (individuals motivated by material and personal gain), whereas professors and nonacademic researchers were more likely to attribute crime causation to social conditions and personal pathology. With respect to crime control quotations, state managers were more likely to advocate for hard controls (e.g., expansion of enforcement, more incarceration), whereas professors and nonacademic researchers were more likely to advocate for soft control (e.g., rehabilitation, social reform, decriminalization).

Collectively, what this body of work suggests is that the ideas about crime and its control presented to the public may be slanted toward “crime as personal choice” understandings of the causes of crime and “get tough” solutions for the crime problem. But the influence of organizational factors of mass media production does not necessarily lead to a conclusion that such an outcome is purposeful or direct. The logic is not that mass media organizations are extensions of the government and look to force-feed the message of government officials to the general public in an effort to manipulate the public. Instead, the logic is that any bias or slanting of mass media content is more indirect and is the result of organizational imperatives to create news output in a fast, efficient, and cost-effective manner.

## Effects of Media Coverage of Crime

### Moral Panics

The work of Stanley Cohen (1972) suggests that one of the consequences of media attention to issues of crime and justice is the creation of moral panics. Cohen argues that a moral panic occurs when a “condition, episode, person, or group of persons emerges to become defined as a threat to societal values and interests” (p. 9). Russell E. Ward (2002) further describes moral panics as “rapid and intense emotional fervor toward an issue that media and other social control agents call to public attention” (p. 466). In addition, Cohen suggests that when a moral panic occurs, the media cover the event in a fundamentally inappropriate manner. In essence, Cohen describes the moral panic as occurring when there is a gap between the actual threat and the perceived threat that is created by the condition, episode, person, or group of persons. To Cohen, when there is a gap between the actual and the perceived threat, the gap needs to be explained.

Cohen (1972) developed this concept during a study of events that transpired in Canton, England, on Easter Sunday in 1964. On this date, adolescents and young adults were hanging out on the streets of the town. A rumor began

to circulate about a bartender who had refused to serve several young people. Eventually, a fight started and several youths on scooters and motorcycles started to race up and down the streets. Police arrested nearly 100 young people on various minor charges.

Cohen (1972) became very interested, not in the behavior of the young people involved, but in the media reaction to the events. The disturbance was covered by several prominent newspapers in England. In addition, the story was picked up by newspapers in the United States, Canada, Australia, South Africa, and the European continent. Youth fights and vandalism continued to be a news theme for news organizations in England for about 3 years following the original event. Cohen believed that much of the coverage was “fundamentally inappropriate” and was presented in a very stylized and sensationalized format. He noted that the press used loaded terms to describe what had transpired, such as “orgy of destruction,” “battle,” “smeared with blood and violence,” and “screaming mob.” One press report stated that *all* the dance halls in the city of Canton had windows broken out, distorting the reality that there was only one dance hall in Canton. Press reports also exaggerated the incidence of youth riding motorcycles and scooters, as most of the youth were on foot.

Cohen’s (1972) analysis of media coverage of the Canton incident led him to develop his theory of moral panic. In his theoretical framework, Cohen starts with the notion that a person or group emerges to be defined as a threat to societal values. The original behavior is sometimes a new phenomenon that suddenly emerges, but other times, the behavior has been in existence for a long period of time and has suddenly received more attention. He also argues that the nature of the act or action is presented in a very simplistic and stereotypical manner by the mass media. Next, he suggests that editors, special interest groups, and politicians begin to establish moral barricades. It is at this point that members of the media, politicians, and special interest groups can do and say things that either prevent the moral panic from resonating or enable the further development of it. If they contribute to the development of the panic, once the problem becomes clearly articulated, media, politicians, and special interest groups begin to promulgate diagnoses and solutions to the problem. Often, the solutions are a disproportionate or exaggerated response, or they reduce the civil rights of groups in society.

Cohen (1972) also argues that as time passes, the conditions (behavior) will disappear, deteriorate, or become more visible. A condition easily becomes more visible when there is other behavior that represents minor variations of the original behavior, which can be linked to the original behavior. In this respect, Cohen argues that once classes of people who engage in certain behaviors are designated as a social threat, small deviations from the norm are noticed, are commented on, and are judged by media, special interest groups, and politicians. Again, the main problem with situations where media, special interest groups, and politicians respond to behaviors in ways that are disproportionate to the actual threat is that often policy

becomes created that is illogical or does more harm than good in the long run.

Gary Potter and Victor Kappeler (2006) identify the drug panic (which began with the Nixon administration in the 1970s and gained tremendous strength in the Reagan, Bush Sr., and Clinton administrations) as one of the most powerful moral panics in the history of the United States. Dan Baum's book *Smoke and Mirrors: The War on Drugs and the Politics of Failure* (1996) provides a good review of the war on drugs in the context of moral panic. In a more narrow review, Ted Chiricos (1998) asserts that the crack cocaine "epidemic" that was widely reported in the mid-1990s constitutes a moral panic. He shows that media attention to crack cocaine escalated dramatically at a time when cocaine use was actually decreasing. He also shows that the main theme of the crack cocaine panic was that (a) cocaine use would spread to previously "safe" areas and (b) the spreading of the problem would increasingly impact children. Chiricos also notes the essential problem with the drug panics: "In an atmosphere of panic, building walls and stacking people behind them is faster and easier than doing the difficult work of restoring work and community to neighborhoods devastated by disinvestment and de-skilling" (p. 67).

Scholars suggest that moral panics can come in all different shapes and sizes, targeting the behavior of a wide range of social groups. Ronald Weitzer (2007) analyzed the discourse of leading activists and organizations that are opposed to prostitution and concludes that many of the assertions by these organizations are unsubstantiated. Burns and Crawford (1999) show how media and political attention to the issue of school shootings in the late 1990s led to widespread panic despite the fact that empirical evidence suggests that school violence was actually decreasing at the time of the panic. Barron and Lacombe (2005) argue that the heightened concerns about female violence can be characterized as a moral panic. Ward (2002) notes that some sociologists have described media attention to sports fan violence in terms of a moral panic; he argues that from a statistical standpoint, sports fan violence is not worthy of the attention it receives.

### Fear of Crime

Research has also explored the impact of media coverage of crime on fear of crime. The "fear of crime" research is based on cultivation theory, which is credited to communication scholars George Gerbner and Larry Gross (1976). Cultivation theory suggests that exposure to the violence on television, over time, impacts viewers' perceptions of reality. In this regard, one of the findings from research based on the theory is that higher consumption of mass media impacts fear of crime. For instance, Romer, Jamieson, and Aday (2003) found that high levels of consumption of local news programming were related to fear of crime, using data from the General Social Survey over a 5-year period. But the research appears to be split on the issue of whether media consumption has a general impact on public fear of crime. In a sample of Washington, D.C., residents Kimberly Ann Gross and

Sean Aday (2003) found that mass media consumption did not cultivate fear of crime.

What appears to be a more promising area of research inquiry is the notion that the link between media consumption and fear of crime is not the same for all social groups and that some groups are impacted more than others. Chiricos, Eschholz, and Gertz (1997) found that consumption of radio and television news programs increases people's fear of crime; but this effect was only found for one social group that was part of the study—white females. They attribute this to an "affinity effect" in that white females are disproportionately portrayed in mass media as victims. Because of this, they perceive themselves as having a greater likelihood of victimization than they do in reality. In addition, Eschholz, Chiricos, and Gertz (2003) found that in a sample of 1,490 Leon County, Florida, residents, the link between media consumption and fear of crime was dependent upon racial composition of the neighborhood. Residents living in areas with a higher composition of African Americans that reported high levels of media consumption reported more fear of crime than other areas in the sample.

### Future Directions

Based on the existing research on news media and crime, there are a number of areas of research that could be conducted in the future. First, research should continue to develop theory concerning how journalists and news editors construct news through selection processes. As it currently stands, there is no strong theoretical framework for understanding these selection processes. One of the main problems, in this regard, is that few studies have attempted to understand these processes through qualitative research techniques. A deeper understanding of these processes may potentially be gained by research studies that use field methods and qualitative interviews with journalists and editors. Second, with respect to journalistic decision making, future research should look to theoretically and empirically address the potential differences in the approach of journalists depending on location characteristics of the news organization. To date, most studies have mainly analyzed the decision making of journalists in major urban areas.

Third, future research should focus attention on local television news. Most of the existing research focuses on newspaper coverage of crime. Fourth, research should continue to apply the "moral panic" frame of reference to the construction of different social problems, particularly with respect to creation of policy. Fifth, research should continue to explore the specific conditions under which media consumption impacts fear of crime. Research should also focus on exploring these issues in the context of the emerging "infotainment" media market. News-oriented programs have become increasingly popular since the 1990s. Programs like *Hannity and Colmes*, *Hardball*, *Inside Edition*, and *The O'Reilly Factor* have become deeply entrenched in American culture. Methods used to construct communication delivered by these programs need to be explored.

## Conclusion

The purpose of this chapter was to review concepts and research findings relevant to the topic of media as it relates to crime and justice. This topic is rather broad, so the chapter narrowly focused on (a) the market model as a framework for understanding mass media behavior, (b) organizational imperatives that influence mass media decision making, and (c) effects of mass media coverage of crime. The market model of media suggests that media organizations make decisions about what to cover and the content of media output on the basis of monetary gains that will be generated from the selling of media products. Mass media decisions in the presentation of crime are also governed by organizational concerns intrinsic to media production processes. The pursuit of market and organizational imperatives often results in crime coverage that is disproportionate to the reality of the crime problem.

## References and Further Readings

- Anderson, B. (2004). *News flash: Journalism, infotainment, and the bottom-line business of broadcast news*. San Francisco: Jossey-Bass.
- Bailey, F., & Hale, D. (1998). *Popular culture, crime, and justice*. Belmont, CA: Wadsworth.
- Barron, C., & Lacombe, D. (2005). Moral panic and The Nasty Girl. *Canadian Review of Sociology and Anthropology*, 42(1), 51–69.
- Baum, D. (1996). *Smoke and mirrors: The war on drugs and the politics of failure*. Boston: Little, Brown.
- Beckett, K. (1995). Media depictions of drug abuse: The impact of official sources. *Research in Political Sociology*, 7, 161–182.
- Buckler, K. G. (2008). Minimizing white race-based behavior and neutralizing oppression discourse: An interpretive content analysis of *Crash* (2005). *Journal of Criminal Justice and Popular Culture*, 15(1), 1–33.
- Buckler, K. G., Griffin, T., & Travis, L. F. (2008). Criminologists as “benchwarmers”: The exclusion of eggheads from crime news discourse. *Southwest Journal of Criminal Justice*, 5(1), 4–21.
- Buckler, K. G., & Travis, L. F. (2005). Assessing the newsworthiness of homicide events: An analysis of coverage in the *Houston Chronicle*. *Journal of Criminal Justice and Popular Culture*, 12(1), 1–25.
- Burns, R., & Crawford, C. (1999). School shootings, the media, and public fear: Ingredients for a moral panic. *Crime, Law and Social Change*, 32, 147–168.
- Chermak, S. (1995). *Victims in the news: Crime and the American news media*. Boulder, CO: Westview Press.
- Chiricos, T. (1998). The media, moral panics, and the politics of crime control. In G. F. Cole & M. G. Gertz (Eds.), *The criminal justice system: Politics and policies* (7th ed., pp. 58–75). Belmont, CA: Wadsworth.
- Chiricos, T., Eschholz, S., & Gertz, M. (1997). Crime news and fear: Isolating and disaggregating the effects. *Social Problems*, 44, 342–357.
- Cohen, S. (1972). *Folk devils and moral panics*. London: MacGibbon & Kee.
- Croteau, D., & Hoynes, W. (2001). *The business of media: Corporate media and the public interest*. Thousand Oaks, CA: Pine Forge Press.
- Escholz, S., Chiricos, T., & Gertz, M. (2003). Television and fear of crime: Program types, audience traits, and the mediating effect of perceived neighborhood racial composition. *Social Problems*, 50, 395–415.
- Fishman, M. (2006). Crime waves as ideology. In G. W. Potter & V. E. Kappeler (Eds.), *Constructing crime: Perspectives on making news and social problems* (2nd ed., pp. 42–58). Long Grove, IL: Waveland Press.
- Gerbner, G., & Gross, L. (1976). Living with television: The violence profile. *Journal of Communication*, 26, 172–199.
- Glassner, B. (1999). *The culture of fear: Why Americans are afraid of the wrong things*. New York: Basic Books.
- Gross, K., & Aday, S. (2003). The scary world in your living room and neighborhood: Using local broadcast news, neighborhood crime rates, and personal experience to test agenda setting and cultivation. *Journal of Communication*, 53(3), 411–426.
- Lipschultz, J. H., & Hilt, M. L. (2002). *Crime and local television news: Dramatic, breaking, and live from the scene*. Mahwah, NJ: Lawrence Erlbaum.
- Lundman, R. J. (2003). The newsworthiness and selection bias in news about murder: Comparative and relative effects of novelty and race and gender typifications on newspaper coverage of homicide. *Sociological Forum*, 18(3), 357–386.
- McManus, J. H. (1994). *Market-driven journalism*. Thousand Oaks, CA: Sage.
- Postman, N. (2005). *Amusing ourselves to death: Public discourse in the age of show business*. New York: Penguin.
- Potter, G. W., & Kappeler, V. E. (Eds.). (2006). *Constructing crime: Perspectives on making news and social problems* (2nd ed.). Long Grove, IL: Waveland Press.
- Potter, G. W., & Kappeler, V. E. (2006). Introduction. In G. W. Potter & V. E. Kappeler (Eds.), *Constructing crime: Perspectives on making news and social problems* (2nd ed., pp. 42–58). Long Grove, IL: Waveland Press.
- Prichard, D., & Hughes, K. (1997). Patterns of deviance in crime news. *Journal of Communication*, 47, 49–67.
- Rapping, E. (2003). *Law and justice as seen on TV*. New York: New York University Press.
- Romer, D., Jamieson, K. H., & Aday, S. (2003). Television news and the cultivation of fear of crime. *Journal of Communication*, 53(1), 88–104.
- Soulliere, D. A. (2003). Prime-time murder: Presentations of murder on popular television justice programs. *Journal of Criminal Justice and Popular Culture*, 10(1), 12–38.
- Ward, R. E. (2002). Fan violence: Social problem or moral panic? *Aggression and Violent Behavior*, 7(5), 453–475.
- Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics & Society*, 35(3), 447–475.
- Welch, M., Fenwick, M., & Roberts, M. (1998). State managers, intellectuals, and the media: A content analysis of ideology in experts’ quotes in feature newspaper articles on crime. *Justice Quarterly*, 15(2), 219–241.

## THE POLICE

### *Historical and Contemporary Perspectives*

GEOFFREY P. ALPERT

*University of South Carolina*

ROGER G. DUNHAM

*University of Miami*

The police have been a common feature in American society for more than a century. Today, police officers are seen patrolling streets, directing traffic, and serving the public in a multitude of ways. It has not always been so. Historically, the police were political assets for the power elites and had no pretence of treating everyone equally. The purpose of this chapter is to review briefly the history of the police, discuss the modern-day reality of police work, and assess the future of policing.

#### **British Tradition**

A great deal of U.S. policing heritage can be linked directly to its British roots. Policing in the community, crime prevention, and elected sheriffs all have origins in English law enforcement. The history of policing in England includes a variety of stories and scenarios that involve radically conservative interpretations of law enforcement and a liberal view of governmental intervention (Reith, 1938). Originally, all security in England was private. Those who could afford the luxury lived in well-built houses that were guarded by servants who acted as bodyguards. The remainder of the population merely hoped that their neighbors and those chosen as “watchmen” would protect them and chase away the criminal element. This system of shared and informal policing was referred to as “kin” policing (Reith, 1956) and the

“frankpledge system.” It was established to encourage citizens to act as the “eyes and ears” of the authorities, to protect their family and neighbors, and to deliver to the court any member of the group who committed a crime.

The pledge to protect others created a sense of security based on being protected by one’s family and neighbors. Communities were organized into *tythings*, or groups of 100 citizens, which were part of larger units called *shires* (similar to counties today). Shires were headed by *shire reeves* (later called “sheriffs”). Shire reeves were appointed by the king, and were primarily responsible for civil duties, such as collecting taxes and ensuring obedience to the authority of the king. From the frankpledge system came the *parish constable system*. In the 13th century, the position of the constable was formalized, thus permitting the appointment of watchmen to assist in their duties (Bayley, 1999). Watchmen had numerous responsibilities, from guarding the gates of town at night to watching for fires, crimes, and suspicious persons. This system of law enforcement continued without much change until the 18th century.

During the 18th century, there was unprecedented population growth and the population of London more than doubled. Accompanying the growth was a more complex and specialized society, resulting in law enforcement problems that challenged the control systems in existence. Rioting in the cities, which the existing system could not control, is one such example. As a result of the changing



social climate, a more formal and organized method of law enforcement became necessary. It was around this time that Henry Fielding (author of *Tom Jones*) and his brother, Sir John Fielding, helped improve policing in London and all over England by suggesting changes to the existing system of control that developed into what is known as the modern police department.

### The First Modern Police: London

It was Sir Robert Peel, the British Home Secretary, who created a 3,000-strong police force. Peel drafted and then guided through Parliament the “Act for Improving the Police in and Near the Metropolis,” which is better known as the Metropolitan Police Act of 1829. Under the direction of Peel, the police were organized for crime prevention. By 1829, the entire city was patrolled by men assigned specific territories, or beats, on a 24-hour-a-day basis (Reith, 1956). The officers, or “bobbies,” wore blue uniforms so that they could be easily recognizable as public servants whose purpose was to deter crime. The leaders of the London police force provided a central administration, strict discipline, and close supervision of the officers. They eventually decided to introduce a military structure to what had been a rather loose organization. Peel and his bobbies were so successful that requests for help from outside areas were received and assistance was sent. This movement set the stage for modern police departments, which were developed according to the principles of what has become known as “the London model of policing.” Thus, the structure and function of current police agencies, as well as their overall mission, are heavily influenced by Sir Robert Peel.

### The Modern Era

In fundamental ways, modern police departments remain slaves to their history. In the 1970s, Jonathan Rubinstein (1973) commented that understanding what police do is difficult because they have such a wide variety of tasks. Thirty-six years later, this statement remains as true as it did then. Citizens are split between viewing the police in positive terms, calling them brave “crime fighters” and heroes, and referring to them negatively, as corrupt, heartless, and brutal. Often, these different views are influenced by a citizen’s experiences with the police and whether it was a positive or a negative one. Partly because of severe criticisms of the police by citizens, policing has been forced to change and develop into what it is today.

Although much of policing has changed drastically since its initiation into American government, changes in the selection and training of officers have been among the most important. There were few standards when hiring officers during the early years of policing, and practically no training. In fact, positions on the police force often were

viewed as a reward for loyalty to political parties who were in power. Newly elected officials often fired existing officers and hired their political supporters. As a result, citizens thought of the police as nothing more than political “hacks,” enforcing the interests of those in power. This corrupt system of hiring officers has developed into the very elaborate and professional civil service hiring systems present in most departments today. Further, the practice of virtually no training of officers that existed earlier has progressed into the long and arduous training programs found in most departments today.

### Recruitment and Selection of Officers

The importance of recruitment and selection cannot be emphasized enough. As police work is labor-intensive, and a large percentage of an agency’s budget is devoted to personnel issues, the officer is the most significant investment a police department can make. Police agencies are always looking for innovative ways to attract and retain good officers. Once an individual decides he or she wants to enter police work, the agency must screen the person for characteristics that make a good police officer. This is known as “selecting in,” a strategy that identifies those individuals best suited for police work. The agency must also eliminate or “screen out” those applicants who are unfit for police work. Many tests are available to evaluate someone’s psychological and physical characteristics to determine if success in police work is likely. There are multiple hurdles for recruits to pass. Unfortunately, there are no clear and accepted criteria to determine which candidates will make the best police officers. One reason for this uncertainty was suggested by Brenner (1989), who noted that an officer must be able to adapt to various situations and use a variety of styles and approaches, depending on the circumstances. He points out that officers must interact with violent criminals and distressed victims, perhaps during the same interaction, and it is unlikely that an officer’s behavior will satisfy all of the stakeholders all of the time. As it is extremely difficult to determine an applicant’s fitness for duty, officers must pass the many hurdles. Each decade or era has its own problems associated with the recruitment of police officers. The overall economy plays a role, as does the country’s involvement in war and the use of the military. In fact, these and other issues also impact trained police officers when they return from a leave or other assignment. There is enormous variance in the selection procedures and training among agencies, so the following discussion illustrate the options agencies have at their disposal to review and assess candidates.

Traditionally, police departments use standardized written tests to assess basic skills and attitudes. The use of traditional pen-and-pencil tests has been criticized for its lack of predictive ability, which has led many agencies to supplement these tests with a more comprehensive assessment procedure. Departments using this method process

applicants through a series of assessments, including simulated and role-play activities. The activities are developed to force a person to respond to situations and individuals who “test” the person’s character and ability to negotiate in a specific situation. Common examples of simulations used in assessment centers include a domestic altercation, a routine traffic stop, or a bar fight.

In addition, officers are given medical exams and physical agility tests that involve job task simulations, such as lifting weights through windows, carrying heavy objects, and other tasks that might confront a police officer on the job. Officer candidates are often given a polygraph test to determine if they have told the truth about their backgrounds or past experiences on their application forms and in their interviews. One area that is investigated is prior drug use history.

Further, applicants are often interviewed by an individual or a group of commanders. These interviews are designed to determine a candidate’s ability to communicate and to respond to difficult questions. Once an applicant has passed these initial hurdles, he or she is sent to training. This training varies from state to state and agency to agency, but all have some common elements, including preservice, field, and in-service training.

### Academy Training

Police academies can be run by the department or by the state, and they can be independent or connected to community colleges or universities. The average length of academy training is approximately 600 hours, but varies from state to state. Regardless of the total number of hours required at the academy, the training and education is an experience that plays a significant role in shaping the officer’s attitudes about policing in general, including ways to address specific tasks, and the role of the police in society.

The building blocks of a good law enforcement training program are anchored to two issues: First, the programs should incorporate the proper statement of mission and ethical considerations, which should be taught in the context of what an officer will do on a daily basis. Second, there must be a balance of time spent on “high-frequency” versus “high-risk” activities in the required training. In the 21st century, it is also necessary to prepare police officers to think, make good decisions, and to respond to a variety of difficult situations.

Recruits must pass the requirements of the academy to graduate. Many academies insist that the recruit pass all courses the first time to graduate, while other academies have built-in provisions for remedial training to help marginal students pass. Academies use a variety of methods to evaluate and grade the progress of their recruits, such as multiple-choice tests, role-play exercises, written answer tests, and oral tests. Once graduated, with newly acquired attitudes and skills, the young officer is often required to enroll in departmental training or could be assigned street

work with a field training officer. Unfortunately, others are sent directly to the street, with gun, badge, and vehicle, with no further training.

### Field Training

Most departments provide training after completion of the academy through a field training officer (FTO) model. Although recruits should have been exposed to a number of real-life experiences during academy training, those were created for training or role-play scenarios and are conducted in an artificial atmosphere. Field training is meant to bridge the gap between the protected environment of the academy and the isolated, open danger of the street. The new officer, or “rookie,” is paired with a more experienced police officer(s) for a period of time, usually several months.

It is the field training officer’s job to teach the young rookie how to survive and how to become a good police officer. Field training programs are often divided into several phases. Although agencies vary the length and scope of their field training, all programs should include introductory, training, and evaluation phases. The introductory phase is structured to teach the rookie officer about the agency’s policies, procedures, and local laws and ordinances. Departmental customs and practices are also communicated at this time. During the training and evaluation phases, the young officer is gradually introduced to complex tasks that require involved and complicated decisions. The young officer will have to interpret and translate into action what was learned in the academy and the field. The field training officer then evaluates the decisions and actions made by the recruit. Eventually, the successful trainee will be able to handle calls without assistance from the field training officer.

There exists a long-standing concern in policing that each rookie is told by an experienced officer to forget what was learned at the academy and to just watch and learn how things are done right. As Van Maanen (1978) described, “The newcomer is quickly bombarded with ‘street wise’ patrolmen assuring him that the police academy was simply an experience that all officers endure and has little, if anything, to do with real police work” (p. 300). This unfortunate message is that the formal training received at the academy is irrelevant or unrealistic. It is hoped that field training officers are selected and trained to make sure these types of counterproductive messages do not occur. After an officer has passed the probationary period, he or she may think training is over. However, most states and many departments require refresher courses, training on new issues, and other sorts of in-service training.

### In-Service Training

Many states have now mandated in-service training for police in the same way lawyers and teachers must continue

their education. In-service training is designed to provide officers with new skills and changes in laws, policies, or procedures. Also, since many skills learned at the academy or while in field training are perishable, in-service training can restore an officer's skills. Some agencies send officers to lengthy management schools or specialized trainings. It is hard to believe that some agencies still do not train veteran officers aggressively. Police work is constantly changing, and remaining a good police officer is different from the process of becoming one.

If conducted properly, in-service training can provide a critical component to the agency's training scheme. There must be training for supervisors and managers, communication specialists and investigators, as well as street officers. In other words, patrol officers need certain skills and those on specialized assignments need others. Some skills, such as those used in the control of persons, emergency vehicle operations, and other high-risk activities, need more frequent and in-depth training than those engaged in more routine tasks. Officers must not only be provided with proper information, but they must also be given the opportunity to ask "What if" questions of the instructor. Further, officers must pass an examination before it can be assumed that they know the information and are competent to put it into practice in real-world situations.

The Internet is providing a new forum for training police officers. Many departments are creating home pages that provide information about the agency and the community served. There are also many police "chat rooms," which allow officers to share information and have discussions about many topics and issues. Innovative trainers can take advantage of these technological advancements for the improvement of their officers' knowledge and experience.

The expense of training is one of the important issues many departments must consider. Not only is it costly to evaluate needs, to plan and to provide for training, but it is also very expensive to remove officers from the streets to be trained. In the short term, the expenses are great, but in the long term, the training and its related costs will pay off.

Once selected and trained, there are many recruits who enter into police work only to realize that the work, schedule, and rewards are not what they anticipated. In addition, administrators will learn that some of the citizens they recruit and even train are not able to perform the required task appropriately. Other reasons officers do not make careers in policing include family influences, "burn out," and better-paying job offers.

After officers have negotiated successfully their initial training, most are assigned to the patrol function and, as a result, have the most contact with the public. There are multiple methods of patrol, including automobile, foot, horse, motorcycle, bicycle, and boat. Each type serves a different function, promotes different relationships, and creates different problems. In any case, these officers are now prepared to police independently and to interact with citizens on their own.

## Police Operations

### Police Patrol

Patrol has long been considered the "backbone" of policing, as this is where almost every police officer gets his or her "street experience." This experience on the street with citizens is vital in shaping the outlooks and views of the police officer. While many patrol officers will go on to supervisory or investigative positions, this starting point creates shared experiences and facilitates socialization with fellow officers. An important question is, what are the major factors that influence a patrol officer's behavior?

Although officers experience similar situations, their responses may differ due to the complexities and special circumstances of interactions. They soon learn that they cannot enforce all laws, and as Kenneth Culp Davis (1975) observed, the police must use discretion and selective enforcement.

Written guidelines or policies direct police officers' activities, reactions, and behavior. Policies are based on relevant laws and presumably best practices. They are directives that provide members of the organization with sufficient information so that they can successfully perform their day-to-day operations. Some agencies provide their officers with very detailed policies, while others have promulgated more general policies but have supplemented those with detailed in-service training. While officers are allowed discretion with specified boundaries, it is an important research question to determine what factors explain why police officers respond differently to the same conditions.

For example, the process of forming suspicion has been a topic that has received relatively little attention in the research literature. Jonathan Rubinstein (1973) was one of the first scholars to thoroughly discuss the formation of suspicion. He notes the following:

Many of the things the officer is looking for are a product of prior situations, a consequence of events about which he knows nothing, although he often makes assumptions about some of them. . . . While the patrolman is looking for substantive cues indicating flight, fear, concealment, and illegal possession, he is also making judgments based on his perception of the people and places he polices. (pp. 255, 257)

After an exhaustive review of the literature, the National Research Council (2003) concluded that a suspect's social class, gender, as well as other social factors do not explain variance in behavior in police-citizen interactions.

An important area of police behavior to address is the foot pursuit. Similar to vehicular pursuits, these activities were not regulated until the 1990s. Around that time, it became apparent that officers and suspects were unnecessarily injured or put in situations that resulted in unnecessary force and deadly force because they abandoned proper practices and went on foot pursuits alone, or were separated from

other officers in an attempt to corner or head off a fleeing suspect. Without proper communication, or a plan, officers put themselves in dangerous situations, which can result in crossfires and unnecessary force.

It appears that officers' beliefs and prior experiences strongly influence their responses to citizens. Perhaps the cognitive theorists are correct in arguing that officers learn by experience, and that the relative power of that learning is influenced by one's degree of familiarity and repeated associations in a fashion similar to the theory of differential association. In other words, these developed schemas form a mental model and illusory correlation that strongly influence a person's responses to people and places in future encounters (Alpert, MacDonald, & Dunham, 2005). This is all extremely important because officers' behavior creates an image for a police department, and supervisors must manage how the officers act and respond to situations. While the patrol function forms what has been called the backbone of policing, perhaps it is the first-line supervisors who form the nervous system of the agency. The patrol officers are the ones closest to the community and know the most about the people and places they police. It is they who are crime fighters, community policing officers, and problem solvers—all at the same time. It is the supervisor who directs and manages their activities.

### The Crime Control Function

What are the major operations by which the police set out to control crime? The crime control function of the police relies on four primary tactics: (1) randomized and directed patrol (preventative patrol), (2) problem identification and solving, (3) response to calls for service by citizens, and (4) criminal investigation.

Preventive patrol is largely based on the assumption that it serves as a deterrent effect on crime. Although this assumption was questioned in the Kansas City Preventive Patrol Experiment, other studies have indicated that citizens' attitudes and beliefs are impacted by seeing officers on motorized and foot patrols. Problem identification involves the identification of specific locations and times wherein crime is most likely to occur or that are otherwise deemed most problematic.

The effectiveness of rapid responses to calls has been examined over the years. The initial rationale behind a speedy response is that it will improve the likelihood that police will apprehend a suspect. Unfortunately, citizens often report crimes after the fact, and a few seconds shaved by the police responding at breakneck speeds to a call for service does not make much difference in the officer's likelihood of affecting an arrest. Interestingly, whether or not the initial officer responding to a scene can identify a suspect may make a difference in whether the case is resolved, but the time differential is measured in minutes, not seconds.

Finally, the work of detectives and the criminal investigation process have been studied in a variety of ways. The

RAND Corporation study provides an important benchmark for establishing what is known about the effectiveness of retrospective investigation of crimes (Greenwood & Petersilia, 1975). There are several important findings in this report that merit discussion. First, detectives spend very little of their time (less than 10%) on activities that directly lead to solving crime. A large proportion of the time they do spend on casework is often used on cases after they have been solved (e.g., preparing a case for court). Second, solving crimes has little to do with any special activities performed by investigators. Instead, the most important factor affecting case clearance (e.g., whether a suspect can be identified) is the behavior of the initial responding officer and members of the public. As noted above, clearance rates are related to whether either the initial responding officer (or a victim or witness on the scene) was able to identify a suspect. It is usually a civilian and not the officer who can make an identification, thereby reducing the need for officers to risk the safety of civilians on the streets by driving at high speeds to get to a call.

While patrol is an important aspect of policing, police departments and their officers perform functions other than crime fighting. Order maintenance, rather than law enforcement, may be a better approach in certain places and with certain people. As police officers are available 24/7, they are called on to provide emergency aid, information, and animal control and to make referrals to other human welfare agencies, among other responsibilities. The time spent on these services can be significant and can be seen as taking away from routine crime-fighting activities. Even some terrorist threats that require attention can be seen as taking away resources from immediate community-level crimes and problems.

Several issues that require time and effort are gangs and weapons. Although these concerns are neither new nor novel, the police response must change continually to be effective. Taking guns off the street and reducing gang violence must be goals of every police department. As new strategies are developed, new techniques by gang members are discovered.

### Important Influences on Officers' Behavior

A considerable amount of research has been conducted on the influences on officers' behavior while on the job. Policing is an occupation for which the behavior of the incumbent can have very serious implications for those they police. Few occupations give individuals as much power over others as the police position. In exercising their discretionary power over others, officers may severely injure citizens; end their lives; destroy their reputations; or send them to jail or prison, among many other very severe penalties. Thus, it is important to monitor how officers make such decisions and try to understand which factors influence them.

## The Culture of the Police

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The nature of police work is different from that of work performed in most other occupations. As has been noted, the police are among the few professionals that are required to be available 24 hours a day, 7 days a week, 52 weeks a year. Furthermore, the police deal with social problems and societal ills that extend beyond simply fighting crime. The police are also unique in terms of the persons with whom they most routinely interact. While police officers deal with the entire spectrum of humanity, they spend the majority of their time dealing with the seamier side of society. The central features of the police culture may be categorized according to the way officers relate to the unique nature of the job, the special category of persons with whom they come into contact, and the environment in which they work. In other words, the unique aspects of the police role, such as being given tremendous authority, and the corresponding right to use force on citizens; morality issues related to the police being the enforcers of right over wrong; and danger, or the threat of danger, shape the nature of the police and their work.

Research indicates that the environment in which police do their work is shaped by their isolation from citizens, their solidarity within the police subculture, their loyalty to each other, and their desire for autonomy in carrying out policing duties. These conditions all contribute to the character of the police subculture, which has been characterized by extreme loyalty to one's coworkers, particularly one's partner. However, the police operate in a bureaucracy that is based on a paramilitary model with many guidelines or policies, rigid lines of authority, and communication that is authoritative and clear. These also make important contributions to the police culture and have an important impact on how the police do their work.

### Police Bureaucracy

Police departments are organized in a manner similar to the military, using ranks to designate authority (captain, lieutenant, sergeant, etc.). True to the bureaucratic form of organization, the larger police departments are divided into special divisions and units with lines of authority leading from the chief to the line officers. Police department hierarchies of authority vary in respect to how tasks are divided and which divisions report to which supervisors.

The traditional hierarchy is represented by a pyramid-type structure. On the top, to set and enforce policies and to provide overall leadership, is the chief. Other divisions include at least internal affairs, communication, and patrol. Smaller agencies may combine different elements into one division, but all agencies must perform the same basic duties.

For example, internal affairs or professional compliance bureaus investigate all allegations of police misconduct. These concerns can be initiated by civilian complaints or by

fellow police officers. This division or section is of paramount importance to the operations of any law enforcement agency and must receive support from the chief administrators. Most Internal Affairs Division managers report directly to the chief of police to avoid any question of prominence or importance.

One of the most critical elements of police work is its system of communication. It is this "heart line" that receives calls for service and forwards information to officers in the field. The communication process forms the link between the community and the police. The information provided to officers is the basis on which they prepare and respond. In other words, if the police department is told about a particular situation, officers and supervisors must recognize how many officers are needed, how quickly they need to respond, and where they need to be sent.

The degree of centralization in the organization is one of the most critical decisions an administrator must make. A centralized structure, with a dominant supervisor, will have strong controls and may be cost effective. A decentralized structure will have flexibility and will be cost efficient as it emphasizes team building as a mode of problem solving. As each structure has positive and negative characteristics, the goals of the organization, with input from the community, should serve to design the structure. Certainly, large departments can centralize administrative and certain investigative functions while they decentralize patrol and other activities. The trend has been to decentralize many police functions and to be more responsive to the unique characteristics of communities. Regardless of the type of organization, there are always going to be critical concerns and high-risk activities performed by the police. The next section looks at these activities and places them in their proper perspective.

## Critical Issues and High-Risk Activities

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Given the large number of issues that exist in policing today, this discussion must be limited to the most important ones. The approach here is therefore selective and focuses on a limited number of critical issues: minority hiring and promotion, women in policing, the use of force, and pursuit driving.

### Minorities in Policing

Tremendous strides have been made in hiring minorities in recent years. Since the mid-1990s, police agencies have increased significantly the hiring and promoting of minority officers.

Advocates for the hiring and promoting of minorities argue that if minorities are adequately represented in police departments, departments become representative of the communities they serve. Police departments that reflect the racial and ethnic characteristics of the communities

they serve may increase the respect of community residents and thereby increase the flow of information concerning crime and the identification of criminals. Similar to ethnic minorities, females have not played an important role in law enforcement until relatively recently.

Until the early 1980s, the few females who were involved in police work were often assigned to clerical duties or restricted to work with either female or juvenile offenders. The reasons for this exclusion were many: First, male officers did not want to put up with the social inhibitions placed on them by the presence of women; second, they did not want to be overshadowed by or even to take orders from women; finally, most men did not want to be supported by a female in the performance of potentially dangerous work (Caiden, 1977; Martin, 2001). The common belief was that females would not function to the level of their male counterparts—specifically, that they would react improperly and would not be able to apprehend suspects in violent or dangerous situations. Recently, the myths about women in the police world have been debunked, and benefits connected with recruiting more female officers have been stressed. For example, female officers are often better than male officers at avoiding violence and de-escalating potentially violent situations. Moreover, while women currently represent approximately 13% of all sworn personnel, they are responsible for only 5% of citizen complaints, 2% of sustained allegations of excessive use of force, and 6% of the dollars paid out in judgments and settlements for excessive use of force (National Center for Women in Policing, 2002).

The next issue is the use of force by police officers, which often is handled more appropriately by female officers than by their male counterparts. The use of force is a highly controversial issue, and this examination will look at both the problems connected to it and some of the potential solutions that can prevent the abuse of this most necessary of police powers.

### Use of Non-Deadly Force

The use of force, particularly deadly force, has traditionally been one of the most controversial aspects of police work. Clearly, a distinction must be made between appropriate police use of force and excessive force. While some level of force is legitimate and necessary to control suspects and protect innocent citizens, the use of excessive force is unacceptable and is one of the most troubling forms of police misconduct. New technologies, such as the Electronic Control Device or the Conducted Energy Device, provide police officers with alternatives to traditional batons, fists, and fights. While these technologies can lead to fewer injuries than traditional uses of force, they also create their own issues, such as device malfunctions that have been linked to several deaths. Although a disproportionate amount of media attention is given to the use of force by the

police, it is a rare event considering the numerous times police officers have encounters with citizens.

To understand police use of force, it is important to examine the sequence of events as they unfold in police–citizen interactions. The way to accomplish this task is to understand how the levels of force and resistance, and the sequence in which they take place, affect the outcome of the encounter. This effort requires using detailed information on the sequence of actions and reactions to make sense of the interaction process of the encounter (Alpert & Dunham, 2004).

Alpert and Dunham (2004) have formulated an interaction theory to help understand police use of force and the overall interaction processes between officers and citizens that lead to using force. The *authority maintenance theory* depicts the police–citizen encounter as an interaction process that is somewhat unique because authority dominates the process and it is more asymmetrical than in most other interactions. Another aspect of police–citizen interactions, according to the theory, is that the expectations and behaviors of these actors are more likely to violate the principle of reciprocity, an important function of human interactions. Officers are more likely to resort to using force when suspects block the officers from reaching their goals concerning the outcome of the encounter. Likewise, citizens respond to the blockage of their goals with varying degrees of resistance. The resistance/force sequence typically escalates until one party changes the other's expected goals voluntarily or involuntarily.

### Use of Deadly Force

Since police use of force is often measured by its severity, deadly force is often analyzed as a separate category. It is estimated that each year, approximately 400 persons are killed by the police, and the issue becomes particularly problematic due to the widespread perception that minorities are more likely than white subjects to be killed by the police. Regardless of the research evidence that shows the threatening behavior of the suspect is the strongest indicator of police use of deadly force, the perception of racially biased or motivated killings by the police remains.

The authority to use deadly force can be traced to English common law, when police officers had the authority to use deadly force to apprehend any suspected fleeing felon (the “fleeing felon” doctrine). During this time period, the fleeing-felon doctrine was considered reasonable. First, all felonies were punishable by death in England, and second, defendants did not possess the rights or the presumption of innocence that they enjoy today. In 1985, the U.S. Supreme Court modified the fleeing-felon doctrine in the *Tennessee v. Garner* (1985) decision.

The landmark case of *Tennessee v. Garner* (1985) involved the use of deadly force against a fleeing felon: At approximately 10:45 on the night of October 3, 1974, a slightly built eighth grader, Edward Garner, unarmed and

alone, broke a window and entered an unoccupied house in suburban Memphis with the intent of stealing money and property. Two police officers, Elton Hymon and Leslie Wright, responded to a call from a neighbor concerning a prowler. While Wright radioed dispatch, Hymon intercepted the youth as he ran from the back of the house to a 6-foot cyclone fence. After shining a flashlight on the youth who was crouched by the fence, Hymon identified himself and yelled at Garner to stop. Hymon observed that the youth was unarmed. As the boy jumped to get over the fence, the officer fired his service revolver at the youth, as he was trained to do. Edward Garner was shot because the police officers had been trained under Tennessee law that it was proper to kill a fleeing felon rather than run the risk of allowing him to escape.

A lawsuit filed by the family ended up reaching the U.S. Supreme Court. The underlying issue being decided by the Court was when and under what circumstances police officers can use deadly force. The Court held that the Tennessee statute was “unconstitutional insofar as it authorizes the use of deadly force against . . . unarmed, nondangerous suspect[s]” (*Tennessee v. Garner*, 1985, p. 11). The Court cited with approval the Model Penal Code:

The use of deadly force is not justifiable . . . unless (i) the arrest is for a felony; and (ii) the person effecting the arrest is authorized to act as a police officer . . . ; and (iii) the actor believes that the force employed creates no substantial risk of injury to innocent persons; and (iv) the actor believes that (1) the crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or (2) there is a substantial risk that a person to be arrested will cause death or serious bodily harm if his apprehension is delayed. (cited in *Tennessee v. Garner*, 1985, pp. 6–7, note 7)

In the final analysis, the Court ruled that “where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so” (*Tennessee v. Garner*, 1985, p. 11). The nature of this threat is also clear: “a significant threat of death or serious physical injury” (p. 11). In other words, the *Garner* decision created a modified “defense of life” standard. It is significant that this pronouncement can be reduced to a moral judgment. This was made clear when the Court noted, “It is not better that all felony suspects die than that they escape” (p. 11).

### Police Pursuits

The use of deadly force by the police, involving the use and abuse of firearms, has been under scrutiny for a long time by police administrators, by the public, as well as by the courts. Another use of potentially deadly force that has only recently attracted significant attention is the police pursuit (see Alpert, Kenney, Dunham, & Smith, 2000). The purpose of a pursuit is to apprehend a suspect following a

refusal to stop. When an officer engages in a chase in a high-powered motor vehicle, that vehicle becomes a potentially dangerous weapon. As the training guide for the California Peace Officer Standards and Training (CPOST) explains, firearms and vehicles are instruments of deadly force and the kinetic energy or kill power of a vehicle is far greater than that of a firearm.

Considered in this light, it is not surprising that there is such great concern over police pursuits. Each year, the National Highway Traffic Safety Administration (NHTSA) collects data on police-pursuit-related fatalities. The data are collected as part of the Fatality Analysis Reporting System (FARS); however, they do not capture all of the pursuit-related deaths. For example, many law enforcement officers are not trained to check the “pursuit related” box when a fatality occurs. Similarly, if the police vehicle is not involved in the crash, officers don’t always report a death on the form. Nonetheless, the NHTSA data show that at least one person will die every day of the year in a police pursuit, with approximately one third of those deaths being innocent bystanders.

While the costs of pursuits are high, the benefits should not be discounted. On the one hand, it is the mission of the police to protect lives and, clearly, pursuits are inherently dangerous to all involved. On the other hand, there is an ongoing need to immediately apprehend some law violators. Determining how to balance these two competing goals will shape the future of police pursuits. Depending on the reason for the chase and the risk factor to the public, abandonment or termination of a pursuit may be the best choice in the interests of public safety. The critical question in a pursuit is what benefit will be derived from a chase compared to the risk of a crash, injury, or death, whether to officers, suspects, or the public. In other words, a pursuit must be evaluated by weighing the risk to the public against the need to immediately apprehend a suspect.

There are two myths that are commonly stated by proponents of aggressive pursuit policies. The first myth is that suspects who do not stop for the police “have a dead body in the trunk.” The thinking behind this statement is that people who flee from the police are serious criminals who have something to hide. While the empirical truth is that many who flee from the police are “guilty” of offenses other than the known reason for their flight, the offense is most often minor, such as a suspended driver’s license (Alpert et al., 2000). The second myth is that if the police restrict their pursuits, crime will increase and a significantly greater number of citizens will flee from the police. While this myth helps justify aggressive pursuit policies, it is not substantiated by empirical data. In fact, agencies that have restricted pursuits do not report any increase in fleeing suspects.

Police pursuits are dangerous activities involving risk to all persons involved, and even to those innocent bystanders who might be in harm’s way. Research shows that approximately 40% of pursuits result in a crash, 20% result in an injury, and 1% result in a death (Alpert & Dunham, 2004).

It is very difficult to force a vehicle to stop without the use of a deadly force tactic, such as ramming or shooting at a vehicle. As these tactics are also very dangerous, it becomes important to develop technologies to get vehicles to stop without risking lives. These technologies are being developed, and military technology is being declassified and used to assist law enforcement officers in stopping vehicles and avoiding unnecessary high-speed pursuits.

## The Future of Policing

Although this chapter has presented only a snapshot of policing issues and research, a number of areas have had an increasing influence on policing and will guide policing in the future: (a) continued and concerted attempts by the police to be more attentive to the needs of citizens and solving the underlying problems that contribute to crime (e.g., community policing and problem-oriented policing); (b) responses by the police to demands for greater accountability from citizens, policymakers, and police administrators (e.g., Early Warning or Identification Systems, COMPSTAT, and citizen review boards); and (c) the application of new technologies to help officers and administrators accomplish these goals, including face recognition software and other computer applications.

### Community and Problem-Solving Policing

One of the most important factors that moved policing strategies in new directions was the body of research indicating that traditional methods of policing (e.g., rapid response to citizen calls for service, preventive patrol, and the criminal investigation process) were not as efficient as expected in combating crime. The results of this research, and anecdotal information, highlighted the central role that the community played in the detection and prevention of crime. It is clear that without the cooperation of the community, very little crime would be solved at all, and public attitudes concerning the police would be very unfavorable. The argument that traditional policing is reactive rather than preventative, and treats the symptoms of crime rather than broaching the fundamental problems themselves, forced policing specialists to become proactive and to solve problems rather than simply respond to them after the fact. As these techniques improve and sufficient resources are allocated to proactive strategies, there may be a reduction in crime and a corresponding improvement in public perceptions of the police.

### Responding to Demands for Greater Accountability

An integral part of community policing is greater accountability on the part of the police for their actions. In recent years, departments have adopted several strategies to facilitate an increase in officer accountability, both

internally to superiors and externally to the citizens they serve. In order to promote accountability within police departments, police organizations across the United States are experimenting with COMPSTAT and other programs that develop, gather, and disseminate information on crime problems and hold police managers accountable to reduce the problems. Another innovation in accountability is the early identification of potentially problem officers. The Early Identification System (EIS) includes three basic elements: identification and selection of officers, intervention, and post-intervention monitoring. Each element selects a variety of performance indicators that capture officers' behavior or compare officers in similar situations. The goal is to identify and intervene with officers whose behavior may be problematic.

### New Technology

The improvement and application of technology is perhaps most likely to influence policing in the future. Implicit in this discussion of the implementation of community- or problem-oriented policing and the concomitant and innovative methods of enhancing police accountability has been the advent of technology. Perhaps the most important technological advancements inside a police department are crime analysis, computerized reports, GPS systems and car locators, and crime mapping. In the community, the use of cameras may result in crime deterrence or displacement and the enhanced ability to solve crimes.

Crime analysis has three primary functions. These include assessing the nature, extent, and distribution of crime for the purpose of allocating resources. The second primary function is to identify suspects to assist in investigations. The final function of crime analysis is to identify the conditions that facilitate crime and incivility and to direct approaches to crime prevention. The ability of law enforcement agencies to engage in crime analysis and fulfill these three primary functions has been greatly enhanced by advancements in information technology (IT). For example, computer-aided dispatch (CAD) systems have had a tremendous impact on the ability of the police to analyze and prioritize calls for service. CAD systems automatically collect and organize certain information from every call including the type of call, the location, the time, and the date. When these data sources are linked to others, crime analysts are capable of identifying "hot spots" of crime, detecting patterns of crime and disorder, and identifying factors or conditions that may be contributing to crime.

Most police officers complete handwritten reports on paper. New technology now permits many functions to be completed on computers in vehicles and automatically uploaded to agency computers as the vehicles drive by radio towers. Computerized reports can also permit key words, names, and specific information to be searched among all reports, and similarities can be flagged for further investigation of people and places.



New technologies installed in vehicles allow officers to access maps and allow managers to see where officers are located, at what speed they are driving, and where they have been. These new systems can assist the police function, protect officers, and serve as an accountability feature at the same time. In addition, experiments with license plate and face recognition software are taking place that allow officers while driving to be notified when a person or vehicle license of interest is observed.

The origin of crime mapping goes back to crude statistical analysis: a series of color-coded “push pins” in maps displayed on precinct station walls. Today, the police are able to use geographic information systems (GIS) technology to create maps that show the type of crime, victim information, location, time, and a variety of other criteria, all of which can be compared to census information or other databases containing what would otherwise be unconnected information. These data can be analyzed over time and space for trends or similarities, which can subsequently assist a department with crime detection, crime prediction, and resource analysis, among other things.

## Conclusion

Increased interaction with the community, greater accountability within the police force and to the public, as well as technological advances will all increase and will ultimately have an effect on the police function and how it is carried out. As officers are provided with more time and resources, allowing them to interact more positively with citizens, the police will likely recognize the constructive results of these contacts. Innovative approaches to community mobilization should be designed to empower citizens and build trust in the government. Clearly, the application of technology will provide unique and innovative means of identifying, creating, and updating blueprints for resolving the many problems faced by the police.

## References and Further Readings

- Alpert, G., & Dunham, R. (2004). *Understanding police use of force: Officers, suspects, and reciprocity*. New York: Cambridge University Press.
- Alpert, G., Kenney, D., Dunham, R., & Smith, W. (2000). *Police pursuits: What we know*. Washington, DC: Police Executive Research Forum.
- Alpert, G., MacDonald, J., & Dunham, R. (2005). Police suspicion and discretionary decision making during citizen stops. *Criminology*, 43, 407–434.
- Bayley, D. H. (1998). *Policing in America: Assessments and prospects*. Washington, DC: Police Foundation.
- Bayley, D. H. (1999). Policing: The world stage. In R. Mawby (Ed.), *Policing across the world: Issues for the twenty-first century* (pp. 3–22). London: UCL Press.
- Brenner, A. (1989). Psychological screening of police applicants. In R. G. Dunham & G. P. Alpert (Eds.), *Critical issues in policing: Contemporary readings* (pp. 72–86). Prospect Heights, IL: Waveland Press.
- Caiden, G. (1977). *Police revitalization*. Lexington, MA: Lexington Books.
- Davis, K. C. (1975). *Police discretion*. St. Paul, MN: West Publishing.
- Greenwood, P. W., & Petersilia, J. (1975). *The criminal investigation process: Summary and policy implications*. Santa Monica, CA: RAND.
- Langworthy, R. H., & Travis, L. F. (2002). *Policing in America: A balance of forces* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.
- Martin, S. (2001). Female officers on the move? A status report of women in policing. In R. G. Dunham & G. P. Alpert (Eds.), *Critical issues in policing: Contemporary readings* (4th ed., pp. 401–422). Prospect Heights, IL: Waveland Press.
- Miller, W. R. (1977). *Cops and bobbies: Police authority in New York and London, 1830–1870*. Chicago: University of Chicago Press.
- National Center for Women in Policing. (2002). *Men, women, and police excessive force: A tale of two genders. A content analysis of civil liability cases, sustained allegations, and citizen complaints*. Los Angeles: Author.
- National Research Council. (2003). *Fairness and effectiveness in policing: The evidence*. Washington, DC: National Academies Press.
- Reith, C. (1938). *The police idea: Its history and evolution in England in the eighteenth century and after*. London: Oxford University Press.
- Reith, C. (1956). *A new study of police history*. Edinburgh, Scotland: Oliver & Boyd.
- Rubinstein, J. (1973). *City police*. New York: Farrar, Straus & Giroux.
- Stead, P. (1985). *The police of Britain*. London: Macmillan.
- Tennessee v. Garner, 471 U.S. 1 (1985).
- Uchida, C. D. (1997). The development of the American police: An historical overview. In R. G. Dunham & G. P. Alpert (Eds.), *Critical issues in policing: Contemporary readings* (3rd ed., pp. 18–35). Prospect Heights, IL: Waveland Press.
- Van Maanen, J. (1978). Observations on the making of policemen. In P. K. Manning & J. Van Maanen (Eds.), *Policing: A view from the street* (pp. 292–308). Santa Monica, CA: Goodyear.
- Walker, S. (1983). *The police in America: An introduction*. New York: McGraw-Hill.
- Wilson, J. Q. (1968). *Varieties of police behavior: The management of law and order in eight communities*. Cambridge, MA: Harvard University Press.

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## PRISON

PETER B. WOOD

*Eastern Michigan University*

In 21st-century America, imprisonment has become a \$60+ billion per year industry, and will continue to increase in scope in the coming decades. The “prison industrial complex” includes not only those agencies directly involved in delivering punishment (courts, corrections, parole and probation agencies, etc), but also a widening array of vested interests that depend for their political and economic well-being on an ever-increasing supply of inmates. This new constellation of interests includes financial institutions that bankroll and finance construction and management of correctional institutions; political action committees that lobby for new prisons; politicians who run on law-and-order platforms that emphasize punishment for criminal offenders; local development authorities that compete for prisons, believing they will be economic development catalysts for their communities; the many for-profit firms engaged in prison privatization; architectural and construction firms that specialize in large institutions; and a broad range of service providers that seek to secure long-term contracts to provide telecommunications, transport, correctional technologies, food and beverage, clothing, computers, and personal hygiene products to the 2.4 million inmates that currently reside in American prisons and jails.

Beyond the tremendous recent growth in the number of inmates and facilities associated with imprisonment, several developments unique to this new era of punishment deserve notice. But before they are introduced, it is instructive to

provide some information about how the scope of imprisonment has changed in the last 30 years.

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### The Transition From 20th- to 21st-Century Imprisonment

For several decades prior to the 1970s, what was most notable was the remarkable stability of the incarceration rate, averaging about 110 per 100,000 (excluding jail populations). While there were minor fluctuations in this period, the rate remained very stable, which led some criminologists to hypothesize a “theory of the stability of punishment,” suggesting that a given society develops a certain culture regarding the level of punishment with which it is comfortable, and then, consciously or not, adjusts its policies and practices to meet this desired outcome. In 1972, federal and state prisons held 196,000 inmates for a prison incarceration rate of 93 per 100,000. In addition, about 130,000 inmates were held in jails, resulting in about 1 out of every 625 adults serving time in jails or prisons.

At the time, this level of imprisonment was viewed as egregiously high among those supporting a moratorium on prison construction, and in 1972, the National Council on Crime and Delinquency passed a policy statement calling for a halt to prison construction in the United States. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals recommended that “no new

institutions for adults should be built and existing institutions for juveniles should be closed,” and concluded that “the prison, the reformatory, and the jail have achieved only a shocking record of failure. There is overwhelming evidence that these institutions create crime rather than prevent it” (National Advisory Commission on Criminal Justice Standards and Goals, 1973, p. 1).

Despite these sentiments, a prison expansion unprecedented in human history was about to take place. No one would have predicted that a large-scale imprisonment binge would characterize the next three decades. Many scholars point to the 1974 “Martinson report” (known for finding that “nothing works” to rehabilitate criminals) as signaling the death knell of the rehabilitation ideal in the United States, and since the late 1970s policy and public opinion has shifted toward more certain and severe punishment characterized by longer prison terms for an ever-increasing number of offense types.

The imprisonment binge over the past 30 years has resulted in a 700% increase in the U.S. incarceration rate to 762 per 100,000 and approximately 2.3 million in prisons (1.5 million) and jails (800,000) in 2007 (The Sentencing Project). With 1 out of every 100 adults incarcerated, the United States boasts the world’s highest incarceration rate (well ahead of the Russian rate of 635 per 100,000) and accounts for about 25% of the entire world’s imprisoned population. At present, this trend shows no sign of reversing. In addition, nearly 800,000 prisoners per year are now being released from prisons and jails into communities across the United States—the majority of whom will be readmitted within 3 years. The staggering growth in imprisonment in the United States and its scope compared to the past has generated several unique situations and circumstances not previously seen or anticipated. These include but are not limited to prison hosting, coercive mobility and its effects, issues associated with prisoner reentry, a host of “invisible punishments” and their consequences, and the impact of mass imprisonment on minority groups—particularly African Americans.

## Prison Hosting in the 21st Century

In the past, prisons have been viewed as undesirable, and communities have traditionally lobbied against the placement of correctional facilities in their midst. Such institutions were regularly a focus of the NIMBY (Not In My Back Yard) and LULU (Locally Unwanted Land Uses) literatures, along with community mental health centers, mental institutions, free health and methadone clinics, homeless shelters, and other agencies or institutions that residents viewed with concern and even fear.

Such concerns have faded as communities now lobby fiercely for the opportunity to host prisons. Particularly for counties and communities that have fallen on hard economic times, a new prison offers the prospect of a new

industry, new jobs, and a potential economic catalyst that will spark community growth and development. Most new prisons in the past 20 years have been built in rural communities characterized by high unemployment and low wages, as local development agencies and authorities are lobbied by correctional firms and interests with the promise of higher wages, job opportunities, and so-called “multiplier effects” that are presumed to enhance quality of life for local residents (Wood & Dunaway, 2003).

Over 1,000 new correctional facilities were built in the United States in the last two decades of the 20th century—most in poor rural communities. Between 1980 and 2003, over 350 rural counties built prisons, and some counties boasted several. Nearly 250 prisons opened in 212 of the nation’s 2,290 rural counties in the 10-year period between 1991 and 2001 alone (Beale, 2001). In short, one (or more) prison(s) opened in approximately 10% of all rural counties in the United States in just those 10 years. Currently, nearly 60% of prisoners residing in prisons live in facilities built since 1980 in rural areas, and the average of 25 new rural prisons opening each year in the 1990s (in 1998, a total of 38 new rural prisons opened, the peak year for new rural prisons) is a significant departure from a yearly mean of 16 in the 1980s and 4 in the 1970s.

Correctional facilities are particularly attractive to local legislators and development authorities who seek to “bring home the bacon” to their constituents and hopefully promote economic development in their communities. In addition to the hope that jobs will be created during construction as well as service and supply jobs once the facility is in operation, counties typically charge the state for each inmate/day that a state inmate is housed at the county-level facility. Further, rural counties use minimum-security inmates for municipal and public works. For many rural counties, the majority of municipal and public work is conducted by state inmate road crews. The expense of local municipal services (trash and debris removal, construction work, road maintenance, etc.) is significant, and can be offset by requiring that inmates perform these services as part of their sentence—at no cost to the county. Thus, counties anticipate several payoffs; a new facility may serve as an economic catalyst, counties charge the state to house inmates, and counties use inmates to perform municipal services. In addition to publicly funded facilities, private prisons are increasingly likely to be located in economically distressed rural areas. Prison expansion has spawned a new and powerful coalition of vested interests with stakes in keeping prisons full and building more of them. The result has been a financial and political bazaar with prisoners as the prize.

Any new prison is likely to remain operating in place for at least 50 years, which appeals to communities as a secure source of employment. But there is little evidence that prison hosting stimulates economic development at the local level (Herival & Wright, 2007). Several national and regional studies have demonstrated that rural counties

that host prisons typically show no positive benefits in per capita income or reduced unemployment compared to non-prison areas. Why is this the case?

While prisons create jobs, they don't usually go to people in those communities, who don't have the skills or civil service rating to become a correctional officer. And in rural communities, people are used to commuting long distances to work, so guards at nearby prisons may choose to transfer to the new ones. Also, aggressive pursuit of new prisons can create an imbalance in a county's economic development strategy. Energies devoted to prison lobbying can detract from other pursuits that might create more jobs. In addition, there is a stigma attached to becoming viewed as a prison town. How many people think of a family trip to Attica as a summer vacation option?

The prison-building binge may have slowed in recent years, but given the projected increases in national prison populations, other states may soon follow the lead of California, which recently established a plan to add another 53,000 prison, jail, and juvenile detention beds for an estimated cost of \$7.9 billion. Though current economic woes have caused federal and state governments to reduce their investments in punishment, the expected future increase in the number of inmates, correctional institutions, and costs associated with the decades-long expansion has enough momentum to carry well into the mid-21st century.

### Coercive Mobility in the 21st Century

The aim of get-tough sentencing policies was to reduce crime and improve community life, but neither policymakers nor the public anticipated how putting so many people in prison would damage the communities from which they were removed. While mass imprisonment has indeed incapacitated many who would otherwise have an overall negative effect on community life, it has also removed thousands of people who had a net positive effect on the economy, families, and the community as a whole. Many communities now face economic hardship, family disruption, and more crime due to high levels of incarceration.

A growing literature has begun to document the effects on community life of America's 30-year incarceration binge, but only a few studies have analyzed the complex relationship between incarceration and crime. Most scholarship that examines the incarceration-crime relationship has applied a social disorganization framework. In their seminal Chicago Area Project, Shaw and McKay (1942) found that the highest crime rates were in neighborhoods marked by social disorganization: dilapidated housing and infrastructure; unemployment; poverty; and most important, high residential mobility—people moving in and out of the neighborhood at a high rate. Much subsequent research confirms that crime is disproportionately concentrated in these types of neighborhoods. Because of conditions in these neighborhoods, those who "make it" move out, eroding a community's

ability to maintain primary institutions like schools, churches, and neighborhood associations. Social disorganization theorists argue that high residential mobility limits the formation of strong social networks essential in controlling crime, undermining the stability necessary to establish the elements of social capital (i.e., trust, empowerment, norms, and reciprocity) that serve as the backbone of effective mechanisms of informal social control.

Coercive mobility (incarceration and prisoner reentry) is concentrated in poor, urban, and predominantly minority neighborhoods and is an important source of residential mobility that leads to social disorganization and crime. But unlike voluntary mobility, coercive mobility has profound negative effects on other aspects of social life such as labor market participation, family functioning, and political participation. While not all coercive mobility results in social disorganization, at some level (a "tipping point") the benefit of removing those disruptive to the community (criminals) is outweighed by the costs of removing parents, workers, and family members who provide a net positive effect on social capital and informal social control. When the tipping point is reached, too much incarceration can weaken community economies, family relationships, and overall social capital and lead to higher crime rates.

Clear, Rose, Waring, and Scully (2003) collected community-level data regarding prison admission rates, prison release rates, and crime rates for several neighborhoods in Tallahassee, Florida, and Renauer, Cunningham, Feyerherm, O'Connor, and Bellatty (2006) collected similar data on 95 communities in the Portland, Oregon, area. Both research efforts found coercive mobility concentrated in poor communities with large minority populations, and communities with extremely high coercive mobility had higher subsequent crime rates even when controlling for other indicators of social disorganization. As expected, the relationship between coercive mobility and crime was curvilinear—incarceration reduced crime at moderate levels, but began to increase crime rates when they reached a tipping point of about 1.7 per 100 people in Tallahassee and about 2.75 per 100 in Portland.

High levels of incarceration may not lead to less crime because communities with the highest levels of incarceration (poor, predominantly minority ones) are actually weakened by the very thing that is supposed to make them safer. Research described above supports the idea that, at the community level, low and moderate levels of incarceration can reduce crime, but high levels of incarceration can increase it by reducing social and neighborhood capital.

### Coercive Mobility and Counting Prisoners

In 21st-century America, imprisonment typically moves people out of large urban centers and into rural communities. This has major implications for electoral apportionment and financial distributions. The census general rule is to count people in their usual residence, "the place where they live and sleep most of the time." The usual residence need

not be the same as a person's legal or voting residence, and a person need not be there at the time of the literal census. The person can take a vacation and still count at home, or even work overseas and still count at home.

The Census Bureau counts prisoners as residents of the town that contains the prison in which they are housed. This practice reduces the population of communities where most prisoners originate (usually urban, low-income, minority communities) and swells the population of rural communities that host prisons. When prisoners are counted as residents of the prison town, it leads to misleading portrayals of which counties are growing or declining. Urban and black communities are the losers in the census count, since congressional apportionment of services, grants, funds, poverty relief, welfare, and so forth are based on census figures.

An accurate count of the population is used to apportion voting representation, draw political boundaries, and allocate state and federal funds among local and state governments. Mass incarceration distorts this fundamental tool of representative democracy. In the 1990s, 30% of new residents in upstate New York were prisoners. About 200 counties in the United States have more than 5% of the population in prison. Many have more than 20% of their population in prison. (In at least 21 Texas counties, inmates account for over 20% of the local population.) But when released, prisoners usually return to the community they call home. Whatever benefits accrue to a jurisdiction by virtue of its population, urban communities with high incarceration rates are losing. Conversely, rural counties with prisons are getting more than their fair share.

The official constitutional purpose of the census is political apportionment. About 12% of all African American men live in prison. Most of them are apportioned to districts that do not reflect the interests of their home communities or their personal political concerns. Significant densities of prisoners in state legislative districts are important because most criminal justice policy is made at the state level. Each free resident of a rural district with prisons gets a larger voice in the state capital than free residents in urban districts that have high numbers of residents in prisons. Prisons inflate the political clout of every real rural constituent. And at the state level, counting urban residents as rural residents dilutes urban voting strength and increases the weight of a vote in rural districts.

Larger places (those with larger populations) receive a correspondingly larger share of government resources. The primary measure of size for determining resource distribution is the official census count. The coercive mobility of offenders creates a consistent distortion in funding formulas such that rural counties come out ahead of urban counties that send them prisoners. For example, the U.S. Department of Agriculture (USDA) distributes some \$60–70 million annually to poor Appalachian communities via the Appalachian Regional Commission, and population is a distribution factor—so rural communities with prisons have an advantage over those without prisons. The USDA does not intend to reward prison construction, but that is the result.

It is estimated that the total cost of counting prisoners in their prison communities rather than their home communities runs between \$50 and \$250 per person, and averages about \$100 or more per prisoner for the local community where they are housed. When a jurisdiction plans to open a new 1,000-bed prison, it can generate at least \$100,000 in new “unearned” revenues that accrue simply from counting the prisoners. That \$100,000 doesn't sound like much, but it can mean a new fire truck, a renovation for a youth center, or a computer upgrade for a municipality. In sparsely populated areas, large prisons in small towns can result in significant distortions of the local population. A new 500-bed prison can yield \$50,000 in new revenue. The most dramatic impact can be seen in towns like Florence, Arizona, with a free population of about 5,000 and another 12,000 in at least three prisons. State and federal funds specifically linked to the prison population are estimated at \$4 million annually. This has tempted other towns to follow the path toward prison hosting.

Another effect of coercive mobility and counting prisoners where they are held is on the calculation of per capita income, which is figured by dividing the total community income by the total population. When prisoners account for a substantial proportion of the population, the apparently low per capita income makes that community more competitive for U.S. Housing and Urban Development (HUD) grants aimed at low-income areas. The appearance of greater need results in those communities getting more than their fair share. For example, in Virginia, distribution of K–12 education aid uses a formula based on county population. Several years ago, according to the Census Bureau, Rural Sussex County, which has a population that is 19% inmates, received \$115,000 extra as a result of the imprisoned population. Henrico County (Richmond) loses roughly \$200,000 as a result of the “exported” prisoner population. And because Latinos and blacks are imprisoned at 4–8 times the rate of whites, where incarcerated people are counted has significant implications for how black and Latino populations are reflected in the census.

Prison towns gain political clout through enhanced population, while the urban areas from which they come are further deprived through the loss of political influence and resources. When prison communities are credited with large, externally sourced populations of prisoners—who are not local residents—it turns the “one person, one vote” principle on its head. Prison towns do not share a “community of interest” with urban prisoners or their loved ones or neighborhoods. This phenomenon is unique to the new landscape of 21st-century corrections.

## Prisoner Reentry in the 21st Century

Over the past 15 to 20 years, a significant body of scholarship has addressed the issue of prisoner reentry into society, a focus that evolved due to the rapidly increasing

number of prisoners being released—now nearly 800,000 per year—as well as the high rate of recidivism. (About two thirds of prisoners are readmitted to prison within 3 years of release.) This issue has become a major concern among those who study issues associated with reentry, deterrence, rehabilitation, and the possible criminogenic effects of imprisonment. Some scholars are convinced that the return of so many offenders—many who are committed to a criminal lifestyle—has a significant independent effect on crime rates.

In 2000, researchers at the Urban Institute launched an ongoing inquiry into prisoner reentry research to better understand the pathways to successful reintegration; the social and fiscal costs of current policies; and the impacts of incarceration and reentry on individuals, families, and communities. Their findings focus on several key dimensions of reentry.

### **Housing and Reentry**

Perhaps the most immediate challenge facing returning prisoners is to secure housing. Many plan to stay with families, but those who don't face limited options. The process is complicated by scarcity of affordable and available housing, legal barriers and regulations, prejudices that restrict housing options, and strict eligibility requirements for federally subsidized housing. Research shows that those without stable housing are more likely to return to prison, and the majority of released prisoners themselves believe that having stable housing is important for successful reentry.

The majority of returning prisoners live with family members or intimate partners after release. Three months after release, 60% to 85% of returning prisoners live with families or partners. Many return home to living arrangements that are only temporary, and 6 to 8 months after release about one third had lived at more than one address. More than half of returning prisoners in Illinois thought they would not be staying in their current neighborhood for long, and in Maryland over half expected to be moving within weeks or months (Lynch & Sabol, 2001). Those who do not stay with family face limited options—many of which are unavailable to formerly incarcerated people. The shortage of affordable and available housing is a serious problem for returning prisoners.

### **Employment and Reentry**

Finding and maintaining employment is critical to successful prisoner reentry. Employment is associated with lower rates of reoffending, and higher wages are associated with lower rates of criminal activity. But prisoners face enormous challenges in finding and maintaining legitimate job opportunities—including low levels of education, limited work experience, and limited vocational skills. This is further compounded by the incarceration period during

which they forfeit the opportunity to gain marketable work experience and sever professional connections and social contacts that might lead to employment on release. In addition, the general reluctance of employers to hire former prisoners serves as a barrier to job placement.

While prisoners believe that having a job would help them stay out of prison, on average only about 1 in 5 reported that they had a job lined up immediately after release. Moreover, despite the need for employment assistance, few prisoners receive employment-related training in prison. Even ex-cons who do find work do not necessarily have full-time or consistent work. At 4 to 8 months after release, 44% of Illinois respondents reported having worked for at least 1 week since their release. But less than one third were employed at the time of the interview, and only 24% of all respondents were employed full-time. At their first post-release interview, nearly 60% of ex-cons in Maryland were either unemployed or working less than 40 hours per week (Lynch & Sabol, 2001). Making things more difficult, transportation is a significant barrier to employment. More than one third of released prisoners had problems obtaining a car for work, and nearly one quarter reported problems accessing public transportation. It is widely accepted that finding and maintaining employment reduces recidivism, and an increase in levels of employment serves to reduce drug dealing, violent crime, and property crime.

### **Health and Reentry**

Released prisoners have an extremely high prevalence of mental disorders and chronic and infectious diseases—much higher than in the general population. Ex-cons face limited and insufficient access to community-based health care upon release. Further, incarceration disqualifies inmates from Medicaid eligibility, and restoring eligibility can take several months—interrupting access to prescription drugs and health care. Between 30 and 40% of released prisoners reported having a chronic physical or mental health condition—most commonly depression, asthma, and high blood pressure. In New Jersey, one third of those released in 2002 had at least one chronic or communicable medical condition. Many more released offenders report being diagnosed with a medical condition compared to those who received medication or treatment for the condition while incarcerated. Only 12% report having taken medication regularly in prison. In Ohio, over half reported depression, but only 35% reported receiving treatment or medication. While 27% reported having asthma, less than 14% received treatment for it (Lynch & Sabol, 2001).

Corrections agencies often lack discharge planning and preparation for health care needs upon release. Less than 10% of Illinois ex-cons received referrals to services in the community. Securing health care is a major concern for many released prisoners. At least 75% of those interviewed said they needed help getting health care after release. As

might be expected, the vast majority of returning prisoners have no medical insurance—only 10% to 20% reported having private insurance.

### Substance Use and Reentry

Research shows that while 83% of state prisoners have a history of drug use, only about 15% of this group receives treatment in prison, and even fewer continue to receive appropriate treatment once released. The majority of those released have extensive substance use histories. In Maryland, in the 6 months before entering prison, over 40% of offenders reported daily heroin use, while nearly 60% of returning prisoners in Texas reported daily cocaine use. Prisoners identify drug use as the primary cause of their past and current problems, but few prisoners receive drug treatment while incarcerated. In New Jersey, though 81% of inmates had drug or alcohol problems, program capacities were limited to only 6% of the state prison population. In Texas, substance abuse program capacity can only serve 5% of the potential population in need (Lynch & Sabol, 2001).

Researchers agree that in-prison treatment is much more likely to effectively sustain a decline in substance use if it is tailored to an individual's need and level of risk, and if it is linked to drug treatment aftercare in the community. Those with substance use histories and who engage in substance use after release are very likely to reoffend.

### Families and Reentry

Well over half of U.S. prisoners are parents of minor children, and up to 75% of incarcerated women are mothers of minors. Nearly 3% of all minor children in the United States, and nearly 10% of children of color, have a parent in prison. When a parent is sent to prison, the family structure, financial responsibilities, emotional support systems, and living arrangements are all affected. Incarceration can drastically disrupt spousal relations, parent-child relations, and family networks. There are significant challenges to maintaining family contact while in prison, including visiting regulations, transportation costs to distant facilities, other financial barriers, and emotional strains. More than half of incarcerated parents report never having received a visit from their children.

Nearly 75% of returning prisoners in Illinois and Maryland felt that family support had been important in helping them to avoid prison after release, and strong family support before prison may also reduce likelihood of recidivism. Those who reported positive family relations were less likely to be reconvicted, while those who reported negative family relations were more likely to be reconvicted and reincarcerated. Those with closer family relations and strong family support were less likely to have used drugs since release. Most prisoners have contact with family and children, but it is usually through phone and

mail. In Illinois, only 13% of returning prisoners had had in-person contact with family members or children; 29% had visits from spouses/partners.

Distance to the correctional facility is one of the greatest challenges to maintaining contact. Three quarters of family members surveyed said the distance to the facility was the main problem with visitation. For the two thirds who did not visit family in prison, the median estimated travel time to the prison was 4 hours longer than those who did visit. This issue of distance and visitation is exacerbated in the context of coercive mobility. The 500 Hawaiian prisoners housed in Mississippi are unlikely to receive any visitation during their prison stay, and neither are the 1,500 Californian prisoners due there. States routinely exchange hundreds and thousands of prisoners in order to minimize the cost of housing them in-state.

Close family relationships can improve employment outcomes for returning prisoners, and closer family and partner relations and stronger family support result in more employment after release—likely because many releasees are hired by family members. But it has become increasingly common to export and import prisoners across state lines in order to save money, and more difficult for prisoners to maintain family ties and support systems while incarcerated.

### Communities and Reentry

Released prisoners are returning in high concentrations to a small number of communities in urban areas—having a profound and disproportionate effect on community life, family networks, and social capital in these neighborhoods. These places are characterized by social and economic disadvantage, which compounds the problems associated with reentry. In addition, research shows that high rates of incarceration and reentry may destabilize these communities and result in higher crime rates.

A relatively large number of prisoners return to a small number of cities in each state. For example, recent data show that Chicago and Baltimore received more than half of all prisoners returning to Illinois and Maryland, respectively. Houston received one quarter of all prisoners returning to Texas. Two of New Jersey's 21 counties accounted for one third of all returning prisoners. Nearly 49% of prisoners returning to Massachusetts returned to just two counties. Five of Idaho's 44 counties accounted for three quarters of returning prisoners. Returning prisoners are often clustered in a few neighborhoods in these cities. For instance, 8% of Chicago communities accounted for over one third of all prisoners returning to Chicago; 7% of the zip codes in Wayne County, Michigan (8 of 115)—all of which are in Detroit—accounted for over 40% of all prisoners being released in that state.

High levels of social and economic disadvantage characterize communities to which prisoners return. These

communities have above-average rates of unemployment, female-headed households, and families living below the federal poverty level. Former prisoners who relocate tend to move to neighborhoods similar to the ones they left, with similar disadvantages, and prisoners returning to neighborhoods that are unsafe and lacking in social capital are at greater risk of recidivism and reincarceration.

### Public Safety and Reentry

Over two thirds of released prisoners are arrested for a new crime within 3 years of release—many within the first year. Released prisoners make a substantial contribution to new crimes. Most returning prisoners have extensive criminal histories. Most returning prisoners (80%–90%) had at least one prior conviction, and at least two thirds have previously served time in prison. In Massachusetts, 99% of those released in 2002 had been previously incarcerated in a state or county facility. About 80% of those released from the Philadelphia prison system had been previously incarcerated there.

Many released prisoners are reconvicted or rearrested for new crimes—many within the first year of release. About one third are reconvicted or reincarcerated within 1 year. In Maryland, about one third had been rearrested for at least one new crime within 6 months of release, 10% had been reconvicted, and 16% had been returned to prison/jail for a new crime conviction or parole/probation violation. Releasees with substance use histories and who use substances after release are at high risk to recidivate.

### Community Supervision and Reentry

The vast majority of released prisoners (over 80%) are subject to a period of community supervision. There are now over 800,000 parolees in the United States, up from about 200,000 in 1980. And there are many more offenders under probation or some other community-based sanction—of the 8 million under correctional supervision, about 70% are in the community. Resources have not kept up with the increase. Most probation and parole officers average 70 or more cases—about twice the recommended number. Persons on community supervision account for nearly 40% of new prison admissions nationally. Parole and probation violations have increased significantly over the past 25 years, and the number of persons returning to prison for a violation increased 1,000% between 1980 and 2000. About 40% of prisoners in state prison/jail are serving time for a probation and parole violation. Probation and parole officers appear to have little effect on rearrest rates of released prisoners. Findings show that prisoners who are released under supervision fare no better than those without supervision—their rearrest and reconviction rates are not significantly different.

What does all this tell us? Prisoner reentry is fraught with problems, the numbers are increasing rapidly, and not

enough resources are being put into the process—particularly given the increase in the number of returning prisoners. This is a growing and difficult problem that has no easy solution and that requires significant investment in time and energy to address.

### Invisible Punishments in the 21st Century

Entering the 21st century, a new set of dynamics has come into play that calls for an understanding of the ways in which the effects of prison on society are both quantitatively and qualitatively different from previous times. These effects have been conceptualized as collateral consequences of imprisonment and have been dubbed “invisible punishments” by scholars (see Mauer & Chesney-Lind, 2002, for an overview). They are invisible in that they are rarely acknowledged in the courtroom when they are imposed, and equally rarely assessed in public policy discussions. These themes, and their impact on individuals and communities, should be the subject of careful scrutiny by those who study prison dynamics in the 21st century. While prison has always affected the individuals who are imprisoned and their families, the scale of imprisonment now magnifies these effects and expands their scope. Further, the racial dynamics of imprisonment have become a central component of this social policy.

### Barriers to Reintegration Among Released Offenders

Once a prison term is completed, the transition back into the community is almost always difficult. Having limited connections with the world of work, for example, becomes even more problematic with the stigma of imprisonment attached to former offenders. In an economy increasingly characterized by a division between high skills/high technology and a low-skill service economy, few offenders have promising prospects for advancing up the job ladder—or even finding a spot at the bottom of it.

Over the past 30 years, policymakers have expanded the reach of punishments beyond sentencing enhancements, and have enacted a new generation of collateral sanctions that impose serious obstacles to a person’s life chances long after a sentence has been completed. Many of these obstacles are related to the war on drugs, and include a seemingly endless series of restrictions placed on those convicted of a drug offense. Depending on the state, an 18-year-old with a first-time conviction for felony drug possession now may be barred from receiving welfare benefits for life, prohibited from living in public housing, denied student loans to attend college, permanently excluded from voting, and may be deported if not a U.S. citizen. Ironically, many of these sanctions pertain only to drug offenders, not those convicted of murder, rape, and other serious violent offenses.



## Impact on Families and Communities

A growing number of children have a parent in prison, and current estimates place this number at well over 1.5 million. But the racial dynamics of imprisonment produce a figure of between 7% and 10% or up to 1 in 10 for black children. Since this reflects a 1-day count, the proportion of black children who have experienced parental incarceration at some point in their childhood is considerably greater. Being the child of a criminal is not a status worth boasting about; shame and stigma are still the norm. One common consequence of this stigma is the severance of social ties to family and friends, which low-income families rely upon to cope with poverty and other hardships. The impact of parental incarceration will vary depending on which parent is imprisoned. Mothers in prison are far more likely to have been primary caretakers of children prior to imprisonment and were often single parents, and this dramatically impacts the children they leave behind.

In addition to the experience and stigma of parental incarceration, children in low-income minority communities now grow up with a strong likelihood of spending time in prison themselves. An estimated 1 in 3 black males born today can expect to go to prison. While they may not know these odds, their life experiences communicate this reality as they witness older brothers, cousins, parents, and neighbors cycling in and out of prison. Some contend that prison has become a “rite of passage” for young black men today and is almost welcomed as a badge of honor in certain communities. Prison is increasingly viewed as an inevitable part of the maturation process for many low-income minority children—in the same way that going to college is the norm in many middle- and upper-class communities. When there is little chance of traditional success (schools, college, jobs, marriage, etc), the often-taught value of hard work leading to success may seem unrealistic to many children in these communities.

## Mass Imprisonment and Voter Disenfranchisement

When the nation was founded in the late 1700s, the vast majority of people in the United States were ineligible to participate in democratic life. Excluded were women, blacks, Native Americans, and other minorities, as well as illiterates, poor people, and felons. Only white males were “citizens” with the right to vote. Over the course of 200 years, restrictions for all these categories have been lifted—save for those with felony convictions.

Today, some 5 million Americans are ineligible to vote as a result of a felony conviction in the 48 states and D.C. that employ disenfranchisement policies for varying degrees of felons and ex-felons. If there was any doubt about the effect of these laws, consider the 2000 presidential election in Florida. That election was decided by less than 1,000 votes in favor of George W. Bush, while an

estimated 600,000 former offenders—people who had already completed their sentences—were ineligible to vote due to that state’s restrictive policies. One wonders who most former inmates would have supported.

While an estimated 2% to 3% of the national population is disenfranchised, the rate for black men is 13%, and in some states is well over 20%. When such high numbers of men in urban communities can’t vote, the voting power/efficacy of that whole community is reduced in relation to communities with low rates of incarceration. New evidence indicates that disenfranchisement effects go well beyond the legally disenfranchised population. Studies of voter turnout show that in the most restrictive states, voter turnout is lower, particularly among African Americans, and even among persons who themselves are not disenfranchised as a result of a felony conviction. Voting is a civic duty, and a process engaged in with families and communities. Family members talk about elections at home, drive to polls together, and see their neighbors there. When a substantial number of people in a community are legally unable to vote, it is likely to dampen enthusiasm and attention among others as well. Forty years after the Voting Rights Act was passed, mass imprisonment and disenfranchisement results in a greater proportion of African American and other minority communities losing the right to vote each year.

## Mass Imprisonment and State Budgets

Regarding the impact of mass imprisonment on state economies, specifically higher education, a recent report by Grassroots Leadership shows how massive spending on Mississippi prisons has siphoned funds from classrooms and students, leaving higher education appropriations stagnant and African Americans shouldering the burden. The report documents a startling shift in Mississippi budget priorities. In 1992, the state spent most of the discretionary portion of its budget on higher education. By 2002, the majority of discretionary funds went to build and operate prisons. Between 1989 and 1999, Mississippi saw per capita state corrections appropriations rise by 115%, while per capita state higher education appropriations increased by less than 1%. Mississippi built 17 new prisons between 1997 and 2005, but not one new state college or university. And several more Mississippi prisons are under construction or consideration. There are now almost twice as many African American men in Mississippi prisons as in colleges and universities, and the state spends nearly twice as much to incarcerate an inmate as it takes to send someone to college. Moreover, due to new drug laws and a “truth-in-sentencing” bill passed in the mid-1990s, nearly 70% of those imprisoned in the state are nonviolent offenders. Mississippi is not unique in this situation—most states have followed this path and are facing serious budget shortages due to multiyear commitments to expand their correctional systems.

These and other dynamics of mass imprisonment make up what are called invisible punishments or collateral consequences. Changing the trends noted here are difficult for several reasons. First, it is very difficult to alter prevailing sentencing policies and practices, which can be legislated in a matter of hours but take years to undo. In a broader sense, the national commitment to mass imprisonment is deeply embedded in a punitive and individualistic approach to social policy. This has not always been the case in the United States, and is certainly not the style adopted in many other countries. Changing this political and social environment remains the real obstacle to a more effective and humane crime policy.

### Race and Imprisonment in the 21st Century

In the 50-plus years since the historic *Brown v. Board of Education* decision that ordered desegregation of public education, no American institution has changed more than the criminal justice system, and in ways that have profound effects on the African American community. Mass imprisonment has produced record numbers of Americans in prison and jail (now approaching 2.5 million) and has had a disproportionate effect on African Americans. There are now about 10 times as many African Americans in prison/jail as on the day of the *Brown* decision (98,000 in 1954; nearly 1,000,000 in 2007).

Today, 1 out of every 21 black men is incarcerated on any given day. For black men in their twenties, the figure is 1 in 8. Given current trends, 1 of every 3 (32%) black males born today can expect to go to prison in his lifetime (U.S. Bureau of Justice Statistics [BJS] Web site). More than half of black men in their early 30s who are high school dropouts have a prison record. With regard to black women, 1 of every 18 black females born today can expect to go to prison—6 times the rate for white women. Moreover, black women born today are 5 times more likely to go to prison in their lifetimes than black women born 30 years ago.

Factors contributing to the dramatic increase in the number of African Americans in prison/jail are complex, and involve dynamics both within and outside the criminal justice system. Incarceration rates are about 8 times higher for blacks overall than for whites, and high school dropouts are more than twice as likely to end up in prison than are high school graduates. Consequently, much of the growth in imprisonment has been concentrated among minority young men with little education. By the late 1990s, two thirds of all prison inmates were black or Hispanic, and about half of all minority inmates had less than 12 years of schooling.

Imprisonment has become so pervasive among young black men that it is now viewed as a common stage in the life course by some researchers (Pettit & Western, 2004). Among all men born between 1965 and 1969, an

estimated 3% of whites and 20% of blacks had served time in prison by their early thirties. Among black men born during this period, 30% of those without a college education and nearly 60% of high school dropouts went to prison by 1999. For black men in their mid-30s at the start of the 21st century, prison records were nearly twice as common as bachelor's degrees, and imprisonment was more than twice as common as military service. Imprisonment has become a common life event for black men that sharply distinguishes their transition to adulthood from that of white men.

Black/white inequality is obscured by using employment and wage figures that fail to include inmates. From a life course perspective, the earnings of ex-convicts diverge from the earnings of non-convicts as men get older. By their late 20s, non-convicts have usually settled into a stable path of earnings growth, while ex-convicts follow an unstable trajectory of irregular/transitory employment and low earnings. Research notes that white offenders tend to age out of crime earlier than do black offenders, suggesting that employment and wage earning deficits experienced by black ex-convicts may endure for a longer period of time than for white ex-convicts.

Changes in the criminal justice system over the past 25 years have been wide-ranging, affecting policing, sentencing, prison construction, postrelease supervision, and a variety of other policy areas at the state and federal levels. The sheer magnitude of the commitment of public resources is comparable to that expended in the social welfare efforts of the 1960s and 1970s. Unlike antipoverty policy, however, the punitive trend in criminal justice policy serves to conceal and deepen economic inequality between blacks and whites. Whereas it has often been considered how welfare, employment, and education policy affects inequality, it is now known that criminal justice policy over the past 25 years has impacted racial economic inequality in a significant way, to the point where inequality can be seen as a product of the expansion of mass imprisonment.

### Conclusion

Over the past 30 years, a complex set of social and political developments has produced a wave of building and filling prisons unprecedented in human history. Beginning with less than 200,000 in 1972, the number of inmates in U.S. prisons has increased to over 1.5 million today. Add to this the over 800,000 inmates in local and regional jails either awaiting trial or serving sentences, and a remarkable 2.4 million (and counting) Americans are behind bars as of 2008.

These figures take on more meaning in comparison with other nations. The United States locks up offenders at a rate 6 to 10 times that of other industrialized nations. The next-closest nation to ours in incarceration rates is Russia—which has been de-incarcerating for several years now. The nature and

meaning of incarceration in the United States have changed in a variety of profound ways with far-reaching implications.

Among these is the institutionalization of a societal commitment to the use and expansion of a massive prison system. Nearly two thirds of prisons today have been built in the past 20 years. These prisons are expected to hold offenders for at least the next 50 years, guaranteeing a national commitment to a high rate of incarceration. The growth of the system has spawned a set of vested interests and lobbying forces that perpetuate a societal commitment to imprisonment. The nearly 1,000,000 prison and jail guards, administrators, service workers, and other personnel represent a potentially powerful political opposition to any scaling down of the system.

The idea of prisons as sources of economic growth appeals to many communities that have lost jobs in recent years. Communities that once organized against the location of prisons now beg state officials and private prison companies to construct new prisons in their backyards. But the scarce research available questions the promise of prisons as economic development catalysts. There is also a rapidly expanding prison privatization movement focused on the bottom line of profiting from imprisonment. Privatization has produced a new dynamic in mass imprisonment that encourages the production of more inmates—which means more money and more profits.

The near permanent status of mass imprisonment is evidenced despite expressed concerns that often focus on the problem of funding for an expanding prison system that diverts resources from other public spending. Vast expenditures on corrections systems are now considered the norm, and represent the largest growth area in most state budgets. Virtually every state has engaged in a significant if not massive prison construction program over the past 20 years, financed through general funds; bonds; and more recently, public-private venture arrangements, which put communities into further long-term debt.

The impact of incarceration on individuals can be understood to some degree, but the effect of mass imprisonment on African American communities is a phenomenon that has only recently been investigated. Marc Mauer (Mauer & Chesney-Lind, 2002) of The Sentencing Project has asked what it means to a community to know that 4 out of 10 boys growing up will spend time in prison; what it does to family and community to have such a substantial proportion of its young men enmeshed in the criminal justice system; what images and values are communicated to young people who see the prisoner as the most prominent or pervasive role model in the community; and what the effect is on a community's political influence when one quarter of black men cannot vote as a result of a felony conviction.

New prison cells are increasingly being used for drug and nonviolent offenders. About 3 of every 5 (61%) new inmates added to the system in the 1990s were incarcerated for a nonviolent drug or property offense. In the federal system, three quarters (74%) of the increase in the inmate

population are attributed to drug offenses alone. Incarcerating ever-increasing numbers of nonviolent property and drug offenders is not the only option open to policymakers, nor is it the most cost-effective. A large proportion of these offenders would be appropriate candidates for diversion to community-based programs—if policy could be diverted away from imprisonment.

Direct consequences of the wars on drugs and crime include the imprisonment of literally millions of people, most of whom are guilty of relatively petty crimes; their lengthy and debilitating incarceration; and their ejection (reentry) back into society—ill-prepared and handicapped by their stigmatized social status. The direct financial cost of the imprisonment binge has been well publicized, and exceeds \$60 billion per year. What has not been emphasized enough are the invisible or collateral damages of mass imprisonment, including the harm done to other social programs because so much money has been siphoned off into corrections, the diminution of civil rights of many kinds, the erosion of traditional values of fairness and tolerance, the damage done to families and communities, and the creation of new and powerful lobbying groups with vested interests in more imprisonment. Imprisonment in the 21st century has generated far-reaching consequences that touch virtually every aspect of life, for prisoners and non-prisoners alike, and will continue to do so into the foreseeable future.

## References and Further Readings

- Beale, C. (2001, August). *Cellular rural development: New prisons in rural and small town areas in the 1990s*. Paper presented at the Annual Meeting of the Rural Sociological Society, Albuquerque, New Mexico.
- Clear, T. R., Rose, D. R., Waring, E., & Scully, K. (2003). Coercive mobility and crime: A preliminary examination of concentrated incarceration and social disorganization. *Justice Quarterly*, 20(1), 33–64.
- Herival, T., & Wright, P. (2007). *Prison profiteers: Who makes money from mass incarceration?* New York: The New Press.
- Hooks, G., Mosher, C., Rotolo, T., & Lobao, L. (2004). The prison industry: Carceral expansion and employment in U.S. counties, 1969–1994. *Social Science Quarterly*, 85, 37–57.
- Justice Policy Institute: <http://www.justicepolicy.org>
- Lotke, E., & Wagner, P. (2004). Prisoners of the census: Electoral and financial consequences of counting prisoners where they go, not where they come from. *Pace Law Review*, 24, 587–607.
- Lotke, E., & Ziedenberg, J. (2005, March). *Tipping point: Maryland's overuse of incarceration and the impact on public safety* [Policy brief]. Washington, DC: Justice Policy Institute.
- Lynch, J. P., & Sabol, W. J. (2001, September). *Prisoner reentry in perspective* (NCJ 191685). Washington, DC: Urban Institute.
- Mauer, M., & Chesney-Lind, M. (Eds.). (2002). *Invisible punishment: The collateral consequences of mass imprisonment*. New York: The New Press.
- National Advisory Commission on Criminal Justice Standards and Goals. (1973). *Corrections*. Washington, DC: U.S. Government Printing Office.

- National Criminal Justice Reference Service: <http://www.ncjrs.gov>
- Pettit, B., & Western, B. (2004). Mass imprisonment and the life course: Race and class inequality in U.S. incarceration. *American Sociological Review*, *69*, 151–169.
- Prison Policy Initiative: [www.prisonpolicy.org](http://www.prisonpolicy.org)
- Renauer, B. C., Cunningham, W. S., Feyerherm, B., O'Connor, T., & Bellatty, P. (2006). Tipping the scales of justice: The effect of overincarceration on neighborhood violence. *Criminal Justice Policy Review*, *17*(3), 362–379.
- Rothfield, M. (2008, May 7). Foes sue over prison bond sale. *Los Angeles Times*. Retrieved April 1, 2008, from <http://www.latimes.com>
- Seiter, R., & Kadela, K. (2003). Prisoner reentry: What works, what does not, and what is promising. *Crime & Delinquency*, *49*, 360–388.
- Sentencing Project, The: <http://www.sentencingproject.org>
- Shaw, C., & McKay, H. (1942). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.
- Uggen, C., & Manza, J. (2002). Democratic contraction? Political consequences of felon disenfranchisement in the United States. *American Sociological Review*, *67*, 777–803.
- Uggen, C., Manza, J., & Thompson, M. (2006). Citizenship, democracy, and the civic reintegration of criminal offenders. *Annals of the American Academy of Political and Social Sciences*, *605*, 281–310.
- Urban Institute: <http://www.urbaninstitute.org>
- U.S. Bureau of Justice Statistics (BJS): <http://www.ojp.usdoj.gov/bjs>
- Western, B. (2002). The impact of incarceration on wage mobility and inequality. *American Sociological Review*, *67*, 526–546.
- Western, B., Kling, J., & Weiman, D. (2001). The labor market consequences of incarceration. *Crime & Delinquency*, *47*, 410–427.
- Wood, P., & Dunaway, R. G. (2003). Consequences of truth-in-sentencing: The Mississippi case. *Punishment & Society*, *5*, 139–154.

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## RACIAL PROFILING

MICHAEL E. BUERGER

*Bowling Green State University*

**R***acial profiling* is a disputed term, embodying either a pernicious police practice or an intelligent application of police investigative skills, depending upon ideological perspective. It is most commonly understood in the former context, a shorthand for unfair police targeting of persons of minority groups for greater scrutiny and intervention, based solely upon the belief that members of their ethnic group are more inclined to engage in criminal activity. The contemporary term has a specific history anchored in drug interdiction efforts (Buerger & Farrell, 2002), but its informal synonym, “driving while black” (or brown), predates drug interdiction, stemming from the racial and ethnic animus of earlier eras.

The debate is defined at one pole by a belief that racial prejudice leads to disparate treatment of minority citizens. At the other pole, the fundamental belief is that disparate attention by the authorities is fully justified by the different patterns of conduct by different groups, specifically documented rates of criminality. A third, complicated rationale lies between the two: a legacy of belief, embedded in police socialization and reinforced by selective perception, that minority groups are more prone to criminality. That middle ground ignores class distinctions that are masked by visible racial or ethnic identity.

More recently, the concept of racial profiling (as either allegation or practice) has expanded beyond its original framework to include anti-terror activities and immigration law enforcement, as well as scrutiny by private security in

shopping malls and other venues. Scientific inquiry intended to confirm or refute the existence of bias has a wide range of methodological difficulties, and studies to date have produced mixed empirical evidence.

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### Two Perspectives

Police and their supporters assert that profiling represents a legitimate practice grounded in criminal behavior, to which race is incidental. Profiles arose from patterns of observable behavior, verified and sustained by convictions in courts of law. Successful searches based upon the profiles validate the general application of profiles as an investigative tool. The police continue to make periodic seizures of large quantities of uncut, bulk drugs during motor vehicle stops, which in their eyes is proof that the profile technique is a valid law enforcement tool.

Opponents tend to regard the successful interdictions as little more than the blind squirrel stumbling across an acorn by chance. While not rejecting the importance of drug interdiction, critics hold that the greater danger lies in rampant, unjustified, and unrestricted government intrusion into the lives of citizens. They note that the verification of the profiles’ accuracy has never been independently verified, and insist that the occasional triumphs must be judged in the context of the larger number of stops that yield no results whatsoever. Critics also point to

a growing body of testimonial evidence that police stop vehicles with none of the attributes of the operational profile save that of the driver's race. A more critical figure, the number of incidents based upon closer matches to the profile and still yielding no drugs or contraband, has not yet been quantified.

### Disparity or Discrimination?

The central problem in racial profiling is whether disparity of treatment constitutes discrimination. In that respect, the issue mirrors many other debates in American life and jurisprudence.

Disparity can occur at multiple levels of police-initiated contact with citizens. The most basic level occurs in the act of being selected for police inquiry about a law violation. While motor vehicle stops are almost always supported legally by a threshold level of probable cause (a violation of the motor vehicle code, however minor), the greater issues hinges upon matters that occur after the stop.

Discrimination may be inferred from unequal numbers, but disparate treatment supports a stronger inference when persons of a minority class suffer a disproportionate burden than comparably situated majority citizens. In motor vehicle stops, requests for permission to search the vehicle in the absence of specific probable cause are the primary categories examined. In the absence of a search, police may more often issue tickets instead of warnings; written warnings (which may influence future actions) instead of verbal warnings, which simply address the immediate infraction; or conduct lengthier detentions for investigative purposes, including ordering the occupants out of the vehicle. For pedestrian stops, the length and character of the detention, and being frisked for weapons, are major categories of disparate actions.

For any type of police-initiated contact, both verbal and nonverbal police behaviors can carry suggestions of bias as well (language choice, tone of voice, even body language that conveys feelings of contempt). These attributes are not recorded in official reports of the contact, and are observed only rarely by independent researchers, but they can leave a lasting negative impression in the minds of the citizens. Those feelings can shape citizens' interpretation of official statistics and explanations.

A comparable set of behavioral cues is embedded in the police evaluation of the people they stop, however. Evasive answers, disrespectful language or gestures, even body postures elevate the initial level of suspicion, and can both prolong a contact and lead to a harsher outcome than was originally contemplated. Though defenders of the police point to these behavioral cues as indicative of criminal behavior, a rival hypothesis centers negative reactions to the police in a longer history of mistrust based upon mistreatment by the police in earlier contact. That history may be both personal and vicarious.

### Profiling Generally

*Profiling* compiles behavioral attributes linked to specific criminal activities, creating a rudimentary sketch of as-yet-unknown persons who might be more likely than others to commit the crime. The serial killer profiling developed by the FBI makes use of crime scene evidence that suggests the personality of the perpetrator, and helps narrow the scope of inquiry. It was based upon extensive interviews with 33 convicted killers, a factual grounding comparable to the drug courier profile of Operation Pipeline (below).

Racial profiling results when a complex set of factors (which can include race) comprising a specific criminal profile are stripped away in practice, transformed into an unjustified oversimplification: "Minorities are more likely to have drugs [or commit other crimes] than are whites." That stereotype overwhelms the elements of individualized facts required for probable cause. While it is the police who have borne the brunt of the criticism, the practice also exists in the operations of private sector security and asset protection (Meeks, 2000).

Since the attacks of September 11, 2001, "racial profiling" has been extended to persons of Middle Eastern origin or descent. A single factor shared with the 19 hijackers of 9/11—their region of origin, or physical features that appear to be of that region—casts suspicion of terrorism upon thousands of law-abiding citizens and visitors. They are more likely to be pulled aside for more extensive inquiries at airport security checkpoints and other sensitive areas. The historical antecedent most familiar to Americans is the internment of Japanese Americans after the attack on Pearl Harbor, while members of the German Bund (a pro-Nazi organization) in America remained free and largely unmolested.

### Basic Legal Foundations

The consent search is integral to the racial profiling controversy. The Fourth Amendment to the Constitution protects citizens from unreasonable search and seizure of their persons, property, and effects, but a large volume of case law continually refines the operational understanding of what constitutes an "unreasonable" search. As a result, a number of exceptions have been created, relaxing the general rule that the police must obtain a warrant before they search. Among them are searches incidental to a lawful arrest, exigent (emergency) circumstances, "hot pursuit," searches at ports of entry into the country, inventory searches of impounded vehicles, "inevitable discovery," and when the owner of a property gives voluntary consent to the search. Most challenges to consent searches center on whether the consent was in fact voluntary, or was influenced by coercive police tactics or deception.

American police have the power to detain citizens briefly, and to inquire of their actions, when the police

have reasonable, articulable suspicion that something may be wrong. Most motor vehicle stops are supported by some violation of a motor vehicle law, and court cases allow for brief detention to make further inquiries, such as to identify passengers, if the “articulable suspicion” threshold is met.

Police have the power to arrest citizens—a lengthier and more intrusive detention—only when they have probable cause. *Probable cause* constitutes a set of facts and circumstances that would lead a reasonably prudent person to believe that a crime has been, is being, or is about to be committed. For certain crimes, including drug dealing, the courts have acknowledged that a “reasonably prudent and experienced police officer” can detect criminal activity that might escape the notice of a citizen. This recognition of training and experience underlies the police assertion that their “sixth sense” understanding of crime should be respected by the public as well.

Although citizens have more limited expectations of privacy in their vehicles than in their homes, police do not have the authority to search a car based upon whim or mere suspicion. The line that separates suspicion from probable cause is constantly tested in court proceedings. Though the racial profiling debate centers on searches for drugs, “contraband” includes other categories of items that are illegal to possess or transport: smuggled cigarettes, loaded firearms, explosives or other controlled ordnance, child pornography, even illegal aliens.

If the police have probable cause that a crime is being committed in their presence—such as the smell of marijuana, or the existence of drugs, paraphernalia, or weapons in plain sight—they can arrest the occupants of a car and conduct a full search incidental to that arrest. They may also impound the vehicle and conduct an inventory search of all contents, for the mutual protection of the vehicle owner and the officers. In the absence of those circumstances, however, a police officer may only request permission from the driver or owner to search the car for contraband.

Consent is a recognized exception to the Fourth Amendment warrant requirement: Police need not obtain a search warrant if the rightful owner of a property gives free and informed consent to the search. In the context of racial profiling, the central issue is whether any such consent is voluntary under the circumstances of the stop. Police assert that all adult citizens of the United States know that they have the right to decline to give such permission, and so all consent is voluntary. They offer no explanation of why so many people who are carrying contraband voluntarily consent to having their vehicle searched—a statement contrary to interest—except to note that “we don’t catch the smart ones.”

Opponents assert that the nature of the stop and the inherently coercive presence of the police effectively eviscerate the right of refusal. The implied threat of further detention, coupled with vague suggestions of “consequences” for refusal,

coerce compliance. Opponents also point to instances where “probable cause” suddenly arose as soon as citizens declined to give consent; they consider such incidents further evidence that most “consent” claimed by the police is involuntary, a legal fiction.

Another objectionable category involves illegal police actions, searches conducted over the objections of the vehicle occupants. Though rare, such intrusions are insulated from sanction on two fronts. Searches that yield no evidence usually end with the release of the vehicle and driver. The ability of the aggrieved driver to seek redress is expensive, and often futile in the absence of independent evidence. When illegal searches are successful, the discovered contraband weights the case in favor of the police account of the incident (again in the absence of independent verification of the driver’s version of the event). As more and more police agencies adopt in-vehicle recording devices for vehicle stops, such incidents are fewer and farther between, but suspicion remains in the eyes of many citizens.

## General History

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The overall history of race relations in the United States remains pertinent to discussions of racial profiling. The second-class citizenship of black Americans was enforced by white police officers throughout the Jim Crow era, and extralegal suppression of the rights of citizenship continued well beyond the *Brown v. Board of Education of Topeka, Kansas* (1954) decision. Passage of the 1964 Civil Rights Act coincided with the rise of black militancy, and continued conflict between blacks and whites continued well into the decade of the 1970s.

While mainstream American culture has changed dramatically since the “long, hot summers” of racial conflict in the 1960s, police culture changes slowly. There is a lingering suspicion that both police training and the police socialization process subtly perpetuate outmoded racial attitudes from that era. When racial profiling first emerged as a public issue, this view was reinforced by revelations in the high-profile cases discussed below. Though America’s police forces are no longer a “white boys’ club,” that observation merely transfers animus—if any exists—from a white prejudice to a police prejudice.

## Contemporary History

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The U.S. Customs Service originally developed a profile of air travelers who had elevated probability of being a drug “mule.” Like their equine namesake, drug mules were not drug lords, but beasts of burden: persons unconnected with a drug cartel’s membership (and therefore relatively invisible to police narcotics intelligence) were paid on a one-time basis to carry drug packages in their

luggage on international flights, and deliver it to cartel personnel soon after their arrival in the United States. Specific conditions and behaviors were tip-offs to Customs personnel to inquire and examine carry-on luggage more closely: Lone travelers with luggage inappropriate to their itinerary, flying with tickets purchased with cash, and several other elements were central to the original airline passenger profile.

In 1984, Operation Pipeline adapted the practice to police highway drug interdiction, which sought to intercept bulk drugs in transit from southern points of entry. Seizing bulk drugs before they could be delivered, cut, and distributed in northern drug markets would reduce supplies for the street markets, deprive the drug syndicates of profits, and perhaps drive more addicts into treatment.

Operation Pipeline arose from police awareness that vehicle stops yielding large quantities of drugs shared certain characteristics. The vehicles were northbound at high rates of speed, usually occupied by two black or Latino males in their late teens or early twenties. Vehicle interiors contained fast-food wrappers and pillows and blankets (both indicative of nonstop travel), and detergent or other strong-smelling substances to mask the odor of drugs. The trunk might be locked, with only a valet key for the drivers; there might be tool or burn marks or other indications that drugs had been secreted in hidden compartments. Road maps might indicate places and timetables to call the drivers' monitor (Buerger & Farrell, 2002).

The profile alone did not constitute probable cause for the police to conduct a warrantless search. It was only a prompt for officers to pay closer attention to the vehicle, to develop probable cause if possible, or to obtain consent to search the car in the absence of specific probable cause.

## The Flagship Cases

Three cases exposed the police application of the "drug courier profile" concept to scrutiny. In April 1998, two New Jersey State Troopers initiated a vehicle stop of a van on the New Jersey Turnpike that resulted in the shooting and wounding of three of four young minority men. The "profile" was cited as one reason for the stop, even though the vehicle was southbound. No drugs or other contraband were found in the van, and there were significant discrepancies between the official police report of the incident and other evidence.

The Turnpike shooting case revived scrutiny of New Jersey State Police practices that had languished since the 1996 case of *State of New Jersey v. Pedro Soto et al.* In that case, a New Jersey court overturned 17 drug possession cases brought by a state police drug interdiction team working another section of the New Jersey Turnpike. The defendants produced evidence that the team stopped and searched minorities, particularly African Americans, almost 5 times more frequently than they did white drivers.

Though black drivers were only 15% of the "violation" group (people driving at excessive speed, or committing other observable moving violations), vehicles driven by blacks comprised almost half of the stops made by the interdiction unit. By comparison, a state police unit doing speed enforcement in the same area of the New Jersey Turnpike stopped drivers at rates much closer to the observed proportion of highway use. The difference strongly suggested that the drug interdiction team equated racial identity with a greater likelihood of participation in illicit distribution of drugs.

A civil case, *Wilkins v. Maryland State Police* (2003), used the same analytical technique employed in the *Soto* case. Though whites comprised almost three quarters of drivers and speed violators, only 20% of the cars searched were driven by whites. Blacks made up 17% of the driving population, and slightly more of the violators, but were almost 73% of all persons searched. A total of 4 of every 5 drivers searched by the Maryland State Police interdiction team were of minority status.

If minority drivers were indeed more likely to have drugs than their white counterparts, a stronger argument might be made that the observed disparities were justified. However, the Maryland case revealed that the proportion of black and white drivers found to be carrying drugs was practically equal: 28.4% of blacks, and 28.8% of whites (other sources cite a slight difference: 34% of blacks and 32% of whites; the difference remains marginal). The New Jersey proportions were even lower: 13% of blacks, 10.5% of whites, and 8% of Latinos carried drugs. The New Jersey proportions are closer to the findings in other early studies; the Maryland hit rates are the highest in that first round of profiling inquiries.

More telling, none of the cases studied suggested that the drugs found in profile-based searches were pre-market bulk quantity (the quantum envisioned by the drug courier profile). New Jersey's post-*Soto* review explicitly noted that almost all seizures were of small amounts, consistent with post-market personal use (Verniero & Zoubeck, 1999); the conclusion is implicit in the absence of any discussion of the quantum of seizures in other studies. The inherent difference in the danger posed by market-quantity shipments, in contrast to personal-use quantities, is a potential limit on the latitude to be allowed government agents, and a fundamental problem with the game theory school of proof (discussed below).

Further inquiry into the New Jersey State Police practices in the wake of the April 1998 Turnpike shooting revealed that the state's training regimen included material that essentially equated minority citizens with greater criminality, effectively directing troopers to focus on minority motorists (Verniero & Zoubeck, 1999).

Both Maryland and New Jersey entered into consent decrees with the U.S. Department of Justice to amend their practices, monitor trooper performance, and revise training that had perpetuated the racial stereotype. Those findings



established racial profiling as a “fact,” but only in the two jurisdictions. In the public sphere, an ironic reversal of positions occurred. Where the police had tacitly assumed the actions of a small group of drug couriers were typical of the minority communities, the public now assumed that the practices of two agencies represented police practices everywhere. The distinction remains central to the debate over racial profiling in any guise: The generalizability of localized findings (or enterprise-specific profiles) to larger groups sharing only superficial aspects of the offending groups is limited.

The police insist that profiling is a legitimate tool of inquiry, well grounded in the experience of practice. The public points to the Maryland and New Jersey statistics, standing firm in their belief that it is merely a modern continuation of racial prejudice, now dressed up with pseudo-scientific prose. The scientific questions that have arisen in the wake of the *Soto* and *Wilkins* cases have examined a wider range of police activities and actions in numerous other venues. They embody an attempt to discern whether and where the “fact” of racial profiling by police exists beyond the specific milieu of the interstate highways in New Jersey and Maryland.

Overall, four issues are salient. The first is whether criminal propensity is more likely in one group than another, with a collateral question of what purported proofs should be considered valid. The second area involves the continuing refinement of methodology, and the factors to be considered when examining aggregate police data in vastly different locations for evidence of racial bias. A contemporary assertion, promulgated in different fashion by the police and by the econometric school of criminology, is that the “criminal propensity” point can be proven by a variation of game theory, based upon the results of consent searches without regard for any other considerations (including those of civil rights). The third is a legalistic consideration of whether elevated government intrusion justified against large-scale harm (proliferation of drug markets, or another 9/11-type attack) can be applied equally to smaller gains (seizure of personal-use drug amounts). A fourth operational issue rests upon the degree of precision with which the profile is applied by police officers and other agents of the state.

## Four Salient Issues

### 1. The Legitimacy of Suspicion

For practitioners, the validity of the component of race rests upon personal experience and upon the evidence of aggregate crime statistics. The police arguments rest upon two separate but related features of police deployment. The first is accumulated personal and vicarious experience, in which minority offenders play major roles. The second is arrest statistics, the collective construct that is

the cumulative result of individual decisions by police across the nation, over time.

### *Experience*

Officers assert a claim for a “police intuition”—essentially an accumulated knowledge of subtle behavioral cues that operates below the conscious threshold—that properly targets criminals. In this view, the fact that those who draw police attention are members of one or another minority is incidental to their demeanor and behavior, and irrelevant to the police decision to focus on them.

A second component of the argument is essentially defensive, made by officers who work in districts heavily populated by minority groups. Their point—which is valid at the individual level—is that the vast majority of individuals with whom they have contact during the day are residents and visitors who are minorities. To apply the template used in the highway studies to local police work, they argue, unfairly paints officers as racist because the “disproportionate” number of minorities they stop reflects the area rather than police decision making. Such comparisons are valid only in areas where there are significant opportunities to choose between minority and nonminority persons to stop. The argument is particularly acute in minority-populated areas, because minority-status victims are frequently the complainants in the cases police investigate: The police are incensed by accusations of racism when they are in fact defending the interests of law-abiding minority citizens.

A variant objection by the police is the “hours of darkness” defense. This assertion denies that officers can have knowledge of a driver’s race when they pull up behind a car during the nighttime. While intuitively logical, the defense has been countered on several levels. In the *Soto* case, a practice called “spotlighting” revealed the race of turnpike drivers: Parking a cruiser perpendicular to the road, with the high beams and spotlight on, created a zone of light that permitted the troopers to identify the race of the driver despite the brevity of illumination (the practice was independently examined by the New Jersey Attorney General’s office and was confirmed). On city streets, vehicles passing through intersections provide a comparable opportunity.

In the context of local policing, vehicle models, vehicle condition, and personal adornments (bumper and window stickers, certain styles of air fresheners, and other ephemera) are correlated strongly enough with specific groups to provide proxy identifications in lieu of visual confirmation. They provide no probable cause, but serve to draw the attention of officers; probable cause for a pretext stop likely would soon follow, given the many possible infractions of the expansive motor vehicle code.

Different sets of proxy identifications exist for pedestrian stops at night, where slower speed and ambient light allow for the observation of race, bearing, and other factors. This is especially salient when the police are looking for a suspect

who fits “The Description”—often an African American male of medium build, undetermined age, and dressed in a style common to hundreds of residents of the area.

### *Crime Statistics*

Supporters of police profiling efforts point to the disproportionate presence of African American males in arrest, conviction, and imprisonment statistics. Those facts are presented as proof that the police properly focus their enforcement efforts on groups that demonstrate a greater propensity for crime. A corollary argument points to the racially homogeneous character of high-level drug gangs—from Jamaican posses to MS-13, from the Nicky Barnes organization to the Crips and Bloods—as a valid rationale for the police to focus on ethnicity or race in directing their drug- and crime-suppression efforts.

Opponents point to several flaws in the assertions that crime is a product of group characteristics. The history of racial prejudice created situations of real disadvantage: The arrest statistics and other perceptions of crime are more a reflection of class distinctions than group tendencies (see, e.g., Stark, 1987). Further, the fact that the upper echelons of a gang or criminal enterprise are of a common racial or ethnic heritage does not generalize their criminality to all who share their skin color or ethnicity.

In this view, both the police experiences and the criminal statistics reflect the impact of larger social forces rooted in America’s sordid history of slavery, Jim Crow laws, and racial segregation. Despite the tremendous gains made by the civil rights movement, race-based isolation continues to be a factor for substantial numbers of African Americans. Isolation by geography—whether based in Jim Crow segregation or the economic necessity of living in public housing—has had a negative influence on the employment and educational opportunities of the African American and Hispanic immigrant communities.

Economic necessity compels residents of many urban neighborhoods to participate in their area’s underground economy, even if they have a stable job and home life (Venkatesh, 2006); a large segment of that underground economy revolves around the drug trade. Street-level drug dealing has a relatively low capital entry threshold, and provides a reward structure far greater than comparable accessible legitimate employment. It is also a highly visible activity, more likely to come to police attention than corresponding drug trafficking in the suburbs.

## **2. Scientific Proof**

Criminologists seek a scientific justification for police actions, in lieu of normative reliance upon unverifiable “sixth sense” justifications. The contemporary scholarly focus on racial profiling rests upon a debate regarding whether a variation on game theory can provide such a foundation.

One thrust of the early racial profiling research took up the question of whether disparity alone constituted *de facto* discrimination, or could occur innocuously. Various studies identified different uses of the highway for minority groups based on employment opportunities and recreational pursuits (Meehan & Ponder, 2002a). Another documented disproportionate representation of young minority males in the population of high-speed law violators on the New Jersey Turnpike, inferring the legitimacy of at least one assumption of the original profile (Lange, Johnson, & Voas, 2005).

The contemporary debate centers on a proposition by scholars drawing from the field of econometrics, asserting that the question of disparity or discrimination can be resolved by the application of a variation of game theory (Engel, 2008; Persico & Todd, 2008). This solution hinges on an examination of the “hit rate” (rate of discovery of contraband) of police searches, independent of any other concerns (Persico & Todd, 2008), treating the populations of white and non-white drivers as “urns” that can be sampled. This view posits that rational choice underlies the options of drivers to carry contraband (in the present discussion, drugs), and the choice of police officers to conduct investigations for drugs. Rational police officers would focus their efforts on groups most likely to carry drugs.

In essence, this econometric argument takes the side of the police, tacitly accepting the argument that group characteristics do exist, and can be inferred at the individual level. Furthermore, the acceptance of group-specific criminality (drug use, in this instance) assumes facts not in evidence. It is a hypothesis in the classic methodological sense, to be proved or disproved by scientific testing that cannot be conducted, and thus remains hypothetical.

Methodologically, the hit rate proposal encounters several difficulties. Police searches are conducted under a variety of situations, including searches incidental to arrest, inventory searches when a vehicle is towed, and in circumstances when probable cause is developed at the scene independent of the original reason for the stop. In addition, searches are conducted for a variety of motives, not just drugs (Engel & Tillyer, 2008). As a result, analyses based solely upon the hit rate for drugs must be able to discern those stops and searches motivated by an officer’s desire to “maximize the probability of a ‘hit’” (Persico & Todd, 2008). A further complication arises in the need to distinguish personal-use hits from the bulk drug seizures arising from the proper application of the drug courier profile, although the modern debate fails to pursue that distinction.

The proposition of hit-rate analysis has the advantage of being theoretical, unconnected from the larger concerns of the criminal justice system. The individuals who comprise the “urns” that police officers supposedly sample are not research subjects, but citizens of a country that presumes their innocence. They are defended by rules and expectations of conduct by agents of the state that do not allow

random selection for the purposes of testing. Basic civil rights preclude the use of the motoring public (or the ambulatory public) as a laboratory.

### 3. Balance of Harms

American law is more tolerant of intrusive state action when the harm to be averted is great. Lower-level violations of the law are tolerated, if tacitly, by the rules of criminal procedure that erect barriers to their discovery. Though the Supreme Court has expanded police powers in the cases of *Atwater v. Lago Vista* (2001) (permitting custodial arrest for conduct normally subject only to a citation) and *Whren et al. v. United States* (1996) (allowing the use of the pretext stop), the presumption of innocence remains a bedrock procedural right for American citizens.

Americans have a reduced expectation of privacy when driving a vehicle in public space, or when walking off their property. Nevertheless, a presumption of privacy remains, to be overcome only by an articulable danger to the public peace. Judicial tolerance of the consent search for drugs is one of the central questions in the racial profiling debate.

The original drug courier profile had a narrowly targeted objective: Intercept bulk shipments of illegal drugs in transit, before they could be cut and distributed to the public. That profile arose from a specific fact pattern, closely matching observable characteristics with searches that found bulk drugs.

Preventing illegal drugs from reaching the street has far more protective value to the public weal than a seizure of post-market, individual-use drugs. Post-market seizures occur only after the drugs have been distributed, and the profits returned to the middlepersons and the kingpins of the drug trade. The harm to the individual, and to society as a result of the individual's drug-induced actions, is much smaller than the aggregate of such harms embodied in the bulk shipment. They are also more hypothetical at the individual level, insofar as recreational drug use is not inevitably a cause of further criminality.

The contemporary debates embodying the "hit rate" hypothesis reflect an operational change from the bulk-drug courier profile to a broader "anyone carrying illegal drugs" foundation. That is a methodological convenience, in part: Many drivers and passengers carry small amounts of drugs for personal use; relatively few are involved in transporting pre-market bulk drugs. The numbers demanded by social science hypothesis testing can only be achieved by expanding the focus to personal-use quantities, at a sacrifice of the greater harms presented by drug couriers.

As profiling shifts to other areas of criminal conduct, the public interest in deterring harm also changes. Preventing mass casualty events like those of the September 11, 2001, attacks obviously meets the test of great social harm. However, when the harm remains hypothetical, unsupported by articulable facts and conditions, the "harm" argument

alone is insufficient to justify governmental intrusion. Advances in technology will continue to test the proposition, particularly as data-mining techniques draw conclusions from the electronic traces of everyday activity.

### 4. Precision of Application

More important to the populations at risk is the degree of precision with which police employ the drug courier profile. The epithet "racial profiling" embodies a belief that the profile itself is merely a sham, providing faux legitimacy for decisions that are actually based upon racial prejudice.

Profiles are like fingerprints: They are composites of particular characteristics which, taken collectively, provide enhanced confidence of an identification. For fingerprints, that identification is of a known individual matched to an unknown sample (the latent print). In criminal profiles, it is identification of the behaviors or characteristics as indicative of probable criminal behaviors. In both cases, the greater the number of matches, the greater confidence can be had in the identification.

The public outcry against racial profiling is embodied in numerous testimonial cases, in which the only characteristic the individual stopped by the police shared with the drug courier profile was that of race. Such evidence is not collected on a scientific basis, but its cumulative weight creates a viable presumption. Though there have been inquiries into public perceptions of racial profiling, a viable study of persons stopped and released as a result of profiling activities has yet to be published.

At least one court case examined the profile itself: the 1993 Colorado case of *Whitfield v. Board of County Commissioners of Eagle County*. In a case involving a highway vehicle stop based solely upon a drug courier profile, the court dissected the profile point by point, finding no correlation to criminality of the various components (rental car, out-of-state plates in an area heavily dependent upon tourism, radar detector, tinted windows, and so forth). The court then concluded that the only remaining variable was the driver's race, which was inadmissible. Examining each individual variable in the profile, rather than the collective weight of all the components, is an unusual approach, but the evidence of the resulting search was nevertheless suppressed.

## Research on Racial Profiling

In the wake of the 1998 New Jersey Turnpike shooting, a fairly broad scholarly effort ensued to establish whether or not police engaged in racial profiling in other jurisdictions. In major cities, "stop and frisk" questioning of pedestrians also fell under the racial profiling umbrella. Dozens of studies have been conducted, yielding mixed results. In the earliest round of inquiry, most reputable studies indicated that minorities were stopped in numbers disproportionately

higher than their representation in population statistics (Engel, Calnon, & Bernard, 2002). Later studies have been mounted after the controversy spurred reform of practices and greater scrutiny; the results of emerging studies also document disparities, but generally are less inclined to conclude that discrimination drives them. However, the later studies also occur in a climate where police and civic officials are well aware of the racial profiling debate. Police agencies are more likely to have taken steps to minimize disparity, and are likely more politically astute in their interpretation of findings.

Whether such disparity represents police prejudice or is the by-product of patterns of civilian behavior has yet to be answered definitively. Because policing is locally based, practices differ by jurisdiction. One comprehensive study indicated wide diversity of practices across the 127 different jurisdictions in Massachusetts (Farrell, McDevitt, Bailey, Andresen, & Pierce, 2004). That study also uncovered evidence of a possible gender bias in some jurisdictions (i.e., the propensity of male officers to stop single, young, female drivers), an artifact not pursued in other studies.

Studying racial profiling has several methodological hurdles. First is establishing an appropriate population baseline against which to compare the proportion of minority stops. Second is the limited number of variables available in official records, the most common source of data for profiling studies. Because of these limitations, the most difficult task is determining whether any disparities are grounded in prejudice, or are a product of real (rather than presumed) criminal conduct.

The original New Jersey and Maryland turnpike cases were relatively easy: The proportions of drivers on the highway could be established by direct observation, as could the proportions of speeders and other motor vehicle code violators. Observable vehicle code violations constituted the sole basis for initiating a stop; the choice to request or initiate a search was less directly observable.

Away from limited-access highways, the question becomes more complex. Police officers working in neighborhoods populated by minorities rightly argue that most of the people they encounter will be of minority status, whether the officers are prejudiced or committed to equality. Furthermore, police investigative stops in cities and towns are often prompted by citizen complaints, providing specific descriptive information that is far more detailed than a profiling "hunch."

Studies note disparate patterns of highway use (both by time and route) by minority drivers, with differences linked to residential, employment, and recreational patterns (Meehan & Ponder, 2002a). Certain highways are transportation corridors from exurbs and suburbs into the core cities, and the commuting drivers may represent different ethnic proportions from the towns' resident populations. One post-shooting study in New Jersey suggested that young minority males comprised a much greater proportion of drivers using excessive speed (Lange et al., 2005).

It retroactively provided nominal support for the original profile, but remains untested against actual vehicle stop practices.

Another study found that even within a single jurisdiction, racial disparity in stops increased with distance from the city border. Minority drivers were far more likely to be stopped in homogeneous white suburban neighborhoods farthest from the city line, where black or brown faces stood out. Police activity was relatively race-neutral in areas abutting a core city, where a heterogeneous population mix was the norm (Meehan & Ponder, 2002b).

More critical to the interpretation of police stop data is the nature of formalized record keeping. Most police records systems were designed to facilitate case tracking and offender identification. Even in those jurisdictions that have adopted more rigorous tracking by race and ethnicity, either prospectively or in response to consent decrees or public criticism, few forms reveal the actual motivation of the officer. The Supreme Court decision of *Whren et al. v. United States* (1996) has legitimized the police use of the pretext stop, initiating action on the basis of a violation unrelated to the officers' real intent to conduct an investigation. Almost all vehicle stops meet the low threshold for probable cause (a moving violation or equipment defect), and are therefore legal.

Police records systems generally record only the fact of a stop, not its context. Computer analysis of aggregate stop data is insufficient to establish motivation because such information is not recorded. It remains difficult to determine whether disparate patterns represent overt bias, subtle bias, or a statistical artifact of police deployment based on crime and call patterns, or other localized phenomena.

Analyzing stop data at the aggregate level avoids any scrutiny of individual officers' work habits. Such techniques have political benefits, but if officers in small groups engage in prejudicial behaviors unrepresentative of the agency practices, the bias may be masked statistically in the larger agency patterns. The impact of their actions upon the minority citizens will remain vivid, however, and the gap between what is experienced by citizens and what can be demonstrated statistically will remain a cause of friction.

## Conclusion

Central to the ongoing debate regarding racial profiling is the balance of the protection of public safety with the protection of individual liberty. In the original context, the potential gains in public safety to be realized by intercepting bulk drugs before they could be distributed might justify the tightly controlled use of an otherwise intrusive police tool. The contemporary focus of research ignores quantity, focusing instead on the appropriateness of a "hit rate" based on any quantity of drugs as a justification.

A decade after the New Jersey Turnpike shooting that revived the racial profiling controversy, the use of profiling

continues, and continues to be problematic. Questions of the accuracy and precision of application remain unanswered: Given the local control of police agencies, the questions are revisited on a case-by-case basis. Moreover, it is likely that the police have become more astute, both politically and scientifically, in their ability to articulate the reasoning processes of individual officers, and the patterns of agency-wide actions. While that possibility invites the reaction that “the police have become better liars,” it is equally possible that the police are becoming better at identifying and articulating the subtle behaviors that they observe, giving a more valid operational definition to the prized “sixth sense” of the street cop.

## References and Further Readings

- Atwater v. Lago Vista, 532 U.S. 318 (2001).
- Brown v. Board of Education of Topeka, Kansas, 347 US 483.
- Buerger, M. E., & Farrell, A. (2002). The evidence of racial profiling: Interpreting documented and unofficial sources. *Police Quarterly*, 5(1), 272–305.
- Engel, R. S. (2008). A critique of the “outcome test” in racial profiling research. *Justice Quarterly*, 25(1), 1–36.
- Engel, R. S., Calnon, J. M., & Bernard, T. J. (2002) Theory and racial profiling: Shortcomings and future directions in research. *Justice Quarterly*, 19(2), 249–273.
- Engel, R. S., & Tillyer, R. (2008, March). Searching for equilibrium: The tenuous nature of the outcome test. *Justice Quarterly*, 25(1), 54–71.
- Farrell, A., McDevitt, J., Bailey, L., Andresen, C., & Pierce, E. (2004, May). *Massachusetts Racial and Gender Profiling Project: Final report*. Boston: Institute on Race and Justice, Northeastern University.
- Harris, D. A. (2002). *Profiles in injustice: Why racial profiling cannot work*. New York: The New Press.
- Lange, J. E., Johnson, M. B., & Voas, R. B. (2005). Testing the racial profiling hypothesis for seemingly disparate traffic stops. *Justice Quarterly*, 22(2), 193–223.
- Meehan, A. J., & Ponder, M. C. (2002a). How roadway composition matters in analyzing police data on racial profiling. *Police Quarterly*, 5(3), 306–333.
- Meehan, A. J., & Ponder, M. C. (2002b). Race and place: The ecology of racial profiling African American motorists. *Justice Quarterly*, 19(3), 399–430.
- Meeks, K. (2000). *Driving while black*. New York: Broadway Books.
- Persico, N., & Todd, P. E. (2008). The hit rates test for racial bias in motor-vehicle searches. *Justice Quarterly*, 25(1), 37–53.
- Schafer, J. A., Carter, D. L., Katz-Bannister, A. J., & Wells, W. M. (2006). Decision making in traffic stop encounters: A multivariate analysis of police behavior. *Police Quarterly*, 9(2), 184–209.
- Stark, R. (1987). Deviant places: A theory of the ecology of crime. *Criminology*, 25(4), 893–909.
- State of New Jersey v. Pedro Soto et al., 324 N.J.Super. 66, 734 A.2d 350 (1996).
- Venkatesh, S. A. (2006). *Off the books: The underground economy of the urban poor*. Cambridge, MA: Harvard University Press.
- Verniero, P., & Zoubeck, P. H. (1999). *Interim report of the State Police Review Team regarding allegations of racial profiling*. Trenton: New Jersey Attorney General’s Office.
- Whitfield v. Board of County Commissioners of Eagle County, Colo., 837 F.Supp. 338 (1993).
- Whren et al. v. United States, 517 U.S. 806 (1996).
- Wilkins v. Maryland State Police, Civil Action No. CB-93-483 (2003).
- Withrow, B. (2004). Race-based policing: A descriptive analysis of the Wichita Stop Study. *Police Practice and Research*, 5, 223–240.

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## RESTORATIVE JUSTICE

### *Theory, Practice, and Evidence*

GORDON BAZEMORE

*Florida Atlantic University*

Restorative justice is a “new” way of responding to crime and harm based on ancient practices. Criminal justice policy in much of the modern world, and in the United States in particular, views punishment as a primary response to crime. For advocates of restorative justice, however, crime is more than simply lawbreaking; rather, crime *harms* individual victims, communities, offenders, and relationships. “Justice,” therefore, cannot be achieved simply by punishing the offender, or even by only providing treatment and services. Justice must focus on *repairing the harm* crime causes, while ensuring accountability to those harmed by crime rather than to the state alone.

This chapter first provides a definition of restorative justice and discusses the differences and similarities between restorative and other models of justice. It then describes core value-based principles that should guide restorative intervention and policy development and discusses the varieties of restorative practice. In addition, research is summarized that generally demonstrates the effectiveness and adaptability of restorative justice. Following this is a discussion of how these principles relate to several criminological and social science theories that may help to explain *how* and *why* restorative practice “works” when it does. Finally, weaknesses of current policy and its implementation and threats or challenges to broader continuing application of restorative justice strategies are considered.

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#### **Background: A Brief History of Restorative Justice**

If asked to define “justice,” most Americans use words such as fairness, similar or equal treatment, absence of discrimination, enlightenment, due process, and equal opportunity. Yet, when asked what is meant when someone has been “brought to justice,” Americans inevitably think first of punishment—often severe punishment—that must serve as retribution for wrongdoing. People know that justice is a larger concept than punishment, yet are mostly aware of a very limited set of choices about what justice means in response to crime.

#### **Punishment, Settlement, and Exchange in Human History**

Although most people are clearly taught, or *socialized*, to believe in the moral “rightness” of retribution, and to some degree in its effectiveness, there is no evidence to suggest that human beings are innately punitive. Indeed, most speculation is that in early human communal societies, when someone was harmed by another person(s), the response was typically some form of group dialogue. This deliberation included consideration of responsibility for the act, discussion of the nature of the harm, and consideration of “accountability” based on obligations for the offender (and often his or her family) to make amends to those harmed.

These so-called *ancephalous* (or headless) societies also preferred restitution and other reparative responses to crime that sought to restore community peace and harmony as an alternative to “blood feuds,” which generally had devastating consequences for community life. Moreover, the most highly developed ancient states—those in Egypt, Babylon, China, Persia, and Greece, as well as Hebrew and Anglo-Saxon societies—devised formal codes that specified monetary amounts, as well as goods and services, to be paid as restitution and offered as a means of “repairing the harm” caused by specific actions that would today be considered as crimes, including even serious and violent offenses.

In contrast to the view that punishment is an innately human trait, it seems more likely that humans are “hard-wired” for reciprocity and social exchange. When people use the phrase “I owe you one,” or “You owe me one,” it generally implies that there is an expectation to repay a debt or good deed that can “make things right” in a different way from individual revenge. While revenge may be part of the human condition, it may be more accurate to say that it was collective *state punishment*, rather than restorative responses that were “invented” (for Anglo-European cultures, at least) during the Middle Ages. Retributive punishment is therefore a more recent human “innovation” that essentially formalized the response to community and individual conflict resolution by designating theft and other offenses as “crimes” against the king (or the state). Although more commonly employed in some eras and cultures (e.g., forms of restorative justice never disappeared in many indigenous societies), reparation and informal settlement processes, as well as formal and informal restitution and other reparative sanctions (e.g., community service), have nonetheless persisted at some level alongside retributive punishment throughout Western history.

### **Punishment, Justice, and Restoration Today**

Restorative justice advocates in the modern world, and in the United States in particular, are nonetheless up against a perception of “justice” as an offender “taking the punishment.” This narrow retributive perception of justice unfortunately continues to justify and support what much of the modern world increasingly recognizes as a uniquely American *addiction* to punishment. To a large extent, however, what has been a three-decade-long U.S. geometric increase in imprisonment is more accurately a function of *policymaker* addiction, which has in the past decade ushered in an era recently described as a condition of “mass incarceration.” This state of affairs permeates the existence and defines the future of affected populations, notably in this case African American males. Indeed, public opinion polls continue to suggest that, when given alternatives in specific case scenarios, most citizens appear to be less punitive than politicians and the legislation they develop. Specifically, for the vast majority of crimes, Americans responding to citizen surveys choose the option of a community-based alternative

sanction that might, in some research, include restitution, community service, apologies, and victim–offender meetings. While by no means soft on crime, restorative justice appears to fit well into this growing movement for reform, and with the emerging dissatisfaction with expanded punishment as the primary response.

### **What Is Restorative Justice?**

In cities, towns, and rural areas in dozens of countries, victims, family members, and other citizens acquainted with a young offender or victim of a juvenile crime gather to determine what should be done to ensure accountability for the offense. Based on the centuries-old sanctioning and dispute resolution traditions of the Maori, an indigenous New Zealand aboriginal band, *family group conferences* (FGCs) were adopted into national juvenile justice legislation in 1989 as a dispositional requirement for all juvenile cases with the exception of murder and rape. FGC, or “conferencing,” is widely used in many countries as a police-initiated diversion alternative, a means of determining disposition (sentence) for juveniles and adults, and has been used for more than a decade in communities in Minnesota, Pennsylvania, Colorado, Illinois, and other U.S. states and much of Canada. Facilitated by a coordinator that may be a youth justice worker, volunteer, or police officer, FGCs are aimed at ensuring that offenders are made to face up to community disapproval of their behavior, that an agreement is developed for repairing the damage to victim and community, and that community members recognize the need for reintegrating the offender once he or she has made amends.

*Item:* In schools in Denver, Colorado; Chicago, Illinois; and many other U.S. cities and towns, middle and high school students in conflict with other youth, students being bullied or bullying others, and youth removed from the classroom for disciplinary violations meet with students, teachers, and staff they have harmed or who have harmed them, as well as parents and community members, in restorative peacemaking circles. These informal dialogues make use of a “talking piece” (an object held by the speaker) as a means of preventing interruption when a participant is speaking and regulating dialogue about the harm caused to victims, acceptance of responsibility and often apologies by offenders, and an agreement for offenders to accomplish various tasks aimed at making amends or repairing the harm they have caused.

*Item:* In Rwanda, formerly incarcerated members of one of two primary tribal groups, the Hutu, implicated in genocidal killings of the other primary tribal group, the Tutsi, participate in lengthy (sometimes multiple-day) “truth-telling” sessions in communal courts (known as *Gacaca*). Aimed at repentance, reparation, and eventually possible reconciliation

with surviving family members of their victims, participants in these sessions ultimately accept responsibility for murder and other crimes, apologize, and make commitments of extensive service or reparation (as money, goods or services) aimed at eventual healing and peace.

*Item:* In San Jose, California, and hundreds of other communities in the United States, youth arrested for crimes and considered for diversion from court or probation meet with citizen volunteers in Neighborhood Accountability Boards who, with youth and family input, develop a community- and victim-oriented restorative sentence as an alternative to a court order. When asked why they believe this approach “works” better than traditional juvenile justice intervention, they report that the program is effective because “we aren’t getting paid to do this”; “we can exercise the authority that parents have lost”; “we live in their (offender’s and victim’s) community”; “we give them input into the contract”; “we are a group of adult neighbors who care about them”; “they hear about the harm from real human beings”; and “we follow up.”

*Item:* In a prison in Texas, the mother of a daughter raped and murdered a decade before and her granddaughter, along with a trained facilitator, meet with the offender responsible for 3 days of dialogue after several months of preparation by the facilitator. The goal of this meeting is to provide the survivors with answers to their questions about how this young woman had died and hear the offender’s story. At the end of a 2-day session, the mother and granddaughter forgive the murderer.

*Item:* In residential facilities for youth convicted of serious and often violent crimes in Georgia, Tennessee, Illinois, Pennsylvania, and other states, staff and the youth they are responsible for are learning new methods of discipline based on restorative justice principles (versus standard reward/punishment models) aimed ultimately at changing the culture and organizational climate of their facility.

*Item:* In Northern Ireland, formerly incarcerated Republican (IRA) and Loyalist combatants in the decades-long conflict in the city of Belfast meet with young offenders in community restorative justice conferences. While only a few years before, youth like these caught stealing, joyriding, or committing other crimes were beaten and even shot (“knee-capped”) by these combatants (who assumed de facto responsibility for preserving order in communities where police were not welcome), today these youth are held accountable by meeting with their victims and community members and agreeing to make amends through reparation and service to the individuals and communities harmed by their actions.

*Item:* In inner-city Cleveland, Ohio, former incarcerated felons participate in civic community service projects that

typically involve providing assistance to the elderly, helping youth in trouble and those struggling in school, and rebuilding parks. For their efforts, the former inmates “earn their redemption” by making amends to the community they previously harmed, rebuilding trust, and making new, positive connections with community groups and prosocial community members.

*Item:* In Bucks County, Pennsylvania, neighbors in a primarily white, protestant, middle-class neighborhood in a Philadelphia suburb place a Star of David in their windows during the holiday season in solidarity with a Jewish family who the night before had been the victim of a group of skinheads who burned a cross in the family’s front yard. With input from the families and community members, the young men are diverted from the court with the understanding that they will meet with the victimized family and a rabbi who will also arrange community service and ongoing lessons in Jewish history for the boys.

What do these diverse brief portraits of restorative justice have in common? While involving different cultures and ethnic groups addressing a wide range of harm and conflict, these practices share a basic commitment. This commitment is to primary involvement of the true “stakeholders” in crime and conflict, in a very intentional effort to pursue a distinctive justice outcome. Aimed at achieving “accountability” by allowing offenders to actively repair harm to the individuals and communities they have injured, this outcome has been found to be more satisfying to both victims and offenders than those pursued in a court or other formal process. While the term *restorative justice* has in recent years entered popular discourse (after being featured on the *Oprah* show and in other popular media venues), restorative policy and practice is often widely misunderstood. It is important, therefore, to first be clear about what restorative justice is *not*.

### Misunderstanding Restorative Justice

Restorative justice is not a single *program*, practice, or process. As indicated by the examples above—especially those involving serious and violent murders and reconciliation following genocide—it is also not an intervention meant only as an alternative response to minor crime, juvenile crime, or other misbehavior. And it is not limited to use in, or as an alternative to, one part of the criminal or juvenile justice process. Indeed, as illustrated in the last case above, restorative justice may occur spontaneously and completely outside and independent of any formal criminal justice context.

Restorative justice does not assume that the victim will or should *forgive* the offender. Although some victims—including those harmed by some of the most horrific crimes mentioned in the previous examples—choose in their own way and in their own time frame to forgive the offenders that harmed them, a successful restorative



intervention does not presume either forgiveness or reconciliation. Restorative justice is also not a “soft” option for offenders (many in fact view restorative justice as more demanding than traditional punishments), and restorative proponents do not suggest that more use of restorative justice implies that there is no need for secure facilities. Finally, restorative justice is not focused only on the offender—or on reducing recidivism—even though it has been effective in doing so. It is focused first on the needs of those victimized by crime and their families, and on the needs of other true “stakeholders” in crime and conflict: offenders and their families, communities, and supporters of offender and victim.

### Defining Restorative Justice

Restorative justice is most accurately described as a model for “*doing* justice” by repairing the harm of crime. To the greatest extent possible, restorative intervention seeks to heal the wounds crime and conflict cause to victims, communities, families, and relationships. This approach provides a clear alternative to now-dominant retributive justice models that seek essentially to achieve “just deserts” by punishing offenders, but restorative justice is not simply a model of offender rehabilitation, or an easy community-based alternative to punishment.

Restorative justice is, however, generally compatible with many goals and assumptions of other approaches to criminal justice including crime control, rehabilitation, and libertarian/due process models. Restorative justice practices support rehabilitation and treatment, though this is not their only or primary goal, and according to research, restorative programs have been effective in reducing recidivism; restorative justice *is* an evidence-based practice. Advocates of restorative justice are also strong in their support of due process and limits on state intervention, and do not advocate restorative processes for offenders who have not admitted responsibility for the crime, or been found guilty in a fair adjudicatory process.

Regarding crime control, restorative justice advocates would support prevention efforts as well as public safety goals. But they would also argue that a society more focused on restorative practices at a community level (e.g., in schools, families) would be a safer society. Restorative justice proponents also recognize the need for secure facilities, and even incapacitation, for violent predatory offenders. Like many other critics of U.S. criminal justice policy, however, restorative justice proponents would argue that the incarceration binge of the past decade has resulted in more harm than good—for example, communities that are less safe, victims who have not healed, and offenders who are perhaps even more violent.

Restorative justice is perhaps most distinctive in its way of determining/measuring how much “justice” has been achieved in a given response to crime. Specifically, restorative justice advocates would gauge the success of

any response to crime by attention to the extent to which *harm is repaired*, rather than the degree to which “just deserts,” or fair punishment, is delivered.

### Values and Principles

Underlying restorative intervention is a set of basic values, most notably “respect,” democratic decision making, fairness, and so on. Core *principles*, on the other hand, are value-based assumptions that express ideal goals and objectives to be achieved in a justice process. Such principles also provide general normative guidelines for gauging the strength and integrity (sometimes called the “restorativeness”) of any response to crime and harm. Broad core principles (as articulated by Van Ness & Strong, 1997) that guide restorative justice practice, and also suggest independent but mutually reinforcing justice goals, can be stated as follows:

- *The Principle of Repair*: Justice requires that healing be enabled for victims, offenders, and communities that have been injured by crime. The extent to which harm is repaired is assessed by the degree to which all parties identify the damage of a crime that needs to be addressed, and develop and carry out a plan to do so.

- *The Principle of Stakeholder Involvement*: Victims, offenders, and communities should have the opportunity for active involvement in the justice process as early and as fully as possible. The extent to which effective stakeholder involvement is achieved is assessed by the degree to which victims, offenders, and individuals from the community affected by a crime or harmful action are intentionally and actively engaged in decision making about how to accomplish this repair.

- *The Principle of Transformation in Community and Government Roles and Relationships*: The relative roles and responsibilities of government and community must be rethought. In promoting justice, government is responsible for preserving a just order, and community for establishing a just peace. The extent to which the community–government relationship is transformed in a restorative process is assessed by the degree to which a response to crime operationalizes a deliberate rethinking and reshaping of the role of the criminal justice system in relation to that of community members and groups.

While these core principles reflect normative values, they can also be linked to social theories that should guide practice, and in the long run help to *explain why* a given intervention, or a practice implemented over months or years, is successful or not. Later in this chapter, it will be demonstrated how each principle can be connected to causal theories drawn from criminological and other social science literature and intervention theories of crime and desistance.

## Stakeholders: Who, What, and Where?

The problem of *crime* is of course much larger and more complex than the problem of the *offender*. Yet, criminal justice policy is in essence an offender-driven response, narrowly focused on arresting and processing lawbreakers. The principle of stakeholder involvement places a priority on engaging those most affected by crime—victim, community, and offender—in the justice process, and on the quality of this engagement. It also suggests an emphasis on the needs of key stakeholders and their obligations. Such needs are often different for each individual participant in the justice process and may vary in unpredictable ways—hence, the need for a meaningful, respectful engagement process that presumes multiple choices based on research and practice. Based on research and practice experience, it is possible, however, to describe *general* needs that have become quite common for each stakeholder in a crime or conflict.

### Victim Needs

Many victims say that they often become most angry with the criminal justice system itself—with its delays, reluctance to share information, and often disrespectful treatment. Victims need first of all to be provided with information about their cases. They also may want, and demand, their “day in court” and to participate in their case, but many say that the adversarial process itself is a source of great trauma on some occasions. Indeed, as Judith Herman (2000) puts it, “If you set out to create a system to generate post-traumatic stress, you couldn’t do better than a court of law.” Thus, victims often prefer an informal process where their views count, such as the process offered by a range of restorative justice practices.

Victims also want more information about the processing and outcome of their cases, answers to their questions (e.g., about why they were chosen by the offender), “truth telling,” and vindication. Such vindication has nothing to do with “vindictiveness,” and the latter term, or terms such as “angry victims,” are often insulting to those harmed by crime. Rather, vindication is often about the need for the offender to express—to the victim and others—responsibility for the crime, and to make clear to everyone (and remove doubts that some victims have) that the crime was (if this is true) *not* a deliberate act by the offender toward this victim, and *not* the result of provocation or negligence on the victim’s part.

While all of us are likely to be angry when someone harms us, victim advocate Mary Achilles (Achilles & Zehr, 2001) notes that victim rage and demand for severe punishment are often a result of a lack of choices:

Victims frequently want longer time for offenders because we haven’t given them anything else. Or because we don’t ask, we don’t know what they want. So [the system] gives them door Number [1 or 2], when what they really want is behind Door Number 3, 4, [or] 5. (p. 12)

Indeed, if the choice behind “Door Number 1” is letting the offender off with no consequences, victims are unlikely to choose that. If “Door Number 2” is sending him to counseling or a wilderness program, the victim may approve of that but ask, “What’s in it for me—what about my needs as a victim?” When a prosecutor or other court official suggests jail time, on the other hand, it doesn’t take a vindictive or punitive person to choose “Door Number 3.” The lesson for restorative justice advocates, then, is to listen to victims and make new choices available that acknowledge the complexity of victims’ needs.

### Offender Needs

Traditionally, offender needs when addressed at all in a nonpunitive way have focused primarily on treatment. While most citizens—including those who have been victims—support rehabilitation for offenders, the legitimate portion of public anger about the criminal justice system is based on the view that most offenders are *not* held accountable. Most offenders are never incarcerated, and thus are perceived as receiving a “slap on the wrist.” Moreover, serving time—taking one’s punishment—is in no real way related to being accountable, or taking *responsibility for*, the harm an offender causes to his or her victims (and in some cases, it may even encourage anger toward the victim). Greater understanding by the public and by victims, as well as justice itself, therefore requires that offenders be *meaningfully* held accountable for what they have done.

Rather than simply “taking their punishment” or completing treatment, offenders then *need* the opportunity to take *responsibility for* the harm caused by their behavior to victims. They need to take action to repair the harm and to have a voice in the decision-making process about how this is accomplished. Facing their victim(s) in a restorative justice process provides a rare opportunity to also develop empathy and remorse—two factors strongly related to a reduced probability of reoffending—while also having input into the process. Offenders then take action to repair harm by making amends through apologies, community or victim service, restitution, and so on. Offenders also need support for reintegration into their communities. Juvenile offenders in particular need opportunities to build a range of assets, skills, and competencies, and they need an opportunity to practice and demonstrate these. Young offenders need also to develop positive relationships with prosocial adults.

### Community Needs

John McKnight, in his book *The Careless Society: Community and Its Counterparts* (1995), makes a convincing argument that Americans have in recent decades entrusted much of their traditional responsibility for raising children, helping the elderly, improving schools, and participating in civic life to experts. In doing so, Americans have handed over input into community life to

agencies focused on *problems* and deficits rather than assets that might enhance public life:

The service/medical establishment emphasizes the “half-empty” portion of communities and thereby thrives on disease and deficiency as its raw material. The raw material of community, on the other hand, is capacity. Communities are built utilizing the capacities and skills of needy, deficient people . . . [and] are built in spite of dilemmas, problems, and deficiencies. (p. 76)

Communities are also clearly imperfect. Yet, children grow up in communities, and not, if they are lucky, in service and juvenile justice *programs*. McKnight (1995), Robert Putnam (2000), and others who write about the decline in civic life and in the commitment to and reliance on neighbors and civic organizations, have in the past decade begun articulating the need to rebuild social capital as the “glue” that holds community life together.

Communities with high levels of connectedness or social capital typically have low crime rates because, as sociologist John Braithwaite (1989) suggests, in these communities, people “*don’t* mind their own business.” These are places active in maintaining informal social control and social support, especially for the young. Yet, as David Moore reminds us, the increasing reliance on the state, and especially on criminal justice and social service agencies, has in recent years “deprived people of opportunities to practice skills of apology and forgiveness, or reconciliation, restitution, and reparation . . . [and] appears to have deprived civil society of opportunities to learn important political and social skills” (Moore & McDonald, 2000, p. 30). As the state has taken on more responsibility for raising children, Americans have lost some of the basic wisdom and much of the competencies their parents and grandparents had (as well as their extended networks of support), and must literally relearn and practice these techniques. Rather than the typical focus of the past three decades on further expansion of the reach, responsibilities, and resources of the criminal and juvenile justice systems, restorative principles (especially the third principle described above, which addresses transformation of the community–government relationship) offer opportunities to strengthen and *resource communities* to allow them to reclaim responsibility for tasks they once performed *not perfectly*, but often better than criminal justice and social service agencies are capable of doing.

Restorative justice practice can and should therefore be viewed as a tool not simply to help individual victims and offenders, but also to help families, neighbors, schools, churches, networks of activities, and other foundations as communities begin to rekindle basic skills of social support and control that many believe are being lost. Examples of using restorative practice in these ways include cases in which community groups have stepped up to the plate to reclaim some of these responsibilities. In a city in the Minneapolis/St. Paul area, a case involving

serious vandalism in which a local teenager had ransacked an elaborately designed tree house that was open to and used by neighborhood youth, a group of community members took matters into their own hands, and with no professional help, organized their own neighborhood restorative conference. When police officers, who also ran their own highly effective restorative conferencing program, came to the neighborhood to inform residents that they had scheduled a conference for the youth and all families involved, they were told by several neighbors that one resident (a man whose own son had previously participated in one of the police program’s conferences with his own son) had “already handled the problem.” This community member had acted as a facilitator in a conference held in his own basement with the young perpetrator, his mother, several youth and their families, and other neighborhood residents. The conference resulted in restitution paid by the youth and his mother to rebuild the tree house; community service that involved neighbors working with the youth to repair damages; apologies from the youth and mother; and later, a neighborhood party to which the police officers were also invited.

## Restorative Justice Practice

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### Responding to Harm Through Restorative Practice

Restorative justice does not require a program or a formal process. Indeed, some of the best examples of restorative justice occur serendipitously. The previously mentioned case of neighbors who reached out to the Jewish victims of skin-head hate crimes in a predominately white, Anglo-Saxon, Protestant neighborhood in a Philadelphia suburb was a restorative response that had no connection to a program, nor were the Denver faith community groups who provided assistance and support for victims of the Oklahoma City bombing, in town for the Timothy McVeigh trial, employed by a restorative program. In both cases, however, much restorative healing took place that did not require a formal program.

Yet, more organized, ongoing restorative practice can be divided into two primary programmatic categories:

1. *Restorative decision-making or “conferencing” models*—Designed to enable victims, offenders, their supporters, and affected community members to have maximum input into a plan to repair harm, these processes can assume many variations within four general structural models: (1) family group conferences, (2) victim–offender mediation/dialogue, (3) neighborhood accountability boards, and (4) peacemaking circles, all of which share a focus on decision making that seeks to maximize stakeholder involvement.
2. *Restorative sanctions or obligations*—These include restitution, community service, apologies, victim service, behavioral agreements, and other efforts to make amends

for harm caused by one's offense. Restorative obligations represent the concrete, behavioral aspect of holding offenders accountable by "righting the wrong," which provides evidence to the community and victim that the offender has earned redemption.

### A Restorative Process and Outcome

Regarding decision-making processes, Howard Zehr (1990) notes that in the current criminal justice process, three questions are asked: Who did it, what laws were broken, and how will the offender be punished. The essence of a restorative process—focused on repairing the harm—is captured in three different questions: What is the harm, what needs to be done to repair it, and who is responsible for this repair.

To conduct a restorative process, stakeholders typically rely on one of the four general nonadversarial decision-making models listed above. This group of practices has in common a process whereby offender(s), victim(s)/victim rep(s), a facilitator, and other community members sit in a nonadversarial, face-to-face, informal meeting to consider the impact of a crime or harm on victims and communities and try to develop a plan to repair this harm that meets the needs of those most affected. Other common elements include adhering to a set of values and core principles, including different points of view, giving voice to various stakeholders, ensuring honest communication, respectfully acknowledging victims, expressing emotion, considering stakeholder needs, accountability, empathy and understanding, and creative problem solving.

The second category, restorative obligations, covers typical immediate products of the process that expect (and help) offenders to "make amends" for the crime or harm and demonstrate accountability through restitution, community service, apologies, victim service, behavioral agreements, and other means. While some would argue that a court order for restitution or service is generally more restorative than a traditional punitive sentence, most restorative justice advocates strongly prefer that these obligations come as directly as possible from the stakeholders themselves. Indeed, many regard the process itself as the essence of restorative justice, and some theoretical perspectives view the restorative dialogue as the fundamental means of *healing* in restorative practice, regardless of outcome.

### Research and Effectiveness

There is now general agreement that restorative justice practice has shown positive impact on a variety of intermediate and long-term outcomes including victim satisfaction and healing, increased offender empathy, and procedural justice or fairness. In recent years, randomized trials, quasi-experiments, and meta-analyses have also consistently demonstrated positive impact on reoffending.

While research on restorative justice is in its early stages, relatively speaking, unlike studies of punitive programs and weak or counterproductive treatment models, no research shows that restorative justice practices make things worse (e.g., increase recidivism).

While only two models of restorative conferencing, FGC and victim-offender mediation, have received consistent and positive ongoing evaluation, other conferencing practices such as neighborhood accountability boards and peace-making circles have also shown promising early results. In addition, an older body of evaluation research on the aforementioned reparative practices—essentially, restorative obligations or sanctions such as restitution and community service—has consistently found positive impact. Moreover, unlike a wide range of punitive approaches, as well as a large number of treatment programs that consistently report negative outcomes in evaluations and meta-analyses, no studies of reparative practices (e.g., restitution, community service) report negative findings.

Regarding crime victim impact, researchers for more than a decade have been able to make the claim that crime victims who participate in face-to-face restorative justice dialogue processes with offenders experience greater satisfaction than those who participate in court or other adversarial processes. Though "selection effects" leave open the possibility that victims who choose to participate in these processes are predisposed to report greater satisfaction than those who do not, the consistency and strength of these results are nonetheless persuasive. In recent years, experimental research has also verified the effectiveness of restorative conferencing in reducing posttraumatic stress syndrome in crime victims.

Much uncertainty remains, however, about the primary causal factor or specific intervention most responsible for producing the typically higher levels of victim satisfaction in this research. For example, it could be argued that these results are due less to the fact that restorative processes are so effective than to the fact that the court and adversarial process is so harmful. Perhaps restorative dialogue processes simply take advantage of what is often called a "Hawthorne effect," whereby victims who are simply listened to, treated with dignity and respect, and given a wider array of choices are more satisfied than those who go through court, regardless of the effect of any special face-to-face dialogue with the offender. While this could mean that positive effects of a restorative process are actually a result of what is usually called procedural justice rather than some presumed restorative justice impact, authors of the bulk of restorative research publications tend to view greater satisfaction as itself a restorative justice benefit. Although early studies show independent positive impact of restorative obligations—for example, restitution, community service—unanswered questions remain about what additional positive impact might be attributed to the *purely restorative* features of the restorative process. Yet, evaluation studies in recent years have generally also shown significant reduction in recidivism—at least some of which

has been linked to unique features of the restorative process and its impact, for example, on offender remorse and empathy.

## How and Why Does It Work? Better Theory for Better Practice

Despite this research progress and better outcomes for restorative programs relative to court and similar alternatives, there remains relatively little insight into *why* these programs appear to produce positive effects. Indeed, it is a legitimate question, whether it is a restorative justice process or some other set of intervention characteristics that accounts for the success of these practices. What is most needed at this time are clear and coherent theories that are consistent with restorative principles and assumptions that can account for *why* restorative justice works when it does, and *how* it works. Testing various theories may also reveal what aspects of restorative process and outcomes best explain why these practices reduce recidivism, improve victim outcomes, and seem to strengthen informal social control and social support.

Theories are not just for academics. Indeed, the best policies and practice are often guided by theories of change: in offenders, victims, other stakeholders, and communities. Theories should also guide practice and replication of successful projects by helping practitioners adapt general principles to diverse cultural and structural environments. As a collective encounter, restorative justice practice is naturally linked to a variety of social theories in criminology, sociology, psychology, and other disciplines.

Without a doubt, the most widely recognized theory associated with restorative justice is *reintegrative shaming theory* (RST). This theory emerged from sociologist John Braithwaite's (1989) comparative international work contrasting cultures and societies that tended to have low versus high crime rates. While Braithwaite concluded that generally low-crime cultures are those in which community members "do not mind their own business," he also emphasized the importance of informal sanctioning processes in which community members clearly denounced the crime or harmful act while also generally continuing to support the offender as a community member. This process, which he labeled "reintegrative shaming" (as the opposite of "disintegrative shaming"), has become the theory most associated internationally with the restorative justice process. While a powerful theory, reintegrative shaming practice does not receive absolute support among restorative justice advocates, many of whom prefer the emphasis on empathy and support rather than shame. In any case, even those who do use RST consistently now recognize it as only one of many theories that help to explain the impact of restorative justice.

In addition, a number of other theories appear to align directly with core values and principles of restorative justice, while at the same time providing practitioners with important immediate and intermediate outcomes that link

practice with long-term impacts and help to explain the success or failures of restorative interventions. Based on their fieldwork using interviews with staff and participants in restorative conferencing programs in several states and local communities, Bazemore and Schiff (2004) documented "grounded theories" in common use in restorative practice. These researchers also demonstrated how these theories tend to direct practice toward certain process approaches, and toward a focus on initial and intermediate outcomes believed to lead to positive long-term results (e.g., reduced recidivism, long-term victim healing). These theories and associated outcomes are discussed below as they relate to one of the three core principles of restorative justice.

### Repairing Harm

The first core outcome is associated with the overarching goal/principle of repairing harm. In restorative practice, this principle gauges the extent to which the offender acknowledges responsibility for his or her actions, and is then held accountable to victim and community. The offender does this by "making amends" for the harm his or her crime has caused. This outcome dimension is grounded in *exchange theories* that emphasize the importance of reciprocity in human interaction. A second core outcome associated with the principle of repairing harm is the focus on rebuilding relationships damaged by crime, or helping offenders, victims, and families make new connections with positive individuals and support groups. This practice and outcome is grounded in Cullen's (1994) *social support theory*, which suggests that both emotional/affective support (e.g., from family and intimates) and more tangible instrumental assistance from prosocial community members enable offenders to desist from crime, and victims to recover from the trauma of crime.

### Stakeholder Involvement

Theories surrounding the principle of stakeholder involvement emphasize different varieties, or tendencies, in the restorative decision-making or conferencing process. These theories give priority to different intermediate intervention objectives as most important in various theories of restorative decision making. For example, a theory of *healing dialogue*, which claims that the "victim-offender exchange" in the conference setting (with relevant input from others in the conference) is the most critical dimension (i.e., immediate outcome) of a successful conference, gives primary weight to the power of relatively unrestricted victim-offender discourse. Another perspective related to this principle is a theory of *common ground*, which suggests the importance of a kind of "mutual transformation" of victim and offender as an outcome central to the ultimate resolution of harm and conflict. This dimension gives priority to the power of conflict resolution processes that build upon what is at times a small overlap in the interests

of victim and offender, offender and community, and victim and community. Facilitators in a restorative process often find this overlap by close attention to change in group emotions, by respectful acknowledgement of the “other” (e.g., victim of the offender), and by recognizing and building on transition in subtle phases of the dialogue process. Also aligned with the stakeholder involvement principle is the previously discussed reintegrative shaming theory, which seeks a collective “respectful disapproval” of the offender’s behavior by those who acknowledge the harm caused, while distinguishing the behavior from the offender himself or herself.

### Community/Government Role Transformation

The need for transformation of the community/government role and relationship in the response to crime suggested by the third restorative principle is consistent with more macro theories of *social capital* and informal social control. The theory and principle are best operationalized when participants in a restorative process (and their support groups, neighborhoods, and organizations) engage in “norm affirmation,” or values clarification and, in doing so, strengthen networks of support based on trust and reciprocity. These networks then form the basis for building common skills of informal social control and mutual support, and finally developing the commitment needed to exercise these skills as suggested by the theory of *collective efficacy*.

Another phase or dimension of community building noted in field observation of restorative processes, referred to as *collective ownership*, appears to emerge in restorative conferences when participants begin to take responsibility both for the case at hand, and for some of the larger local problems it exemplifies. This collective ownership may then impact willingness to take action in informal control and support based on a theory of *civic engagement*. The latter theory also suggests that offenders who make such a commitment, and follow through in the process of giving back by visibly making amends to their communities, are thereby able to demonstrate their value as productive citizens with something to offer to the well-being of others.

### Practical Challenges to Restorative Policy and Practice

While restorative justice has demonstrated great success in some parts of the world, the restorative justice movement, especially in the United States, finds itself in something of a crisis due to a decline in resources to support new programs and initiatives, and continuing policymaker commitment to punitive and less effective alternative programs. Despite positive empirical impact and widespread support for restorative justice values, most problematic has been the

lack of broad application of restorative practices and policies beyond responses to low-level crimes. Also apparent is the failure to move beyond mostly small “boutique programs” disconnected from mainstream juvenile and criminal justice and from systemic change. For mainstream criminal and juvenile justice officials, these programs may seem worthy of support as one of many “alternatives” for low-level cases, but they also seem to be isolated from mainstream concerns. Most importantly, restorative justice advocates have often failed to explain to those criminal and juvenile justice professionals and the communities they serve *how restorative justice programs help them solve fundamental system and community problems*.

A focus on *programs* cannot provide the basis for a holistic approach to restorative justice in the absence of a systemic commitment to transform the focus and effectiveness of criminal and juvenile justice intervention. Indeed, the most successful case study of a comprehensive implementation of restorative justice began somewhat inadvertently in the late 1980s in New Zealand, as mentioned early in this chapter. This modern beginning of a systemwide restorative effort in juvenile justice produced national legislation mandating use of an ancient, nonadversarial decision-making model employed by Maori aboriginals for hundreds of years (now known widely as family group conferencing) to determine the disposition, or sentence, for all juvenile cases other than murder and rape. Family group conferences, rather than being presented as “alternative” or “add-on” programs, were meant to give parents, as well as extended family (or clan) and community members, primary input into decision making for these cases once guilt/responsibility for the crime was established. In doing so, this practice largely displaced or reduced the dispositional function of the court, while also addressing the solving of chronic system and community problems that were the primary concern of the national legislation: overuse of incarceration for juvenile offenders resulting in severe facility crowding, and the disproportionate confinement (DMC) of minority youth (i.e., Maoris).

While the New Zealand experience is unique as a case study in restorative justice implementation, there are many important lessons in that effort for the United States and other countries. Many countries, for example—including those in the United Kingdom and Europe, as well as Canada and Australian provinces and states—while not mandating use of restorative processes, specify *presumptive* use of restorative justice for many crimes; that is, use is expected in the absence of justification not to do so. Despite the fact that 25 U.S. states by the late 1990s had changed the purpose clauses of their juvenile codes to include restorative justice, and estimates in early 2000 that more than 700 restorative programs operated nationally, most states support only a handful of programs. Moreover, referral rates are miniscule relative to most programs and mainstream dispositions (e.g., probation), and most importantly, few of

these jurisdictions specify or even prioritize use of restorative practices.

Given the relative failure in the United States to make restorative justice part of the mainstream of criminal and juvenile justice, a checklist of do's and don'ts that should guide a new two-pronged strategy for expanding, sustaining, and maximizing the use and benefits of restorative policy and practice might have several key assumptions. In addition to the general emphasis on engaging system leaders by demonstrating how restorative justice could (as in the New Zealand and other experiences) resolve chronic system and community problems (i.e., by increasing public safety), additional specific recommendations for implementing and expanding use and impact of restorative justice policy and practice include the following: (1) De-emphasize programs and challenge the view that restorative justice is an "alternative" rather than a primary, even essential, feature of both decision making in criminal and juvenile justice and follow-up on meaningful obligations and sanctions assigned to offenders; (2) rather than supplement, or provide an "alternative" to, many mainstream, ineffective practices, restorative justice should be designated in statute or policy as the primary response to large groups of offenses; (3) because restorative justice is compatible with core justice functions in multiple settings, advocates should seek to develop a restorative "way" or approach to enhance and refocus core criminal justice functions—e.g., consider a restorative model of discipline and conflict resolution in correction facilities and in schools, and develop restorative models of diversion, probation, and reentry. In addition, restorative values and principles have been discussed and initially applied to staff discipline, court management, community policing, and other core criminal justice functions and could be further expanded as movement toward a systemic approach.

## Conclusion

Restorative justice is a "new" approach based on ancient practices, unique justice values, and core principles. These justice principles guide a new justice process based on maximizing participation of core stakeholders—victim, offender, and community—and repairing the harm caused by crime. New outcomes emphasize accountability for the offender based on taking responsibility to make amends to victim and community and rebuilding or strengthening relationships of both offender and victim to their communities and supporters.

Challenges include moving beyond a programmatic approach to a holistic focus that seeks a restorative outcome in every case and uses restorative justice principles to solve major systemic problems in criminal justice and communities. Public opinion generally favors restorative justice practices, and prefers alternatives forms of accountability for most crimes. Yet, the continued commitment of U.S. policymakers

to retributive punishment and to an emerging prison industrial complex that appears to be creating the societal condition sociologist Bruce Western (2007) now calls "mass imprisonment" presents formidable challenges to any progressive reform. Optimism for greater use of restorative justice is based on strong research findings indicating its effectiveness in achieving multiple outcomes for multiple stakeholders, including reduced recidivism, and victim satisfaction and healing. Moreover, the connection between restorative justice principles and evidence-based theories of change at the social-psychological, peer support, and community-building levels of intervention provides further rationales for expanding these approaches. Finally, increasing recognition of a decline in and a need for revitalization of community skills in informal crime control and positive support for prosocial behavior also set the context for greater application of restorative justice solutions.

## References and Further Readings

- Achilles, M., & Zehr, H. (2001). Restorative justice for crime victims: The promise, the challenge. In G. Bazemore & M. Schiff (Eds.), *Restorative community justice: Repairing harm and transforming communities*. Cincinnati, OH: Anderson Publishing.
- Bazemore, G. (2001). Young people, trouble, and crime: Restorative justice as a normative theory of informal social control and social support. *Youth & Society*, 33(2), 199–226.
- Bazemore, G., & Schiff, M. (2004). *Juvenile justice reform and restorative justice: Guiding theory and policy from practice*. Cullompton, Devon, UK: Willan.
- Bazemore, G., & Walgrave, L. (Eds.). (1999). *Restorative juvenile justice: Repairing the harm of youth crime*. Monsey, NY: Criminal Justice Press.
- Bonta, J., Wallace-Capretta, S., Rooney, J., & Mackanoy, K. (2003). An outcome evaluation of a restorative justice alternative to incarceration. *Contemporary Justice Review*, 5, 319–338.
- Braithwaite, J. (1989). *Crime, shame, and reintegration*. New York: Cambridge University Press.
- Braithwaite, J., & Mugford, S. (1994). Conditions of successful reintegration ceremonies: Dealing with juvenile offenders. *British Journal of Criminology*, 34, 139–171.
- Butts, J., & Snyder, H. (1991). *Restitution and juvenile recidivism* [Monograph]. Pittsburgh, PA: National Center for Juvenile Justice.
- Clark, P. (2005, Summer). When killers go home: Local justice in Rwanda. *Dissent*, 14–21.
- Cullen, F. T. (1994). Social support as an organizing concept for criminology: Residential address to the Academy of Criminal Justice Sciences. *Justice Quarterly*, 11, 527–559.
- Herman, J. (2000). *The case of trauma and recovery*. UC Berkeley Conversations With History. Retrieved March 1, 2009, from <http://globetrotter.berkeley.edu/people/Herman/herman-con1.html>.
- Hudson, J., & Galaway, B. (1990). Introduction: Towards restorative justice. In B. Galaway & J. Hudson (Eds.), *Criminal justice, restitution, and reconciliation* (pp. 3–16). Monsey, NY: Willow Tree Press.

- Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington, DC: American Psychological Association.
- Maxwell, G., & Morris, A. (1993). *Family participation, cultural diversity and victim involvement in youth justice: A New Zealand experiment*. Wellington, New Zealand: Victoria University.
- McKnight, J. (1995). *The careless society: Community and its counterfeits*. New York: Basic Books.
- Michalowski, R. J. (1985). *Order, law, and crime*. New York: McGraw-Hill.
- Molm, L., & Cook, K. (1995). Social exchange and exchange networks. In K. Cook, G. Fine, & J. House (Eds.), *Sociological perspectives on social psychology* (pp. 241–260). Boston: Allyn & Bacon.
- Moore, D., & McDonald, J. (2000). *Transforming conflict in workplaces and other communities*. Sydney, Australia: Transformative Justice Australia.
- Putnam, R. (2000). *Bowling alone: The collapse and revival of American community*. New York: Simon & Schuster.
- Rodriguez, N. (2004). Restorative justice, communities, and delinquency: Whom do we reintegrate? *Criminology & Public Policy*, 4, 103–130.
- Sampson, R., Raudenbush, S., & Earls, F. (1997). Neighborhoods and violent crime: A multi-level study of collective efficacy. *Science Magazine*, 77, 918–924.
- Schneider, A. (1986). Restitution and recidivism rates of juvenile offenders: Results from four experimental studies. *Criminology*, 24, 533–552.
- Sherman, L., & Strang, H. (2007). *Restorative justice: The evidence* [Monograph]. Cambridge, UK: The Smith Institute.
- Shiraldi, V., & Soler, M. (1998). The will of the people: The public's opinion of the Violent and Repeat Juvenile Offender Act of 1997. *Crime & Delinquency*, 44(4), 590–601.
- Tyler, T. (1990). *Why people obey the law*. New Haven, CT: Yale University Press.
- Van Ness, D., & Strong, K. H. (1997). *Restoring justice*. Cincinnati, OH: Anderson.
- Von Hirsch, A. (1976). *Doing justice*. New York: Hill & Wang.
- Weitekamp, E. G. (1999). The history of restorative justice. In G. Bazemore & L. Walgrave (Eds.), *Restorative juvenile justice: Repairing the harm of youth crime* (pp. 75–102). Monsey, NY: Criminal Justice Press.
- Western, B. (2007). Mass imprisonment and economic inequality. *Social Research*, 74(2), 509–533.
- Zehr, H. (1990). *Changing lenses: A new focus for criminal justice*. Scottsdale, PA: Herald Press.



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## SENTENCING

BRIAN D. JOHNSON

*University of Maryland*

Few decisions in the criminal justice system exert as much influence over the life and liberty of criminal offenders as the final sentencing decision. Judges have a broad array of sentencing options, ranging from fines, restitution, and probation to incarceration in jail or prison. For much of the 20th century, criminal sentencing practices remained largely unchanged in the United States, but the past few decades have witnessed a virtual revolution in criminal punishment processes. A number of different sentencing reforms have been recently implemented or expanded, resulting in a variegated mix of different legal approaches to sentencing in the United States today. This chapter reviews the contemporary state of knowledge on U.S. criminal sentencing. It begins with a brief historical overview of sentencing philosophies, followed by a discussion of modern sentencing innovations. It then discusses research evidence regarding social inequalities in punishments before concluding with a discussion of unresolved issues in contemporary research on criminal punishment in the 21st century.

### **Historical Evolution of Modern Sentencing Systems**

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Criminal sentencing in America has long been guided by one of several different major philosophies of punishment, including retribution, deterrence, incapacitation, and rehabilitation (Spohn, 2000). Retributive sentences involve punishments designed to exact revenge, in line with the biblical

notion of “an eye for an eye.” This is based on the belief that some behaviors are categorically wrong and therefore deserving of punishment. From this perspective, sentences should be commensurate with the harm done to society in order to exact just punishment. Deterrence, on the other hand, involves a more utilitarian rationale for sentencing. It is based on the notion that crime is freely chosen as the result of a rational cost-benefit analysis. Individuals will engage in crime when the benefits outweigh the costs. The goal of sentencing, then, is to raise the costs of crime, in the form of punishment, to a level that will prevent future crime from occurring. In comparison, incapacitation argues that effective sentences should focus on removing serious offenders from society. Once isolated and secluded, criminal offenders will no longer be able to commit crimes against the public. Finally, rehabilitation as a philosophy of punishment emphasizes individual offender reform. According to this perspective, the goal of punishment should be to address the underlying causes of crime in order to reduce future offending. Although in practice these various sentencing rationales often coexist, throughout history major changes in sentencing have often followed paradigm shifts in predominant philosophies of punishment.

### **The Fall of the Rehabilitative Ideal**

During colonial times, criminal sentencing in America was premised initially on retribution and then later on deterrence (Walker, 1998). By the late 1800s, however, sentencing

in America had become thoroughly dominated by rehabilitation. The goal of criminal punishment was to reform the offender by altering the underlying causes of crime. In order to accomplish this, criminal sentences had to be sufficiently flexible to be individually tailored to the unique needs of particular offenders. This led to a system of punishment known as “indeterminate sentencing,” so named because the exact term of punishment was often uncertain. Sentences often involved wide ranges, with minimum and maximum terms that could stretch from a single day to life imprisonment. These broad sentence ranges provided maximum flexibility for determining when an offender had been rehabilitated and when he or she was therefore ready to be released back into society. Judges at sentencing would determine the broad ranges of punishment, and then release decisions would be made by prison authorities or parole boards, who exercised considerable discretion in determining the actual amount of time served. Although indeterminate sentencing was based on a rehabilitative philosophy of punishment that emphasized the unique individual needs of different offenders, it is important to note that often the programs implemented in prison to target those needs were poorly funded and administered (MacKenzie, 2001).

Inherent in the rehabilitative philosophy of indeterminate sentencing was an implicit trust that criminal justice officials were able to reform criminal offenders. The 1960s was a period of important social change, though, and during this time trust in the justice system began to be questioned for a variety of reasons. A number of important social movements coincided that raised questions about the effectiveness and fairness of indeterminate sentencing. As part of the larger civil rights movement, a due process revolution swept through the criminal justice system that emphasized the fair and equal treatment of offenders. Prison conditions in particular came under attack following dozens of high-profile prison riots, like the one at Attica, New York, in 1971 that left 33 prisoners and 10 hostages dead after a 4-day standoff with prison officials. Race riots, such as the infamous Watts Riots in Los Angeles in 1965, were also breaking out in several cities; this, combined with the counterculture youth movement and anti-Vietnam War sentiments, helped fuel a growing mistrust of government (LaFree, 1999). Importantly, this period of social discord coincided with a precipitous rise in crime, which some commentators attributed to sentencing leniency associated with the rehabilitative focus of punishment. Over the next 25 years, violent crime would increase threefold, helping to further fan the flames of criminal justice reform while placing the get-tough sentencing movement at the forefront of political discourse in the United States.

Criminological scholarship also contributed to the dramatic changes in criminal sentencing that were about to take place. In 1974, a group of researchers published a comprehensive evaluation of 231 correctional treatment programs and concluded that with few and isolated exceptions, “nothing works” in corrections (Lipton, Martinson,

& Wilks, 1975). Known as the Martinson report, this study became a sounding board for criminal justice pundits and reform-minded politicians bent on change, despite the fact that its conclusions were taken out of context and heavily criticized by some. If rehabilitation was ineffective, something else was needed to take its place. Both conservative and liberal scholars lobbied for change, although for different reasons. Conservatives argued that rising crime rates were the product of undue sentencing leniency associated with the rehabilitative ideal of indeterminate sentencing. They argued for a return to more punitive times, limiting the ability of court and correctional agents to mitigate punishments, and placing greater emphasis on law and order. James Q. Wilson (1975), among others, argued for a shift in punitive philosophy toward a crime control model that would emphasize deterrence and incapacitation rather than rehabilitation. Liberal scholars, on the other hand, began questioning the unbridled discretion of judges in the sentencing process. They argued that inordinate discretion led to inequities in punishment, with preferential treatment reserved for higher-status offenders. Most famously, a Columbia law professor and federal judge named Marvin Frankel (1973) wrote a scathing critique of indeterminate sentencing in which he criticized the facts that judges were not required to provide any reasons or rationale for their sentences; their sentences were not subject to systematic oversight or review; and they lacked the training and guidance necessary to achieve uniform, fair, and just sentences. The unfettered discretion of judges under indeterminate sentencing, in his words, was “terrifying and intolerable for a society that professes devotion to the rule of law” (p. 5).

During the 1970s, then, bipartisan support emerged for wholesale change in criminal sentencing, with conservatives wanting to increase the severity of punishments and liberals wanting to curtail excessive judicial discretion. Coupled with rising crime rates and increasing distrust of government institutions, this unusual political alliance led to dramatic and unprecedented changes in criminal sentencing in America (MacKenzie, 2001).

### The Determinate Sentencing Revolution

Although a number of states still operate under indeterminate sentencing systems, a distinct shift in sentencing has occurred that has fundamentally altered the modern landscape of criminal sentencing in America. The abandonment of rehabilitation as the core punishment rationale in sentencing left a sharp and unexpected void in terms of both punitive philosophy and public policy. The solution that emerged, in part, was reliance on a new “justice model” of punishment in which the goal of sentencing would be certain, severe, and proportional punishments rather than individual reformation. This was in effect a return to classical ideas rooted in the retributive ideal. The justification for sentencing under this new regime would

emphasize “just deserts”—or deserved justice—where the goal of sentencing was to fit the punishment to the offense rather than the offender. Under this new philosophy of punishment, uniformity would replace individualization in sentencing as the paradigm regnant. This philosophical change was at the heart of a larger structural shift toward determinate sentencing. Because rehabilitation was no longer the goal of punishment, there was no reason to sentence offenders to indefinite terms of incarceration; relatively fixed and equal sentences based on the severity of the crime and the prior criminal record of the offender became preferable.

Although determinate sentencing takes many forms, its core definitional requirement is the limiting of case-based discretion by judges and parole officials in sentencing. Under determinate sentencing, broad and uncertain sentencing ranges would be replaced by specific punishments that would be matched to specific crimes. Under this system, parole boards would no longer be necessary. Although determinate sentencing reforms have taken various forms, they all share a concern over replacing the rehabilitative ideal with a new set of sentencing considerations emphasizing greater uniformity, neutrality, certainty, predictability, and severity in punishment. The goal of uniformity in punishment arose out of concerns that unfettered judicial discretion was resulting in wildly disparate punishments for similar offenders. Reforms that emphasize uniformity attempt to ensure that similar cases committed by similar offenders receive equivalent punishments. Similarly, neutrality in punishment means that the law is applied in ways that are not systematically biased against particular classes of offender, such as racial minorities in society. Reforms targeting increased certainty and predictability in punishment place stricter constraints on the amount of time served by offenders. Under indeterminate sentencing, time served was typically much less than the nominal sentence because offenders were eligible for parole release after serving as little as one third of their sentence. The actual term of imprisonment was uncertain and unpredictable, and two sentences of equal length could result in different terms of actual incarceration. Finally, severity of punishment, as a goal of sentencing reform, emerged largely out of the law-and-order movement that attributed rising crime and societal discord to unwarranted leniency in sentencing. An important element in the shift to determinate punishments, then, was an increase in severity of sentences, at least for certain classes of crime like drug and violent offenses.

### Modern Sentencing Innovations

Although determinate sentencing innovations all share at least some of these core concerns, they have taken various forms, leaving some commentators to note that sentencing philosophy today lacks a strong, unifying organizational or

policy-oriented goal structure (Tonry, 1996). Different jurisdictions have enacted different sentencing reforms, often without adequate concern for their overlap in application. A number of jurisdictions have abolished parole completely, while others have restricted its application in attempts to achieve greater predictability in punishment. Most jurisdictions have also established mechanisms for ensuring that offenders serve a fixed portion of their nominal sentence. Offenders can still earn “good time” credits, but this discount for good behavior is often capped at 15%, so offenders must serve at least 85% of their nominal sentence. These laws are referred to as “truth in sentencing” because they aim to increase the certainty and transparency of the actual time served by the offender. Both parole abolition and truth in sentencing were often enacted along with broader reform efforts designed to achieve additional goals of determinate sentencing. The three most prominent examples of these modern reforms are determinate sentencing laws, mandatory minimums, and sentencing guidelines.

### Determinate Sentencing Laws

As early as the 1970s, a number of states, such as California, Illinois, Arizona, and Colorado, began experimenting with determinate sentencing systems based around statutorily defined penalties. These “determinate sentencing laws” shifted sentencing discretion from the judge to the state legislature. Rather than allow the judge to sentence offenders to broad, open-ended terms of incarceration, specific sentences or sometimes narrow sentence ranges were codified in the criminal statutes themselves. Although legal statutes already determined maximum penalties for most crimes, determinate sentencing laws narrowly focused the limits of judicial sentencing authority. In some states, like California, which still operates under this system, aggravating and mitigating sentences are also specified, but judges must provide explanation of the unusual circumstances that warrant these sentencing adjustments.

Determinate sentencing laws dramatically constrained the sentencing discretion of judges and shifted sentencing power to a new player in the justice system—the legislative body. Some of the complications and criticisms of this sentencing innovation revolve around the inherent complexity involved in determining fixed punishments for every possible crime. Because state punishment codes cover hundreds of different offenses, it can be very difficult to assign specific punishments to every offense. Moreover, determinate sentencing laws can make it difficult to account for the full range of offense characteristics that make some crimes more serious than others. Many judges felt disenfranchised after the enactment of determinate sentencing laws, and critics argue that these laws shift sentencing discretion to the prosecutor, who determines the charge of conviction in the case. Moreover, there is disagreement about the appropriateness of having politically elected

bodies like state legislatures determine the legal parameters of appropriate punishments. Because legislative bodies are publicly elected, they may be particularly prone to short-term political influences surrounding crime and punishment. They also are unlikely to have the specialized expertise or necessary legal resources to effectively gauge appropriateness and proportionality in punishment. Although determinate sentencing laws hold the potential to promote statewide uniformity in sentencing, for these and other reasons they have only been selectively implemented in a limited number of states. However, they did help pave the road of sentencing reform for other innovations like mandatory minimums and sentencing guidelines.

### Mandatory Minimum Sentences

Mandatory minimums are similar to determinate sentencing laws in that they involve legislatures passing fixed penalties, but they differ in that these laws are applied selectively to specific offenses and offenders, and they only establish statutory minimums, not maximum penalties. For these cases, judges can sentence qualifying offenders above the required minimum but not below it.

The modern history of mandatory minimums is one of extremes. Although they have long existed in milder forms for most of U.S. history, mandatory minimums were categorically repealed by Congress in 1970 (Tonry, 1996). This was at the height of the indeterminate sentencing movement, and under the rehabilitative ideal it made little sense to have fixed minimum punishments that would result in some offenders remaining incarcerated after they were successfully rehabilitated. Sentence lengths needed to be flexible enough to account for individual differences in rehabilitative potential. Soon after, though, rehabilitation fell drastically out of favor, and between the mid-1970s and mid-1980s, every single state reenacted various mandatory minimum laws, making them the most prolific of the modern sentencing reforms. The federal system alone has more than 100 different mandatory minimum sentences.

Most mandatory minimums target drug, violent, or firearms offenses, or they are designed specifically to punish repeat offenders. Mandatory minimums that apply to repeat offenders are called *habitual offender laws* because they are triggered by the offender's prior criminal record rather than or in addition to the current offense. For instance, in Florida, two prior felony convictions or one prior violent felony makes an offender eligible for a habitual offender mandatory minimum enhancement (Crawford, Chiricos, & Kleck, 1998). When mandatory minimums are applied to a case, they can substantially increase the sentence, and they often require the offender to serve a more significant portion of his or her sentence before being eligible for release.

One particular type of habitual offender law that has been widely popularized is *three strikes and you're out*.

Drawing upon a baseball analogy, three-strikes mandatory minimums require that offenders convicted of a third serious felony serve 25 years to life imprisonment, often without possibility of parole. These laws rely on a philosophy of punishment known as *selective incapacitation* because they aim to selectively remove serious repeat offenders permanently from society (Wolfgang, Figlio, & Sellin, 1972). The first of these laws was passed in Washington State in 1993, but they have quickly spread; currently, just over half the states and the federal government have some form of three-strikes law. In most states, three-strikes laws apply to very few criminals, but in a few jurisdictions, like California, they have been broadly defined to apply to a wide spectrum of offenders (Zimring, Hawkins, & Kamin, 2003).

Some commentators point out that mandatory minimum sentences are important for the political and symbolic goals that they achieve. Politicians often favor mandatory sentences because they are perceived to be tough on crime, but once passed into law they can be difficult to amend or repeal because they require formal legislative action to do so. Perhaps the most infamous example of this is the 100:1 crack/cocaine ratio in federal sentencing. Five grams of crack cocaine are all that is needed to invoke a 5-year mandatory prison sentence in federal court, whereas 500 grams of powdered cocaine are required for the same minimum punishment. The tough mandatory minimum for crack cocaine was passed during the war on drugs in the 1980s when political hyperbole surrounding crack cocaine was rampant. Today, because minority offenders are disproportionately convicted of crack cocaine offenses, this mandatory minimum has been harshly criticized for contributing to racial injustices in sentencing (Tonry, 1995). Although the U.S. Sentencing Commission has encouraged that steps be taken to eliminate this disparity, and the Supreme Court recently affirmed the judge's authority to sentence offenders below the crack cocaine minimum (*Kimbrough v. United States*, 2007), these sentencing laws at present remain on the books. One solution that has been proposed is to include "sunset clauses" in the passage of mandatory minimums, which would mean that they would be automatically repealed if not renewed by the legislature (Tonry, 1996). Currently, though, this type of legal clause is rare in the policy world of mandatory minimum sentencing provisions.

Although public support for mandatory minimum sentences is often high, they have been repeatedly criticized for various other reasons as well. Academic research provides little evidence of their effectiveness as a crime deterrent, and prosecutors are known to selectively apply them in a limited subset of eligible cases. Some evidence suggests mandatory sentencing provisions target offenses disproportionately committed by minority offenders and are disproportionately applied to minority defendants. There are also dramatic geographic variations in the application of mandatory minimums such that the location of the court impacts the likelihood of receiving a mandatory sentence (Ulmer, Kurlychek, & Kramer, 2007). Moreover, dismissal rates for

some mandatory sentences have increased dramatically after their passage, suggesting prosecutors and judges take instrumental steps to selectively avoid application of these procrustean penalties. When mandatory minimums are invoked, they almost always result in sentences that are substantially more severe than they would be otherwise. In many jurisdictions, little effort has been made to adequately reconcile mandatory penalties with other structured sentencing approaches, such as sentencing guidelines, which have been a more popularly received sentencing innovation for a variety of reasons.

### Sentencing Guidelines

Perhaps the most significant development in determinate sentencing has been the widespread implementation of sentencing guidelines, which have become a popular vehicle for enacting large-scale sentencing reform. Like other determinate sentencing reforms, sentencing guidelines constrain judicial sentencing discretion, but unlike other reforms, the creation of sentencing guidelines is typically delegated to a sentencing commission, or a specialized administrative body of judges, lawyers, politicians, and other legal specialists. Sentencing guidelines were first proposed by Judge Frankel (1973) as part of his eloquent diatribe against indeterminate sentencing in the 1970s. He argued that unlike the state legislature, an administrative commission of sentencing experts would be able to develop special competency regarding appropriate punishments while remaining isolated from short-term political pressures. He also argued that a standardized system of sentencing recommendations, or “guidelines,” were needed to provide uniform benchmarks for judges at sentencing in order to increase equality in punishment. Most sentencing guidelines today are set up as two-dimensional grids that include a measure of the seriousness of the current offense on one axis, and a measure of the prior criminal record of the offender on the other. Sentencing decisions are determined by the intersection of these two core sentencing criteria. More serious crimes and longer criminal histories result in more severe recommended punishments.

Although all sentencing guidelines are founded on similar core ideas, the way in which they have been implemented in different jurisdictions is extremely varied. Guideline systems differ in their complexity, in their sentencing ranges, in the amount of discretion they afford judges, in whether or not they retain discretionary parole release, in the types of crimes and sentencing options they cover as well as the philosophies of punishment they emphasize, and in the extent to which they deviate from past sentencing practices (Frase, 2005). Some guidelines, such as Minnesota’s, only govern prison sentences for felony offenses, whereas others, like Pennsylvania’s, cover a broad range of sentencing options, including jail, prison, and various intermediate sanctions, for both felony and misdemeanor offenses. A few states, like Delaware and

Ohio, have created narrative rather than grid-based guidelines, and other states like Maryland have developed separate sentencing matrices for different crime categories. There has been some discussion of creating three-dimensional guidelines that incorporate other factors like offender culpability or amenability to treatment, but no state has yet taken this approach.

Although there are a number of subtle differences in the types of guidelines currently in use, guidelines systems can be broadly categorized on a continuum between “presumptive guidelines” and “voluntary guidelines.” Presumptive guidelines legally mandate judges to sentence within prescribed sentence ranges that are presumed to be appropriate unless there are unusual circumstances in the case. Judges can still sentence offenders outside of presumptive ranges, but these “departure” sentences require explicit justification, and they are subject to appellate review by a higher court. Voluntary guidelines, on the other hand, provide sentencing recommendations that are not legally binding. Judges are encouraged to consult the guidelines, but they are not required to follow them. Presumptive guidelines place a higher level of control over judicial sentencing discretion than voluntary guidelines. Similarly, different guidelines systems can also be categorized on a continuum between “descriptive guidelines” and “prescriptive guidelines.” Descriptive guidelines are based on past sentencing practices. They are meant to codify and define existing sentencing behaviors, whereas prescriptive guidelines “prescribe” new sentencing patterns that differ from past practices in substantively important ways. The first presumptive sentencing guidelines were implemented in Minnesota in 1980, followed by Pennsylvania in 1982, and today, about half the states either currently have or have experimented with some form of sentencing guidelines.

The bulk of the research evidence on the performance of sentencing guidelines indicates that they are effective in altering the preexisting punishment patterns of sentencing judges. There is also evidence that guidelines have helped reduce unwarranted sentencing disparities associated with offender characteristics like race, class, and gender, although they have not eliminated these differences altogether. Some scholars maintain that they have been successful in creating greater proportionality in punishment. In some states, sentencing commissions have also been able to utilize guideline systems to achieve systemic goals, like effective management of growing correctional populations. Many states now routinely conduct computer projections on prison populations in order to evaluate the influence of potential changes to their sentencing guidelines or to better gauge the impact of other punishment policies such as the implementation of proposed mandatory minimums. These projection estimates can provide useful information on future offender populations that can be utilized to alter sentencing practices in necessary ways. In some cases, resource management concerns have been the primary motivating factor behind the establishment of

sentencing guidelines. Overall, then, commission-based regulation of sentencing guidelines has largely proven to be an effective mechanism for altering punishment patterns and implementing other policy initiatives such as correctional management goals.

For these reasons, state sentencing commissions and their guidelines have been a popular sentencing innovation. Although judges initially responded unfavorably to the curtailing of their sentencing discretion, many of them now openly embrace the idea of sentencing guidelines. In part, the relative success of guidelines stems from their broad appeal across multiple constituencies. Legal advocates, civil libertarians, and liberal scholars laud guidelines for encouraging greater consistency and uniformity in sentencing; crime control politicians, law enforcement agents, and conservative scholars support them for the certainty and severity of punishment they provide. Practitioners, including correctional officials, prosecutors, and even judges, often support sentencing guidelines because they reduce uncertainty in sentencing, increase predictability in corrections, and allow for improved resource management. Given the current breadth of their political support, the continued dissemination of state sentencing guidelines in the United States shows little sign of abating at this time, although this process is far from complete.

Not all sentencing guidelines have enjoyed unqualified success. Some states, like Wisconsin, have created sentencing commissions only to see them subsequently repealed, and other states have been unsuccessful in their attempts to promulgate guidelines altogether. The most controversial system of sentencing guidelines, though, is undoubtedly those created for the federal justice system. One prominent scholar has referred to them as the “most controversial and disliked sentencing reform initiative in U.S. history” (Tonry, 1996, p. 72). The federal guidelines have been repeatedly criticized for being overly rigid, harsh, and constraining, as well as too complex and mechanical in their application (Stith & Cabranes, 1998). Whereas most state guidelines systems have about 15 levels of offense severity, the federal guidelines have 43 levels. Moreover, their application involves the calculation of myriad offense-specific sentencing adjustments that complicate the calculation of guideline sentences. For instance, in the federal system, offenders can receive a two- or three-level discount in the severity of their offense for “acceptance of responsibility,” which means that they show remorse or take responsibility for their criminal behavior. In practice, this discount is routinely provided as a reward for pleading guilty. Some critics also maintain that the federal guidelines are routinely circumvented by court actors in attempts to achieve more just sentencing outcomes. Although the architects of the federal guidelines attempted to create a sentencing system that would account for all relevant contingencies in sentencing, judges retain the power to sentence offenders outside of the recommended guideline ranges; however, they are only allowed to do so when there are extreme sentencing considerations not adequately accounted for by the commission. These are rare because the

U.S. Sentencing Commission mandated that common mitigating factors like employment, mental health, and family consideration are “not ordinarily relevant” at sentencing. Unlike state systems, though, the federal guidelines also provide for departure sentences for “substantial assistance,” which means that an offender can receive a sentence below the guidelines recommendation for providing assistance in the prosecution of another federal criminal case. Research on federal departures shows that their use varies dramatically across federal districts and that the relative definition of what qualifies as “substantial assistance” is far from uniform (Johnson, Ulmer, & Kramer, 2008).

Since their inception in 1987, the federal sentencing guidelines have faced a number of important legal challenges. The guidelines were first criticized on grounds that they violated the “separation of powers” clause in the U.S. Constitution. The U.S. Sentencing Commission is lodged within the judicial branch of government, and critics maintained that because it was a bureaucratic administrative agency with the power to create laws, it was in fact performing legislative duties. In 1989, the Supreme Court ruled that the U.S. Sentencing Commission did not violate the separation of powers clause and that the federal guidelines were legally upheld (*Mistretta v. United States*). However, in a landmark case in 2005, the constitutionality of the federal guidelines was once again challenged, as described below.

One unique feature of the federal sentencing guidelines is that they are based on what is called “real-offense sentencing.” Rather than sentencing offenders based solely on the charges for which they are convicted, under the federal guidelines, offenders can be punished based on additional facts in the case. These elements can involve such things as magnitude of harm, motivation for the crime, and value of lost goods. The goal of real-offense sentencing is to limit the shift of sentencing discretion from the judge to the prosecutor, so that prosecutors could not determine the exact sentence by their choice of final charges of conviction. In particular, the federal guidelines provide for judicial consideration of “relevant conduct,” which means that the sentencing judge is required to factor any additional criminal behavior related to the offense into the final sentencing decision, including behaviors not formally charged or even those acquitted at trial. Importantly, the standard of evidence for determining relevant conduct of the offender is lower than it is for determining guilt at conviction. Offenders must be ruled guilty “beyond a reasonable doubt,” but a judge only needs a “preponderance of the evidence” (i.e., the judge only has to believe that the weight of the evidence supports the behavior) in order to apply relevant conduct enhancements at sentencing. In practice, what this means is that judges can enhance punishments for behaviors that are not subjected to the same standards of proof or the same constitutional right to have a jury decide the outcome. For these reasons, the Supreme Court in 2005 ruled 5 to 4 that the federal sentencing guidelines are in fact unconstitutional (*United States v. Booker*). At the same time, though, the Court determined that the guidelines could remain in effect, as long as they

were converted to “advisory” guidelines rather than presumptive guidelines.

The full impact of this landmark decision on federal sentencing has yet to be realized, but preliminary evidence suggests that federal sentencing has not been dramatically altered, although judges have begun to sentence offenders outside the sentencing guidelines with increasing frequency (Hofer, 2007). The experience of the federal sentencing guidelines is unique, but it highlights some of the potential pitfalls in guidelines implementation. Although the future path of sentencing guidelines in the United States remains unclear, for the most part they have been popularly received in policy arenas and political circles. The extent to which sentencing guidelines and other recent innovations have successfully achieved the goals of increased uniformity and equality in punishment, though, remains the fervent topic of considerable scholarly research.

## Research on Criminal Sentencing

The vast majority of social research on criminal sentencing revolves around issues of sentencing disparity, or differences in the criminal punishments given to different types of offenders. Of particular concern is *unwarranted disparity*, or sentencing differentials that result from consideration of factors other than those that are deemed legally relevant at sentencing. Whether or not sentencing disparity is warranted inherently involves a value judgment, but the majority of research in the area focuses on the influences of offender race, gender, class status, and mode of conviction in the sentencing process. It is important to note then that disparity does not necessarily equate with discrimination. Discrimination in sentencing involves sentencing disparities that arise out of the prejudicial use of unwarranted considerations in punishment.

### Research on Sentencing Disparity

Since at least the 1930s, criminologists have been enamored with the study of racial and ethnic disparities in sentencing. A voluminous body of research has developed in this area, and although the collective findings remain somewhat equivocal, the weight of the evidence suggests that minority defendants are often disadvantaged at sentencing, at least for some decisions and in some contexts (Spohn, 2000; Zatz, 2000). Racial disparities appear to be greatest for black and Hispanic offenders who are young, male, and unemployed (Spohn & Holleran, 2000; Steffensmeier, Ulmer, & Kramer, 1998). Typically, these offenders are more likely to be sentenced to incarceration and less likely to receive sentences that deviate below the recommended ranges of sentencing guidelines. These disparities have been shown to be particularly pronounced for minorities convicted of drug offenses in the federal justice system (Steffensmeier & Demuth, 2000). They also characterize earlier decisions in the punishment process such as the

determination of bail and pretrial release status (Demuth, 2003). Some evidence indicates that minority offenders are given higher bail amounts, which they are less able to pay, resulting in higher rates of detainment prior to trial. This fact is important because research shows that detainment is associated with greater severity in sentencing.

There is also evidence that the race of the victim influences sentencing, especially in combination with the race of the offender, and particularly for sexual assault and homicide cases. Several studies, for instance, demonstrate important racial disparities in the application of the death penalty, such that black offenders who target white victims are most likely to be sentenced to death (Baldus, Pulaski, & Woodworth, 1983). What this research suggests in sum, then, is that black and Hispanic offenders are often disadvantaged at sentencing, although racial disparity is not systemic. That is, it does not characterize every decision in every court, but rather isolated decisions for some minority offenders who commit particular offenses in certain contexts.

Although relatively less research examines the influence of gender, class, and mode of conviction on sentencing outcomes, conclusions regarding these factors are often less ambiguous. A number of studies investigate gender disparity in punishment and conclude that female offenders are treated with relative leniency at sentencing (Daly, 1995). While there are exceptions, most studies find that females are less likely to be incarcerated and that they are more likely to benefit from sentences that fall below the recommendations of sentencing guidelines. Some work also suggests that when incarcerated, they receive relatively shorter jail and prison terms compared to male offenders. Explanations for gender disparity in sentencing range from practical considerations of the differences in family roles, child rearing, and health care to arguments that male judges are likely to treat female offenders paternalistically or chivalrously. Relatively few studies actually investigate the intervening processes that account for leniency toward female offenders. Because male offenders are disproportionately involved in serious crime, judges may view them as more culpable or as greater risks for future offending.

Much less can be definitively concluded about social class in sentencing because offender socioeconomic status is typically unavailable or poorly measured (Zatz, 2000). This is an important limitation that characterizes the majority of research in this area. Some studies do find evidence that lower-class citizens are sentenced more harshly, but often these results are based on coarse proxies for socioeconomic status such as single indicators of education or employment status. It is also difficult to study these effects because offender samples often have limited variation on social class. Although sparse, this work suggests that class status is particularly likely to affect sentencing in conjunction with other factors such as the age, race, and gender of the offender. Future research is needed, however, before drawing more concrete conclusions regarding class disparities in sentencing.

Research on trial conviction is better developed and routinely finds that offenders who plead guilty receive more lenient sentences than those who exercise their right to trial. Trial conviction significantly increases the probability and length of incarceration, and it reduces the chances that an offender will receive a sentence that departs below the recommended punishment under sentencing guidelines. To some extent, though, this “trial penalty” is offset by the possibility of acquittal at trial. At least some offenders who go to trial are not convicted, so there is a tradeoff between the certainty of conviction that comes with pleading guilty and the reduced punishment that often accompanies it. For offenders who are convicted at trial, their sentences are routinely more severe than for similar offenders convicted through guilty pleas (LaFree, 1985).

Despite these generalizations, not all studies find significant offender disparities in sentencing. One explanation for this is that the subjective meaning and interpretation of offender characteristics may vary across different communities and courtroom social contexts. Although research in this area is still in its formative stages, preliminary evidence suggests that a number of sentencing considerations are conditioned by the larger social context of the sentencing court (Johnson 2005, 2006; Ulmer & Johnson, 2004). Factors such as the size and caseload of the court, the availability of local correctional resources, and the racial and ethnic composition of the community have been shown to influence individual sentencing decisions. Often, these context effects are subtle and indirect, influencing sentencing decisions in combination with specific offender and offense characteristics. Although on the surface, jurisdictional variations in sentencing suggest unwarranted sentencing disparity, it may be that regional variations in caseloads, public values and attitudes toward crime, or other locally determined considerations justify different punishment patterns across courts. Elected judges, for instance, may be sensitive to local punishment standards that are unique to their community environment. It is therefore possible that sentencing judges arrive at different punishments in different communities for valid reasons, although little research currently examines this type of explanation for interjurisdictional variations in sentencing.

## The Future of Sentencing Research

Despite an abundance of studies examining unwarranted disparities in sentencing, a number of questions remain unanswered. Very little is known about racial and ethnic groups other than those that are most sizeable, such as Asians and Native Americans, and almost no research examines important differences within racial and ethnic groups. Hispanic ethnicity, for example, encompasses a multitude of nationalities, each with its own unique cultural heritage, but little is known about differences in sentencing among these different groups. Adequate measures of socioeconomic status remain elusive as well. In part, these and similar limitations reflect

the overreliance of sentencing research on official data sources (Wellford, 2007). The majority of modern studies of criminal sentencing have been limited to a handful of states where sentencing commissions collect and disseminate public data. Because these data are often limited in the details they provide, future work is needed that collects more detailed information on the full range of factors that collectively shape sentencing decisions across court contexts. These include information on victim characteristics like offender–victim relationship, offense details like weapon use, and additional offender information like substance abuse and family background histories.

In addition, research is needed that integrates the influence of additional court actors in the sentencing process along with additional decision-making points in the justice system. For instance, very little empirical research focuses on the role of the prosecutor in sentencing, despite qualitative and anecdotal evidence indicating this person’s importance. The analogy is sometimes given that discretion in the criminal justice system is like a balloon—if you squeeze one part of the balloon, it expands in another area. However, despite widespread acknowledgment that modern sentencing reforms “squeeze” judicial sentencing discretion, very little research systematically examines its expansion among other court actors. Studies that do investigate this issue have found only mixed and limited support for it, but these types of investigations are all too rare (Miethe, 1987). To adequately assess the role that unwarranted disparity plays in the punishment process, it is necessary to begin to examine the cumulative effects of race, ethnicity, gender, and other factors from the time an offender is arrested until he or she is rereleased into the community.

A broader approach is also necessary in terms of the larger societal consequences of sentencing decisions. How, for instance, might disparities in sentencing contribute to inequities in other social institutions, such as schooling, housing, or employment? Research on sentencing inequality also demands a larger comparative perspective. The vast majority of research on the topic has been conducted in only a handful of U.S. states. This dramatically limits the ability to generalize research findings, and it also precludes adequate tests of the global applicability of broad theoretical perspectives on sentencing and sentencing disparity.

## Conclusion

When examined in historical perspective, the evolution of modern sentencing is in many ways cyclical. Recent years have seen evidence that the “tough on crime” movement in America is beginning to subside, in part because sustained growth in American corrections along the lines of past decades is no longer feasible, and in part because of growing evidence in support of rehabilitative correctional programs. One indelible consequence of modern sentencing reforms has been an unprecedented increase in the incarcerated population in America. Over the past 40 years, American prison



populations have quintupled, reaching new milestones, with more than 2 million offenders confined behind bars, and more than 1% of the total U.S. population incarcerated on any given day. Financially, socially, and morally, this rate of imprisonment cannot continue unabated. The pendulum of punishment is therefore showing signs of swinging away from the law-and-order crime control policies of the 1980s and 1990s, back toward more offender-based rehabilitative and restorative sentencing principles.

A number of jurisdictions have expanded their community punishment options and placed increasing emphasis on intermediate sanctions as alternatives to jail and prison. Although research evidence regarding their cost-effectiveness and crime-deterrent capabilities so far has been less than encouraging, intermediate punishments do provide for greater proportionality in punishment by offering a range of sanctions between probation and prison. A variety of restorative justice programs that emphasize the reparation of harm for the offender, victim, and society in sentencing have also emerged in recent years, as have specialized problem-solving courts that target the specific needs of particular offenders. For instance, specialized drug courts exist in all 50 states now, and although their details vary, they combine the efforts of justice and treatment professionals to provide more intensive treatment, management, and supervision for drug-addicted offenders. Similar specialized courts exist for teen offenders, mentally ill persons, and for family offenses among others.

As the 21st century continues, there will likely be an emerging public policy dilemma between well-established determinate sentencing structures that now exist in many states and the emerging social movement reemphasizing offender-based sentencing options, at least for some defendants and some crimes. If the progress of alternative and restorative sentencing options continues on its current path, the future will likely witness a growing disjuncture between existing determinate sentencing systems and increasingly individualized sentencing movements. It will therefore be the challenge of future generations to effectively balance the goals of equity and uniformity within structured sentencing frameworks with the emerging emphasis on individualized rehabilitative approaches to procedural and restorative justice in the United States. Successful integration of these alternatives will almost certainly require an expanded role for both social research and evidence-based sentencing policy to live up to the challenge of fair and effective sentencing in the 21st century.

## References and Further Readings

- Albonetti, C. (1991). An integration of theories to explain judicial discretion. *Social Problems*, 38, 247–266.
- Baldus, D. C., Pulaski, C., & Woodworth, G. (1983). Comparative review of death sentences: An empirical study of the Georgia experience. *Journal of Criminal Law and Criminology*, 74, 661–673.
- Blumstein, A., Cohen, J., Martin, S., & Tonry, M. (1983). *Research on sentencing: The search for reform: Vol. 1*. Washington, DC: National Academies Press.
- Crawford, C., Chiricos, T., & Kleck, G. (1998). Race, racial threat, and sentencing of habitual offenders. *Criminology*, 36(3), 481–511.
- Daly, K. (1995). Sex effects and sentencing: An analysis of the statistical literature. *Justice Quarterly*, 12, 141.
- Demuth, S. (2003). Racial and ethnic differences in pretrial release decisions and outcomes: A comparison of Hispanic, black, and white felony arrestees. *Criminology*, 41, 873–908.
- Eisenstein, J., Flemming, R., & Nardulli, P. (1988). *The contours of justice: Communities and their courts*. Boston: Little, Brown.
- Eisenstein, J., & Jacob, H. (1977). *Felony justice: An organizational analysis of criminal courts*. Boston: Little, Brown.
- Frankel, M. (1973). *Criminal sentences: Law without order*. New York: Hill & Wang.
- Frase, R. (2005). State sentencing guidelines: Diversity, consensus, and unresolved policy issues. *Columbia Law Review*, 105, 1190–1232.
- Hagan, J., & Bumiller, K. (1983). Making sense of sentencing: Race and sentencing outcomes. In A. Blumstein, J. Cohen, S. Martin, & M. Tonry (Eds.), *Research on sentencing: The search for reform* (pp. 1–54). Washington, DC: National Academies Press.
- Hofer, P. J. (2007). *United States v. Booker* as a natural experiment: Using empirical research to inform the federal sentencing policy debate. *Criminology & Public Policy*, 6, 433–460.
- Hogarth, J. (1971). *Sentencing as a human process*. Toronto, Canada: University of Toronto Press in association with the Centre of Criminology.
- Johnson, B. D. (2005). Contextual disparities in guidelines departures: Courtroom social contexts, guidelines compliance, and extralegal disparities in criminal sentencing. *Criminology*, 43(3), 761–796.
- Johnson, B. D. (2006). The multilevel context of criminal sentencing: Integrating judge and county level influences. *Criminology*, 44(2), 259–298.
- Johnson, B. D., Ulmer, J. T., & Kramer, J. H. (2008). The social context of guidelines circumvention: The case of federal district courts. *Criminology*, 46(3), 737–783.
- Kimbrough v. United States, 128 S.Ct. 558 (2007).
- Kleck, G. (1981). Racial discrimination in criminal sentencing: A critical evaluation of the evidence with additional evidence on the death penalty. *American Sociological Review*, 46(6), 783–805.
- Kramer, J. H., & Ulmer, J. T. (2008). *Sentencing guidelines: Lessons from Pennsylvania*. Boulder, CO: Lynne Rienner.
- LaFree, G. D. (1985). Adversarial and nonadversarial justice: A comparison of guilty pleas and trials. *Criminology*, 23, 289–312.
- LaFree, G. D. (1999). *Losing legitimacy: Street crime and the decline of social institutions in America*. Boulder, CO: Westview Press.
- Lipton, D., Martinson, R., & Wilks, J. (1975). *The effectiveness of correctional treatment: A survey of treatment evaluation studies*. New York: Praeger.
- MacKenzie, D. L. (2001). Corrections and sentencing in the 21st century: Evidence-based corrections and sentencing. *Prison Journal*, 81, 3–17.
- Mears, D. P. (1998). The sociology of sentencing: Reconceptualizing decisionmaking processes and outcomes. *Law & Society Review*, 32, 667–724.

- Miethe, T. (1987). Charging and plea bargaining under determinate sentencing. *Journal of Criminal Law and Criminology*, 78(1), 155–176.
- Mistretta v. United States, 488 U.S. 361 (1989).
- Rosette, A., & Cressey, D. (1976). *Justice by consent: Plea bargaining in the American courthouse*. Philadelphia: Lippincott.
- Spohn, C. (2000). Thirty years of sentencing reform: The quest for a racially neutral sentencing process. *Criminal Justice*, 3, 427–501.
- Spohn, C., & Holleran, D. (2000). The imprisonment penalty paid by young unemployed black and Hispanic male offenders. *Criminology*, 38, 281–306.
- Steffensmeier, D., & Demuth, S. (2000). Ethnicity and sentencing outcomes in U.S. federal courts: Who is punished more harshly? *American Sociological Review*, 65, 705–729.
- Steffensmeier, D., Ulmer, J. T., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36, 763–798.
- Stith, K., & Cabranes, J. (1998). *Fear of judging: Sentencing guidelines in the federal courts*. Chicago: University of Chicago Press.
- Tonry, M. (1995). *Malign neglect*. New York: Oxford University Press.
- Tonry, M. (1996). *Sentencing matters*. New York: Oxford University Press.
- Ulmer, J. T. (1997). *Social worlds of sentencing: Court communities under sentencing guidelines*. Albany: State University of New York Press.
- Ulmer, J. T., & Johnson, B. D. (2004). Sentencing in context: A multilevel analysis. *Criminology*, 42(1), 137–177.
- Ulmer, J. T., Kurlychek, M., & Kramer, J. H. (2007). Prosecutorial discretion and the imposition of mandatory minimum sentences. *Journal of Research in Crime and Delinquency*, 44(4), 427–458.
- United States v. Booker, 543 U.S. 220 (2005).
- Walker, S. (1998). *Popular justice: A history of American criminal justice*. New York: Oxford University Press.
- Wellford, C. F. (2007). Sentencing research for sentencing reform. *Criminology & Public Policy*, 6(3), 399–402.
- Wilson, J. Q. (1975). *Thinking about crime*. New York: Random House.
- Wolfgang, M. E., Figlio, R. M., & Sellin, T. (1972). *Delinquency in a birth cohort*. Chicago: University of Chicago Press.
- Zatz, M. (1987). The changing forms of racial/ethnic bias in sentencing. *Journal of Research in Crime and Delinquency*, 24(1), 69–92.
- Zatz, M. (2000). The convergence of race, ethnicity, gender, and class on court decisionmaking: Looking toward the 21st century. *Criminal Justice*, 3, 503–552.
- Zimring, F., Hawkins, G., & Kamin, S. (2003). *Punishment and democracy: Three strikes and you're out in California*. New York: Oxford University Press.

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## PROBLEM-SOLVING COURTS

DAVID H. MARBLE

*Collin College*

JOHN L. WORRALL

*University of Texas at Dallas*

**P**roblem-solving courts, also called specialty courts, are a fairly recent, but rapidly growing development in the American criminal court system. *Problem-solving courts* are specialized courts that develop expertise in particular social problems, such as addiction, domestic violence, or family dysfunction, because their caseloads consist primarily of these types of criminal cases (Dorf & Fagan, 2003). The first of them was a drug court created in Dade County, Florida, in 1989 (Jeffries, 2005). Besides drug courts, the most common types of problem-solving courts are domestic violence courts, mental health courts, and community courts (Casey & Rottman, 2005).

While not all problem-solving courts are the same, they share common elements that distinguish them from traditional courts. First, they use judicial authority to address chronic social problems. Second, they go beyond simple adjudication of cases and attempt to change the future behavior of defendants through judicial supervision of therapeutic treatment. Finally, they work collaboratively with other criminal justice agencies, community groups, and social service providers to accomplish particular social outcomes, such as low recidivism, safer family environment, and increased sobriety (Berman & Feinblatt, 2001).

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### The Problem-Solving Court Movement

#### History of Development

Most authorities identify the creation of the first drug court in 1989 in Dade County, Florida, as the start of the problem-solving court movement (Jeffries, 2005). However, others argue that the juvenile court, first created in Chicago in 1899, was the first problem-solving court (McCoy, 2003). Progressive reformers who advocated for the creation of a separate juvenile court believed that separate courts were needed to more effectively address the problem of juvenile crime. Parallels can be drawn between modern problem-solving courts and the juvenile court in that both shifted the focus away from just punishment to attempting to address the individual needs of the offender and that both relied on the services and expertise of social service agencies (Berman & Feinblatt, 2005).

Berman and Feinblatt (2005) have argued, instead, that problem-solving courts came about in a spontaneous manner, without any type of centralized planning or leadership. While they agree that problem-solving courts borrowed from the juvenile court, other disciplines and movements were tapped as well, including alternative dispute resolution,

the victims' movement, therapeutic jurisprudence, and the problem-solving and "broken windows" reforms in policing (Berman & Feinblatt, 2005).

Problem-solving courts have drawn from both the successes and the weaknesses of alternative dispute resolution programs. Interest in mediation and other alternative dispute resolution programs stemmed from a desire to remove low-level crimes and disputes from an overworked court system. Advocates also championed the informal aspects of mediation that generally led to an agreement favored by both parties. One weakness of mediation is that participation is usually voluntary and parties that are not satisfied with an outcome can continue the fight in a different forum. Thus, a key difference between problem-solving courts and mediation or other alternative dispute resolution programs is the reliance on formal court operations and systems to determine outcomes (Berman & Feinblatt, 2005).

Problem-solving justice has incorporated many of the successes and values of both the victims' rights movement and therapeutic justice. Domestic violence courts in particular focus on the needs of crime victims and involve victim advocacy organizations in decision making. The belief that particular communities can also be "victims" of criminal behavior was a major reason for the creation of community courts. Community courts ask for and receive much input from communities regarding the impact of public order crimes. While not a perfect example of therapeutic jurisprudence, problem-solving courts use the law and courts to address the physical and psychological needs of offenders through court-mandated and -monitored treatment (Berman & Feinblatt, 2005).

Other powerful influences over the creation of problem-solving courts were two recent reforms in policing, namely broken windows and problem-solving policing. *Broken windows* was a term introduced by J. Q. Wilson and Kelling in an article published in 1982 in *Atlantic Monthly*. Wilson and Kelling advocated changing the focus of policing from strict law enforcement to more order maintenance. They argued that overall crime levels could be decreased by concentrating on reducing low-level crimes such as vandalism and public intoxication.

Problem-solving policing was introduced by Goldstein in a 1979 article in *Crime & Delinquency*. Goldstein argued for a more deliberate inquiry into the underlying causes of and solutions to crime using resources within the community. Problem-solving courts also utilize community resources to identify and attempt to solve the underlying causes of crime. Community courts, in particular, also focus on combating low-level public order crimes with mostly community service sentences. Another link between problem-solving courts and recent reforms in policing is the focus on achieving real outcomes rather than simply case processing (Berman & Feinblatt, 2005).

A major impetus for the problem-solving court movement is dissatisfaction with the traditional criminal court.

This is particularly true with regards to the handling of low-level criminal offenders. While the public and the media focus more on the sensationalism of violent crimes, the criminal courts are bogged down with mostly misdemeanor crimes that rarely capture the attention of either the public or the media. Judges have expressed concern over the limited options available for the low-level drug user or public order offender (Berman & Feinblatt, 2005). Communities and victims are weary and frustrated over the apparent "revolving door" of justice through which minor criminal offenders are arrested, tried, sentenced to a few days or weeks in jail, and returned to the community to offend again.

### Objectives of Problem-Solving Courts

A main objective of problem-solving courts is to go beyond mere case processing by attempting to address the needs of offenders, victims, and the community. The frustration with the state of misdemeanor justice in the traditional criminal courts and a desire to change the actions of criminals, improve the safety of victims, and enhance the quality of life in residential communities are the main forces behind problem-solving courts (Berman & Feinblatt, 2005).

Problem-solving courts attempt to change criminal behavior through court-ordered and -monitored treatment and more accountability in sentencing. Drug courts require substance abuse treatment as a condition of participation in the court. While drug treatment has long been used in sentencing by traditional criminal courts, the increased involvement by the judge in monitoring progress and compliance is a key component of drug treatment courts.

Community courts primarily deal with low-level public order offenders who have traditionally been sentenced to jail time or fines that seem to hold no deterrent effect. Judges in community courts are more likely now to sentence prostitutes, panhandlers, vandals, and other public order offenders to immediate sentences of visible community service (Berman & Feinblatt, 2005). In addition to these community service sentences, substance abuse treatment, employment counseling, housing assistance, and other services are typically available to assist the offender in overcoming some of the underlying causes of crime.

Addressing the needs of the victim is another objective of some problem-solving courts. This is particularly true with domestic violence courts. Ensuring the safety of victims of domestic violence is paramount in these courts. Judges presiding in domestic violence courts regularly issue restraining orders preventing offenders from having contact with their victims. Victims typically are brought to the court to make contact with victim services personnel so that they can receive other services such as counseling and safe shelter. In fact, some would argue that because domestic violence courts place the safety needs of the victim over the treatment needs of the offender, these courts are different from most

other problem-solving courts and probably should not be identified with them (Casey & Rottman, 2005).

Enhancing the quality of life in residential communities is a major objective of many problem-solving courts, in particular community courts. Considering that the community is the “victim” of many public order crimes, community courts draw from the resources in the community to identify and then address ways in which communities suffer from these crimes. Residents are surveyed to identify levels of fear and concern over community crime. With this information, community leaders including court personnel, law enforcement, and business owners can work with residents to combat crime and address other concerns. Much of the work to improve the appearance of the community is done either by volunteers or by offenders sentenced to community service (Berman & Fox, 2005).

### Why Problem-Solving Courts Are Important

Problem-solving courts are important because they attempt to address the deficiencies of the traditional criminal courts. The traditional criminal court may do a good job handling more serious violent offenders where incarceration is the expected and usual outcome. However, the effective handling of minor offenders requires something more than short periods of incarceration. Other defendants, such as drug users and mentally ill offenders, would seem to benefit more in the long run from mandated treatment rather than punishment alone. The deficiencies of the traditional court in handling the specific needs of victims and particular communities give reason to expect more from the judicial system that some problem-solving courts are better suited to provide. Ultimately, the measured effectiveness of problem-solving courts to adequately address these needs will determine how important they are.

## Problem-Solving Courts Compared With Traditional Courts

### Collaboration

Judges and attorneys working in problem-solving courts invite in and are more likely to work with those not traditionally connected with the courtroom work group. Problem-solving judges and attorneys collaborate with social service workers such as treatment providers, victim advocates, or employment services personnel (Wolf, 2007). Officials in drug courts depend on drug treatment providers to provide treatment to their offenders as well as information on the progress of these participants. Court officials in domestic violence courts work closely with victim services providers as well as treatment providers, as they not only try to treat offenders, but also protect victims and provide them other needed services. Similarly, judges and attorneys in mental health courts work closely with service providers to ensure

mentally ill offenders receive the treatment they need. Officials in community courts likely share building space with a variety of service providers that assist offenders as well as community members in areas such as employment assistance, medical care, child care, counseling, and education (Berman & Fox, 2005).

Judges in traditional criminal courts usually turn over custody and supervision of offenders to community supervision or probation departments. These judges typically do not monitor supervision of sentenced offenders unless they are brought back to court for revocation proceedings. Judges in problem-solving courts more closely monitor the progress of offenders and thus have more contact and communication with other criminal justice officials such as probation or parole officers (Wolf, 2007).

### Individualized Justice

Another key characteristic of problem-solving courts is the individualized or tailored approach to justice. Offenders are sent to these courts that have specialized caseloads based on the offense the person is charged with. Drug offenders make up the caseloads of drug courts. One of the main purposes for this specialization is to better ensure that offenders receive the treatment that will help them prevent future offending (Berman & Feinblatt, 2005). Another key purpose of this court specialization is to allow for more judicial monitoring of individual cases (Wolf, 2007).

### Accountability

More complete judicial monitoring is a key component of problem-solving courts. Where judges in more traditional criminal courts can hand off cases to other criminal justice officials, problem-solving judges retain jurisdiction and monitor offender compliance throughout treatment, community service sentences, or other sanctions (Wolf, 2007). Judges not only monitor offender compliance through reports sent in by supervision or treatment officers, but they also can have one-on-one contact with offenders through additional court appearances (Berman & Feinblatt, 2005). Offenders who violate supervision or treatment orders are quickly brought back before the judge. Judges then have the opportunity to sternly lecture, counsel, or impose additional sanctions on the offender. Judges are then in a better position to ensure that sanctions are carried out or that offenders are following through with court-ordered treatment (Wolf, 2007).

### Better Information

A key difference between problem-solving courts and traditional criminal courts is that problem-solving courts typically have access to more information so that decision makers can make more informed decisions. Problem-solving judges typically have more complete background

information on defendants, victims, and communities impacted by crime (Wolf, 2007). Judges as well as attorneys involved in problem-solving courts try to gain greater access to psychosocial information about defendants who are appearing in court (Berman & Feinblatt, 2005). Problem-solving judges also have more information about offender progress as they monitor defendants' compliance with treatment orders. Furthermore, because of the specialized caseloads characteristic of problem-solving courts, judges, attorneys, and other professionals working in these courts gain valuable expertise and receive specialized training in specific types of offending (Wolf, 2007).

### Focus on Outcomes

Problem-solving courts have required more in the way of gathering data and conducting research to assess effectiveness. Not content with simply processing cases, problem-solving courts identify specific outcomes that are desired and then conduct research to test whether those outcomes are achieved (Wolf, 2007). Reduced recidivism is an important outcome that is measured in evaluations of problem-solving courts. Other outcomes measured include impact on victims and communities (Berman & Feinblatt, 2005) and cost-benefit analyses (Wolf, 2007).

### More Community Involvement

One type of problem-solving court, the community court (described further below), is particularly focused on improving community engagement. For more than symbolic reasons, community courts are located in residential urban communities rather than in downtown, commercial districts. The goal is to bring the court closer to the community it serves. Besides physical closeness, the community court also attempts to bring itself closer to the community through increased communication and collaboration with community leaders and members (Wolf, 2007). Residents can serve on advisory boards that make suggestions to court officials for new programming ideas or to inform them of community concerns or conditions. Community members also serve as volunteers in various programs or services and provide a valuable service in offering feedback in evaluations (Berman & Fox, 2005).

## Types of Problem-Solving Courts

### Drug Courts

Drug courts are specialized courts designed to handle mostly adult felony drug cases of nonviolent offenders who have substance abuse problems. The first drug courts were not as concerned about treatment as they were about improving the efficiency and speed of processing drug

cases. These early courts were also more likely to handle less serious offenders and tended to be more like diversionary programs. Over the last decade, these courts evolved more into drug *treatment* courts that processed felony drug offenders and worked collaboratively with other agencies and treatment providers to ensure successful offender completion of drug treatment (Olson, Lurigio, & Albertson, 2001).

Specialized drug courts evolved from traditional courts that were unable to adjudicate and process drug offenders effectively. Traditional criminal courts failed to reduce drug offending. Traditional probation departments failed to identify and address the needs of supervised drug offenders. Drug treatment providers failed to effectively treat offenders under the traditional court referral processes (Goldkamp, 2000). Traditional sentencing practices led to the incarceration of hundreds of thousands of drug offenders on a yearly basis by 1998 (Hora, 2002).

Drug courts increased during the 1990s because of financial and political support from the federal government. Janet Reno, the U.S. Attorney General for most of the 1990s, was a key player in the formation of the first drug court in Miami in 1989. She and General Barry McCaffrey, former Director of the Office of National Drug Control Policy, supported specialized drug courts. Financial support from the Violent Crime Control and Law Enforcement Act of 1994 provided over \$50 million to expand drug courts around the nation (Olson et al., 2001).

### Domestic Violence Courts

Domestic violence courts are similar to other problem-solving courts in that they have specialized dockets and trained judges, and they engage in collaboration between court officials and other agencies and organizations in the community. However, some people hesitate to classify domestic violence courts as problem-solving courts because there are some key differences between the two. Domestic violence courts generally consider the needs of the victim as more important than the needs of the offender. In contrast to other problem-solving courts, domestic violence courts do not express optimism for the ability to treat successfully domestic violence offenders. Domestic violence courts consider victim safety and offender accountability as more important than offender treatment (Berman, Rempel, & Wolf, 2007). Interestingly, participants in domestic violence courts typically take part in classes for substance abuse, parenting, and mental health counseling. However, these are not viewed as treatment classes; rather, they serve as a monitoring tool for the court (Gavin & Puffett, 2007).

The first recognized domestic violence court was created in Dade County, Florida, in 1992 (Casey & Rottman, 2005). Other jurisdictions over time created dedicated domestic violence courts. While no precise number is given here of how many domestic violence courts exist in

the United States, it is estimated that there are “many hundreds” (Gavin & Puffett, 2007).

An example of a domestic violence court is the one that was created in Salt Lake City, Utah, in February 1997. Court officials, along with police detectives, victims’ advocates, and domestic violence and battered women’s shelter counselors, worked in a collaborative effort to handle the 5,000 to 6,000 yearly domestic violence misdemeanor cases in Salt Lake County (Mirchandani, 2005).

### **Mental Health Courts**

Mental health courts share characteristics of other problem-solving courts. The first such court appears to have originated in 1997 in Broward County, Florida (Boothroyd, Poythress, McGaha, & Petrila, 2003). These courts consist of specialized dockets of mentally ill offenders (Lushkin, 2001) where a team of court personnel and clinical specialists work collaboratively to address the problems of mostly nonviolent mentally ill offenders through court-ordered and -monitored treatment (Trupin & Richards, 2003).

While most mental health courts accept misdemeanor offenders only, the Brooklyn Mental Health Court, which opened in March 2002, also accepts felony offenders. Originally, this court limited participation to nonviolent felons, but later decided to accept violent felony offenders on a case-by-case basis. The Brooklyn Mental Health Court also limits participation to defendants who suffer from persistent and serious mental illness for which there is a known treatment. Participants in this court must agree to treatment mandates of 12 to 24 months depending upon prior criminal record and seriousness of offense (O’Keefe, 2007).

### **Community Courts**

As mentioned above, community courts involve a collaborative effort among court officials, community leaders, and social service providers to combat social problems in a community (Casey & Rottman, 2005). However, rather than focus on one particular crime, community courts deal with a number of mostly misdemeanor public order offenses, such as prostitution, vandalism, minor assault, and criminal trespass (Malkin, 2005). Another defining characteristic is that many community courts tend to be located in residential urban communities rather than the commercial or downtown area of a city (Berman & Fox, 2005).

The first community court was the Midtown Community Court created in Manhattan, New York, in 1993. It handled minor public order offenses or “quality-of-life” crimes such as prostitution, shoplifting, drug possession, and vandalism. The main purpose of this court was to not only punish but also help the offender. Offenders were punished through visible community service or restitution sentences. They received

help through on-site social services such as drug treatment, job training, and counseling (Kralstein, 2007).

### **Other Specialty Courts**

While drug, domestic violence, mental health, and community courts are the most recognized problem-solving courts, others involving specialized caseloads have been created in the United States and around the world. San Diego created a homeless court in 1989 (Davis, 2003). Some states operate teen or youth courts where juveniles act as the various court officials in cases involving other teens who have committed minor offenses (Acker, Hendrix, Hogan, & Kordzek, 2001). New York City created a gun court to deal with felony gun possession cases. Using a single judge and specially trained prosecutors, city officials hope that the gun court will “provide swift and certain justice to offenders who violate gun laws” (Berman & Feinblatt, 2005, p. 130). South Africa, reported to have the highest incidence of sexual assault in the world, created a sex offender court in 1993 (Walker & Louw, 2003).

Parole reentry courts are another emerging problem-solving court. A number of states have created them with the intent of addressing the problems of parolees returning to the community (Maruna & LeBel, 2003). The Harlem Parole Reentry Court was started in June 2001. This court supervises the returning parolees in Harlem, in New York City, who have served prison sentences for nonviolent drug felonies. This reentry court shares similar characteristics with other problem-solving courts. An administrative law judge monitors parolee compliance with parole conditions. The court implements a system of sanctions or rewards for violations or compliance. Court personnel work collaboratively with parole authorities and treatment or community service providers. These community and treatment providers assist in areas of substance abuse treatment, job training, employment, housing assistance, and family counseling (Farole, 2007).

## **Research on Problem-Solving Courts**

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### **Drug Court Evaluations**

Evaluations done on drug courts have focused on both processes and outcomes. A number of process evaluations examined the characteristics of drug court programs. Goldkamp, White, and Robinson (2001b) identified two main ways defendants entered drug court programs. Participants in some programs entered the drug court after they were arrested but before they were officially charged. If they successfully completed the program, charges were not filed and some were able to get their arrests expunged. Other programs allowed defendants to enter the drug court program only after pleading guilty to criminal charges, and they worked through the program as convicted participants. Their successful completion yielded reduced sentences.

Another process evaluation by Belenko and Dembo (2003) examined juvenile drug courts and found that they were organized in the same manner as adult drug courts. They found that critical elements of juvenile drug courts included dedicated courtrooms, judicial supervision of treatment, judicial monitoring of participant progress and compliance, collaboration between court officers and community treatment providers, and sentence reduction or case dismissal for successful completion.

Outcome evaluations done on drug courts during the 1990s showed positive results. Most drug courts reported lower recidivism among drug court participants. However, these early evaluations were criticized for failing to use control or comparison groups (Berman et al., 2007). In a review of successful crime prevention policies operating before the year 2000, MacKenzie (2006) identified drug courts as a promising crime prevention policy, but also noted the need for more positive evaluations using more robust methodologies and statistical controls.

Evaluations of drug treatment courts since 2000 have been mostly positive. Goldkamp, White, and Robinson conducted evaluations of drug courts in Portland, Oregon, and Las Vegas, Nevada. Their first study (2001a) focused on outcomes and concluded that, in general, graduates of drug courts had substantially lower rearrest rates than non-graduates for up to 2 years after entering the program. However, when they used various statistical controls, they found that the positive results for graduates were not consistent from year to year and were impacted by outside factors such as changes in political leadership.

Roman and Harrell (2001) conducted a cost-benefit analysis of a Washington, D.C., drug court program. They found a statistically significant reduction in crimes committed by drug court participants compared to nonparticipants. They found that every dollar spent on drug court programs yielded 2 dollars in crime reduction savings.

A 2003 evaluation of six New York drug courts reported significant reductions in recidivism compared to control groups. This study tracked the arrest rates of the drug court participants and the control group members for 3 years. A randomized study of the Baltimore City Treatment Court also showed significant reductions in recidivism over a period of 3 years (Berman et al., 2007).

Galloway and Drapela (2006) conducted an evaluation of a drug court in a small nonmetropolitan county in northwest Washington. They found that graduates of the drug court, when matched with a comparison group of probationers, were less likely to be rearrested. The differences in the arrest rates between the two groups were statistically significant.

O'Keefe and Rempel (2007) conducted an evaluation of the Staten Island Treatment Court in New York. They used a one-to-one matching method of drug court participants with a comparison group of defendants who did not participate in the drug court. While selection for participation was not randomized, participants were closely matched with nonparticipants according to various demographic

and crime-related factors. O'Keefe and Rempel reported a 46% reduction in recidivism over 1 year for drug court participants compared to the comparison group. The 18-month rearrest rate for the participants was 25% less. The 18-month reconviction rate for the drug court participants was 44% less than that of the nonparticipants.

Recent review or meta-analysis studies have also shown reduced recidivism for drug court graduates. Belenko (2001) conducted a review of 37 published and unpublished evaluations of drug courts between 1999 and April 2001. Most of the studies reported lower recidivism for drug court participants. Three of the studies used random assignment between participation in the drug court and control groups and they all reported lower recidivism for drug court participants. D. Wilson, Mitchell, and MacKenzie (2002) conducted a review of 42 drug court evaluations and found that 37 reported lower recidivism rates for drug court participants compared to nonparticipating defendants in control groups.

A general consensus now exists that drug courts are an effective crime prevention policy. Berman et al. (2007) stated that drug courts "generally produce significant reductions in recidivism" (p. 20). Cissner and Rempel (2007) concluded that "adult drug courts significantly reduce recidivism, although the level of impact varies over time and by court" (p. 31).

### Domestic Violence Court Evaluations

There have not been many rigorous evaluations of domestic violence courts. The evaluations that have been done demonstrate encouraging results for victims and mixed results for defendants. Victims of domestic violence are more likely to receive advocacy assistance and other services from domestic violence courts. Victims have expressed more satisfaction with domestic violence courts than with traditional criminal courts. Some studies of domestic violence courts found significant reductions in case dismissal rates, increases in the percentage of defendants ordered to participate in batterer programs, and increases in jail sentences for domestic violence offenders. There have been differing results on recidivism of offenders. Some studies found lower recidivism rates, while other studies found no reduction in recidivism (Gavin & Puffett, 2007).

Mirchandani (2006) conducted an extensive review of the Salt Lake City domestic violence court and identified three procedural innovations that helped encourage offender responsibility. The first innovation was a common plea agreement where defendants received suspended sentences in exchange for agreeing to a court order to complete 26 weekly sessions of counseling. The second innovation was a three-stage review system by the court that required offenders to provide proof of their compliance and progress in counseling. Offenders were required to provide evidence of their having made contact with the counseling agency within 10 days. Furthermore, they had to provide a 30-day progress report and a 6-month completion report to the court. The third innovation used by the Salt Lake domestic



violence court required that the same court personnel handle all domestic violence cases. Over time, these officials developed expertise and familiarity with all other stakeholders involved in trying to combat domestic violence in Salt Lake City.

Gover, Brank, and McDonald (2007) evaluated a domestic violence court in South Carolina. They found that compared with defendants processed in traditional courts, defendants processed in a domestic violence court were significantly less likely to be rearrested for domestic violence. Gover et al. conducted 50 victim and 50 defendant interviews of participants in the domestic violence court. Both groups expressed satisfaction with their experiences in the court and were generally satisfied with the outcomes of their cases.

Labriola, Rempel, and Davis (2007) conducted a randomized trial study of the different approaches used in domestic violence courts. Participant offenders were randomly assigned to different groups with some receiving batterer treatment, others receiving high levels of judicial monitoring, and others with less judicial monitoring. These various treatment groups were then matched with a comparison group of offenders who received neither batterer treatment nor judicial monitoring. The groups were tracked for 1 year after sentencing. Labriola et al. found no reduction in rearrests for those in batterer programs as well as no difference in recidivism based on the levels of judicial monitoring.

Cissner (2007) completed an evaluation of a teen domestic violence court in Brooklyn, New York. This court adjudicated domestic violence offenders who were between the ages of 16 and 19. The evaluation contained no measures of recidivism and primarily documented the challenges of implementing a teen domestic violence court. These challenges included having trouble identifying and flagging eligible cases to be referred to the teen domestic violence court, gaining full cooperation and maintaining communication with all court actors and team members, having uniform agreement on a set of clear goals and objectives, and establishing contact with teenage victims.

### **Mental Health Court Evaluations**

Because these courts are relatively new, there have been few evaluations completed (Casey & Rottman, 2005). The evaluations available have mostly focused on characteristics of offenders (Steadman, Redlich, Griffin, Petrila, & Monahan, 2005). One such evaluation of the Brooklyn Mental Health Court showed that the participants were mostly male, African American, single, and had poor work histories and education. A majority of them had previously been hospitalized for psychiatric purposes at least once in their lives. At some point in the year prior to their arrests, 15% of them had been homeless. Most of the participants had been diagnosed with bipolar disorder, schizophrenia, or major depression. Almost half of them were diagnosed with co-occurring mental illness and substance abuse disorders

(O'Keefe, 2007). When asked in their 1-year interview, participants of the Brooklyn study indicated high levels of satisfaction with various aspects of their treatment. Outcome measures, done without a comparison group, showed mostly positive impacts of the court on measures of psychosocial functioning, homelessness, substance abuse, hospitalizations, service utilization, and recidivism (O'Keefe, 2007).

### **Community Court Evaluations**

A few evaluations have been done of community courts. Kralstein (2007) conducted a review of seven evaluations done of four different community courts. The four courts were the Midtown Community Court in Manhattan, New York; the Red Hook Community Justice Center in Brooklyn, New York; the Hennepin County Community Court in Minneapolis, Minnesota; and the Hartford Community Court in Hartford, Connecticut. Kralstein reported that the evaluations consisted of surveys of community residents, offender interviews or focus groups, and larger-scale quantitative analysis using administrative court data.

Evaluations of both the Midtown and Hennepin courts showed that offenders were held more accountable in the community court compared to traditional courts. Offenders in the Midtown court were much more likely to receive community service or treatment sentences as compared to the more likely "time-served sentence" in the traditional Manhattan centralized court. The compliance rate for offenders was 75% in the Midtown court, which was 50% higher than the Manhattan court. Community surveys in Minneapolis showed that residents gave high marks for offender compliance with community service sentences from the Hennepin court. Community perceptions were high for both the Midtown and Hennepin courts in that majorities of citizens expressed willingness to pay more taxes to support their community courts. A high majority of residents in the Red Hook community reported positive views of their community court. Offender perceptions were mostly positive in studies done for the Midtown, Red Hook, and Hartford courts. Evaluations of the Midtown court found that prostitution arrests decreased 56% when processed through the community court. Midtown also reported a 24% reduction of illegal vending arrests and reduced arrests for offenders who had completed at least 90 days of court-mandated drug treatment.

### **Evaluations of Other Problem-Solving Courts**

Many of the emerging problem-solving courts have not been around long enough for many evaluations to be completed. One exception is the evaluation of the Harlem Parole Reentry Court (Farole, 2007). Farole found that the use of caseworkers in the reentry court improved communication between parole and treatment or service providers. Parolees participating in the Harlem reentry court tended to have greater access to various services to assist them in their transition. The reentry court parolees were matched

with a comparison group of similar parolees who were not supervised by a reentry court. Regarding recidivism outcome measures, there was only one statistically significant difference between the two groups: The reentry court parolees had a reduced conviction rate on new nondrug offenses. However, there was no statistically significant difference between the two groups on new drug convictions or reincarceration rates.

## Future Directions

The types and number of problem-solving courts will continue to increase. Officials are concerned with backlogs of court cases in the traditional criminal courts. This concern, combined with the generally accepted view that problem-solving courts are successful, will fuel the growth of problem-solving courts. Although relatively new in their appearance on the scene, problem-solving courts are now located in all 50 states (Berman & Feinblatt, 2005). The types of problem-solving courts will also continue to increase. If specialized courts can be created for drug, domestic violence, and mentally ill offenders, then they can also be created for the many other types of offenders. Victims' rights organizations, like MADD (Mothers Against Drunk Driving), are sure to call for the creation of specialized DWI or DUI courts. If society believes that specialized sex offender courts will be successful at improving public safety and increasing offender accountability, they will surely come to be created and operating in most states.

Continuing good research on problem-solving courts is needed. Drug courts have been around the longest and are the most numerous of the problem-solving courts. They are also the courts that have been researched the most. Evaluations conducted in the first decade of their existence rarely used control conditions. However, more recent evaluation research has included comparison or control groups. Because of this better research, a general consensus has formed that drug courts are successful crime prevention tools. This focus on good research needs to expand to the other established and emerging problem-solving courts. Domestic violence, mental health, and community courts need to be subject to repeated evaluations using rigorous methodologies, testing whether their objectives are being met. Decisions as to the continuation of these problem-solving courts should be primarily based on the effectiveness of these courts in actually accomplishing what they were intended to.

## Conclusion

The last 20 years have seen the creation and proliferation of problem-solving courts. These courts are different from the traditional criminal court in that they have specialized dockets, create a collaborative relationship between traditional court actors and outside organizations, and attempt to solve social problems rather than focus only on adjudicating cases.

Evaluations of these courts are mostly positive, showing reduced recidivism among some types of offenders. Continued research is needed to justify the existence and growth of problem-solving courts.

## References and Further Readings

- Acker, J. R., Hendrix, P. N., Hogan, L., & Kordzek, A. (2001). Building a better youth court. *Law & Policy, 23*, 197–215.
- Belenko, S. (2001). *Research on drug courts: A critical review: 2001 update*. New York: National Center on Addiction and Substance Abuse at Columbia University.
- Belenko, S., & Dembo, R. (2003). Treating adolescent substance abuse problems in the juvenile drug court. *International Journal of Law and Psychiatry, 26*, 87–110.
- Berman, G., & Feinblatt, J. (2001). Problem-solving courts: A brief primer. *Law & Policy, 23*, 125–140.
- Berman, G., & Feinblatt, J. (2005). *Good courts: The case for problem-solving justice*. New York: The New Press.
- Berman, G., & Fox, A. (2005). Justice in Red Hook. *Justice System Journal, 26*, 77–90.
- Berman, G., Rempel, M., & Wolf, R. V. (Eds.). (2007). *Documenting results: Research on problem-solving justice*. New York: Center for Court Innovation.
- Boothroyd, R. A., Poythress, N. G., McGaha, A., & Petrila, J. (2003). The Broward Mental Health Court: Process, outcomes, and service utilization. *International Journal of Law and Psychiatry, 26*, 55–71.
- Casey, P. M., & Rottman, D. B. (2005). Problem-solving courts: Models and trends. *Justice System Journal, 26*, 35–56.
- Cissner, A. (2007). Confronting teen dating violence: An evaluation of the Brooklyn Youthful Offender Domestic Violence Court. In G. Berman, M. Rempel, & R. V. Wolf (Eds.), *Documenting results: Research on problem-solving justice* (pp. 175–205). New York: Center for Court Innovation.
- Cissner, A. B., & Rempel, M. (2007). The state of drug court research: Moving beyond "Do they work?" In G. Berman, M. Rempel, & R. V. Wolf (Eds.), *Documenting results: Research on problem-solving justice* (pp. 23–50). New York: Center for Court Innovation.
- Davis, W. N. (2003). Special problems for specialty courts. *ABA Journal, 89*, 32–37.
- Dorf, M. C., & Fagan, J. (2003). Problem-solving courts: From innovation to institutionalization. *American Criminal Law Review, 40*, 1501–1511.
- Farole, D. J., Jr. (2007). The Harlem Parole Reentry Court: Implementation and preliminary impact. In G. Berman, M. Rempel, & R. V. Wolf (Eds.), *Documenting results: Research on problem-solving justice* (pp. 319–328). New York: Center for Court Innovation.
- Galloway, A. L., & Drapela, L. A. (2006). Are effective drug courts an urban phenomenon? Considering their impact on recidivism among a nonmetropolitan adult sample in Washington State. *International Journal of Offender Therapy and Comparative Criminology, 50*, 280–293.
- Gavin, C., & Puffett, N. K. (2007). Specialized domestic violence courts in New York City: A comparative study. In G. Berman, M. Rempel, & R. V. Wolf (Eds.), *Documenting results: Research on problem-solving justice* (pp. 127–161). New York: Center for Court Innovation.

- Goldkamp, J. S. (2000). The drug court response: Issues and implications for justice change. *Albany Law Review, 63*, 923–961.
- Goldkamp, J. S., White, M. D., & Robinson, J. B. (2001a). Context and change: The evolution of pioneering drug courts in Portland and Las Vegas (1991–1998). *Law & Policy, 23*, 141–170.
- Goldkamp, J. S., White, M. D., & Robinson, J. B. (2001b). Do drug courts work? Getting inside the drug court black box. *Journal of Drug Issues, 31*, 27–72.
- Goldstein, H. (1979). Improving policing: A problem-oriented approach. *Crime & Delinquency, 25*, 236–258.
- Gover, A. R., Brank, E. M., & MacDonald, J. M. (2007). A specialized domestic violence court in South Carolina. *Violence Against Women, 13*, 603–626.
- Hora, P. F. (2002). A dozen years of drug treatment courts: Uncovering our theoretical foundation and the construction of a mainstream paradigm. *Substance Use & Misuse, 37*, 1469–1488.
- Jeffries, S. (2005). How justice gets done: Politics, managerialism, consumerism, and therapeutic jurisprudence. *Current Issues in Criminal Justice, 17*, 254–268.
- Kralstein, D. (2007). Community court research: A literature review. In G. Berman, M. Rempel, & R. V. Wolf (Eds.), *Documenting results: Research on problem-solving justice* (pp. 211–218). New York: Center for Court Innovation.
- Labriola, M., Rempel, M., & Davis, R. C. (2007). Testing the effectiveness of batterer programs and judicial monitoring: Results from a randomized trial in the Bronx. In G. Berman, M. Rempel, & R. V. Wolf (Eds.), *Documenting results: Research on problem-solving justice* (pp. 163–173). New York: Center for Court Innovation.
- Luskin, M. L. (2001). Who is diverted? Case selection for court-monitored mental health treatment. *Law & Policy, 23*, 217–236.
- MacKenzie, D. L., (2006). Reducing the criminal activities of known offenders and delinquents: Crime prevention in the courts and corrections. In L. W. Sherman, D. P. Farrington, B. C. Welsh, & D. L. MacKenzie (Eds.), *Evidence-based crime prevention* (Rev. ed., pp. 330–404). London: Routledge.
- Malkin, V. (2005). The end of welfare as we know it. *Critique of Anthropology, 25*, 361–388.
- Maruna, S., & LeBel, T. P. (2003). Welcome home? Examining the reentry court concept from a strengths-based perspective. *Western Criminology Review, 4*, 91–107.
- McCoy, C. (2003). The politics of problem-solving: An overview of the origins and development of therapeutic courts. *American Criminal Law Review, 40*, 1513–1534.
- Mirchandani, R. (2005). What's so special about specialized courts? The state and social change in Salt Lake City's domestic violence court. *Law & Society Review, 39*, 379–418.
- Mirchandani, R. (2006). Hitting is not manly: Domestic violence court and the re-imagining of the patriarchal state. *Gender & Society, 20*, 781–804.
- O'Keefe, K. (2007). The Brooklyn Mental Health Court: Implementation and outcomes. In G. Berman, M. Rempel, & R. V. Wolf (Eds.), *Documenting results: Research on problem-solving justice* (pp. 281–318). New York: Center for Court Innovation.
- O'Keefe, K., & Rempel, M. (2007). Evaluation of the Staten Island Treatment Court: Implementation and impacts. In G. Berman, M. Rempel, & R. V. Wolf (Eds.), *Documenting results: Research on problem-solving justice* (pp. 75–100). New York: Center for Court Innovation.
- Olson, D. E., Lurigio, A. J., & Albertson, S. (2001). Implementing the key components of specialized drug treatment courts: Practice and policy considerations. *Law & Policy, 23*, 171–196.
- Roman, J., & Harrell, A. (2001). Assessing the costs and benefits accruing to the public from a graduated sanctions program for drug-using defendants. *Law & Policy, 23*, 237–268.
- Steadman, H. J., Redlich, A. D., Griffin, P., Petrila, J., & Monahan, J. (2005). From referral to disposition: Case processing in seven mental health courts. *Behavioral Sciences & the Law, 23*, 215–226.
- Trupin, E., & Richards, H. (2003). Seattle's mental health courts: Early indicators of effectiveness. *International Journal of Law and Psychiatry, 26*, 33–53.
- Walker, S. P., & Louw, D. A. (2003). The South African court for sexual offences. *International Journal of Law and Psychiatry, 26*, 73–85.
- Wilson, D., Mitchell, O., & MacKenzie, D. L. (2002, November). *A systematic review of drug court effects on recidivism*. Paper presented at the Annual Meeting of the American Society of Criminology, Chicago.
- Wilson, J. Q., & Kelling, G. (1982, March). Broken windows: The police and neighborhood safety. *Atlantic Monthly*, pp. 29–38.
- Wolf, R. V. (2007). *Expanding the use of problem solving*. Retrieved February 1, 2009, from <http://www.courtinnovation.org>

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## VICTIM SERVICES

CATHERINE ELIZABETH KAUKINEN

*University of Colorado at Colorado Springs*

Violent victimization is often a traumatizing and life-changing event. Research has clearly identified a number of consequential social, behavioral, physical, and mental health outcomes associated with the trauma of violent crime and fear of revictimization. Researchers have also pointed out that violent crime victims are likely to suffer from depression, posttraumatic stress disorder, anxiety, negative self-perceptions, and other internalizing problems. Physical and sexual abuse in childhood, in particular, heightens the risk of suicidal thoughts and attempts, and increases the risk for a variety of antisocial behaviors, substance abuse, aggression, and violent offending in adulthood that may later impact adult well-being. It is therefore clear that the impact of violent crime, for the victims of crime, is a tremendous individual as well as social burden. An additional indicator of the injurious consequences of violence is the use of medical, gynecological, mental health, and social services by violent crime victims. Miller, Cohen, and Wiersema (1996) have estimated the cost of interpersonal crime to be \$105 billion annually in medical costs, lost earnings, and public programs dedicated to victim assistance.

While Miller et al. (1996) note the importance of these tangible economic losses, they point out that they do not address the full consequences of violent crime. They suggest that when pain and suffering and lost quality of life are taken into account, the “real cost of crime to victims” is an estimated \$450 billion annually. An analysis of mental health providers suggests that violent crime victims account

for approximately 25% of all psychologists’ client bases and upwards of 40% of all treatment hours (see Cohen & Miller, 1998). They also estimate the cost of providing psychological and mental health treatment to violent crime victims to be over \$9 billion. Appealing to various community sources of support after experiencing a violent victimization is suggested to be an important avenue for victims recovering from their trauma and dealing with the short- and long-term impact of violence. The utilization and receipt of network and community support, in the form of medical and emergency care, mental health services, counseling, and advocacy, may therefore assist in alleviating the negative effects of violent victimization, serving as a social safety net upon which victims may rely. Social and community support may also be considered an asset for victims dealing with the aftermath of violent crime to the extent that it promotes the preservation or recovery of valued resources. It is therefore evident that the directing of financial and personnel resources to the victim component of the crime problem and the provision of social and mental health services will assist victims in dealing with the short- and long-term consequences of crime and violence. The services currently available to victims address a number of tangible impacts of violent crime including victims’ rights within the criminal justice and medical systems; the physical and mental health outcomes; financial and legal costs; and the continued day-to-day impact some types of violence have on victims such as those who have experienced sexual assault, child abuse, and intimate partner violence.

A social and academic interest in the lives of violent crime victims reflects the changing role and importance of victims in the public imagination, public policy, lawmaking, criminal justice, and social service provision in recent decades. Prior to the 1960s, both the criminal justice system and the human and social service system largely ignored the plight of victims, instead focusing on the causes and nature of crime and the rehabilitation or punishment of offenders (see Wallace, 1998). The victims of crime have therefore gone largely unrecognized in public discourse and within the criminal justice system (see Elias, 1992). More importantly, until the last several decades, the impact of criminal victimization had not been a focus of public concern. Instead, the victims' role in crime was largely filtered through their role as witnesses within the criminal justice system. Beginning in the late 1960s and taking hold in the 1970s, academic research, the medical community, and law enforcement's concern and actions taken for victims of crime began to expand. The research, activism, and legislation helped to identify and highlight the toll of violent crime in terms of the social, physical, mental health, and financial consequences of victimization. This public concern owes much of its impetus to the actions and advocacy of grassroots organizations that organized and mobilized to offer victims the tangible assistance and support they needed in the way of shelters, crisis care, advocacy, and representation within the criminal justice system.

## Services for and Rights of Violent Crime Victims

The creation and growth of the victims' rights movement, reflecting an expansion of the feminist and civil rights movements, led to the provision of services to victims and an extension of their rights within law and criminal justice (see Office for Victims of Crime, 2004). Changes within the criminal justice system and the wider collective experience of crime, which include a heightened fear of stranger crime, changes in the day-to-day activities of households, increasing evidence of public disorder, and increased media interest and dramatization of crime, have led to dramatic changes in the way victims of crime are responded to. These changes reflect and reinforce widespread concern about victims and public safety, the ineffectiveness of the criminal justice system, and the politicizing of crime issues and crime victims. The evolution and implementation of services for violent crime victims may therefore be viewed as reflecting the history of the victims' rights movement (see Office for Victims of Crime, 2004).

The victims' rights movement has shaped the definition of victimization and the types of crime events that warrant concern for those victims affected by crime and violence. An examination of victim services through the lens of the victims' rights movement over the last four decades provides a systematic view of how victims have evolved in the

public imagination and how victim services have developed and evolved. The evolution of social, mental health, and legal services, and the advocacy for victims over the last 40 years, may be seen as moving from financial compensation programs, to social service initiatives, to the development of federal legislation for the victims of violent crime that works to ensure stability of funding for services for victims and their rights within the criminal justice system.

### 1960s: Medical Definitions of Victimization and Law Enforcement Involvement

Some of the first concerns for the victims of crime focused on child victims. One of the earliest definitions of child abuse was suggested by physician C. Henry Kempe. In his benchmark paper, "Battered Child Syndrome" (Kempe, Silverman, Steele, Droegemuller, & Silver, 1962/1984), he defined child abuse as a clinical condition with medical injuries that resulted from a physical assault. As early as the 1960s, pediatric radiologists began exposing the injuries experienced by infants and children and subsequently reported these victimizations to law enforcement officials. After involvement by the medical community, laws were passed in 1962 prohibiting parents from abusing their children. During this same time, mandatory child maltreatment reporting laws were passed by every state. Today, every state has mandatory child maltreatment laws and in some states—North Carolina, for example—this extends to all citizens who have knowledge of abuse.

After the early 1960s, there was a dramatic increase in the demand for child protective services. Some of the services provided by these agencies included assistance for children and families, foster care placement for abused children, support for youth making the transition to adulthood while living in foster care, and placement of children in adoptive homes. Today, there are close to 3 million referrals made yearly to state-level protective service agencies, involving more than 4.5 million children. In dealing with the impact of child abuse, more than 350 communities have established children's advocacy center programs. These centers permit law enforcement officers, prosecutors, child protection workers, victim advocates, and therapists to interview children in a single, child-friendly location rather than in several intimidating environments. Child advocacy programs also provide holistic multidisciplinary case management to children during various stages of therapeutic treatment and criminal justice intervention.

### 1970s: Grassroots Advocacy and Victim Compensation Programs

The earliest assistance and services for the victims of violent crime came in the form of victim compensation programs. The first program of its kind was established in California in 1965 through that state's Victims of Violent Crime Act. This act provided for "reimbursement to persons who, as a result of a violent crime, have suffered a

monetary loss due to a physical or emotional injury not covered by another source” (California Attorney General’s Office, 1998, p. 21). In addition, the act allowed for the reimbursement of medical and hospital bills, loss of income, loss of support, funeral and burial expenses, rehabilitation or retraining costs, counseling and therapy, and attorney fees. It also required that members of law enforcement inform victims about the availability of state compensation funds and the location of the local victim/witness assistance center where they could file for a reimbursement. In outlining the need for such a service and provision to victims, California State Senator Eugene McAteer made a convincing case to then Governor Edmund G. Brown by stating the following:

The State of California spends millions of dollars for the maintenance of prisoners in penal institutions and the furnishing of dental and medical care, while the victimized persons and their families must bear any medical or dental expenses on their own and may suffer additional economic hardship from temporary or even permanent loss of employment. (McGagin, 2005, p. 2)

Similar victim compensation programs were subsequently adopted in New York and Massachusetts during the late 1960s. These programs were developed in recognition of the tremendous financial burden placed on the victims of violent crime. They included financial reimbursement for victims in which compensation administrators often became advocates for victims of violent crime. Today, every state has a victim compensation program, but California continues to be a leader in victim compensation, providing the largest outlays of awards.

It is important to note that to benefit from such programs, victims are required to make contact with the criminal justice system and report their victimization to the police. Given that the majority of victims, particularly victims of sexual violence and domestic assaults, do not report their victimization to the police, the receipt of compensation is often limited to a narrower group of violent crime victims. In addition, while many victims would benefit from these programs, they were not met without resistance given the potential cost of such programs. Today, the majority of the money for these programs comes from offenders via fees and fines charged against those convicted of crime, as opposed to public tax dollars.

The 1970s may be largely characterized as reflecting the hard work and dedication of grassroots organizers. Both rape survivors and battered women commonly founded programs, crisis centers, and shelters for victims; worked to organize coalitions; and provided opportunities for the growth of activism. The advocacy taken on the part of victims included the development of the first battered women’s shelter for female domestic violence victims, established in 1974. The network of shelters then spread across the United States. Today, there are over 2,000 shelters and direct services offered to women leaving violent and abusive intimate relationships.

Shelters most often offer temporary and transitional living programs for women and their children who have experienced family and intimate partner violence. Agencies may also offer women and their children an apartment for an extended period of time during which they receive counseling and assistance. Shelters often have programs designed specifically for children who have witnessed violence and abuse. This may include group and individual counseling, education and play-therapy services, along with case management services. It is important to note that roughly half of the residents in domestic violence shelters are children. Domestic violence agencies may also offer programming for batterers in the form of workshops and group therapy for both men and women. Some agencies offer outpatient services including support groups, vocational counseling and job training, outreach to high schools and the community, court advocacy, and mental health services or referrals. Finally, many agencies have funding for women dealing with the economic reality of leaving a violent relationship, including locating temporary shelter, if none other is available, and putting women and their children up at a hotel for a few days. While the operation of shelters initially was focused on (and continues to focus on) assisting women in leaving abusive relationships, it soon became part of the battered women’s movement, working to reduce the incidence of family violence. The actions taken by those involved in the shelter movement include educating the public and law enforcement officials, advocating for victims, and working for legislative change and funding of domestic violence programming.

During the 1970s, grassroots organizations also worked to assist sexual assault victims in dealing with the trauma of rape and drew public attention to the issue of violence against women more broadly. The work and actions taken by these small, grassroots feminist groups led to the development of the first rape crisis centers in 1972. The primary purpose of the centers was to counsel and assist women who had been raped, offering them assistance, information, and advocacy in medical settings, the criminal justice system, and court proceedings. As part of the feminist movement, rape crisis centers also served the purpose of empowering women and politicizing violence against women. The initial funding of rape crisis centers was largely erratic, but over time these centers have been funded by hospitals, universities, and local governments. Today, rape crisis centers across the United States offer comprehensive medical, mental health, and legal services to victims of sexual violence, as well as sexual assault awareness and prevention education, and advocacy. The actions taken during this time period helped to direct attention to rape survivors and led to the impetus to change the criminal justice system and laws to facilitate prosecution and encourage women to report their experience of sexual violence to the police.

By the 1970s, formal programs for crime victims also expanded to include a wider array of victim assistance programs, including the development of criminal-justice- and law-enforcement-based victim assistance programs. The

important role of law enforcement in the provision of services to victims is evident in the organization of the first “Victims’ Rights Week,” in 1975, by Philadelphia District Attorney F. Emmett Fitzpatrick. The National Organization for Victim Assistance, founded in 1975, is an organization of victim and witness assistance programs and practitioners, criminal justice agencies and professionals, mental health professionals, researchers, former victims, and survivors committed to the recognition and implementation of victim rights and services. Its primary mission is now to promote the rights of and services for victims of crime and crisis through national advocacy, direct services to victims, supporting the activities of victim service professionals, and forging relationships between members. With respect to the provision of services, the National Organization for Victim Assistance’s contact with victims, primarily via its national hotline, leads to service referral, counseling, and advocacy for the victims of crime.

During the 1970s, a number of coalitions formed to attend to the issue of violence against women. In 1978, as part of a United States Commission on Civil Rights, women’s advocates came together in Washington, D.C., to form the National Coalition Against Domestic Violence (NCADV). The primary mission of NCADV is to engage in leadership within communities to help bring an end to violence. To that end, NCADV engages in educational programming, policy development, and coalition building, and supports the provision of direct services for battered women and their children. During this same decade, the National Organization for Women (NOW) formed a task force to examine the problem of domestic violence and wife battering. These grassroots movements may be seen as the starting point for research, shelters, hotlines, abolishment of the marital rape exemption, and mandatory arrest policies. Minnesota led the way in criminal domestic violence interventions with the development of probable cause (warrantless) arrests for domestic assault.

Finally, the 1970s saw some of the first federal legislation related to victimization with the U.S. Congress passing the Child Abuse Prevention and Treatment Act. Through this act of Congress, federal funding went to states to support a variety of programs and criminal justice interventions including education and prevention, criminal justice interventions, and direct treatment and services for victims. As with other legislation, there was concern over its financial impact and some discussion over whether the funding would benefit offenders.

### **1980s: Medical, Legal, and Legislative Action**

Whereas the provision of services to the victims of crime in the 1960s and 1970s reflected activism, the 1980s was a period of medical, legal, and legislative action to ensure the institutionalization of victim services and assistance. This includes the President’s Task Force on Victims of Crime, which recognized the plight of crime victims and placed a national focus on expanding crime victims’ rights

and services. During the 1980s, a growing interest in the trauma and mental health impact of violent victimization led to the development of innovative models of crisis intervention and community approaches to collective trauma experiences. The first Crisis Response Team was deployed by the National Organization for Victim Assistance to attend to a situation in Edmond, Oklahoma, in which a postal worker killed 14 fellow employees and himself. Within a day, experienced crisis interveners arrived to attend to the needs of the community as a whole, not just the individuals directly affected by the tragedy. Today, Crisis Response Teams are composed of mental health specialists, victim advocates, public safety professionals, and clergy members. Once these teams arrive at the site of a community crisis, the team engages in a variety of activities. These include assisting local decision makers in identifying the individuals and groups at greatest risk for experiencing trauma, the training of local service providers and caregivers to attend to the needs of traumatized victims after the Crisis Response Team has left the scene, and leading the group crisis intervention that assists victims in coping with their distress.

The 1980s also brought new legal services to the victims of crime. Through civil litigation, crime victims may be able to file lawsuits against perpetrators and responsible third parties for the damages the victims suffered as a result of the crime. The Victims’ Assistance Legal Organization and the National Crime Victim Bar Association are two such organizations dedicated to facilitating civil actions brought by crime victims. In a continued effort to protect child victims, legislation passed in 1984 included the Missing Children’s Assistance Act. After the act was passed, a clearinghouse and national resource center was established (National Center for Missing and Exploited Children). The primary purpose of the center is to assist in finding missing children and offer services to victimized and exploited youth. To date, the Center has handled more than 1 million calls.

During the 1980s, there began the first political and public discussion in favor of a federal “Crime Victims’ Bill of Rights.” This included a recommendation to amend the Sixth Amendment to guarantee that “the victim, in every criminal prosecution, shall have the right to be present and to be heard at all critical stages of judicial proceedings.” This would later, in 2004, become the Justice for All Act. Other major legislation and federal action included the Federal Victim and Witness Protection Act of 1982, which brought “fair treatment standards” to victims and witnesses in the federal criminal justice system; the United States Department of Justice creating the Office for Victims of Crime; and deposits into the Federal Crime Victims Fund totaling \$133 million. This was also a period of major reforms with respect to intimate partner violence.

Finally, the 1980s may be viewed as a turning point in the country’s focus on victims with respect to public policy, program implementation, and public awareness. An example of continued grassroots advocacy was the founding of

Mothers Against Drunk Driving (MADD) during the 1980s. The actions taken by MADD helped to create the impetus for impaired-driving laws across the United States and enhanced penalties for drunk drivers who kill children.

### **1990s: Continued Advocacy, Direct Service Provision, and Legislative Action**

The actions taken in the name of victims in the 1990s continued to reflect advocacy and the direct provision of services to victims. The decade saw the inception of the National Domestic Violence Hotline, which attends to almost a quarter of a million phone calls each year from the victims and survivors of intimate partner violence, concerned family members and friends, and victims advocates. The anonymous and confidential calls are answered by advocates who offer support and assistance to those who have experienced violence in an intimate relationship. The services offered include crisis intervention, safety planning, information about domestic violence, and referrals to local service providers.

During this decade, researchers continued efforts to examine the plight of victims and evaluate social and criminal justice interventions and programs. This includes the implementation of mandatory arrest policies for domestic violence victims and the evaluation of their efficacy for protecting victims. The 1990s was also a decade of continued and more diverse legislation to change the circumstances faced by crime victims. There were a number of contributions of research to practice, as reflected in the work done by domestic violence researchers examining the efficacy of mandatory arrest policies, domestic violence courts, and batterer interventions. While the findings are often mixed on whether mandatory arrest policies reduce revictimization, most states have adopted either a mandatory or pro-arrest stance on domestic violence.

There were also a number of advances made in responding to the trauma experienced by crime victims, including the expansion and deepening of services to the varied victim populations. There continued to be a worldwide movement to articulate the rights of victims within the criminal justice system and attempts to develop interventions to enforce those rights. During this time period, for example, many states incorporated victims' rights into their state constitutions. There was also a growing sensitivity to the varied experience of crime victims and the extensive consequences of violence. For example, there was recognition of the lack of sensitivity to victims of sexual assault during medical evidentiary examinations. This led to the development of sexual assault nurse examiner (SANE) programs. The SANE programs addressed the waiting time for victims of sexual violence, and the lack of training and experience of those working with sexual assault victims during forensic examinations.

The increased sensitivity to the diversity and experiences of violent crime victims also led to important state and federal legislation expanding what had traditionally

been viewed as crime. Some examples include the Hate Crime Statistics Act, the Church Arson Prevention Act, and anti-stalking laws and legislation. The 1990s was also a decade of growing interest in the welfare of children as victims of crime. This led to a host of legislation meant to protect children including "Megan's Law," the National Child Sex Offender Registry, the Child Protection and Sexual Predator Punishment Act, and enhanced sentences for drunk drivers with child passengers.

In 1990, the Victims of Child Abuse Act established rights and services for child victims. The act was amended in 1993 to provide funding to support local children's advocacy centers and to set up regional training centers to assist communities in establishing interagency teams to respond to child abuse cases. Continued concern for the child victims of crime through the late 1990s included the adoption of the "Amber Alert" system. This system began in 1996 and was formalized in 2003 when television broadcasters teamed with local law enforcement to develop an early warning system to help find abducted children.

During the 1990s, presidential and congressional acts to address crime and victimization included the signing of the "Brady Bill" and the Violent Crime Control and Law Enforcement Act, which carried a number of provisions including one outlining the Violence Against Women Act (VAWA). This act would authorize more than \$1 billion in funding for programs to combat violence against women. By the end of the 1990s, the Federal Crime Victims Fund deposits totaled a record \$985 million.

### **2000s: Federal Legislation and the Diversification of Services**

Whereas the 1990s reflected varied federal legislation addressing a number of diverse victim issues, the decade of the 2000s may be viewed as the consolidation of federal action for victims in the passing of the Justice for All Act in 2004 (a statutory alternative to the Federal Crime Victims' Rights Amendment), and the provision of financial resources to combat crime and help the victims of crime. The year 2000 saw the passing of the Violence Against Women Act (VAWA) and record funding for domestic violence and sexual assault victims. The passing of the VAWA authorized \$80 million annually for direct sexual assault prevention and education grants, \$875 million (over 5 years) for battered women's shelters, \$25 million for the one-time funding of transitional housing programs, and \$25 million to address violence against older women and women with disabilities. Finally, reflecting the expansion of technologies used by offenders to victimize their victim, the federal government also expanded federal stalking statutes to include stalking on the Internet.

The decade may also be seen as suffering from a failure to take federal action to recognize the rights of victims in the same way the U.S. Constitution protects the rights of the accused. With support from both Democrats and Republicans, the Senate Judiciary Committee passed the Federal Victims'



Rights Amendment to ensure basic rights to victims nationwide. However, the Congress failed to approve the amendment. As an alternative, the Justice for All Act was passed in 2004, providing substantive rights for crime victims and legal mechanisms to enforce those rights.

## Victims and a Federal Constitutional Amendment

The move to enact federal legislation to protect the rights of violent crime victims and in particular an amendment to the United States Constitution has a long history and support from both liberals and conservatives. On June 25, 1996, President Bill Clinton voiced his position on such proposed legislation:

I have supported the goals of many constitutional amendments since I took office, but in each amendment that has been proposed during my tenure as President, I have opposed the amendment either because it was not appropriate or not necessary. But this is different. I want to balance the budget, for example, but the Constitution already gives us the power to do that. What we need is the will and to work together to do that. I want young people to be able to express their religious convictions in an appropriate manner wherever they are, even in a school, but the Constitution protects people's rights to express their faith.

Two hundred twenty years ago, our Founding Fathers were concerned, justifiably, that government never, never trample on the rights of people just because they are accused of a crime. Today, it's time for us to make sure that while we continue to protect the rights of the accused, government does not trample on the rights of the victims.

Until these rights are also enshrined in our Constitution, the people who have been hurt most by crime will continue to be denied equal justice under law. That's what this country is really all about—equal justice under law. And crime victims deserve that as much as any group of citizens in the United States ever will. (Office of the Press Secretary, the White House, 1996)

Almost 7 years later, on May 9, 2002, President George W. Bush voiced similar support for the victims of crime. In a speech at the Department of Justice, President Bush gave his support to a federal constitutional amendment for violent crime victims:

The victims' rights movement has touched the conscience of this country, and our criminal justice system has begun to respond, treating victims with greater respect. The states, as well as the federal government, have passed legal protections for victims. However, those laws are insufficient to fully recognize the rights of crime victims. Victims of violent crime have important rights that deserve protection in our Constitution. And so today, I announce my support for the bipartisan Crime Victims' Rights Amendment to the Constitution of the United States. As I mentioned, this amendment is sponsored by Senator Feinstein of California, Senator Kyl of Arizona—one a Democrat, one a Republican. Both great Americans.

This amendment makes some basic pledges to Americans. Victims of violent crime deserve the right to be notified of public proceedings involving the crime. They deserve to be heard at public proceedings regarding the criminal's sentence or potential release. They deserve to have their safety considered. They deserve consideration of their claims of restitution. We must guarantee these rights for all the victims of violent crime in America.

The Feinstein-Kyl Amendment was written with care, and strikes a proper balance. Our legal system properly protects the rights of the accused in the Constitution. But it does not provide similar protection for the rights of victims, and that must change.

The protection of victims' rights is one of those rare instances when amending the Constitution is the right thing to do. And the Feinstein-Kyl Crime Victims' Rights Amendment is the right way to do it. (Hearing Before the Subcommittee on the Constitution of the Committee on the Judiciary on the 2002 Victims' Rights Amendment, 2002)

Although the proposed amendment had 24 cosponsors, including a majority of the members of the subcommittee, and it had also been endorsed by President Bush and by Attorney General Ashcroft, it failed to pass. As a statutory alternative, as mentioned above, the Justice for All Act of 2004 was enacted to protect crime victims' rights.

The Justice for All Act accomplishes a number of major goals. As noted by the Office for Victims of Crime (2004),

The Act adds new victims' rights and modifies some of the existing rights. Most notable is the new right of victims to be reasonably heard at any public proceeding involving release, plea, or sentencing. The Act also requires prosecutors to advise victims that they can seek the advice of an attorney with respect to the rights established by the Act. Although the Act does not provide grounds for a new trial, it allows victims to file motions to reopen a plea or a sentence in certain circumstances.

For purposes of the Act, a victim is "a person directly and proximately harmed as a result of the commission of a federal offense or an offense in the District of Columbia." This language expands the definition of victim in the "Services to Victims" section of the Victims of Crime Act, which allows such services only for those who suffered "direct physical, emotional, or pecuniary harm."

Some of the specific elements of the Justice for All Act are to amend the federal criminal code to grant crime victims specified rights, including a number of rights that relate to victim compensation and the criminal justice process. The specific rights include (1) the right to be reasonably protected from the accused; (2) the right to reasonable, accurate, and timely notice of any public court proceeding or any parole proceeding involving the crime, or of any release or escape of the accused; (3) the right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) the right to be reasonably heard at any public proceeding in the district court

involving release, plea, sentencing, or any parole proceeding; (5) the reasonable right to confer with the attorney for the government in the case; (6) the right to full and timely restitution as provided in law; (7) the right to proceedings free from unreasonable delay; and (8) the right to be treated with fairness and with respect for the victim's dignity and privacy (Office for Victims of Crime fact sheet, <http://www.ovc.gov/publications/factsheets/justforall/content.html#3>).

## Financing Victim Services and Improving Service Delivery

While the stability and amount of funding for services for the victims of crime have changed over the past 40 years, the focus in terms of the "crime problem" continues to be on the punishment and treatment of offenders. Consider an example: Since 1982, there has been a 620% increase in the funding of jails, prisons, and offender treatment. In the year 2005, the United States spent over \$60 billion on the maintenance and operation of the correctional system (U.S. Department of Justice, <http://www.ojp.gov/bjs/glance/exptyp.htm>).

At the same time, programs designed to directly provide services and assistance to the victims of crime are highly underfunded, often grant-based, and frequently required to annually reapply for continued support (See Elias, 1992). Most often, the funding of services reflects federal distributions to states in the form of victim assistance grants. The magnitude of the funding of victim services is described as follows, by the U.S. Department of Justice:

During FYs 1999 and 2000, OVC [Office for Victims of Crime] distributed more than \$608 million to states through VOCA victim assistance grants (\$238 million in FY 1999; \$370 million in FY 2000). States sub-granted these funds to criminal justice agencies, social service agencies, private nonprofit agencies, and American Indian tribes to support direct services to victims of child abuse, domestic violence, sexual assault, drunk driving, elder abuse, and robbery; family members of homicide victims; and victims of other violent crimes. The services provided include crisis counseling, therapy, shelter, information and referral, help in filing compensation claims, and advocacy support. Between FY 1999 and 2000, VOCA funds supported some 4,000 programs across the country and reached more than 6.4 million crime victims. This represents a 15-percent increase in the number of victims served since the previous biennium. (<http://www.ojp.usdoj.gov/ovc/welcovc/reporttonation2001/chp2.html>)

While federal and state funding for victims has increased in recent decades, even those criminal justice initiatives that incorporate issues specific to victims' rights often depend for their funding on fines and victim surcharge fees collected from offenders.

In addition to increasing the funding of victim services, federal and state governments and social service providers have worked hard to improve the implementation and delivery of services. This has included significant changes

and improvements within the criminal justice system to better assist the victims of crime. A 2001 report by the Office for Victims of Crime notes the following:

States and sub-grantees have made and continue to make major strides in several key areas in working with crime victims. First, significant improvements are being made in the criminal justice system response to crime victims. Specialized domestic violence courts, community policing, automated notification systems, registries of protective and restraining orders and of sex offenders, and standardization of sexual assault evidence collection all support services to victims and increase offender accountability. Second, the need for and value of collaboration with other disciplines, agencies, and systems is recognized. Protocols are now in place for domestic violence and sexual assault cases and for criminal crisis response. Criminal justice officials and community-based advocates coordinate activities and, with increased training, both fields are more aware of the responsibilities of the other. Finally, states are increasingly expecting persons who serve crime victims to be trained and, in some instances, certified. Some states have developed standards for programs that receive VOCA funding. Several states have annual statewide conferences and others are implementing state victim assistance academies. (<http://www.ojp.usdoj.gov/ovc/welcovc/reporttonation2001/chp2.html>)

The area of domestic violence is an excellent example of the integration of service provision, increased training of criminal justice officials and social service providers, and coordination of justice officials and community-based organizations. For example, specialized domestic violence courts have served to integrate the screening, referral, and monitoring of criminal cases. These courts are dedicated to dealing with felony or misdemeanor domestic violence crimes, and they have been supported by federal STOP Violence Against Women funds. Some notable improvements in the treatment of domestic violence through the implementation of these courts include the training of court officials to promote the consistent and efficient handling of cases and on-site victim advocates. These victim advocates serve as the primary contact to victims, creating safety plans and coordinating housing, counseling, and other social services. They also provide victims with information about criminal proceedings and special conditions contained within their orders of protection. These courts have also employed resource coordinators and implemented technology that assists in maintaining links between service providers and court officials, providing information on the status of victims and offenders, and holding agencies accountable for accurate and prompt reporting.

## Diversity of Services for the Diverse Population of Violent Crime Victims

Social services, victim programs, and crisis centers were largely devised to deal with female victims of intimate partner violence and sexual assault and as such may not

reflect the needs of all crime victims nor accommodate the types of coping strategies typical of male victims (see Wallace, 1998). Yet, over the last 40 years there has been increased public attention to the diversity of victims of crime, and this has translated into a number of services to attend to the needs of this population.

In the early part of 2000, the federal and state governments directed an initiative to attend to previously underserved victims of crime. Victim assistance programs received increased funding and began to direct resources to victims of elder abuse, child exploitation, child witnesses to domestic violence, cybercrime, hate crime, and stalking. Attention has also been directed to tailoring programs to previously underserved populations including immigrants, visible minorities, and rural and disabled victims. This includes improving programs to be more culturally relevant to the populations they serve, physically accessible, and in close geographic proximity to the victims of crime.

An example of the recognition of the diversity of victimization includes the legislation, advocacy, and services for the victims of hate/bias crimes, which have been important milestones within the evolution of victim services. The Hate Crimes Statistics Act of 1990 and the Local Law Enforcement Hate Crimes Prevention Act are notable in that they laid out the definition of bias crimes and extended federal law to allow state and local authorities to take advantage of federal investigative resources and personnel in bringing cases based on state law. Yet, it has been the advocacy of local service agencies that has most often assisted victims of crime motivated by bias, which less often comes to the attention of law enforcement. Since the late 1980s, local community organizations have run 24-hour crisis lines and have offered victims referrals to attorneys, counselors, and therapists. These agencies have also served as court advocates for victims who press criminal charges. Prevention and education are also at the forefront of victim services within the hate crime arena. Some of these projects include training residents how to protect themselves from the risk of violence and providing training for local law enforcement on how to respond to hate crime incidents.

## References and Further Readings

- California Attorney General's Office. (1998). *Crime victims' handbook*. Crime and Violence Prevention Center. Retrieved March 1, 2009, from <http://caag.state.ca.us/publications/victimshandbk/pdf/handbook.pdf>
- Cohen, M., & Miller, T. (1998). The cost of mental health care for victims of crime. *Journal of Interpersonal Violence, 13*, 93–110.
- Elias, R. (1986). *Politics of victimization—Victims, victimology, and human rights*. New York: Oxford University Press.
- Elias, R. (1992). Which victim movement? The politics of victim policy. In E. Fattah (Ed.), *Towards a critical victimology* (pp. 130–152). New York: St. Martin's Press.
- Hearing before the Subcommittee on the Constitution of the Committee on the Judiciary on the 2002 Victims' Rights Amendment, House of Representatives, 107d Cong., 2 (2002).
- Jerin, R. A., Moriarty, L. J., & Gibson, M. A. (1995). Victim service or self service: An analysis of prosecution based victim-witness assistance programs and providers. *Criminal Justice Policy Review, 7*(2), 142–154.
- Kempe, C. H., Silverman, F. N., Steele, B. F., Droegemueller, W., & Silver, H. K. (1984). The battered-child syndrome. *Journal of the American Medical Association, 251*(24), 3288–3294. (Original work published 1962)
- Logan, T. K., Stevenson, E., Evans, L., & Leukefeld, C. (2004). Rural and urban women's perceptions of barriers to health, mental health, and criminal justice services: Implications for victim services. *Violence and Victims, 19*(1), 37–62.
- Marion, N. C. (1995). The federal response to crime victims, 1960–1992. *Journal of Interpersonal Violence, 10*(4), 419–436.
- McGagin, K. (2005, February). From the desk of Karen McGagin. *Victim Compensation Connection*. Retrieved March 7, 2009, from <http://www.boc.ca.gov/docs/newsletters/2005/02-VCC.pdf>
- Miller, T. R., Cohen, M. A., & Wiersema, B. (1996). *Victim costs and consequences: a new look* (NCJ 155282). Washington, DC: U.S. Department of Justice.
- Newmark, L. C. (2006). *Crime victims' needs and VOCA-funded services: Findings and recommendations from two national studies* (NCJ 214263). Washington, DC: U.S. Department of Justice.
- Office of the Press Secretary, the White House. (1996, June 25). *Remarks by the president at announcement of Victims' Rights Constitutional Amendment*. Retrieved March 1, 2009, from <http://www.ojp.usdoj.gov/ovc/publications/infores/62596.htm>
- Office for Victims of Crime. (2004). *The history of the crime victims' movement in the United States*. A component of the Office for Victims of Crime Oral History Project. Retrieved March 1, 2009, from <http://www.ojp.usdoj.gov/ovc/ncvrv/2005/pg4c.html>
- Pahl, J. (1985). *Private violence and public policy—the needs of battered women and the response of the public services*. Boston: Routledge/Kegan Paul.
- Wallace, H. (1998). *Victimology: Legal, psychological, and social perspectives*. Boston: Allyn & Bacon.
- Zweig, J. M., Burt, M. R., & Van Ness, A. (2003). *The effects on victims of victim service programs funded by the STOP formula grants program*. Washington, DC: Urban Institute. Retrieved March 1, 2009, from [http://www.urban.org/UploadedPDF/410645\\_VictimServicePrograms.pdf](http://www.urban.org/UploadedPDF/410645_VictimServicePrograms.pdf)

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## OFFENDER CLASSIFICATION

PATRICIA M. HARRIS

*University of Texas at San Antonio*

**O**ffender classification refers to a set of formal tools and practices used to establish supervision parameters and services for individuals under the control of correctional agencies. Of particular interest is the determination of the nature of risks posed by individual offenders and identification of their specific treatment needs.

The origins of classification, which is essentially the examination of how offenders differ from one another, can be traced to a typology presented by Cesare Lombroso in his 1876 work entitled *Criminal Man*. Development of structured instruments for ranking offenders according to risk began in the 1920s, when researchers such as Burgess (1928) explored the utility of statistical methods to distinguish between violators and non-violators among prisoners paroled from state prisons. Though numerous practitioners, criminologists, and forensic psychologists advanced classification research following this time, it was not until the 1980s that formal, structured classification became widespread practice in corrections. Three factors—the discovery that a relatively small proportion of offenders contributed disproportionately to the crime problem, successful inmate litigation calling for improved conditions of confinement in state prison systems, and heightened sensitivity of the public to new crimes committed by offenders released back into the community—accelerated the development and widespread adoption of objective instruments to classify offenders by risk and needs. Today, offender classification is practiced by local, state, and federal corrections

agencies throughout the United States. There are now many instruments available for the classification of adult and juvenile offenders, and work on improving prediction of recidivism via statistical methods continues as a focus of agency and university research.

### Varieties of Offender Classification

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#### Risk/Needs Assessment

The assessment of risk and needs is the most common form of offender classification. This form may entail separate instruments, one for risk and at least one for needs. Risk instruments, which resemble questionnaires, occur by interview or the offender's self-report, according to the design of the tool in question. Choice of risk instrument also depends upon the correctional setting in which it is to be administered. Risk assessment serves different purposes, depending upon the correctional context in which it takes place. Risk assessment tools used by probation and parole typically forecast the offender's risk of rearrest while under community supervision. Instruments employed by prison and jail authorities, on the other hand, predict a detainee's or inmate's adjustment to confinement. Jail risk assessment focuses on inmates' risk of harm to other detainees and need for protective custody, to guide housing decisions as well as to prevent harm to self, particularly suicide. The

objectives of prison classification differ depending upon whether external or internal classification is taking place. The purpose of *external classification* is to determine whether the inmate can be housed in a general population, and if so, at what level (minimum, medium, or maximum custody). The objective of *internal classification* is to assess the inmate's risk in the facility to which he or she has been assigned. This determination subsequently affects where the inmate will be housed, with whom, and with what privileges (programs, work assignments, etc.).

The evolution of formal instruments measuring offender risk and needs occurred over four "generations" (Andrews, Bonta, & Wormith, 2006). First-generation instruments were characterized by reliance on professional judgment and experience, also referred to as *clinical judgment*. Introduction of the salient factor score by the U.S. Parole Commission (Hoffman & Beck, 1974) and the Wisconsin Classification System (Baird, 1979) in the 1970s ushered in a second generation of risk assessments. Also known as actuarial tools, second-generation instruments are empirically derived tools whose items are chosen for their statistical correlations with recidivism.

Reliance on criminal history items (e.g., age at first adjudication, number of prior convictions, number of prior revocations of community supervision) and items assessing other static (i.e., unalterable) offender characteristics are distinguishing features of second-generation instruments. To the extent measures other than criminal history (e.g., drug or alcohol use and association with criminal companions) are used, such items capture historic data only. That is, second-generation tools may assess substance abuse and nature of associates up until the offender's encounter with the criminal justice system, but not the status of current use or associations.

Third-generation instruments preserve the evidence-based feature of second-generation tools, in that they rely on items exhibiting a statistical correlation with recidivism, but differ in the extent to which dynamic correlates of recidivism are used to assess offender risk. Examples of dynamic factors include use of leisure time, living arrangements, and ability to manage emotions. The use of dynamic measures allows instruments to be sensitive to changes in the offender circumstances, thus facilitating reassessments of risk at a later date. If all the information captured in a risk assessment tool consisted only of historical items, this would not be possible.

The Level of Service Inventory–Revised (LSI–R) is a third-generation risk assessment instrument. The LSI–R is a semistructured interview consisting of 54 items measuring criminal history, education and employment, financial status, family/marital relations, living accommodations, extent of criminal companions, alcohol/drug problems, mental health status, and attitudes toward correctional supervision (Andrews & Bonta, 2001). Thus, the LSI–R includes both risk and needs items within the same instrument, whereas the salient factor score and

Wisconsin models require administration of additional instruments for the assessment of those same offender needs. In contrast to stand-alone needs assessments, the LSI–R includes only those needs shown by research to influence criminal behavior.

Fourth-generation instruments are referred to as systematic and comprehensive because they measure factors important to treatment effectiveness. Fourth-generation tools embody all principles of effective correctional treatment by combining assessment of both static and dynamic predictors of risk with a case management component for setting treatment goals. The case management plan directs the officer's focus on the offender's criminogenic needs and responsivity factors (Andrews et al., 2006).

The evolution of risk/needs classification tools corresponds with research discoveries about the best predictors of offender recidivism (Gendreau, Little, & Goggin, 1996) as well as the nature of effective correctional treatments (Andrews, Zinger, et al., 1990). These include the principles of risk, needs, and responsivity. The principle of risk is that treatment is most effective on high-risk offenders. The needs principle holds that effective treatments will be those that take dynamic, criminogenic needs—those most likely to cause continued lawbreaking—into account. The responsivity principle indicates that interventions should take offender characteristics such as learning style, motivation, gender, and ethnicity into account when matching subjects to programs. According to a meta-analysis of 154 evaluations of adult and juvenile correctional treatments, Andrews, Bonta, and Hoge (1990) discovered that effective programs were those that practiced all three principles. Of much additional importance, failure to observe the principles of effective correctional treatment elevates the risks posed by low- and moderate-risk offenders. Using a sample of 7,366 offenders assigned to either community supervision or residential facilities, Lowenkamp and Latessa (2005) compared recidivism rates across different risk categories. They found that low- and low/moderate-risk offenders experienced higher recidivism rates when placed in residential treatment, compared to placement on community supervision alone.

While there is much empirical support for the supremacy of actuarial instruments over those favoring clinical or diagnostic judgment (see, e.g., Grove & Meehl, 1996; Monahan, 1981), the importance of *dynamic* variables for prediction accuracy is less certain. In a survey of meta-analytic studies of the capacity of instruments from each generation to predict general recidivism, Andrews et al. (2006) found that first-generation tools had an average predictive validity ( $r$ ) estimate of .10; second-generation tools, .42; third-generation tools, between .33 and .40; and fourth-generation tools, .41. The larger the value of  $r$ , the greater the amount of error one would avoid in relying on the prediction instrument in question. Thus, best validity performances came from instruments that emphasized static factors. In fact, removal of dynamic variables such as

employment and living arrangements improved the predictive accuracy of the salient factor score, the assessment tool used by the U.S. Parole Commission (Hoffman, 1994). While the predictive accuracy of third- and fourth-generation tools does not yet outpace that of the second-generation tools, the later instruments are superior for their ability to enlighten the user about criminogenic needs and responsivity factors crucial for achieving successful case outcome.

Instruments such as the salient factor score, LSI-R, and the Wisconsin model were all designed to predict general recidivism. Also available are assessment tools that predict particular forms of recidivism such as the risk of new violence, or even more specifically, risk of new sexual or domestic violence. Examples include the Violence Risk Appraisal Guide (VRAG), the Static-99 (for sex offenders), the MSOST-R (for sex offenders), the Spousal Assault Risk Assessment (SARA), and the Domestic Violence Risk Appraisal Guide (DVRAG).

### Diagnostic Instruments

Using diagnostic tools, personnel can verify or rule out various mental disorders, as defined and described in the *Diagnostic and Statistical Manual of Mental Disorders IV-Text Revision (DSM IV-TR)* (American Psychiatric Association, 2000). Though in some cases, forensic staff will rely on a structured interview to confirm or deny the presence of mental disorders as identified in the *DSM IV-TR*, more typically they will administer formal tests that assess subjects against *DSM* criteria. For example, the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) is a commonly used mental health assessment for determining whether the subject harbors particular mood or personality disorders included in the *DSM IV-TR*. The MMPI-2 is a self-appraisal inventory that uses 567 true/false questions to measure subjects' scores on 10 scales (hypochondriasis, depression, paranoia, psychoasthenia, schizophrenia, masculinity/femininity, hysteria, psychopathic deviance, social introversion, and hypomania) (Butcher et al., 2001). Use of the MMPI-2 is common in the classification of inmates but is used more sparingly, such as to confirm mental illness where there are other indicators of the same, in populations of individuals under community supervision. Because the MMPI-2 must be scored by a clinician, it is too costly for broad application where the disorders being measured are not widespread.

Some mental disorders, such as alcohol and drug addiction, are common in offender populations. Instruments such as the Substance Abuse Subtle Screening Inventory (SASSI), Addiction Severity Index (ASI), and the Drug Abuse Screening Test (DAST) experience widespread use in both community and institutional corrections. In contrast with the MMPI-2, instruments for the measurement of substance abuse are easily administered and scored by nonclinical staff.

### Personality Inventories

Unlike diagnostic tools, which were developed for the population as a whole, most personality inventories used in offender classification were designed solely for use with offenders. The presumption behind use of personality inventories in correctional contexts is that different personality types require diverse officer interaction styles, supervision intensity, and treatment. Though they are not intended to be risk assessment tools, some personality inventories provide useful predictions of recidivism and institutional adjustment. Because they tend to take longer to administer and score relative to risk/needs instruments, personality inventories are usually too costly for use with probation and parole populations. Typical applications include prisons and other residential settings.

Of the many personality inventories currently available for use in classification, commonly used instruments focus on measures of commitment to criminal values and lifestyle. The Psychopathy Checklist-Revised (PCL-R), for example, is a highly regarded instrument for identifying the most antisocial of offenders. Psychopathy is a formal construct consisting of 20 distinct interpersonal, affective, and behavioral characteristics, including glibness/superficial charm, grandiose sense of self-worth, need for stimulation, pathological lying, conning, lack of remorse or guilt, shallow affect, lack of empathy, parasitic lifestyle, poor behavioral controls, promiscuous sexual behavior, early behavioral problems, lack of realistic long-term goals, impulsivity, irresponsibility, failure to accept responsibility for one's own actions, many short-term marital relationships, juvenile delinquency, revocation of conditional release, and criminal versatility. Upon completion of a semi-structured 3-hour interview, a clinician assigns each item a score of 0, 1, or 2. A score of 0 means the factor is not present, and a score of 2 means the factor is strongly present. A total score of 25 to 30 indicates that the subject is a psychopath.

Though never intended as a risk assessment tool, the PCL-R is frequently used as one. Research finds that psychopaths are more likely to reoffend following release from prison than nonpsychopaths; that psychopathic sex offenders are far more likely to reoffend, including nonsexually, than nonpsychopathic sex offenders; and that treated psychopaths are more likely to reoffend than non-treated psychopaths (Hare, 2003).

The Psychological Inventory of Criminal Thinking Styles (PICTS) is an 80-item, self-report instrument that measures the offender on each of eight dimensions supportive of criminal lifestyles. These include mollification, cutoff, entitlement, power orientation, sentimentality, superoptimism, cognitive indolence, and discontinuity. The instrument, which can be easily scored by nonclinical staff, shows promise in predicting institutional adjustment, recidivism, and program completion. Because it measures dynamic factors, the PICTS can be used to measure change

in criminal attitudes over time, through repeated testing (Walters, 2002).

## Typologies

Typologies, also referred to as taxonomies, sort offenders into mutually exclusive categories. Typology-based classification tools are available for both community-supervised and incarcerated populations. The value of typologies lies in their capacity to communicate information about responsivity, one of the principles of effective correctional treatment.

The Client Management Classification (CMC) component of the Wisconsin Classification System, used by numerous community corrections agencies, is an interview-based tool leading to the assignment of subjects into one of five “strategy groups” (casework control, environmental structure, limit setting, selective intervention–treatment, and selective intervention–situational). The strategy group serves as a guide to the offender’s criminogenic needs, motivation to change, amenability to supervision, treatment referrals, and recommended manner of interaction between officer and client (Lerner, Arling, & Baird, 1986). The Prisoner Management Classification System (PMC) is a prison/residential setting version of the CMC.

Quay’s Adult Internal Management System (AIMS) was designed to inform housing and program decisions in institutional settings. The AIMS consists of two assessments, the Life History Checklist and the Correctional Adjustment Checklist. The latter is completed by correctional staff after observing the inmate in custody for 2 to 4 weeks. Upon completion of the assessment, inmates are sorted by personality types and then placed into one of three categories: Heavies (prone to violence, manipulation, and predatory behavior), Lights (prone to anxiety and victimization), and Moderates (reliable and hardworking) (Levinson, 1988).

Edwin Megargee (Megargee, Carbonell, Bohn, & Sliger, 2001) employed the MMPI as the basis for a typology sorting offenders into 10 categories. The categories, whose names (e.g., Abel, Item, Delta, How) were assigned randomly and have no intuitive meaning, reflect patterns of MMPI scale responses. While Megargee’s typology has been subjected to extensive research regarding its ability to identify distinct groups of offenders with different behavioral characteristics, particularly with respect to prison adjustment, there is less evidence regarding its successful application to guiding treatment planning.

## Classification of Juvenile Offenders

Classification is an important facet in the supervision of juvenile offenders, serving the same objectives—risk management and treatment planning—as it does for adult offenders. However, development of actuarial tools for juveniles has lagged behind evolution of classification

tools for adult offenders. There are fewer standardized instruments for the assessment of juvenile risk and needs, and less research affirming their reliability and validity, than exists to date for adults (Hoge, 2002). Promising tools include juvenile-oriented versions of the LSI and PCL, referred to respectively as the Youth Level of Service/Case Management Inventory (YLS/CMI) and the Psychopathy Checklist–Youth Version (PCL–YV). Also available are instruments that measure specific risks, though these should be used cautiously. For example, the creators of the Juvenile Sex Offender Protocol–II (J SOAP–II) warn that adolescent populations are inherently unstable and require frequent reassessment (Prentky & Righthand, 2003).

The Jesness Inventory–Revised (JI–R) is a widely used personality assessment tool for juvenile offenders. Introduced in the 1960s, the Jesness Inventory is a 160-item, self-report questionnaire that measures the offender on each of 11 personality, 9 subtype, and 2 *DSM IV–TR* subscales. Personality scales include social maladjustment, value orientation, immaturity, autism, alienation, manifest aggression, withdrawal–depression, social anxiety, repression, denial, and asocial index. Subtype scales are based on integration theory, formerly known as the I–Level system. Subtype scales reflect increasing levels of perceptual complexity (i.e., the extent to which the offender views the world as threatening or supportive) and interpersonal maturity. *DSM IV–TR* subscales facilitate diagnosis of juveniles with conduct disorder and oppositional defiant disorder. Preferably, the instrument is administered and scored by a clinician (Jesness, 2003).

Megargee’s MMPI-based typology is also available for juveniles, using a version of the MMPI that was normed on adolescents (MMPI–A). Also available is a version of the CMC for juveniles, called the Strategies for Juvenile Supervision (SJS).

## Reliability and Validity of Classification Instruments

Before any classification instrument can be implemented, it is necessary to confirm its validity and reliability. Interview-based classification tools are deemed reliable if different raters assessing the same offender arrive at the same result. This is referred to as *interrater reliability*. Instruments based on self-reports are deemed reliable if the same offender offers similar answers if assessed more than once, barring the passage of time sufficient to cause legitimate changes in responses. This is called *test-retest reliability*.

An instrument is judged to be valid if it really measures what it purports to measure. There are numerous ways of assessing validity, depending upon the classification instrument in question. Personality inventories and typologies are typically examined for construct validity, which

uses quantitative means to measure the viability of their various scales or factors.

With respect to risk assessments, the question of predictive accuracy is a key concern. Different statistics are available for summarizing any one tool's accuracy; currently favored is the area under the curve (AUC) statistic. It is popular because its utility does not depend upon the base rate of the outcome in question (i.e., proportion of offenders who recidivate). That is, it is equally meaningful whether the behavior being predicted is rare or fairly common (Harris & Rice, 2007). The AUC communicates how well the assessment tool improves over a chance prediction (such as determined by the toss of a coin). Higher AUC values indicate greater prediction accuracy and improvement over chance. For example, a value of .50 would inform the user that the instrument does not predict better than chance, whereas a value of .80 indicates substantial improvement over chance.

Researchers can use the AUC not just to assess the performance of any one instrument but also to compare different instruments. The best comparisons are those that report results of administration of various tools on the same population of offenders, followed up for the same period of time. Such comparisons are not typical, however. One exception is a study by Barbaree, Seto, Langton, and Peacock (2001), who evaluated the accuracy of six assessment instruments designed for the prediction of general and/or sexual violence, using a sample of 215 sex offenders released from prison and followed up on community supervision for an average of 4.5 years. Outcomes of interest included any new recidivism (measured as either charges or convictions), any serious recidivism, and new sexual offense recidivism. Barbaree and colleagues found that some instruments were good at predicting all three outcomes; none was superior at predicting all three; and of much importance, instruments that were easy to use and score (such as the RRASOR and Static-99) provided good predictions of new sexual violence, the least frequent of the outcomes studied. This kind of information is extremely valuable to agencies seeking to invest in a specific kind of classification instrument when there are several or more to choose from.

Reliability and validity are necessary but not sufficient conditions in the selection of assessment tools. Agencies usually need to consider how much time they can devote to each offender, and the demands imposed by particular instruments on interviewers' skill sets. Thus while "multi-tasking" instruments such as the VRAG perform well with respect to the prediction of both new violence and new sexual violence, the high offender caseloads faced by community corrections agencies and baccalaureate status of the typical probation or parole officer make instruments such as the RRASOR and the Static-99, which have relatively few items and do not require much in the way of clinical skills to score, very attractive tools for assessing sex offender risk.

## Issues in Classification Implementation and Practice

### Classification Protocols

Protocols for offender classification depend upon choice of assessment instruments. Some tools involve interviews by staff, and others depend upon the offender's self-appraisal. In either case, the instrument will be scored by correctional personnel.

Training is usually required before an individual can administer and score a classification tool. Depending upon the instrument, training may be as brief as 1 or 2 days. Others may require a week-long training. Still others, and particularly most personality inventories, require that the interviewer have an advanced degree or prior experience leading to the accumulation of clinical skills and judgment, in addition to specific training in the application of the instrument itself.

The extent of training and experience an individual has had in the administration of particular tools can have a positive impact on their reliability and validity. For example, Flores, Lowencamp, Holsinger, and Latessa (2006) found that the relationship between LSI-R score and supervision outcome was strongest for agencies whose officers underwent training in the use of the instrument and in agencies that had used the LSI for 3 years or more.

### Interpretation of Risk Scores

After a risk assessment has been completed, its administrator totals the scores for each risk item. Each risk total is associated with particular probability of failure among persons having the same or higher score; the score itself is not a probability. Thus, an offender whose risk score is twice as high as another offender's is not twice as likely to be rearrested. Increasing risk scores represent increasing probabilities of failure, and so should be used merely to rank clients as to risk of the outcome of interest. In order to determine the actual probability associated with a particular score, corrections managers must keep up with statistics regarding the failure rates of persons with each score.

### Determination of Offender Risk Levels

Typically, ranges of risk assessment scores are combined into risk levels. For example, offenders scoring 0 to 10 might be placed in a low-risk category, those scoring 11 to 20 in a medium-risk category, and offenders scoring 21 to 30 in a high-risk category. The choice of which ranges of scores should be regarded as indicators of high, medium, and low risk classifications is an important one. Cutoffs delineating each group should take resources into account. In other words, what percentage of clients can an agency reasonably devote treatment and supervision



resources to? Not all offenders, or even a large minority, can be treated as high-risk offenders. Devoting more supervision resources to highest-risk cases, even if it is a minority of cases, will result in more crimes prevented than less supervision spread across many cases (Clear & Gallagher, 1985).

### Misuse of Classification Information

Effective use of risk instruments requires users to exercise faith in the overall risk score rather than yield to the influence of explicit descriptions of the offender's prior criminal activities gleaned while carrying out the assessment interview. However, it can be difficult for classification personnel to ignore unsavory features of an offender's criminal or social history, even when the outcome of the risk assessment instrument indicates that the client is a low risk. Research indicates that these biases are common in risk decision making (see, e.g., Hilton, Harris, Rawson, & Beach, 2005), and so practitioners must make an overt choice to side with the recommendations indicated by the assessment results.

### Overclassification

Overclassification refers to the channeling of relatively low-risk offenders to unnecessarily secure supervision levels or institutional placements. Overclassification can result from failure to administer reliable and valid risk assessment tools, but also from failure to base supervision decision making on the results of an instrument when a good one is administered. Overclassification has serious consequences, namely, increased risk by overclassified offenders. Overclassified offenders experience a greater likelihood of becoming higher-risk offenders for various reasons, not the least of which may be increased exposure to other true high-risk offenders and diminished opportunities, such as employment, as liberties are curtailed (Clements, 1982).

Agencies promote overclassification when their risk assessment instruments include items that lack predictive validity. The decision to rely solely on statistically justified assessment items is not always easy for an agency to accept when omitted factors exhibit strong face validity with the outcome in question. Items have *face validity* if it seems they should affect the behavior being predicted. For example, while it would appear that a history of past escapes and severity of current offense exert an influence on a prison inmate's risk of institutional misconduct, in fact, these characteristics are not valid predictors and including them will degrade the instrument's predictions of inmate behavior (Austin, 2003).

What happens when valid and reliable offender classification instruments are not used? Without classification, a greater number of mistakes are made in efforts to identify true high-risk offenders. There is an increased cost of corrections. Corrections becomes more expensive when decision

makers erroneously believe they need additional high-security prisons in the wake of overclassification of low-risk offenders, and when underclassified higher-risk offenders are mistakenly assigned to community supervision or other minimally secure settings.

Overclassification may be difficult to avoid with respect to prisons and jails. For example, the majority of jails in use today contain mainly maximum-security housing, which undermines meaningful custody classification. In many jails, inmate segregation according to gender, age (juvenile or adult), and detention status (sentenced or unsentenced) takes precedence over classification according to risk of violence or need for mental health care. As a result, jail administrators are unable to take advantage of many gains in offender classification that are available to other corrections agencies (Austin, 1998; Brennan & Austin, 1997).

### Risk Prediction Errors

Risk prediction instruments, even those that are actuarial, are not perfect. One factor influencing the capacity to accurately predict behavior is called the *base rate*, the frequency of the outcome of interest (e.g., arrest, conviction, incarceration) in the sample being used to create the instrument. The more infrequent a behavior, the greater the difficulty in successfully predicting it. Thus, researchers are more successful predicting general recidivism than specific recidivism, such as particular violent acts.

All prediction tools produce both correct and incorrect predictions, also referred to as *prediction errors*. There are two possible kinds of errors: false positives and false negatives. False positives refer to incorrect predictions that offenders will commit new crimes. False positive errors are committed when individuals who would not have committed new crimes are subjected to secure settings or restrictive community supervision. False negatives refer to incorrect predictions that offenders will not commit new crimes. False negative errors occur when incarceration or restrictive conditions of supervision are not imposed on offenders who will commit new crimes. The terms *true* and *false* refer to the *accuracy* of the prediction. The terms *negative* and *positive* refer to the *content* of the prediction, that is, exhibiting a behavior (positive) or not exhibiting it (negative).

Because prediction errors with the current state of knowledge cannot be eliminated, the best to hope for is that their frequency can be reduced. With respect to any particular instrument, however, efforts to reduce one error type result in an increase in the other. To illustrate, suppose it is known from prior studies that 20% of felony offenders on community supervision can be expected to commit new felonies over the next 3 years. If there was a prediction instrument that was 100% accurate, identifying all of these recidivists-to-be would be very easy—the offenders could be rank-order classified by risk score and a cutoff established delineating the highest-scoring 20%. But when risk

instruments are imperfect, setting the cutoff at the 20th percentile of scores means that some of the offenders designated as high risk will be false positives, and that some of the offenders whose scores fell outside the 20th percentile will be false negatives. By setting a more inclusive cutoff—for example, at the 30th percentile—the instrument will capture more true positives while at the same time increasing false positives.

What kinds of incorrect predictions most likely to occur depend upon the values attached to each kind of error. If those conducting the assessment are risk averse, meaning that they emphasize public safety and strive to avoid new victimizations, they are likely to set low cutoffs delineating high- from low-risk offenders, resulting in a greater number of offenders (justly or unjustly) falling into the category judged high risk. If the assessors value justice for the individual being sanctioned in an effort to avoid unnecessarily restrictive supervision or confinement, they would establish more stringent cutoffs, resulting in fewer offenders judged threats to the community. Which type of error is worse? That depends upon policymakers' value frameworks.

Even though the best prediction instruments are subject to error, what is important to keep in mind is that good instruments yield predictions that improve upon chance or an officer's subjective judgment. Using a valid and reliable risk assessment tool helps to avoid the higher rate of error associated with using no actuarial instrument at all.

### Overrides

On occasion, it may be necessary for officers and case-workers to disregard the risk score generated by even the highest-quality assessment instruments and process. For example, overrides may be appropriate when the subject of the assessment exhibits a lengthy history of serious criminal activity but encounters his first arrest relatively late in that career. The gainfully employed, vocationally skilled, drug- and alcohol-avoidant, married serial killer who commits several homicides before experiencing even one arrest will achieve a low risk score on most general risk instruments. Obviously, following the recommendation of the risk tool would be a very bad decision.

Positive institutional adjustment is a factor that might warrant a lower custody level. History of committing rape or membership in a gang might warrant higher custody levels (Austin, 1998). Whatever the reason for the override, the total rate of overrides should remain low. Frequent overrides are an indication that the classification system is not working or is not understood by users.

### Situational and Environmental Influences on Offender Behaviors

Prediction accuracy is difficult to achieve in volatile environments. Prisons, for example, harbor a variety of environmental and situational features that can give rise to circumstances favorable to violence, independent of the

violence-proneness of any particular inmate. Encounters with gang members, sudden and unpopular decisions by prison administration, and even a facility's architecture create opportunities for misconduct above and beyond the prediction presented by the formal risk assessment process (Austin & McGinnis, 2004).

Neighborhoods are also important influences on an offender's risk. Neighborhoods vary widely with respect to the employment and housing opportunities they offer to reentering offenders, and they vary with respect to criminogenic influences such as crime rates, poverty, and residential instability. Using neighborhood-level census data in combination with data on a sample of offenders on community supervision in the Portland, Oregon, area, Kubrin and Stewart (2006) confirmed that recidivism rates were higher among offenders in disadvantaged neighborhoods, even after taking individual-level characteristics into account.

## Controversies in Offender Classification

### Universality of Risk Assessment Tools

An ongoing topic in classification research is the question of whether risk instruments developed in one jurisdiction or for a particular correctional setting are transferrable to other offender populations or contexts. When the Wisconsin model was first developed, it was rapidly adopted by probation agencies nationwide. Yet, a close look at the impact of applying the tool on a sample of probationers in New York City found that the instrument did not predict recidivism as capably as anticipated. Six of the items failed to exhibit any correlation with outcome, including drug and alcohol use, prior convictions, and prior revocations. Efforts to reweight instrument items to produce a better prediction were only marginally productive (K. N. Wright, Clear, & Dickson, 1984). Questions of transferability continue to haunt other risk assessment tools, such as the LSI-R, as well (see, e.g., Dowdy, Lacy, & Unnithan, 2002). While researchers have made great strides in producing more universally applicable classification tools, periodic evaluation of the impact of particular instruments on an agency's ability to successfully identify and supervise high-risk offenders is always a worthwhile endeavor.

### Applicability Across Gender

Though it is the practice of most jurisdictions in the United States to use the same classification instruments on male and female offenders, researchers disagree about the applicability of "gender-neutral" tools to female offenders. Commonly used risk assessment tools are prone to overestimate the risks posed by female offenders, whose role in violent criminal activities is frequently limited to that of accomplices to male offenders. Where females take the lead in violent activity, their crimes tend to occur within

the context of long-term relationships and so do not present risks to the public. Factors such as seriousness of current offense, use of violence, and substance abuse do not predict adjustment of female offenders to custody settings, though these factors perform better for males (Brennan & Austin, 1997). Research indicates that because developmental pathways to crime are different for women, other variables better predict the behaviors of female inmates, among them, marital status, family structure of the childhood home, child abuse, and reliance on public assistance, to name a few (Bloom, Owen, & Covington, 2003; Hardyman & Van Voorhis, 2004).

### Applicability to Different Cultures and Races

Ethnicity is a less well-understood variable in offender classification. On the one hand is the question of whether individual factors carry the same weight in prediction of new criminal behavior across different groups; on the other is the question of whether and to what extent assessment protocols should take culture into account to ensure a reliable and valid result. Whiteacre's (2006) research on the LSI-R, for example, revealed that the instrument led to a higher rate of classification errors for African Americans compared with whites and Hispanics when particular cut-off scores were used. Severson and Duclos (2005) point out that in the aggregate, American Indians are less open to interviewers' questions about mental and physical health, and use of alcohol and drugs, compared with other groups. The prominence of the narrative style in American Indian culture and its embrace of mental illness call for modification of both assessment items and protocols. Others indicate that the success of correctional practices, generally, relies on practitioners' appreciation for the role played by proximity, paralinguistic, density of language, history of discrimination, and other culture-specific variables (Umbreit & Coates, 2000).

### Conclusion

Classification is the foundation of effective correctional supervision and treatment. Numerous tools are available for classification, such that it is possible for personnel of varying skill backgrounds to identify the risk and treatment needs of offenders in a wide variety of correctional settings. The most common form of assessment is classification for risk, possibly due to the stronger emphasis on crime control relative to rehabilitation aims of the criminal justice process. Risk assessment is also the most controversial form of classification, inasmuch as its errors are more visible and consequential to the public (in the case of false negatives) and the offender (in the case of false positives).

Many advances have taken place with respect to measuring offender risk and needs. Enhanced statistical methods and discoveries regarding the correlates of criminal offending have allowed researchers to make predictions that are

great improvements over clinical judgments. However, new arenas for prediction await these advances. For example, classification takes place after sentencing, not before, though clearly better sentencing decisions could be made in the presence of classification results. The determination of which sex offenders should be eligible for community notification takes place without the benefit of state-of-the-art prediction tools. Similarly, decision making regarding which sex offenders should be subjected to civil commitment resembles clinical judgments from an earlier era. There is a need for application of classification research beyond traditional contexts.

### References and Further Readings

- American Psychiatric Association. (2000). *Diagnostic and statistical manual of mental disorders IV* (Text rev.). Washington, DC: Author.
- Andrews, D. A., & Bonta, J. L. (2001). *Level of Service Inventory—Revised (LSI-R): User's manual*. Toronto, Canada: Multi-Health Systems.
- Andrews, D. A., Bonta, J., & Hoge, R. D. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior, 17*, 19–52.
- Andrews, D. A., Bonta, J., & Wormith, J. S. (2006). The recent past and near future of risk and/or need assessment. *Crime & Delinquency, 52*, 7–27.
- Andrews, D. A., Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P., & Cullen, F. T. (1990). Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology, 28*, 369–404.
- Austin, J. (1998). *Objective jail classification systems: A guide for jail administrators*. Washington, DC: National Institute of Corrections.
- Austin, J. (2003). *Findings in prisoner classification and risk assessment*. Washington, DC: Federal Bureau of Prisons.
- Austin, J., & McGinnis, K. (2004). *Classification of high-risk and special management prisoners: A national assessment of current practices*. Washington, DC: National Institute of Corrections.
- Baird, C. (1979). *The Wisconsin Case Classification/Staff Development Project: A two-year follow-up*. Madison, WI: Wisconsin Bureau of Community Corrections.
- Barbaree, H. E., Seto, M. C., Langton, C. M., & Peacock, E. J. (2001). Evaluating the predictive accuracy of six risk assessment instruments for adult sex offenders. *Criminal Justice and Behavior, 28*, 490–521.
- Bloom, B., Owen, B., & Covington, S. (2003). *Gender-responsive strategies: Research, practice, and guiding principles for women offenders*. Washington, DC: National Institute of Corrections.
- Brennan, T., & Austin, J. (1997). *Women in jail: Classification issues*. Washington, DC: National Institute of Corrections.
- Burgess, E. W. (1928). Factors determining success or failure on parole. In A. A. Bruce, A. J. Harno, J. Landesco, J., & E. W. Burgess (Eds.), *Parole and the indeterminate sentence: A report to the chairman of the Parole Board of Illinois on "The workings of the indeterminate-sentence law and the parole system in Illinois"* (pp. 205–249). Springfield, IL: Committee on the Study of the Workings of the Indeterminate-Sentence Law and of Parole.

- Butcher, J. N., Graham, J. R., Ben-Porath, Y. S., Tellegen, A., Dahlstrom, W. G., & Kaemmer, B. (2001). *MMPI-2 (Minnesota Multiphasic Personality Inventory 2): Manual for administration and scoring* (Rev. ed.). Minneapolis: University of Minnesota Press.
- Clear, T. R., & Gallagher, K. W. (1985). Probation and parole supervision: A review of current practices. *Crime & Delinquency, 31*, 423–443.
- Clements, C. B. (1982). The relation of offender classification to the problems of prison overcrowding. *Crime & Delinquency, 28*, 72–81.
- Dowdy, E. R., Lacy, M. G., & Unnithan, N. P. (2002). Correctional prediction and the Level of Supervision Inventory. *Journal of Criminal Justice, 30*, 29–39.
- Flores, A. W., Lowencamp, C. T., Holsinger, A. M., & Latessa, E. J. (2006). Predicting outcome with the Level of Service Inventory—Revised: The importance of implementation integrity. *Journal of Criminal Justice, 34*, 523–529.
- Gendreau, P., Little, T., & Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: What works! *Criminology, 34*, 575–607.
- Grove, W. M., & Meehl, P. E. (1996). Comparative efficiency of informal (subjective, impressionistic) and formal (mechanical, algorithmic) prediction procedures: The clinical-statistical controversy. *Psychology, Public Policy, and Law, 2*, 293–323.
- Hardyman, P. L., & Van Voorhis, P. (2004). *Developing gender-specific classification strategies for women offenders*. Washington, DC: National Institute of Corrections.
- Hare, R. D. (2003). *Hare Psychopathy Checklist-Revised (PCL-R)* (2nd ed.). Toronto, Canada: Multi-Health Systems.
- Harris, G. T., & Rice, M. E. (2007). Characterizing the value of actuarial violence risk assessments. *Criminal Justice and Behavior, 34*, 1638–1658.
- Hilton, N. Z., Harris, G. T., Rawson, K., & Beach, C. A. (2005). Communicating violence risk information to forensic decision makers. *Criminal Justice and Behavior, 32*, 97–116.
- Hoffman, P. B. (1994). Twenty years of operational use of a risk prediction instrument: The United States Parole Commission's Salient Factor Score. *Journal of Criminal Justice, 22*, 477–494.
- Hoffman, P. B., & Beck, J. L. (1974). Parole decision-making: A Salient Factor Score. *Journal of Criminal Justice, 2*, 195–206.
- Hoge, R. D. (2002). Standardized instruments for assessing risk and need in youthful offenders. *Criminal Justice and Behavior, 29*, 380–396.
- Jesness, Carl F. (2003). *Jesness Inventory-Revised: Technical manual*. Toronto, Canada: Multi-Health Systems.
- Kubrin, C. E., & Stewart, E. A. (2006). Predicting who reoffends: The neglected role of neighborhood context in recidivism studies. *Criminology, 44*, 165–197.
- Lerner, K., Arling, G., & Baird, S. C. (1986). Client management classification strategies for case supervision. *Crime & Delinquency, 32*, 254–271.
- Levinson, R. B. (1988). Developments in the classification process: Quay's AIMS approach. *Criminal Justice and Behavior, 15*, 24–38.
- Listwan, S. J., Van Voorhis, P., & Ritchey, P. N. (2007). Personality, criminal behavior, and risk assessment: Implications for theory and practice. *Criminal Justice and Behavior, 34*, 60–75.
- Lowencamp, C. T., & Latessa, E. J. (2005). Increasing the effectiveness of correctional programming through the risk principle: Identifying offenders for residential placement. *Criminology & Public Policy, 4*, 263–290.
- Megargee, E. I., Carbonell, J. L., Bohn, M. J., Jr., & Sliger, G. L. (2001). *Classifying criminal offenders with the MMPI-2: The Megargee system*. Minneapolis: University of Minnesota Press.
- Monahan, J. (1981). *The clinical prediction of violent behavior*. Rockville, MD: National Institute of Mental Health.
- Prentky, R., & Righthand, S. (2003). *Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II) manual*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Quinsey, V. L., Harris, G. T., Rice, M. E., & Cormier, C. A. (2006). *Violent offenders: Appraising and managing risk* (2nd ed.). Washington, DC: American Psychological Association.
- Severson, M., & Duclos, C. W. (2005). *American Indian suicides in jail: Can risk screening be culturally sensitive?* Washington, DC: National Institute of Justice.
- Umbreit, M. S., & Coates, R. B. (2000). *Multicultural implications of restorative justice: Potential pitfalls and dangers*. Washington, DC: Office for Victims of Crime.
- Walters, G. D. (2002). The Psychological Inventory of Criminal Thinking Styles (PICTS): A review and meta-analysis. *Assessment, 9*, 283–296.
- Whiteacre, K. W. (2006). Testing the Level of Service Inventory-Revised (LSI-R) for racial/ethnic bias. *Criminal Justice Policy Review, 17*, 330–342.
- Wright, E. M., Salisbury, E. J., & Van Voorhis, P. (2007). Predicting the prison misconducts of women offenders: The importance of gender-responsive needs. *Journal of Contemporary Criminal Justice, 23*, 310–340.
- Wright, K. N., Clear, T. R., & Dickson, P. (1984). Universal applicability of probation risk assessment instruments: A critique. *Criminology, 22*, 113–134.

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## OFFENDER REENTRY

JEREMY TRAVIS AND ANNA CRAYTON

*John Jay College of Criminal Justice*

A defining characteristic of modern America is the nation's unprecedented level of imprisonment. For the 50-year period leading up to 1972, incarceration rates in America had remained remarkably constant, hovering around 110 per 100,000 population (Blumstein & Beck, 1999). Beginning in 1972, however, the nation has experienced a rise in its prison population every year. The prison population grew during times of war and times of peace, when crime rates rose and when they fell, in the midst of economic boom and economic recession. The increase that began in 1972 has been not only relentless but also substantial. Between 1973 and 2005, the number of people incarcerated in state and federal prisons increased by over 600%. There are now over 1.5 million people living in America's prisons, translating to an incarceration rate of 496 per 100,000 population (Sabol, Couture, & Harrison, 2007). If the jail population is included, the incarceration rate increases to 751 per 100,000 population and the number of people imprisoned in America totals over 2.3 million.

Viewing the state of imprisonment in America through different lenses underscores the scope and scale of this new reality. The growth of imprisonment has not been distributed evenly across the population; instead, the impact has been felt most acutely in poor urban communities, in particular, communities of color. Today, an African American man faces greater than a 30% probability that he will go to prison during his lifetime (Bonczar, 2003). For Hispanic men, the probability is 17%; for white men it is

6%. Although black men are disproportionately overrepresented in America's prisons, they are underrepresented in other, more prosocial systems. One such example is the American college system. In his recent book, Harvard sociologist Bruce Western (2007) calculated for specific groups the lifetime risk of incarceration compared with other life events, such as college, military service, and marriage. He found that black men born between 1965 and 1969 are seven times more likely than white men to have served time in prison by their 30s. On the other hand, white men are nearly three times as likely to have earned a bachelor's degree. Even more startling is the fact that in 2000 there were more black men incarcerated than there were enrolled in college (Schiraldi & Ziedenberg, 2002).

The American reliance on punishment as a response to crime also sets it apart from other countries. According to the International Centre for Prison Studies in London (n.d.), the United States, with 5% of the world's population, accounts for 25% of the world's prisoners. No other nation deprives such a high percentage of its citizens of their liberty. The incarceration rate in America is 6.2 times that of Canada, 7.8 times that of the United Kingdom, and 12.3 times that of France. Finally, in 2007, the nation passed another milestone: 1 in 100 adult Americans is now behind bars (Warren, 2008). America has entered a new, uncharted territory, without precedent in its own—or any country's—history. Our punishment policies constitute a new form of American exceptionalism, at dramatic variance with the philosophy and practice of the rest of the world.

Scholars have called this chapter of American history the *era of mass incarceration* (Drucker, 2002; Mauer & Chesney-Lind, 2002; Pattillo, Weiman, & Western, 2004) and have engaged in robust debate over the impact of high levels of incarceration on various dimensions of our society, including community well-being, family structures, poverty, race relations, labor markets, and voting patterns. One consequence of the era of mass incarceration is clear and inevitable: Many more people are leaving prison each year. The phenomenon of *prisoner reentry* reflects the “iron law of imprisonment”: With the exception of those who die in prison, from natural causes or execution, every person sentenced to prison comes home (Travis, 2005). The buildup in the prison population has inevitably led to an increase in the size of the reentry cohort. In 2007, an estimated 700,000 individuals left state and federal prisons, nearly five times the 150,000 who made similar journeys in the 1970s. Another 9 million individuals will leave local jails each year, constituting another version of the reentry phenomenon.

Prisoner reentry is not a new phenomenon. Clearly, people have been leaving prisons ever since prisons were first built. Neither is *reentry* a new phrase. The word *reentry* was used as early as 1967 in a report published by the federal Department of Health, Education and Welfare. John Irwin’s 1970 book *The Felon* contains a chapter titled “Reentry” that vividly describes the experience of leaving prison. However, beginning in the late 1990s, with support from the Department of Justice under then-Attorney General Janet Reno, the nation rediscovered prisoner reentry.

To address the unprecedented number of people being released from correctional facilities across the United States, the Justice Department launched a program sponsoring “reentry partnerships” among corrections agencies, police departments, and community organizations. These partnerships were designed to strengthen coordination of services to improve outcomes for people leaving prison. At the same time, the Justice Department spurred the creation of reentry courts around the country, applying lessons learned in other problem-solving courts, such as drug courts, to the unique experiences of formerly incarcerated individuals. The George W. Bush administration continued the federal role in reentry innovation, funding the Serious and Violent Offender Reentry Initiative, under which each state was invited to create gubernatorial-level reentry task forces to coordinate reentry services and test new reentry initiatives. A variety of criminal justice organizations undertook reentry programs; national associations of elected officials promoted reentry reform; prominent research institutions designed new studies of the reentry experience and tested the effectiveness of innovative programs; mayors designated staff with responsibility for local reentry initiatives; and national and local foundations awarded millions of dollars to support programs, research, demonstration projects, and policy advocacy in the reentry realm. Within the space of a decade, the nation was engaged in a robust policy conversation about prisoner reentry, and

some commentators concluded that this heightened era of interest and innovation constituted a “reentry movement.”

The challenge for scholars, students, policymakers, and practitioners is to link the realities of mass incarceration to the realities of prisoner reentry. Some of the linkages are obvious: A larger prison population translates into more people leaving prison. Some are less direct: The high level of imprisonment may have weakened the capacity of communities to reintegrate the large number of individuals, mostly men, returning home each year. Similarly, the same retributive impulse that led to higher rates of incarceration may pose barriers to successful reentry. Some linkages may be unexpected: The mere fact that so many people are now either imprisoned, under criminal justice supervision, or simply have felony records may create new alliances between social service providers and criminal justice practitioners. For example, the high rate of HIV–AIDS among the population under criminal justice supervision (either incarcerated or formerly incarcerated) means that public health providers working with the population living with HIV–AIDS would be strategically well advised to view the criminal justice population as offering an effective point of intervention.

The following sections of this chapter explore this intersection between the realities of mass incarceration and prisoner reentry. The first section examines the social and political forces that have produced our high level of incarceration. The next three sections highlight the impact of incarceration and reentry at the individual, family, and community levels. The final section provides an analysis of the current state of the reentry movement and some thoughts on the future.

## How We Got Here

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The extraordinary growth in the number of people incarcerated in America can be traced, on one level, to a series of public policy choices made by public officials: legislators who enacted sentencing reforms such as mandatory minimums, truth-in-sentencing laws, parole abolition, and three-strikes laws; prosecutors, judges, and parole board members who exercised their discretion in favor of more frequent and longer prison sentences; and parole and probation officers who were more likely to find violations of conditions of supervision and return parolees and probationers to prison. These shifts in public policy, in turn, reflected a political calculation that the public wanted its elected and appointed officials to be tough on crime.

According to an analysis by Blumstein and Beck (2005), the criminal justice system has indeed become more punitive over time. The probability that an arrest would result in imprisonment more than doubled, from 13% to 28%, between 1980 and 2001. This analysis also underscores an important point: The growth of the prison population between these years is not due to the increase in crime. In fact, the prison population continued to grow

throughout the 1990s despite a decrease in crime rates. In other words, America is placing more people in prison not because there is more crime but because America has chosen to rely on more imprisonment as a response to crime.

The nation's war on drugs has also been a major factor in the growth in imprisonment in America. Whereas the per capita rate of incarceration for most serious crimes increased significantly between 1980 and 2001—for murder (201%), sexual assault (361%), robbery (65%), and assault (306%)—the rate of incarceration for drug offenses increased by 930% (Travis, 2005). The level of punitiveness for drug offenses also increased during this time frame. In 1980, there were 2 prison admissions for every 100 drug arrests. By 1996, the rate had increased to 8 prison admissions for every 100 drug arrests. It is clear that the nation has decided that prison is the preferred response to drug crime and, as a result, 20% of the state prison population and over half of the federal prison population now comprises people convicted of drug crimes (Sabol et al., 2007), up from 6% and 25% in 1980.

There is a third factor contributing to the growth in incarceration: the fact that people in prison are serving more time than they did before. Between 1990 and 1999, the average time a person spent in prison increased 32% (Hughes, Wilson, & Beck, 2001). The increase in the amount of time being served by people in prison can be attributed to three developments. First, legislatures have increased the length of prison sentences overall by implementing mandatory minimums and truth-in-sentencing laws. Second, over the past quarter century, the nation has witnessed a significant shift in sentencing philosophy. For a 50-year period prior to the mid-1970s, every state in the nation, and the federal government, operated under a regime of indeterminate sentencing. Under this system, state legislatures would set broad ranges of possible sentences that could be imposed for various offenses; judges would impose sentences within those ranges; and parole boards would typically determine the actual date of the release from prison, weighing a variety of factors, including the prisoner's progress toward rehabilitation and his or her prospects for success upon return to the community. Beginning in 1976, a number of states passed legislation abolishing release by parole boards. In that year, about two thirds of prisoners were released by parole boards; by the end of the century, that level had declined to one quarter (Travis, 2005). Over roughly the same period of time, the nation increased the level of supervision—and the nature of supervision—of those released from prison. For four decades prior to 1970, about 2 of 5 prisoners released to the community were placed on parole supervision. As a result of the new legislation in the late 1970s, the number of individuals supervised by parole agencies ballooned from 220,000 in 1980 to 725,000 by the end of the century.

The third development is that simultaneously, the nature of supervision changed, evolving away from a services-and-supervision mission toward a surveillance and law enforcement mission (Petersilia, 2003). Under this new mind-set, which reflected the general national preference

for retribution over rehabilitation, parole agents were more inclined to find violations of the conditions of supervision and more likely to revoke supervision and return the parolee to prison. As a result, the number of parole revocations, including for violations of technical conditions of parole and for new crimes, increased sevenfold between 1980 and 2000. In 1980, only 17% of state prison admissions were parole violators; by 1999, that percentage had doubled, to 35% (Travis & Lawrence, 2002). Thus, this growth in the population under parole supervision, combined with the increased use of parole revocations, has resulted in an even larger prison population.

The reality that America now leads the world in its rate of incarceration, and has departed radically from its own history of low incarceration rates, can be traced to a variety of factors, but the predominant factor is the emergence of an unprecedented level of punitiveness toward people who violate the law. Running through this public posture is a powerful racial dimension. As was demonstrated by the infamous Willie Horton episode from the 1988 presidential campaign, racial stereotypes are often infused into public discussions about crime policy, and we face the undeniable truth that the impact of mass incarceration, and the unprecedented level of prisoner reentry, is felt most acutely in urban communities of color.

## Impact on the Individual

The impact of the era of mass incarceration is experienced, of course, most directly by the millions of people in prison, who struggle to adapt to the conditions in prison, maintain contact with families, anticipate the day they will be released from confinement, and overcome the stigma associated with being an "ex-con." Over the past two decades, the length of prison stay has increased, the percentage of prisoners receiving services has declined, and the frequency of family visits has dropped, so the individual prison experience is demonstrably different than in years past.

Adapting a reentry perspective on the realities of imprisonment—in other words, realizing that everyone in prison ultimately returns home, and then asking whether they are ready for that journey—would call on prisons to take a more active role in preparing individuals for release. Through this lens, prisons can be viewed as an opportunity to engage incarcerated individuals in programs designed to help develop the skills needed to find employment upon release, maintain a substance-free lifestyle, and reestablish prosocial ties to the community.

The magnitude of this challenge is clear. The majority of men and women behind bars are from disadvantaged communities where there are limited opportunities and resources available. The incarcerated population is at a great disadvantage compared with the general population in terms of educational achievement, access to quality health care, and legitimate employment opportunities. For example, incarcerated individuals have lower levels of

literacy, lower high school completion rates, and more limited postsecondary educational experience than the general population (Crayton & Neusteter, 2008). Adequately addressing the needs of incarcerated people and individuals under supervision in the community has the potential to help increase public safety by decreasing the likelihood of the individual engaging in criminal activity or causing harm to those in the community upon his or her release. However, despite the skills and education the individual might obtain during his or her incarceration, upon release, a number of barriers stand in the way of his or her successful transition to free society.

The consequences of a criminal conviction are great and can be difficult to overcome. Many formerly incarcerated people are subject to a network of legislatively defined sanctions after release. These sanctions, known as *invisible punishments*, were not imposed by the judge at the time of the sentence and are poorly understood by the general public (Travis, 2002), but they pose significant barriers to the individual's efforts to achieve full reintegration. Also, consistent with the general trend toward greater punitiveness, the network of invisible punishment has also been expanded significantly over the past two decades. Individuals with felony convictions for drug offenses are now ineligible for public assistance and food stamps, can be excluded from public housing, and can be denied student loans. State legislatures and Congress have placed significant sectors of the labor market off limits to individuals with felony records. Most states bar individuals on parole or probation supervision from exercising the right to vote, and some states ban felons from voting for life (King, 2008).

The cumulative effect of these barriers to reintegration can have significant negative life consequences. As was mentioned earlier, the individuals returning from incarceration disproportionately come from, and return to, disadvantaged urban communities, typically communities of color. Prior to incarceration, many of these individuals relied on what limited governmental resources are available to them. However, after incarceration, many of these individuals will be unable to access the network of support that existed prior to their incarceration. For example, they might not be able to return to their families because of policies banning them from public housing. They might no longer be able to access the safety net of welfare benefits. Preventing people with criminal histories from accessing governmental assistance is not only a question of extended punishment but also an issue of public safety. Denying individuals access to services could increase the likelihood that the individual will return to criminal activities to support himself and his family.

One of the first priorities of an individual upon release is securing a place to live. Some have a home to return to and a family to welcome them back. For others, there is no family to return to, either because of broken family ties or an unwillingness on the part of family members to allow the individual to return home. People being released from prison without a place to live will face a number of challenges in

accessing housing, both in the public and private housing markets. The majority of housing available in the United States is found in the private housing market. The private market is generally beyond reach for most individuals being released from prison. Landlords often conduct credit checks, or criminal background checks, which would disqualify most individuals with felony records. Moreover, state legislatures have enacted legislation banning individuals convicted of certain offenses—sex crimes and some drug offenses—from living within designated geographic areas. Other laws require community notification whenever a person who has been convicted of a sex crime moves into their neighborhood, placing another formidable barrier to successful reintegration. The public housing market—both public housing developments and housing made available through Section 8 vouchers—is also off limits to some individuals returning from prison. Under federal legislation, public housing managers are authorized to deny public housing services to individuals convicted of designated offenses. Not only is the individual at risk, but his or her family may be evicted for continuing criminal activity, if it does occur. So, the network of support that in some instances may help with successful reentry is denied to some individuals coming home.

For some individuals leaving prison, the only housing option is a homeless shelter. Research on the connection between homelessness and prisoner reentry has demonstrated that a larger percentage of people living in homeless shelters were recently incarcerated, and many of them will return to jail or prison (Metraux & Culhane, 2004). Many jurisdictions around the United States have sought to interrupt this cycling in and out of prison and shelter, creating transitional housing options for people coming out of prison and supported housing options for people living in homeless shelters.

Contributing to the ex-con stigma are employment bans and hiring practices that prevent formerly incarcerated individuals from obtaining jobs. After housing, employment is one of the fundamental needs of an individual leaving prison. The existence of employment bans are understandable in certain situations. For example, many would agree that it would not be appropriate for a person convicted of a sex crime perpetrated against a child to have a job working at a child care facility. However, many employment bans are blanket policies that affect all people with criminal histories, regardless of their crimes. In the United States, people with felony convictions are denied employment or licenses in over 800 occupations (Cromwell, Alarid, & del Carmen, 2005). Such occupations include cosmetology, barber, emergency services, and practicing law.

Moreover, employers have virtually unlimited access to potential employees' criminal backgrounds. Employer discrimination against people with criminal histories is not a new phenomenon; however, the advent of online databases—many of which have been deemed inaccurate or as missing information—has increased opportunities for discrimination. In addition, it is customary for applicants to come



across a question on a job application or in an interview that inquires about a person's criminal history. For many formerly incarcerated people, the answer to the question "Have you ever been convicted of a felony?" will be the reason they do not get the job. For that reason, some jurisdictions have joined what is known as the "ban the box" campaign (Henry & Jacobs, 2007). In these jurisdictions, background checks are allowed only after the job applicant has been determined otherwise eligible for the position in question, and the final hiring decision will be made only after an assessment of the nexus between the behavior leading to the conviction and the requirements for the job.

The net effect of these barriers to employment is that individuals who have served time in prison face significantly diminished earnings prospects. According to analysis by labor market economists, individuals with prison records will experience a 10% diminution in earnings over their lifetimes (Western & Pettit, 2000). To interrupt this trajectory toward lower employment outcomes, and the economic marginalization that is implied, some jurisdictions around the country are experimenting with programs that offer transitional employment to individuals returning from prison, helping them get back on their feet until they can find permanent employment.

In addition to connecting with family, finding housing, and securing work, people coming home from prison often face significant challenges in connecting with health care services. The prison population presents health problems that are significantly higher than found in the general population. The prevalence of a variety of communicable diseases—including HIV–AIDS, hepatitis, tuberculosis, and sexually transmitted diseases—is between 4 to 10 times higher in prison than in the general population (National Commission on Correctional Health Care, 2002). The rates of mental illness are also higher. Three quarters of those currently incarcerated have histories of drug and/or alcohol addiction. Whatever the quality of health care in prison—and there is substantial variation in these services—the process of reentry poses a challenge in terms of connecting the returning prisoner to appropriate community-based services. In some instances, this is an acute need, as in the case of medication to treat an individual's mental illness or of continuing care for HIV–AIDS. In other instances, the period of reentry presents high probabilities of relapse to risky behavior, as in the case of someone with a history of addiction, or challenges to mental health when dealing with the stresses of a return to free society.

Finally, one of the greatest challenges facing individuals returning home is to avoid future criminal behavior. According to the Bureau of Justice Statistics, two thirds of returning prisoners are rearrested for one or more serious crimes within 3 years of their release from prison (Langan & Levin, 2002). Fifty percent of them are returned to prison, half of them for a new crime and half for a parole violation. This overwhelming reality of reentry means that the other efforts to secure reintegration—by getting a job,

reconnecting with family, securing housing, and accessing health care—can all be for naught if the formerly incarcerated man or woman is rearrested for a new crime. One aspiration of the reentry movement is that the innovations in reentry programs will result in reductions in the recidivism rates across the nation. Any significant progress in this direction could have beneficial effects in communities struggling with high crime rates. As the size of the reentry cohort has increased over the years, and rates of violent crime have decreased since the early 1990s, the share of arrests attributable to the reentry cohort has increased, meaning that any success in reducing criminal behavior among returning prisoners could yield measurable public safety benefits.

## Impact on the Family

The effects of incarceration and reentry extend beyond individuals who have had direct experience with the criminal justice system. Family members of the incarcerated and formerly incarcerated also feel the harmful effects of the experience of their family members being arrested; removed to prison for, on average, nearly 3 years; and then returned to the home, placed on parole supervision, and in many cases cycling in and out of prison. Removing a parent from the home not only interrupts the function of the traditional family but also removes a source of income because one less adult is working. This loss often forces the remaining family members—usually the mother—to take on additional employment, thus reducing time for parenting. Furthermore, family members are often left to cover costs associated with incarceration itself: Providing money to the incarcerated family member, accepting collect phone calls, and traveling long distances for visitation are expenses that add up over years of incarceration.

Little is known about the effects of incarceration on children. It is clear, however, that the reach of imprisonment extends deeply into the population of minor children in America. The Bureau of Justice Statistics has reported that at least 1.5 million children have a parent who is currently incarcerated, and another 10 million have had at least one parent incarcerated at some point in their lives (Mumola, 2000). They represent 2% of all minor children in America. As with the incarcerated population generally, the racial profile of these children is revealing. A sobering 7% of all African American minor children in the United States currently have a parent in prison.

The separation of a parent from his or her child can have great consequences, both for the parent and for the child. The contacts between parent and child during incarceration are infrequent, strained, under artificial conditions, and costly. At the time of release, reestablishment of the parent–child relationship is enormously difficult, and sometimes impossible. The passage of time, the shame and stigma of the parental incarceration, and the absence of positive interactions all pose barriers to successful reconnection

between parent and child. Yet, notwithstanding these barriers, the parent–child bond is often powerful and resilient. For some individuals leaving prison, the opportunity to create, or reestablish, a positive relationship with their children provides strong motivation to succeed in the reentry process. However, the overwhelming reality remains, namely, that the era of mass incarceration has, in effect, cast a long shadow across the next generation as more and more young Americans are growing up having lost their parents to imprisonment. Little is known about the intergenerational consequences of this reality.

On a more macro level, the removal of larger numbers of men, sending them to prison, and returning them home with significant new social challenges in terms of participation in the world of work and other institutions of civil society, has created communities that are experiencing new realities in the relationships between men and women. In these communities the pool of marriageable men is significantly reduced, contributing to an increase in the number of single mothers (Braman, 2002). It is likely that the process of removing so many men from families and communities has a great impact on early childhood development of the community's children, the dating relationships of its teenagers, the family formation behaviors of its young adults, and the long-term shape of family life. However, research in this area is lacking, and it is impossible to fully understand the impacts of incarceration and reentry on children and families.

### Impact on the Community

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The effects of mass incarceration and prisoner reentry also extend beyond the formerly incarcerated individuals and their family members. In many ways, the most profound effects of these phenomena are experienced at the community level, because the ripple effects of imprisonment are felt in virtually every aspect of community life. In every city in America, the majority of individuals sent to prison come from a small number of neighborhoods. These are typically communities of color, which are already facing other challenges of low-performing schools, poor health care, weak labor markets, inadequate housing, and high rates of crime. In the era of mass incarceration these communities have been asked to take on an unprecedented social responsibility: the reintegration of record numbers of returning prisoners, mostly men, who have been taken out of the natural rhythms of community life and are now expected to regain their footing.

The costs of the high rates of incarceration can be calculated at a community level. Analysts have demonstrated that there are certain blocks in central urban neighborhoods with high rates of incarceration for which taxpayers pay over \$1 million a year to house, in prison or jail, the men and women from that block. According to one analysis, in Brooklyn, New York, there are 35 such “million dollar blocks” (Cadora, Swartz, & Gordon, 2003). This analysis provides the basis for a provocative policy exercise, namely, asking

whether the taxpayers could get better public safety results by investing a portion of the \$1 million in strategies other than high rates of imprisonment of the block's residents.

These communities bear another cost. The high levels of arrest activity, incarceration, reentry, and supervision have permeated community life and have weakened the social networks and relationships that provide the foundation for an orderly society. Some scholars have concluded that the high rates of incarceration have so weakened the forces that exert informal social control that the nation's prison policies have had the unintended and ironic effect of actually increasing crime rates, even though these policies were originally advanced as a way to reduce crime (Clear, Rose, Waring, & Scully, 2003).

The impact of incarceration on individuals can also translate into larger social problems. Computer software now allows researchers to create maps of communities based on traits such as crime rates; incarceration rates; and other social factors, such as poverty rates and rates of sexually transmitted infections (STIs). Using this technology, and looking at the reentry phenomenon through the lens of public health, one can see how a problem at the individual level quickly translates to a problem for the community. As previously mentioned, many individuals released from incarceration have little or no access to health care upon release. Like other communicable diseases, the rate of STIs among the incarcerated population is higher than that of the general population. Men and women returning from prison return to their partners, some to multiple partners, exposing them to diseases they might not even know they have. Mapping research conducted at the community level suggests a relationship between incarceration and communities with high rates of STIs (Thomas, Levandowski, Isler, Torrone, & Wilson, 2008).

### Looking Toward the Future

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The growth of incarceration in America has slowed down in recent years, but it has not abated. Some states have experienced declines in their prison population, but the overall trend remains a growth trend, even though the rates of violent crime are at the lowest level in a generation. There are some signs, however, that the policy environment is shifting. A number of states have eliminated mandatory minimum sentencing statutes, others have modified their truth-in-sentencing calculations to allow shorter sentences, and still others have adopted parole supervision reforms that have reduced the number of individuals sent back to prison for parole violations. Perhaps most noteworthy has been a campaign to return voting rights to hundreds of thousands of formerly incarcerated individuals who were denied the franchise.

The reentry movement has grown significantly in the decade following Attorney General Reno's call for proposals for reentry partnerships and reentry courts in 1999. Now, the terminology of reentry is well accepted, and the justice

reform community has embraced the challenge of improving reentry programs. Every state in the nation and many urban jurisdictions have established reentry task forces to bring together the public and private entities that work with individuals leaving prison. These coalitions now include active participation of other service sectors that were not always active in justice reform initiatives, such as public health professionals, groups working on low-income housing, organizations devoted to workforce development, and agencies advocating for child and family welfare. It is indeed ironic that these service and advocacy communities have found common cause with the justice agencies working on prisoner reentry. One unavoidable consequence of high rates of incarceration is the high rate of overlap between the population involved in the justice system and those seeking to improve public health, child and family well-being, employment rates, and adequate housing.

One of the most significant developments in this regard was the enactment of the Second Chance Act, which was signed into law by President George W. Bush on April 9, 2008. In his 2004 State of the Union Address, President Bush asked his audience to consider the challenges facing people leaving prison: “We know from long experience that if they can’t find work, or a home, or help, they are much more likely to commit crime and return to prison.” He then proposed a 4-year, \$300 million prisoner reentry initiative, saying that “America is the land of the second chance, and when the gates of prison open, the path ahead should lead to a better life.”

The Second Chance Act, taking its name from President Bush’s eloquent statement about the difficulties of prisoner reentry, signals an important moment in criminal justice policy in America, a time when the federal government exercised leadership in helping individuals, families, and communities deal with the realities of reentry. This remarkable bipartisan consensus leaves unaddressed, however, the fact that the country has chosen to place those individuals in prison in the first instance. Some advocates for policies that would reduce America’s reliance on incarceration have applauded this new national focus on prisoner reentry, believing that a pragmatic discussion of the impact of incarceration on individuals leaving prison will inevitably lead to questioning the sentencing policies that put them in prison. Proponents of this hopeful view can point to a range of sentencing reform initiatives to support their view that the reentry movement will soften the ground for broader reconsideration of the country’s punishment policies. Others argue, however, that the focus on prisoner reentry has been a distraction from the more difficult task of rolling back the nation’s imprisonment juggernaut. They point to the continuing rise in the rate of incarceration, even in a time of stable crime rates, as evidence of the intractable nature of America’s unprecedented reliance on prison as a response to crime. They ask a difficult rhetorical question: What if all the energy now devoted to prisoner reentry had been focused on sentencing reforms?

Only time will tell whether the rediscovery of prisoner reentry in the era of mass incarceration has any influence on the direction of crime policy in general, but even without an answer to that intriguing question there is no doubt that over the past 10 years the United States has, belatedly, recognized one of the inevitable consequences of the ramp-up of imprisonment, namely, the return home each year of hundreds of thousands of individuals, mostly men, who have been removed from their families and communities and held in the nation’s prisons. This overdue recognition, on its own terms, has the potential to restore a human dimension to our understanding of the consequences of our policy choices and to provide common ground for a movement that would ameliorate the negative effects of those policies. The reentry movement has been characterized by a burst of programmatic innovation; an array of federal, state, and foundation funding initiatives; unprecedented scholarly attention; the engagement of formerly incarcerated individuals; and a sense of optimism, all of which will serve the larger cause of justice.

## References and Further Readings

- Bernstein, N. (2005). *All alone in the world: Children of the incarcerated*. New York: The New Press.
- Blumstein, A., & Beck, A. J. (1999). Population growth in the U.S. prisons, 1980–1996. In M. Tonry & J. Petersilia (Eds.), *Crime and justice: Vol. 26. Prisons* (pp. 17–61). Chicago: University of Chicago Press.
- Blumstein, A., & Beck, A. J. (2005). Reentry and a transient state between liberty and recommitment. In J. Travis & C. Visser (Eds.), *Prisoner reentry and crime in America* (pp. 50–79). New York: Cambridge University Press.
- Bonczar, T. P. (2003). *Prevalence of imprisonment in U.S. population, 1974–2001* (Publication No. NCJ 197976). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Braman, D. (2002). Families and incarceration. In M. Mauer & M. Chesney-Lind (Eds.), *Invisible punishments: The collateral consequences of mass imprisonment* (pp. 117–135). New York: New Press.
- Braman, D. (2007). *Doing time on the outside: Incarceration and family life in urban America*. Ann Arbor: University of Michigan Press.
- Bushway, S., Stoll, M. A., & Weiman, D. F. (2007). *Barriers to reentry? The labor market for released prisoners in post-industrial America*. New York: Russell Sage Foundation.
- Cadora, E., Swartz, C., & Gordon, M. (2003). Criminal justice and health and human services: An exploration of overlapping needs, resources, and interests in Brooklyn neighborhoods. In J. Travis & M. Waul (Eds.), *Prisoners once removed* (pp. 285–311). Washington, DC: The Urban Institute.
- Clear, T. R. (2007). *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse*. New York: Oxford University Press.
- Clear, T. R., Rose, D. R., Waring, E., & Scully, K. (2003). Coercive mobility and crime: A preliminary examination of concentrated incarceration and social disorganization. *Justice Quarterly*, 20, 33–64.

- Crayton, A., & Neusteter, S. R. (2008, March 30). *The current state of correctional education*. Paper presented to the Reentry Roundtable on Education, New York.
- Cromwell, P. F., Alarid, L. F., & del Carmen, R. V. (2005). *Community-based corrections* (6th ed.). Belmont, CA: Thompson-Wadsworth.
- Drucker, E. (2002). Population impact of mass incarceration under New York's Rockefeller Drug Laws: An analysis of years of life lost. *Journal of Urban Health, 79*, 434–435.
- Frost, N. A., Greene, J., & Pranis, K. (2006). *Hard hit: The growth in the imprisonment of women, 1977–2004*. New York: Women's Prison Association, Institute on Women & Criminal Justice. Retrieved November 10, 2008, from <http://www.wpaonline.org/institute/hardhit/HardHitReport4.pdf>
- Greifinger, R. (Ed.). (2007). *Public health behind bars: From prisons to communities*. New York: Springer Science + Business Media.
- Henry, J. S., & Jacobs, J. B. (2007). Ban the box to promote ex-offender employment. *Criminology & Public Policy, 6*, 755–761.
- Hughes, T. A., Wilson, D. J., & Beck, A. J. (2001). *Trends in state parole, 1990–2000* (Publication No. NCJ 184735). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- International Centre for Prison Studies, King's College London. (n.d.). *World prison brief*. Retrieved November 10, 2008, from <http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief>
- Irwin, J. (1970). *The felon*. Berkeley: University of California Press.
- Jacobson, M. (2005). *How to reduce crime and end mass incarceration*. New York: New York University Press.
- King, R. S. (2008). *Expanding the vote: State felony disenfranchisement reform, 1997–2008*. Washington, DC: The Sentencing Project.
- Langan, P. A., & Levin, D. (2002). *Recidivism of prisoners released in 1994* (Publication No. NCJ 193427). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Mack, A. (Ed.). (2007). *Social research: Punishment and the U.S. record* (Vol. 74, No. 2). New York: The New School.
- Manza, J., & Uggen, C. (2006). *Locked out: Felon disenfranchisement and American democracy*. New York: Oxford University Press.
- Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington, DC: American Psychological Association.
- Maruna, S., & Immarigeon, R. (Eds.). (2004). *After crime and punishment: Pathways to offender reintegration*. Portland, OR: Willan.
- Mauer, M., & Chesney-Lind, M. (Eds.). (2002). *Invisible punishments: The collateral consequences of mass imprisonment*. New York: New Press.
- Metraux, S., & Culhane, D. P. (2004). Homeless shelter use and reincarceration following prison release. *Criminology & Public Policy, 3*, 139–159.
- Mumola, C. (2000). *Incarcerated parents and their children* (Publication No. NCJ 182335). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- National Commission on Correctional Health Care. (2002). *Health status of soon-to-be-released inmates: A report to Congress*. Retrieved November 10, 2008, from [http://www.ncchc.org/pubs/pubs\\_stbr.html](http://www.ncchc.org/pubs/pubs_stbr.html)
- Pager, D. (2007). *Marked: Race, crime, and finding work in an era of mass incarceration*. Chicago: University of Chicago Press.
- Pattillo, M., Weiman, D., & Western, B. (Eds.). (2004). *Imprisoning America: The social effects of mass incarceration*. New York: Russell Sage Foundation.
- Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry*. New York: Oxford University Press.
- Sabol, W. J., Couture, H., & Harrison, P. M. (2007). *Prisoners in 2006* (Publication No. NCJ 219416). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Schiraldi, V., & Ziedenberg, J. (2002). *Cellblocks or classrooms: The funding of higher education and corrections and its impact on African American men*. Washington, DC: The Justice Policy Institute.
- Simon, J. (2007). *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. New York: Oxford University Press.
- Thomas, J. C., Levandowski, B. A., Isler, M. R., Torrone, E., & Wilson, G. (2008). Incarceration and sexually transmitted infections: A neighborhood perspective. *Journal of Urban Health, 85*, 90–99.
- Thompson, A. C. (2008). *Releasing prisoners, redeeming communities: Reentry, race, and politics*. New York: New York University Press.
- Travis, J. (2002). Invisible punishment: An instrument of social exclusion. In M. Mauer & M. Chesney-Lind (Eds.), *Invisible punishment: The collateral consequences of mass incarceration* (pp. 1–36). New York: New Press.
- Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry*. Washington, DC: Urban Institute Press.
- Travis, J., & Lawrence, S. (2002). *Beyond the gates: The state of parole in America*. Washington, DC: The Urban Institute.
- Travis, J., & Visher, C. (Eds.). (2005). *Prisoner reentry and crime in America*. New York: Cambridge University Press.
- Travis, J., & Waul, M. (Eds.). (2003). *Prisoners once removed: The impact of incarceration and reentry on children, families, and communities*. Washington, DC: The Urban Institute.
- Warren, J. (2008). *One in 100: Behind bars in America 2008*. Washington, DC: The Pew Charitable Trusts, Center on the States.
- Western, B. (2007). *Punishment and inequality in America*. New York: Russell Sage Foundation.
- Western, B., & Pettit, B. (2000). Incarceration and racial inequality in men's employment. *Industrial and Labor Relations Review, 54*, 3–16.

## JUVENILE COURTS

GEORGE W. BURRUSS

*Southern Illinois University Carbondale*

As therapeutic legal institution, the juvenile court balances rehabilitation and justice for America's youth who are at risk for harm or have violated the law. The juvenile court was founded in 1899 in Chicago with the goal of rehabilitating wayward youth. Although the methods of rehabilitation, or treatment, have changed over time, it is a goal that remains central to the function and legitimacy of the juvenile court. Treatment encompasses many different means of attending to the needs of delinquent or neglected youth: psychological supervision, medical services, behavioral management, educational needs, and restitution to victims or the community. Despite treatment being the fundamental goal, juvenile courts recently have become more criminalized because of concerns about fairness; that is, they are more like adult criminal courts. Examples of criminalization include an increased use of determinate outcomes and more adversarial proceedings.

The juvenile court is an important component of the American criminal justice system because it adjudicates wrongdoing by juveniles and attempts to prevent future crimes by addressing the root causes of problem youthful behavior. When parents fail to informally control their children and prevent wrongful behavior, society has an obligation to punish and correct delinquent youth. However, authorities must intervene in a way that acknowledges the limited rationality of immature minds. Juvenile court practitioners assume they can rehabilitate wayward youth through treatment. Consequently, the juvenile court prevents crimes

by treating the root causes in individual juveniles' lives—drug or alcohol dependence, criminal associations, poor parenting, and so on. Because young minds are impressionable, court caseworkers want to intervene early in a child's life to alter bad behavior and poor decision making. From its inception, the juvenile court has applied the best scientific methods from medicine, psychology, criminology, sociology, and social work to change antisocial behavior. Critics of the juvenile courts have noted a tendency toward punishment over treatment; thus, juveniles have due process rights in court procedures to ensure fair hearings.

Because of the juvenile court's rehabilitative orientation and legal authority, it has developed terminology that is analogous to criminal justice terms yet is slightly different. Some of the more common terms are defined here. When a juvenile commits a felony crime, it is called *delinquency*, meaning that a juvenile is delinquent in his or her obligation to society. Delinquency includes personal and property crimes, such as robbery and burglary. Behaviors that are prohibited only for youth are called *status offenses* (the age cutoff between youth and adulthood varies by state). Status offenses include truancy, drinking alcohol, breaking curfew, and incorrigibility (i.e., being uncontrollable). Cases in which juveniles need intervention because they are not being cared for by parents or guardians are called *abuse* (if done so maliciously) or *neglect* (if done so unintentionally). Although juvenile courts handle all kinds of family- and youth-related matters, such as adoption and guardianship, this chapter focuses on delinquency matters.

To emphasize the treatment goal, juvenile courts avoid the stigmatizing language used in the adult criminal courts. For instance, a juvenile is *referred* to the court rather than *arrested*. A formal written complaint against a juvenile is called a *petition* rather than a *charge*. The *trial* is called an *adjudication*, and the *sentence* is called a *disposition*. Finally, to be held in *custody* until the adjudication hearing is called *detention*.

Juvenile court professionals have designations similar to those of their counterparts in adult courts, but their roles differ slightly. A juvenile court judge is a magistrate who is responsible for adjudicating delinquency, status offenses, and abuse and neglect cases and other legal family matters. In most jurisdictions the judge also runs the juvenile court office, hiring personnel, setting office policies, and planning the budget. A chief juvenile office manager oversees daily functions, but the judge holds the ultimate authority over operations. This particular role for the judge differs from the adult system. If a felony court judge had the same responsibilities in the adult system, that judge would oversee probation and parole as well as sit on the bench. In urban courts with large dockets, several officers, known as *magistrates*, *referees*, or *masters*, may adjudicate cases. A chief judge authorizes these officers to adjudicate cases.

Juvenile court cases can involve attorneys acting as prosecutor and defense counsel. Most juvenile courts retain an attorney who acts as a prosecutor, employed by either the juvenile court or the county district attorney's office. In urban courts a prosecutor may sit in on all felony delinquency cases; in rural courts the prosecutor may only appear in only a few contested cases. The job of the juvenile court prosecutor is to plead the state's case against the juvenile; however, unlike in the adult criminal courts, the juvenile court prosecutor consults with the probation officers with regard to an outcome that is in the best interests of the juvenile (i.e., involves some kind of treatment plan). More recently, many prosecutors also invoke public safety as a concern in the state's case to justify secure confinement or waiver.

Although they do not routinely appear in juvenile court cases, defense counsel can be either a court-appointed public defender or a privately hired attorney. Most defense attorneys, however, do not specialize in juvenile court law. Even though criminal court judges appoint public defenders only to represent indigent adults, most juvenile court judges appoint a public defender if requested regardless of a family's means. In abuse and neglect cases, however, private attorneys, known as *guardians ad litem*, are routinely appointed by the judge to serve as legal guardians for the youth.

Juvenile court probation officers are central to realizing the juvenile court's treatment goal. Probation officers handle cases from the initial intake stage to postadjudication probation. In many rural jurisdictions the same person performs all these tasks. Much of what probation officers do is to gather information about the juvenile and the offense. For instance, probation officers write up predisposition

investigation reports for the judge to consult once the juvenile has been found delinquent. These reports make treatment recommendations that the judges use to determine disposition outcome. Thus, the juvenile officer must generate an individualized treatment plan that addresses the unique needs of the juvenile. In some jurisdictions, especially when the case is uncontested, the probation officer may present the state's case before the judge. Thus, the probation officer has much discretion and a wide range of responsibilities in the juvenile justice system.

Before discussing the juvenile court process, a brief history of the foundation of the juvenile court and attempts at reform will help highlight why these courts operate differently from the adult criminal justice system. Then a brief overview of the juvenile court process is discussed, along with current problems facing the institution today. Finally, the future direction of the juvenile court is discussed.

## A Brief History of the Development of the Juvenile Court

In the century prior to the establishment of the juvenile court in 1899, a growing problem of delinquent and impoverished urban youth led states to respond by building houses of refuge. As American migrants and European immigrants began settling in cities to work in factories, they displaced their children from small homogeneous rural communities into densely populated and diverse urban neighborhoods. These new urban settlers found they had less ability to supervise their children while their children had more opportunity to commit crime. The only official methods of controlling delinquent youth were arrest and adult criminal prosecution. Because judges were unwilling to send children to jails or prison, they were let go with no corrective measures taken. Thus, there were only two formal options available: (1) let them go or (2) send them to adult prisons.

Because no state institution existed to handle delinquent youth, prominent Quaker reformers proposed the houses of refuge for the reeducation and rehabilitation of delinquents and impoverished youth. The Quakers reasoned that poor living conditions caused poor parenting and bad behavior by children; therefore, the way to reform delinquent youth was to remove them from the cities and place them in a rural institution. In the houses of refuge, idle youth would learn to behave through industry, basic education, and moral instruction until they became adults, typically their 21st birthday. It did not take long, however, before the need to control the committed youth overcame the reformers' good intentions. The houses of refuge became what sociologist Irving Goffman called a *total institution*—where custody became more important than treatment or education.

The legality of removing children from their parents' homes and placing them in institutions was tested in the case of Mary Ann Crouse in 1826, 1 year after the first house

of refuge opened. To prevent her child from becoming a pauper, Mary Ann Crouse's mother had her committed to the Philadelphia House of Refuge. Mary Ann's father, however, challenged the commitment and filed a writ of *habeus corpus*, demanding to know why she was held in custody, because she had committed no offense. The matter was finally settled by the Supreme Court of Pennsylvania in 1838. The court held that the house of refuge was helping Mary Ann Crouse and not punishing her; therefore, the state was acting on behalf of her interests with good intentions. This case established the legal doctrine of *parens patriae*, which, literally translated, means "parent of the country." This doctrine allowed the state to take custody of wayward and delinquent youth. The *parens patriae* doctrine came from English common law and applied to handling the estate of orphaned children. The Pennsylvania Supreme Court, however, applied *parens patriae* to the Crouse case and established that the state could act as legal guardian even when the parents did not relinquish their rights. The court reasoned that juveniles were being cared for and not punished, so due process rights were not necessary. Thus, Mary Ann Crouse, and juveniles like her who had committed no offense, could be placed legally in an institution along with delinquents.

By the end of the 19th century, the house-of-refuge movement had failed to maintain best interests over punishment. This became evident in the 1870 Illinois Supreme Court case of Daniel O'Connell, which highlighted the fact that poor juveniles were being punished rather than helped (the opposite finding of the *Crouse* case). In fact, the *O'Connell* decision outlawed the practice of sending poor youth who had not committed a felony crime to reform schools. Although the case did not overturn *Crouse*, it highlighted the Illinois Supreme Court's skepticism about the benign operation of the houses of refuge. The immediate result of the case was that poor youth could not be placed in a house of refuge simply for being poor.

At the beginning of the 20th century, new reformers, called the *Progressives* or *Child Savers*, took up the cause of reforming delinquent youth. The Progressive reformers, mostly wealthy Protestant women, had many of the same concerns as the Quaker reformers, but they tried to improve the condition of wayward youth through the latest scientific and professional means, namely, psychology and law. Although they attempted to improve the conditions in the houses of refuge, their enduring legacy would be to establish a legal institution: the juvenile court.

The first juvenile court was founded in Chicago in 1899, with the intent of extending the *parens patriae* doctrine for all youth in need of care or supervision—the poor, abused, neglected, orphans, delinquents, and the incorrigible. The need for a separate legal institution was due in part to the *O'Connell* decision that limited the state's custody to delinquency matters only. In addition, juveniles who did commit delinquency still had to appear before a criminal court judge, who was likely to dismiss the case. The Progressive reformers petitioned the Illinois legislature to

create a juvenile court that would have jurisdiction over all youth and could intervene on behalf of the child's best interests. Because the O'Connell decision had questioned the legitimacy of *parens patriae* for nondelinquency matters, the Progressives proposed the new court as a civil court rather than a criminal one. Thus, the court could intervene under *parens patriae* and do so without having to assure due process protections guaranteed in criminal matters. The Progressives envisioned the juvenile court as a social welfare institution rather than a criminal justice agency.

The early juvenile court hearings were less formal than adult criminal trials, to emphasize the treatment orientation over punishment. The judge or master sat at a conference table with the juvenile rather than sitting behind a bench. Caseworkers who investigated the social needs of the youth were also present at the conference and given wide discretion to help the judge decide how to rehabilitate the juvenile. Instead of providing the same treatment for similar petitions in the name of fairness, probation officers tailored outcomes to each juvenile's special needs. For example, two juveniles who committed the same act under the same circumstances could receive very different outcomes. As mentioned earlier, the founders of the juvenile court movement used terminology that suggested treatment over punishment; for example, they called the delinquency hearing an *adjudication* instead of *trial* and the outcome a *disposition* instead of a *sentence*. In the early courts, defense counsel and prosecutors were not necessary, because the hearings were not adversarial: The court was acting in the best interests of the child, so due process was unnecessary.

### Due Process Reforms

Like the social movement that created the houses of refuge, the juvenile court as an institution generally failed to advance rehabilitation over punishment. By the 1960s, it had become clear that the juvenile court needed further reform, because many juveniles faced long durations in secure facilities without benefit of due process. The U.S. Supreme Court, led by Chief Justice Earl Warren, imposed important reforms on the juvenile court process.

In the 1960s, the Supreme Court began to hear appeals from juvenile court cases in an effort to settle the need for due process in the civil treatment-oriented juvenile courts. The *parens patriae* doctrine established in the *Crouse* case limited juveniles' due process rights in exchange for treating needs over punishing wrongdoing (known as *quid pro quo*). In addition to the Supreme Court action during this period, President Johnson's Commission of Law Enforcement and Administration of Justice criticized both the juvenile justice system and the adult criminal justice system and called for comprehensive reform. There are several important cases during this period that led to the criminalization of the juvenile justice system. Only three are discussed at length here to highlight the way juveniles

were being treated and how the Supreme Court decided the cases: (1) *Kent v. United States*, (2) *In re Gault*, and (3) *In re Winship*.

#### *Kent v. United States*

The first case that precipitated legal reform began in 1961, when Morris Kent, a 16-year-old boy, was charged with breaking and entering, robbery, and rape. Already on probation for breaking and entering and purse snatching when he was 14, Kent was arrested for breaking into a woman's apartment, taking her purse (robbery), and raping her. The police found that latent fingerprints at the crime scene matched Kent's prints taken during his previous arrest. While in custody, Kent's mother hired an attorney who anticipated that the judge would waive, or transfer, the case to the adult criminal court, which would most likely result in a longer sentence; thus, the attorney planned to contest the waiver. In planning the case, the attorney filed a motion to see Kent's social history. The judge, although he received the attorney's motion, ruled in favor of waiver without holding a hearing. The judge did indicate that he had made his decision after conducting an investigation but did not elaborate on his decision.

After the juvenile court waived its jurisdiction, Kent was indicted in adult criminal court and later tried in front of a jury. The jury found him guilty on six counts of house-breaking and robbery but not guilty of rape by reasons of insanity. The judge sentenced Kent to prison for a term between 30 to 90 years. Kent was committed to a mental hospital until his sanity restored, at which time he would serve the remainder of his sentence in prison.

The U.S. Supreme Court took up Kent's appeal, which argued that he was denied due process during arrest and during the waiver decision. The Supreme Court ruled that the juvenile court had denied Kent his due process rights in violation of the District of Columbia statutes. The court affirmed that Kent should have had attorney representation, access to his related juvenile court records, a hearing specifically on the waiver decision with due process, and a detailed explanation from the judge for the reasons behind the waiver decision. In an appendix to the decision, the justices listed guidelines for future waiver hearings. The guidelines included eight criteria judges must consider for waiver: (1) community protection, (2) premeditation or aggressiveness of the offense, (3) a crime against persons, (4) reliability of available evidence, (5) adult criminal associates, (6) the juvenile's sophistication and maturity, (7) prior offense record, and (8) amenability to treatment. Furthermore, the justices allowed that all factors need not be present to waive jurisdiction but said that the judge should address them in his or her final decision.

The *Kent* decision pertained only to the District of Columbia; however, juvenile courts across the country applied the criteria to their waiver decisions. Ironically, Kent was given a new hearing to reconsider the waiver decision after he had already been found guilty in adult

court. The new hearing found that the judge had adhered to the criteria set out in Kent's own appeal and thus the original waiver decision was valid. Kent therefore served the remainder of his sentence. The *Kent* decision had two important outcomes: (1) It signaled that *parens patriae* was no longer beyond due process considerations and (2) established that the Supreme Court would now hear juvenile appeals.

#### *In re Gault*

The case of Gerald Gault followed the *Kent* decision in 1967 and affirmed due process protections for juveniles throughout the entire juvenile justice system. In Arizona, in 1964, Gerald Francis Gault, age 15, and Ronald Lewis made an obscene phone call to a neighbor, Mrs. Cook. The obscene phone call included the following statements: "Do you give any?" "Do you have big bombers?" and "Are your cherries ripe today?" Incensed, Mrs. Cook called the sheriff, who arrested Gault and Lewis, placing them in a detention facility. Gault's parents were not informed that he had been detained; Gault's mother learned about the detention from the Lewis family.

Mrs. Cook did not attend the hearing the next day, so she did not identify the boys as the callers or offer any testimony. The judge claimed that Gault had admitted to making the lewd statements, but Gault denied making any such confession, claiming that he had only dialed the number. Gault was released to his parents until a second hearing that would decide the outcome.

At a second hearing, Gault's mother requested that Mrs. Cook be called as a witness to identify the voice of the caller, but the judge said that Mrs. Cook need not be in attendance. There was no transcript kept of the hearings. The judge found Gault delinquent and committed him to a state industrial school until his 21st birthday (a 6-year sentence). The judge later justified his disposition decision on the grounds that Gault had engaged in disturbing the peace and had a history of delinquent behavior (he was on probation for being in the company of another youth who had stolen a purse). Had Gault been an adult, the outcome could have been only a maximum of 18 months and a \$50 fine. Gault's parents hired an attorney who filed a writ of habeas corpus (Arizona did not allow appeals for juvenile cases). The writ was the basis of the U.S. Supreme Court decision.

Gault's attorney argued that the juvenile court had denied him six constitutional rights: (1) right to notice of charges, (2) right to counsel, (3) right to confront and cross-examine witnesses, (4) right against self-incrimination, (5) right to transcript of the proceedings, and (6) right to an appeal. The Supreme Court ruled in Gault's favor in four of the six points but did not rule on the right to a transcript or the right to an appeal because there is no constitutional guarantee of appeal and thus no need for a right to a transcript. In its reasoning, the majority argued that the juvenile court was punishing Gault rather than treating him, especially considering that he was at risk for a lengthy



commitment in a secure facility, a sentence that no adult would have faced. The justices also questioned the foundation of *parens patriae*, because the performance of the juvenile justice system seemed to have failed to live up to its intentions. The Supreme Court ultimately concluded that due process protections were necessary when juveniles were likely to face lengthy incarceration.

Because the *Gault* case had constitutional ramifications, it applied to the entire country, unlike *Kent v. United States*. The Supreme Court's affirmation of due process in the traditionally informal juvenile court attempted to reform the institution. After the *Gault* decision, juveniles had the rights to know the charges, to counsel, to confront witnesses, and to remain silent. The actual implementation of these legal reforms, however, remained limited. Juveniles were likely to have their constitutional rights explained to them by probation officers, much like the Miranda warning given by police, but most juveniles did not ask for legal representation, and most juveniles routinely confessed to the crimes. The implementation of the *Gault* reforms, although important, remains problematic today. This is discussed in more detail later in this chapter.

#### *In re Winship*

In 1970, the Supreme Court heard the case of 12-year-old Samuel Winship, who was charged with stealing \$112 dollars at a department store. At the adjudication hearing, Winship's attorney established that the key eyewitness was in a different part of the store at the time of the theft and thus could not have seen Winship steal the money. The judge ruled that Winship was delinquent based on a *preponderance of the evidence*—that the evidence was sufficient to establish that Winship had committed the theft. Winship's attorney questioned the judge about the evidentiary standard, because the eyewitness testimony failed to establish that Winship was guilty beyond a reasonable doubt. The judge ruled that the state's statute on juvenile justice calls for a preponderance of the evidence, a standard of evidence use in civil court.

The Supreme Court again ruled in favor of due process rights for juveniles given that Winship was likely to spend several years in a secure facility. As in *Gault*, the justices questioned the quid pro quo of the *parens patriae* doctrine. They ruled that in delinquency cases where a juvenile faced a sentence in a secure facility, the judge must use the reasonable doubt standard before finding juveniles delinquent. Moreover, they made the ruling retroactive so that juveniles who had been committed under the preponderance of the evidence standard prior to the *Winship* case had to be released or readjudicated. This ruling, like the ones in *Gault* and *Kent*, signaled the criminalization, or imposition of due process, in the treatment-oriented juvenile court.

Two more Supreme Court cases during this era affected juvenile courts: (1) *McKeiver v. Pennsylvania* and (2) *Breed v. Jones*. The *McKeiver* case centered on whether juveniles had the right to a jury trial. Unlike in the previous three

cases, the Supreme Court ruled that juveniles did not have a constitutional right to trial by jury. In the *Gault* and *Kent* cases, the Supreme Court had ruled on the fact-finding by judges and found that due process was necessary to curb abuse. The court stopped short of giving full due process rights to juveniles with *McKeiver* because they claimed the juvenile court was, in fact, different from the adult criminal courts and they wished to preserve its unique nature. A jury trial, they reasoned, would severely intrude on the informal nature of the juvenile court. The second case, *Breed v. Jones*, established that double jeopardy applied to adjudication hearings: Juveniles could not be tried twice for the same offense, once in juvenile court and again in adult court.

In the *Kent* decision the justices had called the juvenile court the “worst of both worlds,” meaning that juveniles got neither the due process protection that adults enjoyed nor the rehabilitative treatment that the Progressives had promised. The total effect of the Supreme Court reforms was to ensure due process rights while retaining some of the informal and treatment orientation of the original system. *Breed v. Jones* was the last case in the historic Supreme Court restructuring of the juvenile court system. By the time of the *McKeiver* decision, the Warren Court had been replaced by the more conservative Berger Court (four conservative justices were appointed by President Nixon).

These Supreme Court cases were not the end of attempts to reform the juvenile court. Other Supreme Court cases, along with federal and state initiatives, have attempted to return the juvenile court to its original goal of rehabilitation even in a milieu of harsh punishment and individual responsibility. Criminologist Tom Bernard (1992) referred to this ongoing succession of reform as the *cycles of juvenile justice*. The reforms attempted to date have had unanticipated consequences. Other attempts at reform have included targeted strategies, such as reducing disproportionate minority confinement and individualized treatment courts such as drug and DWI courts.

Although juveniles are now able to assert their due process rights, the dilemma of *parens patriae* continues: informal justice to facilitate treatment versus formal processing to guarantee due process. For example, juvenile courts operating under a traditional treatment orientation tend to view legal representation as an impediment to rehabilitation; that is, juveniles who retain counsel may escape treatment on legal grounds. Thus, some judges and probation officers unofficially de-emphasize due process in their courts. For example, an intake officer may inform a juvenile of her right to counsel but tell her that confessing without counsel present will ensure she gets more favorable treatment by the judge.

Because the Supreme Court due process reforms have not been fully implemented in many jurisdictions, some critics have called for the abolition of the juvenile court for all delinquency matters. The critics propose that delinquency cases be heard in the adult criminal courts so juveniles are assured full due process. This does not mean juveniles will fail to get treatment; instead, they can still receive a sentence

for probation by a juvenile probation officer or placement in a residential treatment facility. Furthermore, the adult court judge would consider the youth and immaturity of the juveniles as a mitigating factor. To date, no state has considered abolishing the juvenile court.

## The Juvenile Court Process

This section describes the juvenile court process. Although most states follow this same process, there is wide variation in daily practices and policies across states and even within states. Therefore, interested readers should consult practitioners at the local level to find out how they depart from the process described here. Because most referrals to the juvenile court come from the police (about 80%), many delinquency offenses are handled informally (i.e., not referred) before the juvenile court has an opportunity to process the matter. Police discretion in handling juvenile cases is an important consideration but is not discussed here. The first official step in the juvenile court process is called *intake*.

### Intake

When the police, schools, social service agencies, or even parents refer a juvenile to the juvenile court, the matter is typically assigned to an intake officer. In smaller jurisdictions the same officer might handle intake and other functions, such as probation. In larger, urban courts an entire unit may be devoted only to intake. If the matter is serious enough, or the juvenile is deemed a threat to himself or herself or the community (e.g., an assault or suicide attempt), the juvenile likely will be sent directly to a detention facility; otherwise, intake is handled at the juvenile court office. In addition, serious offenses in some states, such as homicide or armed robbery, necessitate referral to the prosecutor's office, thus bypassing the intake stage.

The intake officer typically has wide discretion in how to handle the referred juvenile, especially for minor and first-time offenders. Again, jurisdictions vary on how much discretion the intake officer has—some mandate specific outcomes for specific offenses or specific personal characteristics, such as having a prior delinquency referral. In most jurisdictions the intake officer informs the juveniles of their constitutional rights, including the right against self-incrimination and the right to counsel.

At intake, there are three actions the juvenile court can take: (1) dismissal, (2) diversion, or (3) filing a petition. The first action, *dismissal*, means that the court takes no further action against the juvenile, although the intake office will collect information about the juvenile and the alleged offense. Although there is no formal (legal) record of the referral, the juvenile court will keep a file, which can influence its future decision making (several dismissals for status offense, for instance, may indicate the need for a filing a petition). The second action, *diversion*,

means that the court does not take formal legal action but does address the offense in some manner. Diversion can be as simple as an informal meeting with the juvenile and his or her parents or guardians, or it can be more comprehensive, such as a list of goals that the juvenile must reach in order to prevent the juvenile office from filing a formal petition. Such goals may include maintaining good grades, being home before curfew, or staying away from delinquent associates. The third action, *filing a petition*, is the beginning of the formal legal process in the juvenile court.

Filing a petition corresponds to filing charges in the adult criminal court. The *petition* is a formal legal document that lists the offenses allegedly committed by the juvenile. From its rehabilitative past, juvenile courts typically refer to the case as “in the matter of Gerald Gault” or “In re Gerald Gault” as opposed to criminal courts filing charges as “State of Illinois v. Gerald Gault.” The juvenile court office can file a petition for delinquency, a status offense, or a case of abuse and neglect. Once the petition has been filed, the juvenile must wait for a hearing date with the judge. In many cases, the juvenile court will suspend the petition if the juvenile agrees to adhere to a treatment plan through an informal probation period. This is in essence a plea agreement. This agreement gives juveniles an incentive to rehabilitate in exchange for keeping an official charge off the record, which could increase sanctions in later referrals. If the juvenile fails to meet the treatment goals, the court can reinstate the petition and seek a formal adjudication of the matter.

### Transfer or Waiver

As mentioned previously, the juvenile court can transfer, or *waive*, its jurisdiction over a juvenile to the adult criminal courts. There are several different ways in which a juvenile may be waived to adult court. Many states now mandate waiver by statute for specific ages and certain serious offenses (called *statutory exclusion* or *automatic transfer*). For those offenses not covered by statutory exclusion, most juvenile court judges have the discretion regarding whether to waive the matter to adult court (a *discretionary waiver*). In such instances the judge must hold a hearing, called a *Kent* hearing, to establish two things: (1) that probable cause exists that the juvenile committed the delinquent act and (2) that the juvenile is no longer amenable to treatment by the juvenile court. Once these two elements are satisfied, the court may waive its jurisdiction. Some states require the juvenile office to demonstrate that juveniles are not amenable to treatment (called *regular judicial transfer*), whereas other states require that juveniles prove their amenability to treatment (called *presumptive transfer*). Finally, the prosecutor can request in which court, adult or juvenile, to try the offender (called *direct file*, *prosecutor discretion*, or *concurrent jurisdiction*).

Why transfer authority to adjudicate the juvenile in the first place? There are two main purposes. The first is that juveniles who have committed serious offenses or have

many delinquency referrals may simply be beyond rehabilitation and require secure custody. The second purpose is that because the sanctions are greater in the adult court, due process is more likely in the adversarial nature of the adult system. A juvenile transferred to the adult criminal courts is therefore likely to be more severely punished but also be afforded full due process protections.

There are two other issues with regard to waiver. First, 23 states have *reverse waiver*, whereby the juvenile can petition to have the case transferred to the juvenile court. Second, 31 states have enacted “once an adult, always an adult” provisions. In such a state, once a juvenile has been convicted of a crime as an adult, all further cases will be automatically tried in the criminal courts.

### Detention

Juveniles may be detained in secure juvenile facilities for a short assessment period or until their adjudication hearing, which can be several weeks or even a few months. Most jurisdictions require a mandatory detention hearing, typically 24 to 72 hours, to justify the juvenile’s custody. Although most juveniles sent to detention facilities are quickly released to their parents or guardians, there are three reasons to prolong detention: (1) to prevent harm to the community, (2) to prevent harm to oneself, or (3) to ensure attendance at the hearing. Juveniles who commit a serious crime, such as armed robbery, are likely to be held until their hearing. Detention facilities typically have intake personnel who assess the juvenile’s needs, either informally or through a risk assessment instrument. If a juvenile meets one of the aforementioned criteria, then the judge must assess the matter in order to keep the juvenile in detention. Unlike in the adult system, juveniles do not have the right to post bail and gain an early release prior to the adjudication hearing (another right denied to juveniles).

### Adjudication

In the adjudication hearing, the judge or master presides over the fact-finding inquiry. Delinquency adjudication hearings resemble criminal trials, whereas abuse and neglect or other family-related adjudications are more like a civil trial. Once the juvenile office files a petition, the court must notify the juvenile of the allegations in the petition and the time and place of the hearing. Most adjudication hearings are closed to the public and only the juvenile, parents, and counsel may attend. This practice, which dates from the early days of the court, ensures that the public’s learning of the proceedings does not harm the juvenile’s reputation. Furthermore, the juvenile’s records are to remain closed and then destroyed when the juvenile reaches the age of majority; however, this rule is often not followed. In fact, some states now allow juvenile court records to be admitted into adult criminal proceedings as evidence of prior criminal behavior.

Some jurisdictions hold the adjudication hearing informally: The judge sits at a conference table with the juvenile, the parents, and attorneys, if present, and the hearing seems more like a conference than a trial. Other jurisdictions hold a more formal, trial-like hearing in which the judge sits behind the bench and the defense and prosecution sit at separate tables. Larger courts may have a building dedicated to court proceedings, whereas smaller courts hold hearings in the county courthouse.

When a juvenile agrees to accept a ruling of delinquency and accept the treatment plan, the petition is considered *uncontested*. Accepting the judge’s decision is simply a formality. Often, the adjudication hearing is suspended if the juvenile agrees to the probation office’s treatment plan (similar to a plea agreement). If the juvenile violates the informal probation, the adjudication will resume. As in the adult criminal courts, most cases are handled informally, with juveniles agreeing to an informal probation in exchange for either dismissing the petition or suspending the adjudication hearing. Furthermore, some prosecutors and probation officers will bargain on the specific charges in the petition, hoping to name a less serious offense in exchange for the juvenile agreeing to the treatment plan.

In contested cases the hearing will be more formal, because the state must present its case before the judge. The juvenile has the right to counsel but may waive that right, and most do. If this is the case, the judge must determine whether the juvenile has made the decision freely, voluntarily, and intelligently. This means that the judge must determine whether the juvenile understands the risks of continuing without counsel or whether his or her waiver has been coerced. Thus, the judge will question the juvenile before proceeding. Once both sides have presented the facts and examined witnesses, the judge makes a determination of whether the juvenile is delinquent or in need of supervision in other matters.

### Disposition

In the *disposition hearing*, like sentencing in the adult system, the judge decides case outcomes. Some states require separate adjudication and disposition hearings; in other states the disposition hearing immediately follows adjudication. Prior to pronouncing the disposition, the judge consults the *predisposition report*, prepared by a probation officer. The predisposition report is a presentence investigation that includes the social history of the juvenile. Many factors in the report are presented to the judge, including the nature of the offense, the delinquency record, school record, family history, and psychological evaluation, and the probation officer’s assessment of the juvenile’s amenability to treatment. The report can also include mitigating and aggravating factors, such as gang involvement or premeditation. Not surprisingly, there is wide variation in the amount of information and scope of such reports. Finally, the probation officer

makes a recommendation about the outcome and treatment plan. In most states, the judge is not supposed to see the predisposition report or know the probation officer's recommendation until the juvenile is found delinquent. Given the close relationship between the judge and juvenile court officers, however, the court officers often share this information informally.

Several dispositional outcomes are available to the juvenile court, but the resources for treatment vary by community (urban, suburban, or rural). Thus, depending on where the juvenile receives the disposition, two juveniles with similar backgrounds, offenses, and delinquency records may receive very different outcomes. This is referred to as *justice by geography*. In general, there is a continuum of dispositional outcomes, from informal probation to long-term secure custody. First-time offenders get less restrictive outcomes, unless the offense is particularly serious. As juveniles reoffend, extending their delinquency records, the dispositional options become more formal and punitive, especially if juveniles appear unwilling to accept treatment.

Probation can be informal (under no disposition order) or formal (decreed by disposition). *Informal probation* can be very simple, for example, no arrests or referrals for a set period. It can also be a more *formal probation*, in which the juvenile must meet several demands or risk continuing through the juvenile court process. Probation generally involves attending school, meeting curfews, making restitution to victims, performing community service, and undergoing behavioral or substance abuse therapy. The possible conditions are endless, but most juvenile courts have some kind of general probationary guidelines in place. Some probation officers use a certified risk assessment instrument to score the juvenile's needs and apply the appropriate probation plan. Many states now include intensive probation that uses global positioning system monitoring and frequent house visits by the probation officer. Should a juvenile violate the terms of the probation, the probation officer applies to revoke the probation and reinstitute the formal process.

If probation fails to reform, or the offense is serious enough, juveniles may face placement in an institutional setting, which can range from open residential facilities to secure confinement. At the soft end of confinement, juveniles may be sent to treatment programs that use the cottage-style residence. These are often located in rural settings, like the houses of refuge, and such places teach behavior modification, therapy, conflict resolution, and improving self-esteem. Many such programs are privately run and contracted by the state. If juveniles successfully complete the program, they are returned to their families and communities.

Juveniles who are considered beyond treatment or who commit serious crimes are sent to juvenile correctional facilities, which almost always are run by the state. These institutions do provide some treatment programs and education; however, they often resemble adult prisons in

physical arrangement and operation. Such facilities represent the most severe dispositional outcome.

## Future Directions

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As has been noted, the juvenile court has become more criminalized in an environment where public safety concerns have mixed with the rehabilitation goal. The result has been that the assertion of due process rights to protect juveniles from unfair treatment, along with public demands to get tough on violent juvenile offenders, has increased outcome severity. The future is likely to see such mixed practices continue. For example, mandatory transfer decisions will continue to be revised to include specific offenses or a combination of offense and prior record. Also, prosecutors are also likely to gain influence in transfer decisions. This is especially likely if juvenile crime rates increase again after a period of decline. On the other hand, adjustments such as reverse waiver allow juveniles the possibility of reprieve from mandatory guidelines. Like the adult criminal justice system, juvenile court judges will continue to lose discretion in their decision making for serious offenses.

The most prominent reform that will affect the juvenile justice system is *restorative justice*: the philosophy that informs practice, like the idea of "best interests" from the early days of the juvenile court. Restorative justice asserts that the offender has harmed individuals and the local community, not the state. The offender should therefore make restitution to the victims and community through mediation and community service. Although community service and monetary restitution have been common aspects in juvenile court sanctions, they must be connected to the offense in order to address the needs of restorative justice. Treatment for juvenile offenders (education, vocational skills, or anger management) is also an important component of restorative justice because it facilitates the juvenile's ability to complete the restorative process.

Restorative justice has received favorable assessment by agencies that have adopted it; however, researchers have not sufficiently supported it empirically. Although restorative justice attempts to reorient the juvenile justice system away from punishment, it does not expressly seek to reduce recidivism; thus, its future adoption across the United States is unlikely to be embraced beyond restorative justice advocates unless it also demonstrates practical utility, such as reducing crime. In addition, the promise of reforming the juvenile court in favor of benevolent treatment over punishment is no guarantee of success, as history has shown.

One final future trend that appears to be helpful is the implementation of empirically established practices and policies. Often called the "what works" paradigm, researchers and funding agencies collaborate to find out why some programs work while others, even promising ones, fail to be implemented successfully. For example, the Drug Abuse Resistance Education program (D.A.R.E.),

although wildly popular in many communities, has failed to reduce drug abuse among teens. On the other hand, a similar education program aimed at keeping kids out of gangs—Gang Resistance Education and Training (GREAT)—has had successful evaluations.

The history of the control and rehabilitation of juveniles in the United States has proven to be good intentions that have failed. Although the fundamental idea of treating juveniles rather than punishing them is appealing, only close attention to policy reforms will prevent future unanticipated consequences.

## References and Further Readings

- American Bar Association. (1995). *A call for justice: An assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, DC: American Bar Association Juvenile Justice Center.
- Bernard, T. J. (1992). *Cycles of juvenile justice*. New York: Oxford University Press.
- Breed v. Jones, 421 U.S. 519 (1975).
- Burruss, G. W., & Kempf-Leonard, K. (2002). The questionable advantage of defense counsel in juvenile court. *Justice Quarterly*, 19, 37–68.
- Feld, B. C. (1991). Justice by geography: Urban, suburban, and rural variations in juvenile justice administration. *Journal of Criminal Law and Criminology*, 82, 156–210.
- Feld, B. C. (1993). *Justice for children: The right to counsel and the juvenile courts*. Boston: Northeastern University Press.
- Feld, B. C. (1999). *Bad kids: Race and the transformation of the juvenile court*. New York: Oxford University Press.
- In re Gault, 387 U.S. 1 (1967).
- In re Winship, 397 U.S. 358 (1970).
- Kempf-Leonard, K., Pope, C., & Feyerherm, W. (1995). *Minorities in juvenile justice*. Thousand Oaks, CA: Sage.
- Kent v. United States, 383, U.S. 541 (1966).
- Krisberg, B., Lisky, P., & Schwartz, I. (1984). Youth in confinement: Justice by geography. *Journal of Research in Crime and Delinquency*, 21, 153–181.
- McKeiver v. Pennsylvania, 403 U.S. 528 (1971).
- Platt, A. (1977). *The child savers: The invention of delinquency* (2nd ed.). Chicago: University of Chicago Press.
- Rothman, D. J. (1971). *The discovery of the asylum*. Boston: Little, Brown.
- Rothman, D. J. (1980). *Conscience and convenience: The asylum and its alternative in progressive America*. Boston: Little, Brown.
- Siegel, L. J., & Tracy, P. E. (2008). *Juvenile law: A collection of leading U.S. Supreme Court cases*. Upper Saddle River, NJ: Pearson Prentice Hall.

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## FELON DISENFRANCHISEMENT

J. EAGLE SHUTT AND GENNARO F. VITO

*University of Louisville*

In general usage, the term *felon disenfranchisement* refers to the restriction of voting rights for convicted felons. Broadly speaking, felon disenfranchisement is a part of a larger category of collateral civil consequences, both formal and informal, that affect the status of convicted offenders, including residential restrictions, gun ownership bans, financial benefit exclusions, lost employment opportunities, decreased status, and social stigma (LaFollette, 2005; see Uggen, Manza, & Thompson, 2006, p. 297). A *felon* is an individual convicted of an offense that typically carries a maximum penalty of at least 1 year in jail. Although almost all (48 out of 50) American states have felon disenfranchisement laws, these policies have become increasingly controversial in terms of their impact on elections. For example, Manza and Uggen (2006, p. 191) estimated that the exclusion of felons from voting provided “a small but clear advantage to Republican candidates in every presidential and senatorial election from 1972 to 2000” (p. 194). Specifically, they asserted that Democratic candidates would likely have prevailed in Texas (1978), Kentucky (1984 and 1992), Florida (1988 and 2004), and Georgia (1992; Uggen & Manza, 2006).

Proponents of felon disenfranchisement argue that such policies serve deterrence, retribution, and efficiency rationales (i.e., they deter future crime, punish offenders by excluding them from community political participation on moral grounds, and are necessary to ensure the proper functioning of democratic institutions). Critics, however,

contend that felon disenfranchisement does not deter crime; undermines postconviction integration into society; originates from racial discrimination; and disproportionately excludes particular demographic segments, such as African American males, from political participation.

Because felon disenfranchisement affects the civil rights of nearly 5 million voters (over 2% of the eligible voters), critically evaluating its rationales remains a significant criminal justice policy issue (Manza & Uggen, 2004). Compounding the problem is America’s unprecedented incarceration binge over the last quarter century, wherein prison populations quadrupled from 500,000 to 2,000,000 (Currie, 1998; Richards, Austin, & Jones, 2004). This chapter first traces felon disenfranchisement’s history to its modern forms and reviews its current legal status. Then rationales for and against felon disenfranchisement are presented and evaluated in light of criminology and criminal justice research. The chapter concludes with sociology of law explanations for felon disenfranchisement and American trends therein.

### History

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As a practice, felon disenfranchisement has ancient roots (“The Disenfranchisement of Ex-Felons,” 1989; Johnson-Parris, 2003; Manza & Uggen, 2004). In ancient Greece, offenders pronounced “infamous” were ineligible to vote,

appear in court, attend assemblies, or serve in the military. In ancient Rome, infamous Romans lost suffrage and military service rights. In Anglo-Saxon England, outlawed offenders lost all rights to legal protection for life and property. In post-Norman England, “attainted” offenders—those convicted without trial by the legislature under bills of attainder—lost their civil rights to own property. The English-derived felon disenfranchisement tradition is based on the feudal doctrine of *corruption of the blood*, a legal fiction wherein the disenfranchisee and his or her entire family are presumed unworthy of the body politic. Most colonial governments adopted British statutes and common law wholesale and therefore inherited felon disenfranchisement policies with neither debate nor explicit justification. Enfranchisement was typically limited to white male property holders. Typical statutes permanently forbade felons from voting and holding public office, although felons could testify and hold property.

Post-independence America’s felon disenfranchisement trends are unique in the modern world. The general trend worldwide has been to eliminate permanent voting restrictions (Manza & Uggen, 2004). Similarly, the general American trend has been toward increasing electoral enfranchisement, as evidenced by ratification of the Fifteenth (1870) and Nineteenth (1920) Amendments and passage of the Voting Rights (1965) and National Voter Registration (1993) Acts, passage of motor-voter laws, and the elimination of Jim Crow voting literacy tests. By contrast, there has been no clear trend toward inclusion in American felony disenfranchisement laws, in part because of the absence of any national standard allowing each state to establish its own policy. In general, prisoner disenfranchisement increased from 1860 to 1880 and remained steady thereafter. Likewise, probationer disenfranchisement spiked over roughly the same period and remained consistent for nearly a century.

After the Civil War, felon disenfranchisement became increasingly significant as a tool to marginalize African American political power, following voting privileges granted by the Fifteenth Amendment (Johnson-Parris, 2003). Felon disenfranchisement laws had originally emerged as artifacts of British law adopted by some colonial governments along with all British common law without recorded discussion. Unsurprisingly, colonial legislative records typically offered no clear rationale in favor of felon disenfranchisement. In 1790, just 3 of 13 states forbade non-white suffrage. By 1800, most states had restricted suffrage to white male property owners, and by 1840, 20 of 26 states had done so. In light of the possibility of slave uprisings and high proportions of slaves in the general population, antebellum slave states created explicit formal systems for slave restrictions, typically forbidding voting, mobility, property rights, and education. The infamous *Dred Scott* (1857) decision rubber-stamped the total disenfranchisement of African Americans by declaring them chattel without the possibility of citizenship.

However, in the post-Reconstruction South, southern whites faced the loss of political hegemony, which they countered by a matrix of formal and informal systems of social control, such as Jim Crow laws, voting literacy tests, interracial marriage bans, segregationist institutions, and racist norms. Because African American voting privileges could not be limited by explicit legislation, under the Fourteenth and Fifteenth Amendments southern whites fashioned facially neutral but racially pretextual legislation to reduce African American voting influence.

Many felon disenfranchisement laws were passed for the first time in the late 1860s and the 1870s, when African American suffrage first emerged (Behrens, Uggen, & Manza, 2003). Just as slaves had been, ex-slaves were perceived as both threats to white rule and potential resources (Adamson, 1983). Post-Reconstruction white supremacy advocates preyed on the prejudices and fears of their constituents to promote ideology and harsh treatment for ex-slaves:

Real or imaginary threats to community order will give rise, on the one hand, to harsher treatment of those individuals or groups singled out as threats, and, on the other hand, will increase group solidarity. One of the ideological techniques used by the Democrats to gain control over southern legislatures in the 1870s was to brand the radical Republicans as traitors. The Redeemers played on the fears of the southern white population, describing the alliance of carpetbaggers, scalawags, and blacks, who were exercising their newly acquired right to vote and thereby keeping the Republicans in power, as a corrupt plot. The very foundations of southern civilization were allegedly threatened by the radical Republican state governments. (Adamson, 1983, p. 563)

Legislative records frankly acknowledged the utility of felony disenfranchisement laws in restricting African American suffrage. For example, non-whites made up just 2% of Alabama’s system in 1850 but 74% by 1870 (Manza & Uggen, 2006, p. 57), allowing for a convenient tool for excluding minority voters. Independently, the passage of restrictive felon disenfranchisement laws has been correlated with the presence of minorities: Between 1850 and 2002, states with higher proportions of non-whites passed more restrictive felon disenfranchisement laws, even when controlling for potential confounds of time, region, interracial economic competition, and punitiveness (Manza & Uggen, 2004, p. 493). As a consequence of the package of civil rights restrictions, African American voting influence dropped dramatically nationwide: for example, from 70% eligibility in Mississippi in 1867 to 6% in 1890 (Johnson-Parris, 2003).

Felon disenfranchisement laws thus expanded contemporaneously with the Black Codes and may be accurately viewed as a package of formal social control measures aimed at perpetuating, or reinstating, the antebellum status quo. The Black Codes helped segregate ex-slaves, force them into hiring-out/sharecropping systems, and prosecute violators, who were often individuals who broke labor contracts. Particularly in areas with high concentrations of

ex-slaves—the legacy of intensive slavery in southern states—African American voters were potential threats, particularly if they organized to form an effective voting bloc. The effect of these new measures was to help keep ex-slaves in their preslavery status, that is, “propertyless rural laborer[s] under strict controls, without political rights, and with inferior legal rights” (Stampp, 1965, p. 79).

America’s century of rising incarceration rates has dramatically expanded felon disenfranchisement’s scope. Incarceration rates nearly doubled from 1925 to 1980 but quadrupled from 1980 to 2000 (Manza & Uggen, 2006). As a consequence, while 75 Americans per 100,000 were incarcerated in 1925, nearly 480 Americans per 100,000 were incarcerated in 2000. America’s incarceration rates lead the world and are quintuple those of England and Wales. The consequence of the increased use of incarceration is a corresponding linear increase in disenfranchisement rates. The increase becomes more disturbing when one considers that, in many states, felon disenfranchisement continued after release from criminal justice supervision.

Currently, America is among only a handful of countries worldwide that disenfranchise unincarcerated felons. Although the modern-day scope of American felon disenfranchisement is in flux, several clear trends have emerged since 1950 (Manza & Uggen, 2004, p. 493). First, nearly all American states continue to exclude prisoners from voting, a figure that has actually increased 10% to its current total of 48. Although the majority of states exclude active probationers and parolees from voting, state exclusion rates decreased substantially from 1950 to 2002 (from 84% to 58% and from 84% to 70%, respectively). Although 70% of states permanently disenfranchised felons in 1950, less than 30% did so by 2002. In sum, although prison disenfranchisement has remained nearly ubiquitous, felon disenfranchisement, in its other forms, has exhibited consistent decreases over time.

Perhaps the most startling fact of felon disenfranchisement has been its explosive growth. In lockstep with the burgeoning incarceration rates since 1980, the criminal justice system has cast an increasingly wide net:

All categories of correctional populations—prisoners, parolees, jail inmates, and probationers—have grown at astounding rates since the 1970s. . . . [A] total of 7.0 million people were under some form of correctional supervision in 2004, relative to 1.8 million as recently as 1980. Prisons and jails in the United States now house more than 2.2 million inmates, representing an overall incarceration rate of 726 per 100,000 population. . . . By comparison, approximately 210,000 were imprisoned in 1974, or 149 per 100,000 adult U.S. residents. In 1980, there were only 1.1 million probationers and 220,000 parolees, compared to more than 4.1 million probationers and 765,000 parolees in 2004. (Uggen et al., 2006, p. 285)

Thus there are now far more disenfranchised individuals than ever before.

Felon disenfranchisement affects over 5 million Americans (Manza & Uggen, 2004). Despite formal tallies, the actual

scope of felon disenfranchisement remains a dark figure. The nearly 300,000 inmates serving jail time for misdemeanors and over 300,000 unconvicted pretrial detainees typically cannot vote because of incarceration. Likewise, many otherwise eligible felons may be unaware, because of ignorance, of the restoration of their voting rights (Uggen & Manza, 2004a). Reflecting state variations in policy and demographics, some states disenfranchise far larger voting populations than others. Florida, for example, disenfranchises over 1 million people, whereas two states disenfranchise none.

The astounding increase in disenfranchisement has had a magnified effect on marginalized socioeconomic groups, such as African Americans, who are disproportionately marginalized. One in 6 African American men cannot vote (Manza & Uggen, 2004). Felon disenfranchisement effects go beyond this relatively high figure, however, if, as estimated, 1 in 3 African Americans will go to prison during their lifetimes (Bonczar, 2003).

Correctional surveys have consistently identified a Democratic skew in felon disenfranchisee preferences. According to the Survey of Inmates of State Correctional Facilities (U.S. Department of Justice, 2000), in every presidential election from 1972 to 2000 correctional populations favored Democratic candidates, with values ranging from 66.5% (President Jimmy Carter, in 1980) to 85.4% (President Bill Clinton, in 1992). In other words, at least two thirds of all prisoners favored Democratic candidates, with popular Democrats receiving support from 6 of 7 prisoners. Resolving how many disenfranchised voters would have actually voted was problematic, however, in several ways. First, almost every state disallowed prisoners from voting and, because many potential Democratic voters remained incarcerated, they would have been unable to vote. Second, it appears unlikely that America’s voter policy toward incarcerated individuals will change in the short term; in other words, incarcerated individuals will be unlikely to vote over the next generation. Further complicating voting estimation is the fact that disenfranchised felons may have been less likely to vote than general voters. Because disenfranchised felons comprise a unique segment of society, they could not be assumed to have mirrored national turnout rates.

Using a counterfactual research strategy, Manza and Uggen (2006) examined whether felon disenfranchisement affected past elections:

Would election outcomes have differed if the disenfranchised had been allowed to vote? To fully answer this counterfactual question, we must determine how many felons would have turned out to vote, how they would have voted, and whether those choices would have changed the electoral outcomes. If so, a closely related consideration is whether disenfranchisement has affected public policy through feedback processes tied to these electoral outcomes. (p. 782)

Manza and Uggen (2006) adopted a two-part strategy for estimating felon disenfranchisement voter turnout and



choice. First, they matched the felon population to similarly situated voters in the voting-age population and assumed that the felons would demonstrate similar voting characteristics, based on National Election Study data. Second, they estimated voting preferences using data from the Survey of Inmates of State Correctional Facilities Series (U.S. Department of Justice, 2000). They concluded that disenfranchisement policies altered the outcome of the 2000 election. In addition, controlling for changes in conviction rates over time, existing policies and demographics would have cost the Democrats the 1960 and, possibly, the 1976 presidential elections, which were relatively close. Of the over 400 senatorial elections from 1978 to 2002, Manza and Uggen found that seven outcomes would likely have been reversed if not for felon disenfranchisement. Although these outcomes represented a small minority of overall elections, they were significant overall considering the U.S. Senate's chronically narrow party margins.

There is a conspicuous absence of felon disenfranchisement research into voter preferences of probationers and parolees, who are more likely to be enfranchised in the future than prisoners. Instead, prisoner surveys have typically been used as a means of inferring probationer/parolee preferences. Such estimates suffer from an obvious confound in that probationer/parolee preferences may differ from prisoner preferences. Also, such estimates may be inaccurate because they fail to account for geographical diversity. Prisoners tend to be concentrated in various locales across states and often are housed outside their domiciles. Consequently, such surveys may not be predictive of disenfranchisement trends in particular counties, in particular those involving urban and rural contrasts. Surveys of probationer/parolee preferences, including voting preferences and turnout likelihood, would potentially provide more accurate measures of voting disenfranchisement effects. The importance of direct surveys is underscored by the quadrupling of probationers and parolees from 1980 to 2004 (Uggen et al., 2006).

## Legal Status

There is no uniform federal standard for felon disenfranchisement; instead, such policies have been left to individual states to determine. Unsurprisingly, states now exhibit considerable variation in felon disenfranchisement laws, restricted in scope only by constitutional and federal statutory limitations. Although frequently challenged, felon disenfranchisement laws have been consistently upheld. Typical objections fall into three main categories: (1) the Eighth Amendment Cruel and Unusual Punishment Clause, (2) the Equal Protection Clause, and (3) the Voting Rights Act.

The U.S. Supreme Court has generally adopted a hands-off policy concerning disenfranchisement rationales. Eighth Amendment challenges have generally

been upheld when the punishment for the crime is disproportionate or excessive. Such considerations are contextual, based on evolving standards of decency in a community. In a non-felon disenfranchisement case, *Ewing v. California* (2003), the court ruled that, although punishment may have deterrence, retribution, incapacitation, and restoration rationales, the courts must generally defer to the legislature in choosing and justifying particular punishment. Relying on *Ewing*, modern courts typically will not question the utility of felon disenfranchisement policies.

In *Green v. Board of Elections* (1967), the 2nd Circuit Court of Appeals declared that felon disenfranchisement was not an Eighth Amendment violation because it was civil, and not penal, in nature. Moreover, even if penal, such a practice would not have qualified as cruel and unusual by the Constitution's framers because the practice was widespread at the time. Likewise, the court rejected an equal-protection argument, applying a reasonable justification test rather than a stronger test, such as strict scrutiny. The court also noted that the Fourteenth Amendment's Section 2 appeared to allow for felon disenfranchisement, observing that it acknowledged possible restrictions of voting rights for citizens who participate "in rebellion, or other crime[s]." In ruling, the court adumbrated a social contract rationale for felon disenfranchisement, reasoning that a felon has broken the social contract and may be disqualified from participation in the political franchise. This social contract reasoning became precedent for subsequent courts.

*Green's* Fourteenth Amendment analysis was endorsed by the U.S. Supreme Court in *Richardson v. Ramirez* (1974). The appellants argued that, under the Equal Protection Clause, felon disenfranchisement, as a practice, must be supported by more than reasonableness but by a compelling state interest. Moreover, such exclusion hindered felon rehabilitation. The court ruled that an equal-protection analysis was unwarranted because felon disenfranchisement was countenanced by Section 2 of the Fourteenth Amendment. The court avoided the rehabilitation issue altogether by deferring to the legislature.

However, in *Hunter v. Underwood* (1985), the Supreme Court showed a willingness to strike down a felon disenfranchisement policy that was originally intended to discriminate against a particular group on the basis of race. The plaintiff challenged the constitutionality of a state constitutional provision that denied voting privileges to individuals convicted of crimes of moral turpitude. After analyzing Alabama's constitutional convention of 1902, the court concluded that the moral turpitude ban was a product of racial discrimination. It also concluded that the Fourteenth Amendment's Section 2 was not intended to shield racial discrimination that was otherwise violative of the Equal Protection Clause.

The Voting Rights Act (1965), Section 2, created a new stumbling block for felon disenfranchisement by prohibiting voting practices or procedures that discriminate against a particular group of individuals on the basis of race or

color. Prior to the act, whites had often used literacy tests and poll taxes to exclude African American voters; however, there is convincing evidence that felon disenfranchisement was an extra tool of vote dilution that was calculated to diminish a minority group's voting power.

Thus far, no Voting Rights Act claim has resulted in a successful challenge to felon disenfranchisement. In *Hayden v. Pataki* (2006), a convicted New York prisoner claimed that felon disenfranchisement violated the Voting Rights Act's Section 2, arguing specifically that the historical nature of felon disenfranchisement and its disproportionate impact evidenced its intent to discriminate against a group of individuals on the basis of race. The Second Circuit Court of Appeals denied the petitioner's appeal, arguing that, in New York's case, there was no clear record of legislative intent to discriminate. In addition, Congress did not clearly intend to apply the Voting Rights Act to felon disenfranchisement policies but rather to other types of exclusionary devices, such as literacy tests. The appeals court noted, for example, that Congress had the opportunity to include felon disenfranchisement specifically but failed to do so. Likewise, they cited *Richardson's* analysis that felon disenfranchisement was constitutional under the Fourteenth Amendment, unless otherwise violative of equal protection.

To summarize these cases, courts have tended to defer to legislatures in setting felon disenfranchisement policies. Likewise, courts have been reluctant to infer discriminatory intent in disenfranchisement, even when there is clear evidence of discriminatory impact. At the same time, felon populations have little economic and political clout, as is discussed later. As a result, the utility and impact of felon disenfranchisements are virtually unregulated.

## Policy Rationales and Their Empirical Assessment

Legalities aside, felon disenfranchisement's utility remains problematic. Modern proponents have marshaled numerous nondiscriminatory rationales in favor of felon disenfranchisement, some of which have been subject to empirical assessment. Standard rationales for continued disenfranchisement fall into three general categories: (1) crime reduction/deterrence, (2) retribution, and (3) system efficiency. In the sections that follow, each category is presented and critically evaluated.

### Crime Reduction/Deterrence

Felon disenfranchisement has been rationalized as a crime prevention tool in that the threat of such a legal sanction serves as a deterrent to future crime. In other words, a rational actor would view the risk of disenfranchisement as a disincentive and therefore exhibit a decreased likelihood of committing crime. However, no extant research supports a deterrent effect. To establish a clear deterrent effect

would require a longitudinal data set with voting rights, conviction records, and postdisenfranchisement conviction records, as well as suitable control variables.

Critics counter that felon disenfranchisement is actually criminogenic (see, e.g., Cholbi, 2002). Viewed in the broader context of criminological and criminal justice theory and research, a deterrence rationale seems farfetched. Even extreme punishments such as the death penalty have exhibited no deterrent effects on crime. Moreover, offenders frequently exhibit low self-control, which may lead them to ignore long-term effects (e.g., disenfranchisement) in favor of short-term gratification. The assumption that all prospective offenders are even aware of the electoral consequences of criminal convictions is dubious. In any event, high-criminality offenders tend to have weak social bonds and may discount the value of enfranchisement. Similarly, felon disenfranchisement may increase criminality by impeding civic reintegration and thereby weakening social bonds. Using longitudinal data, for example, Uggen and Manza (2004b) found that individuals who voted were less likely to commit crimes. However, the finding was weakened by reliance on self-report voting and criminal behavior as controls to simulate the effect of enfranchisement on criminal behavior. In other words, the study did not actually test the effect of prospective disenfranchisement on future criminality; neither did it directly test the effect of past disenfranchisement on future criminality.

### Retribution

Felon disenfranchisement is often justified as retribution, which is itself supported by normative discourse. Such rationales typically assert that felons have violated group norms and therefore deserve punishment (Altman, 2005) or at least are justifiably disenfranchised during imprisonment (Lippke, 2001). While ignoring deterrence considerations, modern retributive rationales typically do not support punishment as an end in itself but rather as an expression of group will, which itself serves a useful, integrative purpose by establishing clear boundaries of acceptable behavior and thereby fostering group cohesion. A retribution rationale implicitly assumes that there is widespread community support for felon disenfranchisement. Perhaps more important, retribution brings satisfaction to victims of crime, which is an underestimated purpose of criminal justice systems. Following this reasoning, felon disenfranchisement as retribution may strengthen group solidarity and norms while increasing victim satisfaction.

The broad scope of current felon disenfranchisement policies has received only mixed public support. In general, there is widespread support for felon disenfranchisement for felons serving active prison sentences (Cholbi, 2002). However, public support for felon disenfranchisement typically varies by offender status and conviction type. Although there is strong public support for felon disenfranchisement of prisoners and offenders who have

committed certain serious or violent felonies, 80% of the public favor reenfranchisement for felons after completing their criminal justice supervision (Manza, Brooks, & Uggen, 2004).

Unfortunately, no research has found benefits flowing from disenfranchisement. Proponents typically argue in philosophical or moral terms but lack any empirical basis to assert that disenfranchisement strengthens norms or group solidarity. By contrast, however, critics charge that such policies are unfair and immoral in that there is a clear disproportionate impact on minorities, specifically African Americans. In 1998 elections, for example, at least 10 states formally disenfranchised 20% of African American voters (“Felony Disenfranchisement,” 1999).

Proponents have argued that felon disenfranchisement is not a punishment at all but a civil action (Deigh, 1988), which may obviate the need for standard punishment justifications or legal analyses. Though effective in legal contexts, such arguments seem implausible and/or like splitting hairs in other normative contexts, because the loss of a right or privilege as the result of criminal behavior typically qualifies as punishment. In addition, felon disenfranchisement policies make no distinction for offense severity, counterintuitively treating minor and major felonies equally. Critics (see, e.g., Cholbi, 2002) have argued that felon disenfranchisement policies would be more rational if they accounted for offense severity, although justifying such distinctions or gradations among felonies would prove problematic.

### System Efficiency

Harkening back to feudal doctrines, a common rationale for felon disenfranchisement is based on social contract and moral competence. The felon, it is argued, has violated the social contract and is thereby excluded from the privileges of the body politic (Johnson-Parris, 2003). A related argument is that such exclusion is necessary and justified to ensure the efficient working of the political system, or the purity of the ballot box (Manza & Uggen, 2006). Allowing felons to vote would presumably compromise the independence and integrity of the criminal justice system.

Proponents of ballot box purity appear to base their support of felon disenfranchisement on unproven assumptions. Even if felon disenfranchisement were allowed, it is by no means clear that previously disenfranchised felons would base their voting preferences on a candidate/party’s penal policy:

No evidence suggests that ex-felons would base their votes solely, or even partially, on a candidate’s positions on penal issues rather than other matters of policy and politics. Furthermore, even if ex-offenders were to base their votes on matters of criminal justice, it does not follow that their positions on these matters necessarily would be more permissive than those of the population as a whole. (“The Disenfranchisement of Ex-Felons,” 1989, p. 1303)

In other words, if the point of disenfranchisement is to protect the integrity of the criminal justice system, it is by no means clear that disenfranchisement would do so, casting doubt on the significance/utility of excluding felons from voting.

By contrast, critics have argued that excluding mass numbers of felons impairs, rather than promotes, system efficiency, in that the broad scope of felon disenfranchisement results in democratic contraction (Uggen & Manza, 2002). The exclusion of African American voters has impacted close election outcomes, such as the 2000 presidential election and Kentucky’s 1984, 1992, and 1998 senate races. In the last, Republican Jim Bunning defeated Democrat Scott Baesler by 7,000 votes; however, Kentucky’s felon disenfranchisement laws at that time permanently excluded felons from voting, eliminating 6,000 African American prisoners and 7,600 African American probationers and parolees, as well as thousands more permanently disenfranchised African American voters. In the election itself, the vast majority of African American voters voted Democratic (“Felony Disenfranchisement,” 1999). Afterward, Kentucky amended its policy to ease felon reintegration by allowing felons to apply for reenfranchisement. Unsurprisingly, however, Kentucky Republicans, such as Senator Mitch McConnell, have continued to support felon disenfranchisement (Manza & Uggen, 2006, p. 12). As a barrier to reenfranchisement, Republican Governor Ernie Fletcher ordered that felons be required to write an essay, which resulted in a slower rate of reenfranchisement and favored Republicans. His successor, Democratic Governor Steven Beshear, eliminated the essay requirement altogether, which favored Democrats.

Perhaps most disturbingly, the racial skew of felon disenfranchisement has only widened since President Ronald Reagan’s war on drugs. Drug incarceration rates increased faster than any other incarceration type during the past quarter century. Whereas drug crimes accounted for 10% of incarcerations in 1974, by 1997 they comprised 26% (Uggen et al., 2006). Much of the increase resulted from crack cocaine interdiction efforts, which disproportionately involved African Americans. African American incarceration rates, which were already higher than white rates, increased approximately 275% from 1980 to 2004, whereas white rates increased less than 100% over the same period.

Compounding system impairment are the formal and informal collateral consequences of felony convictions, which severely impact an offender’s life chances. Incarcerated felons typically leave prison with little or no money. While incarcerated, their families suffer economic hardships. Upon release, ex-felons face difficulties in securing employment, and certain professional jobs are forever closed to them. A felony record carries a permanent social stigma. Felon disenfranchisement provides yet another barrier to civic reintegration. Overall, an ex-felon’s

reduced opportunities have an intergenerational character that affects the life chances of their children, because being an ex-felon provides them with less social capital.

## Sociology of Law Explanations

Sociology of law explanations of felon disenfranchisement are descriptive and not prescriptive in that they typically ignore the relative merits of felon disenfranchisement rationales while focusing on the underlying causes of the policies themselves. Functionalist theory, social distance theory, conflict theory, and culture of control theory provide four influential theoretical explanations for felon disenfranchisement, which are considered in order.

Talcott Parsons's (1951, 1952/1954, 1982) *functionalism*, the dominant American sociological perspective until the 1960s, analogizes any social system to an organism, which depends on specific organs to carry out specific functions necessary for the organism's survival. Under functionalism, any system, including the criminal justice system, can be divided into four interdependent subsystems corresponding to (1) economy, (2) policymaking, (3) policy enforcement, and (4) norm transmission/pattern reinforcement spheres. Should any subsystem's functions fail, all the subsystems would fail. For example, the failure of the economy would lead to the collapse of the other subsystems. Policymakers are individuals who have accepted the role of legislators. In playing their roles, the legislators employ means–end reasoning and rationality to devise policies to support the three subsystems. For example, a legislator may support a law in favor of felon disenfranchisement if the legislator decides, in his or her role as policymaker, that felon voting is bad policy that might adversely affect the independence of the policymaking subsystem or the efficacy of the policy enforcement subsystem. Functionalist analysis lends itself to consideration of the relative merits of felon disenfranchisement policies. The oft-criticized weakness of the functionalist approach, however, is that policymakers are not always disinterested, rational decision makers working in unison for the public good; instead, their decisions are inextricably bound with their personal interests and prejudices and often in direct conflict.

In *social distance theory*, Donald Black (1970, 1979, 1998, 2000) has argued that social distance between individuals increases the likelihood and extent of formal social control between them. Unlike physical distance in a multi-dimensional physical environment, social distance is socially constructed and corresponds to the perceived configurations of individuals in social space. For example, individuals of similar socioeconomic status and cultural backgrounds may perceive themselves as socially close, whereas individuals of divergent status and cultural backgrounds may perceive themselves as socially distant. Black predicted that social distance affects macrolevel behaviors, such as law making and law invoking. Unlike gravity, social repulsion actually increases with social distance.

Thus, Black predicted that the greater the social distance between two groups, the more likely that one group will create and invoke laws regulating the interaction between the two groups. Black (1998, p. 144) argued that *moralism* can be a consequence of extreme social distance:

[A] tendency to treat people as enemies . . . *Moralism is a direct function of social remoteness and superiority*. Those with the strongest partisans tend to be socially close and superior, while those with the greatest enemies tend to be socially remote and inferior. (p. 144)

In Blackian terms, felon disenfranchisement is the result of extreme social distance between felons and policymakers and their constituents, which in turn leads to feelings of moral superiority justifying exclusionary laws. In other words, the laws themselves are not necessarily justified by public policy rationales but exist because of social distance factors.

Although Karl Marx is famous for his thesis that economics drives political development (Tucker, 1978), modern Marxist thought has morphed into a more general tool of analysis, *conflict theory*, wherein individuals and institutions interact with each other on the basis of self-interest, often driven by an underlying process that is not necessarily apparent to observers (see, e.g., Adamson, 1983; Coker, 2003). Because rational, self-interested actors strive to maximize benefits, and such benefits may occur at the expense of others, individuals and institutions eventually will come into conflict, the end result of which is often conflict and coercion. The empowered will be able to actualize their interests, whereas the powerless will be coerced into accession. In conflict theory terms, felon disenfranchisement is predictable because the empowered legislators tend to be wealthy and supported by the wealthy and the middle class, both of whom disfavor felons as a class. Regardless of the theoretical explanation of felon disenfranchisement, an incontrovertible factor in America's felon disenfranchisement policies is that felons as a rule have relatively little influence in the political marketplace. As a class, felons are typically poor, and their legal status is associated with decreased economic opportunities for both them and their families. Support for felons may cause a politician to be perceived as "soft on crime" and is not politically expedient, especially considering that such felons cannot vote. Thus, regardless of the relative merits of rationales in favor or against felon disenfranchisement, the policies themselves are dictated by the calculi of self-interest.

Like Blackian theory, conflict theory itself lends itself to insidious interpretations of felon disenfranchisement. In arguably the most famous modern expression of conflict theory in criminal justice contexts, Michel Foucault argued that underlying the modern criminal justice system is a technology, discipline, aimed at the production of docile bodies, or mind control. Although the discipline's proponents assert that the technology itself is oriented toward public safety and treats everyone equally, the technology itself is focused on

what policymakers perceive as groups that threaten their power base, such as terrorists, felons, or potentially even minority groups. If certain elected officials predict that felons and African Americans would not support their reelection, these same officials would likely oppose felon enfranchisement, regardless of public policy justifications. The criminal justice system itself thus becomes a tool for the maintenance of one group's coercive power over another.

In *culture of control theory*, Garland (2002) elaborated on Foucault's arguments, asserting that, since 1970, America has entered into a new punitive phase, wherein policymakers and their public have largely rejected the rehabilitative ideal in favor of an actuarial model wherein offenders are viewed as risks to be guarded against via formal and informal social control measures. Individual safety is of paramount importance, while offender rights and life experiences are discounted. Incarceration and physical separation from offenders are viewed as desirable in that they reduce public risk. As a consequence of this new culture of control, Americans are resisting international trends toward felon enfranchisement.

Theoretical explanations are not justifications and typically contain no moral dimension of "oughtness." They suggest why felon disenfranchisement laws exist without justifying the latter's existence. Nevertheless, these theoretical perspectives provide useful frameworks for evaluating proposed rationales. Whereas a functionalist perspective might take a claimmaker's policy justifications at face value, other perspectives (see, e.g., Coker, 2003) would question the claimmaker's underlying motivations. For example, social distance and conflict theorists would agree that a claimmaker's policy justifications may serve as pretextual covers whereby a claimmaker can self-justify acting on his or her prejudices and self-interest. Consistent with social distance and conflict theories, early American felon disenfranchisement laws appear to have resulted from a conscious desire to oppress minorities, even though they were drafted as facially neutral, targeting no specific group other than felons.

## Conclusion

Current felon disenfranchisement policies reflect punitive American attitudes and court deference to legislatures in punishment. Since the 1970s, the American criminal justice system has moved toward harsher punishments, in stark contrast to trends in Western industrialized nations. Thus, even as the world has moved toward increased electoral enfranchisement, felon disenfranchisement has remained relatively constant in America. Despite clear evidence that many disenfranchisement policies are artifacts of racial discrimination, only a handful of felon disenfranchisement challenges have been upheld. Courts have typically refused to subject felon disenfranchisement policies to strong constitutional tests, such as strict scrutiny. Likewise, they refuse to look for disparate impacts on populations alone, absent a clear discriminatory intent. Facially neutral disenfranchisement laws

have consistently been approved, despite the dilution of minority voting populations. As a consequence, courts have rubber-stamped pretextual tools of exclusion and allowed for the possibility of racial politics.

Although American felon disenfranchisement policies continue to receive broad political support, few criminologists, criminal justice researchers, and/or legal scholars support them, because little empirical evidence suggests that they are effective. Such policies serve as barriers to civic reintegration and are, at least in theory, criminogenic. There is a clear need for a nationwide, longitudinal study of the effects of felon disenfranchisement over time, which might help disentangle the effect of felon disenfranchisement on criminality. Nevertheless, the existing evidence suggests that felon disenfranchisement policies are counterproductive, irrational, and sometimes pretextually discriminatory. Unfortunately, these policy implications have been largely ignored by courts and lawmakers, in part because of the normative nature of discourse surrounding felon disenfranchisement.

Perhaps most disturbingly, felon disenfranchisement has disproportionately affected marginalized economic groups. Often, the parties opposing increased enfranchisement have been the same parties benefiting from disenfranchisement, suggesting that criminal justice policy is, at least partly, a Foucauldian political tool. The consequences of disenfranchisement on affected groups can be long lasting and harmful. If a key goal of effective criminal justice policy is reintegration, then disenfranchisement is pernicious thereto. Cohen (1985) theorized that the strength of social control is related to both formal and informal social control, which together can be conceptualized as an interlocking web. The strongest systems of social control result from effective formal social control measures, accompanied by effective informal social control, which itself may be affected by public perceptions of the legitimacy of formal social control measures. Merton (1936) argued that formal actions, such as laws, regulations, and policies, can have unintended consequences. Assuming, for purposes of argument, that both theorists are correct, felon disenfranchisement may be conceptualized as a purposive attempt at formal social control, accompanied by unintended negative consequences. The disenfranchisement of marginalized groups has disincentivized reintegration, which served no useful public purpose. Likewise, such disenfranchisement may have lowered the adversely affected groups' perceived legitimacy of the criminal justice and political systems, thereby reducing overall social control.

## References and Further Readings

- Adamson, C. R. (1983). Punishment after slavery: Southern state penal systems, 1865–1890. *Social Problems*, 30, 555–569.
- Altman, A. (2005). Democratic self-determination and the disenfranchisement of felons. *Journal of Applied Philosophy*, 22, 263–273.

- Behrens, A., Uggen, C., & Manza, J. (2003). Ballot manipulation and the "menace of Negro domination": Racial threat and felon disenfranchisement in the United States, 1850–2002. *American Journal of Sociology*, 109, 559–605.
- Black, D. (1970). Production of crime rates. *American Sociological Review*, 35, 733–747.
- Black, D. (1979). Common sense in the sociology of law. *American Sociological Review*, 4, 18–27.
- Black, D. (1998). *The social structure of right and wrong* (Rev. ed.). Academic Press.
- Black, D. (2000). Dreams of pure sociology. *Sociological Theory*, 18, 343–367.
- Bonczar, T. P. (2003). *Prevalence of imprisonment in the U.S. population, 1974–2001*. Washington, DC: Government Printing Office.
- Cholbi, M. (2002). A felon's right to vote. *Law and Philosophy*, 21, 543–565.
- Cohen, S. (1985). *Visions of social control*. Cambridge, UK: Polity Press.
- Coker, D. (2003). Foreword: Addressing the real world of racial injustice in the criminal justice system. *Journal of Criminal Law and Criminology*, 93, 827–880.
- Currie, E. (1998). *Crime and punishment in America*. New York: Henry Holt.
- Deigh, J. (1988). On rights and responsibilities. *Law and Philosophy*, 7, 147–178.
- The disenfranchisement of ex-felons: Citizenship, criminality, and the "the purity of the ballot box." (1989). *Harvard Law Review*, 102, 1300–1317.
- Dred Scott v. Sandford, 60 U.S. 393 (1857).
- Ewing v. California, 538 U.S. 11 (2003).
- Felony disenfranchisement removes 1.4 million black men from the voting rolls. (1999). *Journal of Blacks in Higher Education*, 22, 61–62.
- Garland, D. (2002). *Culture of control: Crime and social order in contemporary society*. Chicago: University of Chicago Press.
- Green v. Board of Elections, 380 F.2d 445 (2d Cir. 1967).
- Hayden v. Pataki, Docket No. 04–3886-pr (2d Cir. 2006).
- Hunter v. Underwood, 471 U.S. 222 (1985).
- Johnson-Parris, A. S. (2003). The unconscionable social contract breached. *Virginia Law Review*, 89, 109–138.
- LaFollette, H. (2005). Collateral consequences of punishment: Civil penalties accompanying formal punishment. *Journal of Applied Philosophy*, 22, 241–261.
- Lippke, R. L. (2001). The disenfranchisement of felons. *Law and Philosophy*, 20, 553–580.
- Manza, J., Brooks, C., & Uggen, C. (2004). Public attitudes toward felon disenfranchisement in the United States. *Public Opinion Quarterly*, 68, 276–287.
- Manza, J., & Uggen, C. (2004). Punishment and democracy: Disenfranchisement of nonincarcerated felons in the United States. *Perspectives on Politics*, 2, 491–505.
- Manza, J., & Uggen, C. (2006). *Locked out: Felon disenfranchisement and American democracy*. New York: Oxford University Press.
- Merton, R. (1936). The unanticipated consequences of purposive social action. *American Sociological Review*, 1, 894–904.
- National Voter Registration Act, 42 U.S.C. §1973gg-5(a), (b) (1993).
- Parsons, T. (1951). *The social system*. Glencoe, IL: Free Press.
- Parsons, T. (1954). A sociologist looks at the legal profession. In *Essays in sociological theory*. New York: Free Press. (Original work published 1952)
- Parsons, T. (1982). *On institutions and social evolution*. Chicago: University of Chicago Press.
- Richards, S. C., Austin, J., & Jones, R. S. (2004). Kentucky's perpetual prisoner machine: It's about money. *Review of Policy Research*, 21, 93–106.
- Richardson v. Ramirez, 418 U.S. 24 (1974).
- Stampp, K. A. (1965). *The era of Reconstruction, 1865–1877*. New York: Knopf.
- Tucker, R. C. (Ed.). (1978). *The Marx–Engels reader* (2nd ed.). New York: W. W. Norton.
- Uggen, C., & Manza, J. (2002). Democratic contraction? Political consequences of felon disenfranchisement in the United States. *American Sociological Review*, 67, 777–803.
- Uggen, C., & Manza, J. (2004a). Lost voices: The civic and political views of disenfranchised felons. In M. Patillo, D. Weiman, & Bruce Weiman (Eds.), *Imprisoning America: The social effects of mass incarceration* (pp. 165–204). New York: Russell Sage Foundation.
- Uggen, C., & Manza, J. (2004b). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36, 193–215.
- Uggen, C., Manza, J., & Thompson, M. (2006). Citizenship, democracy, and the civic reintegration of criminal offenders. *Annals of the Academy of Political and Social Science*, 605, 281–310.
- U.S. Const., amend. XV (1870).
- U.S. Const., amend. XIX (1920).
- U.S. Department of Justice. (2000). *Survey of inmates of state correctional facilities series, 1974–1997*. Washington, DC: U.S. Department of Commerce, Bureau of the Census.
- Voting Rights Act, 42 U.S.C. § 1973–1973aa-6 (1965).

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## POLICE–COMMUNITY RELATIONS

JASON SCOTT

*Rochester Institute of Technology*

Police in any democratic society are faced with an inescapable dilemma: Their role requires that they adequately balance the legal authority they have been granted by the public (through government) with their responsibility to protect individual rights and contribute to public safety. Police officers are a walking symbol of government authority. They have the power to stop, detain, question, arrest, and even use deadly physical force when necessary. At the same time, police have to be responsive to the wishes of the public. They must carry out complex tasks while respecting important legal and constitutional protections. The police are occasionally called upon to enforce unpopular laws while attempting to foster or maintain public support. How the police balance these concerns often determines the quality of the relationship that they have with the public. The actions of individual police officers (e.g., the use of excessive force), or policies enacted by a department that emphasize the coercive legal authority of the police (e.g., zero-tolerance policing) may jeopardize public satisfaction. In addition, the quality of police–community relations often contributes to the ability of the police to accomplish goals of public safety. When the public is satisfied with and has confidence in the police, they are more likely to contribute information that may assist the police in solving crimes. When community residents trust the police, they are more willing to work collaboratively with the police to make improvements to neighborhoods. Therefore, there are very real and practical

concerns that should serve to encourage police departments to work on improving the relationships they have with local communities.

This chapter examines these police–community relations. It begins by examining police–community relations from a historical perspective. This discussion centers on an understanding of how the relationship between the police and the public has changed over time. Next, specific approaches that police departments have used to improve police–community relations are explored. Some of these approaches have included specialized police–community relations units, public relations campaigns, and community policing models. Finally, the chapter discusses what is currently known about the state of police–community relations in the United States with a particular focus on resident- and community-level surveys that examine public satisfaction with police service.

### **Modern Police History and Police–Community Relations**

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It is difficult to fully appreciate the modern challenges facing police–community relations without first understanding how the relationship between police and communities has evolved over time. At the same time, in many respects the relationship between police and communities is central to the history of policing. For this reason, this chapter begins

by examining how police–community relations have taken on a different meaning and significance over the past 150 years. Scholars have generally agreed that modern American policing can be divided into three distinct historical periods: (1) the political (mid-1800s–1930s), (2) the reform or professional (1930s–1980s), and (3) the community (1980s–present; Kelling & Moore, 1991). Although no specific event or date can be associated with the transition across these historical periods or eras, they do represent general shifts in the strategies and roles of the police. Consequently, these eras also signify changes in the way police relate to communities.

### **The Political Era (1840–1930s)**

Beginning in the mid-1800s, there was an explosion of municipal police departments in the United States. These early police departments were organized around the neighborhood- or ward-based political systems that dominated this period. It was the local neighborhood politician who provided leadership and oversight over a substantially decentralized system of policing. Employment decisions within police departments were made at the ward level, and jobs were granted based on a system of political patronage. This system rewarded citizens with police work in exchange for their loyalty to the local ward politician who provided them with the job.

The localized nature of policing during this period had very profound consequences for police–community relations. First, it meant that police officers lived and worked in the same neighborhoods as civilians. Police officers and residents tended to share the same socioeconomic, religious, and ethnic backgrounds. As a result, police officers were well acquainted with the local customs, expectations, and values held by that community. Because of their familiarity with their neighborhood, officers were intimately aware of criminal as well as other social problems that plagued their communities. Officers were involved in foot patrol, crime prevention, and general order maintenance, and they also took on important social service activities during the political era. Because of rapid urbanization, officers frequently worked with ward politicians in assisting newly arriving European immigrants with housing, employment, and other social supports. This social service function contributed to the general satisfaction with and support of the police by the community. In fact, fostering a perception of police and political responsiveness among community residents was a goal central to policing during this period.

Although the political era is generally thought of as a period characterized by positive police–community relations, it was not without its problems. Two of the more significant problems during this period were (1) the involvement of police in corruption and (2) limited oversight and supervision of patrol officers. During this period, police involvement in corruption took on a number of different forms. First, because of their close relationship

with communities, officers were susceptible to involvement in criminal activity or the acceptance of bribes in return for the nonenforcement of laws. The later part of the political era coincided with Prohibition and created opportunities for officers to gain financially by protecting illegal drinking establishments or speakeasies. A system of political patronage and the close connection officers had to local ward politicians also made them highly vulnerable to political corruption. Because they provided oversight at neighborhood polling locations, it was not uncommon for officers to have undue influence over public voting decisions or in some instances to intentionally rig elections. The problem of corruption was complicated by the limited forms of managerial oversight and supervision of patrol officers. Unlike the historical periods that would follow, the availability of technologies to monitor and track the location and activities of officers was limited to nonexistent during this era. Patrol officers were afforded considerable discretion in their daily activities, and there was limited motivation to supervise and punish them for wrongdoing given the complicity of managers in political corruption as well. The inefficiency and disorganization that resulted comprised a direct target and impetus for the next historical period, the reform/professional era.

### **The Reform/Professional Era (1930s–1980s)**

In 1931, the National Commission on Law Observance and Enforcement (known as the *Wickersham Commission*) presented its final report to President Herbert Hoover. Among the report's recommendations was a call for increased reliance on civil service to improve the credibility of police hiring and the integration of scientific evidence processing to assist law enforcement. The reform and professionalization movement that occurred during the 50-year period following the Wickersham Commission would profoundly change the face of policing in America. Three of the more significant changes included (1) a shift in the organizational structure of police departments, (2) a new role orientation of policing, and (3) changing demographic characteristics of large U.S. cities. All three of these changes produced new and unique challenges to police–community relations.

A struggle over the control of police departments characterized much of the early reform era. This struggle represented a tension between local ward politicians who wanted to maintain control of their neighborhood precincts and urban reformers who were trying to bring greater structure, organization, and efficiency to policing and government in general. These reforms were part of a larger Progressive movement in American politics that sought to wrestle control from ward-based political machines, centralize decision making at the city level, and eliminate police corruption that was perceived to be a result of political patronage. Although the impact of these reforms was not immediate, the result was a far more centralized, top-down bureaucratic organizational structure.



Within this environment decisions were increasingly made by professional administrators who were more distanced from the realities of the problems and concerns of local communities. In some cities, neighborhood precinct stations were closed in favor of more centralized downtown stations. In other locations, specific policies were developed in an attempt to completely isolate patrol officers from the negative threat of political and criminal influence that had previously existed. For example, during a period of time in Philadelphia it became illegal for patrol officers to live and work in the same beat (Kelling & Moore, 1991). Although many of these reforms laid the groundwork for increased professionalization within policing, these gains were frequently accomplished at the expense of police–community relations. The centralization of police departments created more isolation and social distance among police administrators, patrol officers, and residents of local communities.

During the political era, a central function of the police was the provision of social services. The professional era marked a transition to a period when the law enforcement functions of the police began to be paramount to what the police did and how police were viewed by the community. The shift to a law enforcement orientation was caused by an interaction between new organizational structures emphasizing professionalism and technological advancements. Some evidence of the emerging professionalism in law enforcement included the adoption of formal qualification standards and specialization. Civil service standards and an increased reliance on recruitment and training ensured that officers were hired not because they were integral members of a community but because they were the most technically qualified for the job. Prior to the professional era, police officers could be considered “generalists” who were required to perform a variety of tasks (e.g., solving interpersonal problems, enforcing laws, providing services). Professionalism, on the other hand, encouraged specialization around specific law enforcement tasks. It was now the function of patrol to respond to emergencies and engage in street-level enforcement of laws. It was the responsibility of investigative units to follow up and solve crimes through good detective work. Vice units now used undercover techniques to investigate illegal narcotics and gambling markets. Police officers were now hired and trained with the expectation that they would be “crime fighters.” The implication of this shift was the de-emphasis of the previously important community-service functions. For many new police recruits the service function was now cynically viewed as social work and as outside of the technical law enforcement responsibilities for which they had been trained and hired.

A number of technological innovations also contributed to the newly emerging and dominant law enforcement orientation of policing. The professional era marked the advent of the automobile, the two-way radio, centralized 911 dispatch, and investigative tools such as latent fingerprint technology. During the professional era the primary tool or mechanism for policing was preventive patrol in a

vehicle coinciding with the quick and rapid response of patrol to dispatched calls for service. An emphasis on efficiency over personal connections with communities signaled the rapid decline of foot patrol. The standardized reporting of crime represented another technological innovation that contributed to the increased law enforcement orientation of policing during the professional era. The Uniform Crime Reports, *clearance rates* (percentage of crimes resulting in arrest), and *response time* (the time it takes for officers to respond to the location of a call) were now the benchmarks by which police departments were to be evaluated.

This new law enforcement orientation had a profound impact on police–community relations. Police service was now delivered in a one-size-fits-all approach that emphasized efficiency and standardization of response. This changed the way officers viewed citizens and their problems. Police were no longer encouraged to develop intimate relationships with residents in an effort to help them solve individual or collective neighborhood problems. As crime control experts, police now began to simply view citizens as a means to information that would allow them to process criminal cases and return to service as quickly as possible. Outside of this passive role, police required very little of citizens and were provided little incentive to engage them. Some of the very technologies that made policing more efficient created a barrier to the continued development of positive police–community interaction. The vehicle represented a physical barrier to police–community interaction, making officers less approachable. Reliance on 911 dispatch meant that the limited interactions that citizens had with police tended to revolve around negative experiences such as criminal victimization or being the subject of a police investigation.

The reorganization of police departments and a changing role orientation emphasizing law enforcement took place during a time when American cities were experiencing significant demographic changes and American society in general was undergoing profound social transformations. The conflict and challenges that emerged in the face of these transformations would ultimately push police departments to reorient themselves once again.

One of the more significant transformations during this time was the emergence of a young counterculture brought on largely by the post–World War II “baby boom” generation. This generation posed a challenge to police on two fronts. First, the emergent young age structure of American society meant that crime rates began to increase in the 1960s and 1970s. Second, police were often called to regulate civil disobedience and protests associated with the civil rights movement and the Vietnam War. As symbols of government authority, police were naturally pitted against a generation that viewed them as part of the problem.

By the middle of the professional era, American cities and the relationship police had with communities looked substantially different than they had 50 to 100 years earlier. At the end of the 19th century, American cities were

characterized by increased urbanization, substantial European immigration, and concentrations of poverty and other social problems. Sixty years later, America was becoming increasingly urbanized; however, inner cities were beginning to lose population to burgeoning white middle-class suburban areas. These same inner-city communities were experiencing a new second wave of immigration represented largely by African Americans arriving from rural southern states and showed a continuation of concentrated poverty and social problems. The most substantial difference between these two periods was the role of the police in mediating these problems. During the political era, police came largely from poor working-class backgrounds, lived and worked in the same neighborhoods, and shared the same racial and ethnic characteristics as neighborhood residents. Because of changing urban demographics, by the 1960s police officers increasingly lived outside of the inner-city neighborhoods that were experiencing increases in crime and urban unrest. Because of professionalization, careers in policing were increasingly viewed as legitimate, middle-class professions. As a result, by the end of the professional era the increasing social, cultural, and racial distance between police and communities emerged as one of the most pressing issues facing the justice system. Public distrust of the police and allegations of racial discrimination and abuses of force were common. From the perspective of the police, an us-versus-them mentality was solidified during a period when officers felt underappreciated as they worked in regularly inhospitable environments. The tension between police and communities came to the forefront during a number of significant race riots in the mid- to late 1960s. As a result, the 1960s marked a period when police–community relations would become synonymous with race relations.

The challenge of race and policing was addressed in two important reports released in the late 1960s. The President's Commission on Law Enforcement and Administration of Justice (whose report was released in 1967) and the National Advisory Commission on Civil Disorders (commonly referred to as the *Kerner Commission*, whose report was released in 1968) both highlighted the need for police departments to bridge the widening gulf between officers and minority communities. Although some efforts to improve police–community relations were made toward the end of the professional era, it was only a signal of more significant changes on the horizon. As police departments moved into the 1980s, new organizational structures, questions about the efficacy of professional models of policing, and recommitments to communities represented a new orientation and a shift into the community era of policing.

### **The Community Era (1980s–Present)**

The professional era successfully accomplished many of the reformers' concerns. Officers were now substantially

more removed from the influence of machine party politics and criminal corruption. Police department functions were more centralized, and they operated with greater efficiency. Recruitment standards and training ensured that officers were better equipped to deal with the technical and legal aspects of law enforcement activities. However, by the end of the professional era it was clear that there were limits associated with the professional model. Research and experiments with different forms of policing began to reveal some challenges to the common assumptions held by the professional model. First, it became clear that a concern for traditional crime (e.g., homicide, assault, robbery, burglary) during the professional era had come at the expense of attention to other problems that police considered less serious. Surveys of community residents revealed a deep concern for physical and social disorder within neighborhoods. Residents and community leaders expressed frustration over the inability of police to address problems such as graffiti, prostitution markets, and drunk and disorderly persons. Coupled with this was the realization that what made residents feel safer and more confident in the police was the more visible and interactive experience of having officers patrolling communities on foot (Wilson & Kelling, 1982). Second, the efficacy of the popularized law enforcement approach—random preventive patrol in a vehicle, rapid response, and follow-up investigation—began to be called into question. Research suggested that this strategy was unrelated to reductions in crime rates or improved apprehension of suspects. Furthermore, critics argued that this strategy limited the ability of officers and departments to appreciate the underlying problems connecting criminal incidents (Goldstein, 1979). Finally, it became apparent that the police were ill equipped to deal with crime and neighborhood disorder problems alone. The professional era encouraged the police to view themselves as experts over a narrow range of legal problems; however, it became readily apparent that the range of problems with which the police were dealing was neither narrow nor strictly legal. In addition, both police officers and police administrators began to realize that their efforts to address these problems were limited without the broad support of community members and other nongovernmental organizations. These recognitions culminated in the development of a new philosophy of policing that is reflected in the community era.

Since the 1980s, policing has been characterized by at least three broad changes: (1) organizational restructuring, (2) a broadening of the police role/function, and (3) greater collaboration with communities. In many respects, some of these developments reflected the ideals of policing that had existed during the political era but had since faded in light of the reform movement. Although the community era represents a new philosophy and way of thinking about policing, it is clear that many police departments continue to cling to remnants of the professional era. In this respect, some police departments have been more successful at

incorporating fragmented elements of community era reforms but less successful at adapting policies, practices, and coordinated strategies consistent with this new model (J. R. Greene & Mastrofski, 1991).

One of the most significant changes in the community era was a shift toward a more decentralized organizational structure of police departments. Decentralization has been accomplished in at least two different ways: (1) the physical restructuring of police departments and (2) the decentralization of decision making. In an effort to increase resident access to police, many departments have reversed the centralization trend popularized during the professional era. In some locations this has been accomplished by opening neighborhood-based storefront police stations. These locations provide a venue for residents to personally contact police officials with concerns or serve as a host location for police–community meetings. Some police departments have accomplished physical decentralization by restructuring police beats or areas of patrol responsibility so they more closely align with neighborhood boundaries. This, in conjunction with the permanent assignment of patrol officers to the same beats, has ensured that officers and communities become more familiar with one another. In the community era, not only are police departments more physically decentralized but also the organizations themselves have become more decentralized. This has meant that more discretion and decision making have been transferred from those at the top of the organization to those closer to the bottom. This change reflects recognition of the great variation in problems, needs, and assets experienced across urban neighborhoods. In the professional era, policies and decisions tended to be standardized and made by administrators who were too often removed from the unique challenges of individual communities. In an effort to be more responsive to the individual needs of communities, patrol officers and middle managers assigned to specific geographical areas have been given far more responsibility and discretion.

The community era has also forced police departments to broaden their focus and to elevate order-maintenance concerns as a priority activity. Police departments are increasingly recognizing that problems of order maintenance are often a precursor to more traditional crime and frequently create more fear and dissatisfaction within communities than do traditional crimes. Order-maintenance issues can include physical disorder such as abandoned buildings, graffiti, and landlords who ignore municipal housing codes. Order maintenance also includes social disorder such as loud parties, open-air drug markets, and teenagers who are skipping school and hanging out on the streets. An increased focus on order maintenance has required police departments to get far more creative in how they go about solving these problems. As discussed later in this chapter, oftentimes this requires the police to consult with residents and community groups in an effort to determine which disorderly problems are most troublesome and

what nontraditional responses might be best suited to addressing them. Alternatively, police have also been experimenting with more traditional law enforcement approaches to deal with order-maintenance issues. Zero-tolerance policing, which has also been referred to as *aggressive order maintenance*, is an approach that has been associated with some reductions in these problems but may also generate more complaints from the public (J. A. Greene, 1999). Therefore, how police departments go about addressing order-maintenance problems represents a critical determinant of police–community relations.

The final defining characteristic of the community era is increased attention to the relationship that the police have with communities. The urban unrest that emerged in the 1960s and 1970s provided dramatic evidence of the need for police departments to take more seriously the relationship they had with communities. With the focus on law enforcement during the professional era there was little incentive for police departments to be concerned with fostering a positive relationship with communities. As experts in crime control, police certainly did not view residents and community groups as equal partners in their fight against crime. An emphasis on order maintenance, the decentralization of police departments, and an increased appreciation for the complexity of crime and urban disorder encouraged police departments to challenge these patterns in the community era. Police are increasingly beginning to view community engagement as a central component of their mission. Within this framework, partnerships and collaboration between police and communities allow these two groups to jointly produce crime control and public safety. Some scholars have referred to this as the *coproduction of social control* (Scott, 2002). Instead of treating crime as isolated incidents, police in the community era have engaged residents and community-based organizations in long-term collaborative problem solving. In accomplishing this effort, police have turned to members of resident-based organizations, such as block clubs and neighborhood associations. Because of their central location within communities, and because they are frequently most vocal in expressing their concerns about neighborhood problems and the quality of police service, these resident-based organizations have been at the forefront of police–community partnerships. Also during the community era police have broadened their partnerships to increasingly include noncriminal justice government and nongovernment agencies. Examples of government agencies involved in these types of partnerships include school districts, municipal code enforcement, youth services bureaus, parks and recreation, and municipal waste management. In the community era police have also increased partnerships with nongovernment agencies that are working directly with local neighborhoods and communities. Examples of these agencies include community development corporations, private corporations, and nonprofit social service agencies.

## Strategies to Address Police–Community Relations

### Police–Community Relations Movement

Efforts to improve police–community relations have intensified during the community era, but attention to this challenge preceded this period by decades. As discussed earlier in this chapter, by the late 1960s American policing was facing a significant community relations crisis; however, the police–community relations movement got its start at least a decade earlier. In 1955, the National Institute on Police and Community Relations was held at Michigan State University. This 5-day conference was cosponsored by the National Conference of Christians and Jews and the Michigan State University School of Police Administration and Public Safety (Carter & Radelet, 1998). This conference, the discussions that it spawned, and the annual conferences that would follow moved the discussion of police–community relations to the forefront of the police agenda. Since the 1950s, a number of specific approaches have been taken in an attempt to address this problem and bring police and communities closer together. These strategies have been as simple as the development of police athletic leagues to support youth development and as complex as completely reorienting the philosophy of entire police departments. Taken as a whole, these strategies can be classified into three broad categories: (1) public relations efforts, (2) community service activities, and (3) community policing.

### Public Relations

Some of the earliest efforts to improve police–community relations can be considered public relations efforts. Although public relations models differ in their scope and approach, they share a number of common characteristics. First, public relations approaches make a common assumption about the cause or origins of poor police–community relations. It is assumed that problems with this relationship exist because the public fails to fully understand the complexity and challenge associated with the job the police are trying to accomplish. Alternatively, poor police–community relations could simply be due to the fact that the public has an inaccurate or unfavorable perception of the police. This underlying assumption lays the foundation for the next characteristic of the public relations strategy. The second common element of the public relations approach reflects efforts to improve the public’s perception of the police. In some respects, this involves reeducating communities about what reasonable expectations they should hold of the police. This strategy has been carried out in a number of ways. Some police departments have created specialized police–community relations units to carry out these efforts. These units are composed of officers who have received special training in police–community relations, and their

focus, in part, is on developing and maintaining a more favorable public image of the police. Other police departments have engaged in media campaigns, hosted open houses at local police precincts, developed civilian ride-along programs, and operated citizen “police academies.” The shared purpose of these activities is to create an environment in which to play host to more positive interactions between police and residents and to assist the police in educating the public about police work. If the public perception of the police is to blame, public relations models simply try to modify these perceptions to ones that are more favorable of the police.

There are a number of problems or limitations associated with the public relations approach. Some critics have argued that the public relations approach simply represents one-way communication between police and communities (Carter & Radelet, 1998); in other words, the police explain to the public what they should expect or how the police can best realistically meet their needs. The trouble with this approach, it is argued, is that it fails to provide an opportunity for residents to voice their concerns to the police. It is important to note that what the police are telling residents they should be concerned with may be completely different from what residents are truly concerned about, or the expectations the police think a community should have of them may be inconsistent with what the community actually expects of the police. The problem with this limitation is that it usually fails to provide an avenue for discussion of the real issues that represent barriers to more positive police–community relations.

A second, but related criticism of some of the public relations strategies is that they may be most effective at reaching an audience that already shares a favorable opinion of the police. This criticism is commonly associated with evaluations of strategies like civilian ride-along programs and citizen police academies. These evaluations have found that civilian participants tend to be individuals who are already overwhelmingly supportive of the police. Also, civilian participants in these programs tend to come from neighborhoods where police–community relations are not serious or challenging issues. In this respect, the residents and communities that the police need to reach out to the most fail to be engaged in any meaningful interaction or dialogue with the police. As a result, the problems of poor police–community relations go unaddressed in the very communities where these issues are most pronounced.

Finally, some critics of the public relations model have observed that the officers who are most active in these efforts frequently are not representative of the typical officer on the police force. Officers selected for police–community relations units, or similar activities, typically receive special training, may already have a more positive rapport with citizens, and are less likely to have had civilian complaints filed against them in the past. This can be problematic for at least two reasons. First, it may encourage the average police

officer to be less motivated to develop positive police–community interactions in his or her day-to-day activities. After all, it can be argued, there are specific officers designed to deal with the hard work of developing these relationships. The second reason this is problematic is that it fails to address the conduct of specific officers who are arguably the target of most civilian complaints. In this respect, the officers engaged in the targeted interactions with citizens are not the officers on the force who are problematic from the police–community relations standpoint. This cosmetic approach frequently fails to deal with the small percentage of the police officers who are generating the majority of citizen complaints and therefore the biggest impediment to more positive police–community relations.

### Community Service

A second strategy that has been used to address police–community relations is community service, which is similar to public relations but provides the addition of a more tangible public safety benefit for communities. Community service efforts recognize that a substantial obstacle to better police–community relations is the public’s perception that the police are not doing enough to address their public safety concerns. Community service has been especially pronounced in the community era as police departments have broadened their role in recognition of the significance of order-maintenance concerns. Community services that police provide are both directly and indirectly related to public safety. For example, police frequently engage in crime prevention activities by assisting residents in organizing neighborhood watch groups, attending community meetings to share crime statistics, providing tips to businesses in an effort to prevent theft, or establishing Drug Abuse Resistance Education (D.A.R.E.) programs in schools. In addition, it has also been common for the police to provide services that may be indirectly related to crime or public safety outcomes. Some of these services include activities for youth (e.g., police athletic leagues), general neighborhood improvements (e.g., working with residents to clean up a community park), or actively referring citizens to other public and private agencies that can address non-law enforcement problems.

The goal of community service activity is to increase the positive interactions that communities have with the police, to improve public perceptions of the police, and to meet real needs that are expressed by community members. The strength of the community service approach is that, unlike public relations models, community members receive a more tangible benefit from these interactions and the efforts by the police are more likely to reach a broader audience. There are a number of limitations associated with community service. First, some people have been concerned that the simple delivery of services to communities may not have the same effect as collaborating with community members to jointly make improvements. They

argue that there is value in having the police empower communities to work toward collaborative solutions; in other words, fostering dependence on the police is not as desirable as fostering opportunities for mutually beneficial police–community partnerships. Although this criticism is not true of all community service activities, it certainly applies to a large number of them. The second limitation is a criticism shared with public relations efforts: that officers assigned to community service are frequently not representative of the department as a whole. This is especially true in departments where a specialized community service unit is responsible for carrying out all community service activities. Community service activities have the biggest impact on police–community relations when the entire department adopts a community service orientation. One effort used to accomplish this department-wide orientation is community policing.

### Community Policing

Community policing borrows many of the same ideas and concerns addressed by public relations and community service activities; however, community policing represents a far more comprehensive approach that demands some substantial changes to the organization, mission, and activities of entire departments. According to Cordner (1999), community policing contains three critical dimensions: (1) philosophical, (2) strategic, and (3) tactical. The philosophical dimension represents a new way of thinking about policing that is consistent with the community era as opposed to previous professional era models. The philosophy of community policing is characterized by a broad vision of the police function, increased attention to the unique needs of individual communities, and a recognition that communities should have input into the police services they are receiving. Community policing recognizes that there is more to policing than simply fighting crime. The police have recognized that they need to be involved in mediating conflicts, providing services, and helping communities solve a wide variety of problems. This philosophy also rests on the recognition that neighborhoods and communities are unique and require different strategies and approaches. Finally, a community policing philosophy has meant that police must consult with community members and draw on their knowledge and insight. The strategic dimension represents the means by which this philosophy is translated into practical operational concepts. For community policing this has meant a more proactive preventive approach rather than a reactive one. Police are more aggressive at identifying and addressing long-term community problems rather than simply responding to dispatched calls for service. Police departments have relied on foot patrol, permanent beat assignment, and regular community meetings as a means to increase the interactions they have with the public. Finally, the tactical dimension represents specific programs and actions that departments

take to meet the new demands of community policing. Two of the more common examples are (1) the development of strategic partnerships with other criminal justice agencies and community-based organizations and (2) the development of a problem-solving approach to public safety. These two activities help ensure that complex problems are addressed by a network of individuals and organizations that possess the knowledge and resources to tackle them.

Community policing, like other strategies to improve police–community relations, is not without limitations. First, community policing is very ambitious, because it requires that police departments completely reorient and reorganize themselves. For example, it is not easy for departments or individual officers to move away from a very reactive, 911-driven, law enforcement approach and adopt a more proactive, preventive, problem-solving model. The second challenge is that community policing is often most difficult to implement in the very neighborhoods that have the greatest need for improved police–community relations. Developing partnerships with community-based organizations and engaging residents can be very difficult in neighborhoods where there has been long-standing distrust and dissatisfaction with the police.

## Conclusion: Public Opinion and the Police

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As police–community relations have become more of a concern in recent decades, police departments and social scientists have become more systematic in measuring and assessing these relationships. These assessments have increasingly been made through public opinion polls in which residents are asked about their relationship with the police and their level of satisfaction with police service. Understanding public opinion concerning the police is important for at least two reasons. First, as an outcome, public opinion can help police departments gauge how they are doing in terms of police–community relations. Monitored over time, public opinion can be used to evaluate specific programs designed to improve police–community relations. Second, public opinion research can be used strategically by police departments to identify areas that are a direct impediment to better police–community relations. In this way, police departments can use this information to help inform the approaches they take and to better address the needs and concerns of communities. This research has explored a variety of dimensions of public support and satisfaction and has revealed a number of important characteristics and determinants associated with both positive and negative police–community relations.

### Dimensions of Public Support

In general, public opinion research has distinguished between general or global attitudes towards the police and specific satisfaction with direct experiences and interactions

citizens have had with police officers. Surveys that have addressed the first outcome variable have asked residents to report general impressions of or attitudes toward the police. These surveys have measured citizen trust of the police, perceptions of police responsiveness, confidence in the police, general satisfaction with police service, and perceptions of police misconduct and other problems associated with abusive police behavior. Other public opinion surveys have assessed direct interactions that citizens have had with the police. These surveys have addressed interactions that citizens have initiated (e.g., crime victims who call the police) as well as interactions that the police have initiated (e.g., citizens who have been stopped for a traffic violation). This research has measured citizen satisfaction with the police response; citizen perceptions of police effectiveness in handling the situation and whether the police were fair, polite, and helpful in their interaction.

### Individual-Level Factors

According to public opinion research, citizens are for the most part supportive of and satisfied with the police. However, this research has also revealed a number of individual citizen characteristics that have been shown to be related to differences in support and satisfaction with the police. Some of these factors are related to demographic characteristics, and others are related to the nature of the direct experiences citizens have had with the police. In addition, some research has demonstrated the importance of vicarious experiences reported by friends and family members who have interacted with the police. Some of the most important demographic characteristics that have consistently been shown to be related to public opinion of the police are age, socioeconomic status, and race. Older adults and senior citizens generally hold more favorable opinions of the police compared with young adults and teenagers. Individuals who earn more income, have higher levels of education, and who own their homes are generally more satisfied with the police. One of the most consistent findings is that an individual's race and ethnicity are strong predictors of his or her satisfaction with the police. White community members are generally more supportive and hold more favorable views of the police compared with African American and Hispanic community members. Some research has suggested that these race/ethnicity differences are due to differential experiences of minority members as well as differences in community-level characteristics. If minority citizens are more likely to have negative interactions with the police (e.g., the focus of a police-initiated stop or investigation), differences in their satisfaction with the police are only indirectly related to race and ethnicity. Likewise, if minority citizens are more likely to live in communities experiencing high levels of crime and disorder, differences in their confidence in the police are only indirectly related to race and ethnicity. These important community-level factors are discussed next.

## Community-Level Factors

Much of the individual-level differences in citizen satisfaction with the police can be explained by community-level factors; in other words, where people live is a more powerful predictor of satisfaction than individual demographic characteristics and at least as important as direct experiences residents have with the police. Some of the community-level factors that appear to contribute to differences in public opinion include neighborhood-level poverty, perceived neighborhood disorder or incivilities, violent crime, and perceptions of social disorganization (e.g., willingness of neighbors to collectively address public safety concerns). Residents who live in neighborhoods experiencing high levels of poverty, neighborhood disorder, violence, and limited collaboration between residents generally report lower levels of satisfaction and attitudes less favorable to the police. This suggests that residents place a high degree of responsibility on the police for the physical and social conditions of their neighborhoods.

## Implications for Police Service

The research reported in this chapter has a number of implications for police departments seeking to address and improve police–community relations. First, it suggests that an important first step is to decrease the number of negative interactions between police and community members and provide avenues for more positive interactions. This applies to both voluntary citizen-initiated interactions as well as involuntary interactions initiated by the police. Research suggests that the on-scene behavior of officers has an important influence on citizen perceptions of the police (Skogan, 2005). Ensuring that officers take steps to explain their actions, respond in a fair and polite manner, and provide opportunities for citizens to express themselves represent vital steps to improve citizen satisfaction. The second important implication of this research is that the police need to understand that the community context of these interactions matters greatly. Regardless of the demographic characteristics of communities, the presence of visible social and physical incivilities limits the quality of police–community relations. Police departments must address these concerns in ways that are visible and transparent to community members. In this way, police can improve public satisfaction to the extent that community members perceive the police to be seriously addressing these order maintenance problems. Increasingly, the real challenge for the police is to find ways to engage in aggressive order maintenance activities while not jeopardizing the quality of interactions they have with members of those communities.

## References and Further Readings

Bracey, D. H. (1992). Police corruption and community relations: Community policing. *Police Studies, 15*, 179–183.

- Brandl, S. G., Frank, J., Worden, R. E., & Bynum, T. S. (1994). Global and specific attitudes toward the police: Disentangling the relationship. *Justice Quarterly, 11*, 119–134.
- Cao, L., Frank, J., & Cullen, F. T. (1996). Race, community context, and confidence in the police. *American Journal of Police, 15*, 3–22.
- Carlson, D. P. (2002). *When cultures clash: The divisive nature of police–community relations and suggestions for improvement*. Upper Saddle River, NJ: Prentice Hall.
- Carter, D. L., & Radelet, L. A. (1998). *The police and the community* (6th ed.). Upper Saddle River, NJ: Prentice Hall.
- Cordner, G. (1999). Elements of community policing. In L. K. Gaines & G. Cordner (Eds.), *Policing perspectives: An anthology* (pp. 137–149). Los Angeles: Roxbury.
- Duffee, D. E., Fluellen, R., & Renauer, B. C. (2000). Community variables in community policing. *Police Quarterly, 2*, 5–31.
- Dunham, R. C., & Alpert, G. P. (1988). Neighborhood differences in attitudes toward policing: Evidence for a mixed-strategy model of policing in a multi-ethnic setting. *Journal of Criminal Law and Criminology, 79*, 504–523.
- Goldsmith, A. (2005). Police reform and the problem of trust. *Theoretical Criminology, 9*, 443–470.
- Goldstein, H. (1979). Improving policing: A problem-oriented approach. *Crime & Delinquency, 25*, 236–258.
- Greene, J. A. (1999). Zero tolerance: A case study of police policies and practices in New York City. *Crime & Delinquency, 45*, 171–187.
- Greene, J. R., & Mastrofski, S. D. (1991). *Community policing: Rhetoric or reality*. New York: Praeger.
- Johnson, P. H. (1984). Police community relations: The management factor. *American Journal of Police, 3*, 185–204.
- Kelling, G. L., & Moore, M. H. (1991). From political to reform to community: The evolving strategy of police. In J. R. Greene & S. D. Mastrofski (Eds.), *Community policing: Rhetoric or reality* (pp. 3–25). New York: Praeger.
- Kessler, D. A. (1999). The effects of community policing on complaints against officers. *Journal of Quantitative Criminology, 15*, 333–372.
- Klyman, F., & Kruckenberg, J. (1979). A national survey of police–community relations units. *Journal of Police Science and Administration, 7*, 72–79.
- Lyons, W. (1999). *The politics of community policing: Rearranging the power to punish*. Ann Arbor: University of Michigan Press.
- Manning, P. K. (1984). Community policing. *American Journal of Police, 3*, 205–227.
- Miller, J., Bland, N., & Quinton, P. (2001). A challenge for police–community relations: Rethinking stop and search in England and Wales. *European Journal on Criminal Policy and Research, 9*, 71–93.
- Palmiotto, M. J., & Unnithan, N. P. (2002). The impact of citizen police academies on participants: An exploratory study. *Journal of Criminal Justice, 30*, 101–106.
- Reisig, M. D., & Parks, R. B. (2000). Experience, quality of life, and neighborhood context: A hierarchical analysis of satisfaction with the police. *Justice Quarterly, 17*, 607–630.
- Rosenbaum, D. P. (1994). *The challenge of community policing: Testing the promises*. Thousand Oaks, CA: Sage.
- Rosenbaum, D. P., Schuck, A. M., Costello, S. K., Hawkins, D. F., & Ring, M. K. (2005). Attitudes toward the police: The effects of direct and vicarious experience. *Police Quarterly, 8*, 343–365.

- Schafer, J. A., Huebner, B. M., & Bynum, T. S. (2003). Citizen perceptions of police services: Race, neighborhood context, and community policing. *Police Quarterly, 6*, 440–468.
- Schneider, S. R. (1999). Overcoming barriers to communication between police and socially disadvantaged neighborhoods: A critical theory of community policing. *Crime, Law and Social Change, 30*, 347–377.
- Scott, J. D. (2002). Assessing the relationship between police–community coproduction and neighborhood-level social capital. *Journal of Contemporary Criminal Justice, 18*, 147–166.
- Skogan, W. G. (2005). Citizen satisfaction with police encounters. *Police Quarterly, 8*, 298–321.
- Skogan, W. G. (2006). *Police and community in Chicago: A tale of three cities*. New York: Oxford University Press.
- Steel, B. S., & Lovrich, N. P. (1988). Police–community relations programs in U.S. cities: Did they survive the termination of LEAA (Law Enforcement Assistance Administration) and the fiscal crisis of the 1980s? *American Journal of Police, 7*, 53–80.
- Stoutland, S. E. (2001). The multiple dimensions of trust in resident/policeman relations in Boston. *Journal of Research in Crime and Delinquency, 38*, 226–256.
- Sunshine, J., & Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for police. *Law & Society Review, 37*, 513–547.
- Taylor, R. W. (1984). Historical developments and contemporary concepts in police–community relations. *American Journal of Police, 3*, 145–167.
- Thacher, D. (2001). Conflicting values in community policing. *Law & Society Review, 35*, 765–798.
- Thurman, Q. C., Zhao, J., & Giacomazzi, A. L. (2001). *Community policing in a community era: An introduction and exploration*. Los Angeles: Roxbury.
- Trojanowicz, R. C., & Bucqueroux, B. (1990). *Community policing: A contemporary perspective*. Cincinnati, OH: Anderson.
- Walker, S. (1997). Complaints against the police: A focus group study of citizen perceptions, goals, and expectations. *Criminal Justice Review, 22*, 207–226.
- Weitzer, R. (2000). Racialized policing: Residents' perceptions in three neighborhoods. *Law & Society Review, 34*, 129–155.
- Weitzer, R., & Tuch, S. A. (2005). Determinants of public satisfaction with the police. *Police Quarterly, 8*, 279–297.
- Wilson, J. Q., & Kelling, G. L. (1982, March). Police and neighborhood safety: Broken windows. *Atlantic Monthly, 29*–38.
- Worrall, J. L. (2002). If you build it they will come: Consequences of improved citizen complaint review procedures. *Crime & Delinquency, 48*, 355–379.



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## CULTURAL ARTS AND DELINQUENCY REDUCTION PROGRAMMING

JERRY MILLER AND WILLIAM ROWE

*University of South Florida*

The first conference that looked at the use of arts in the criminal justice system was held in 2007. This is indicative of a young but growing movement that attempts to create positive intervention strategies using nontraditional methods. Foremost among these efforts is the utilization of visual, tactile, and performing arts as a means to reach and teach people who have either been arrested or incarcerated. These efforts have ample anecdotal evidence behind them but limited quantitative research to support their efficacy. This chapter describes the growth and development of the use of arts as an intervention strategy, what the research does and does not tell us, and where the next steps may be.

The chapter authors represent the research, training, and academic components of a program called Prodigy, which is funded by the Florida Department of Juvenile Justice. Prodigy serves as a diversion program for arrested youth. Instead of going to trial, the first-time offenders may opt for this arts program. Prodigy also serves as a prevention program in that it is open to all youth in the community. No distinction is made by the program or the instructors as to the reason for attending—the diversion and prevention participants are in the same classroom. In fact, the instructors may not know who the court-referred participants are. There were over 3,000 enrolled youth covering six counties in west central Florida in the most recent year ending in 2008.

One of the keys to the program is its placement in high-crime neighborhoods. On-site programming is managed through contracts with 15 neighborhood-based agencies.

This helps ensure that the program as implemented in the neighborhood has close ties with institutions—or *assets*, as they may more theoretically be called—that are connected (at least geographically) with the residents of that area. These partners include churches and community development corporations, as well as more traditional groups such as YMCAs and Boys and Girls Clubs.

The most critical measures from the program, from the funder's perspective, are the outcomes of completion and recidivism. Empirically, those who complete the program are significantly more likely not to recidivate. Prodigy currently operates with a nearly 85% completion rate and over a 90% 6-month nonrecidivism rate for the completers. Both of these outcomes far exceed the contracted goals of the program. Data are now being collected on individual-level outcomes such as mental and emotional health, academic efficacy, academic behaviors, and other variables that provide measures of the program's impacts.

### History of Arts Programming

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*Purposeful arts programming*, which also has links to the currently named *community arts movement*, has its modern roots in the Settlement House movement of the late 1800s and early 1900s, according to Grady Hillman, one of the leading practitioners of the use of art as an intervention strategy. Settlement houses originated to serve immigrants with educational programming, social services, and the arts as

part of the effort to acculturate residents and create upward mobility for them. Settlement houses are, not coincidentally, important also to the development of social work. It was a strategy to create and provide services to the general population with identified needs. Variations of this model of community intervention exist today in a range of environments, from neighborhood-based community organizations to a large federal Housing and Urban Development program called Creative Communities.

In the 1960s, the Arts in Education program greatly expanded the utilization of artists, with many schools around the United States hosting this program. This brought artists into the schools to work directly with youth and connected youth with art, culture, and the practitioners.

Later in that decade, the work and employment program Comprehensive Employment and Training Act was created, and many artists began working for that program. Hillman (in press) quoted a figure of \$200 million that was invested in hiring artists through that program. This work program was also used by schools to bring arts into the building.

Through the Arts in Education program and the Comprehensive Employment and Training Act, the expertise and the knowledge base for the use of arts as a model that can positively impact the life of youth began to develop. Interest in ways to expand this programming into other institutions was generated. The next step occurred when this programming began to be used in other institutions, in particular juvenile detention facilities and adult prisons. Again referring to Hillman's perspective, this drift toward those settings occurred intuitively, that is, without it being developed as a result of research or hard data. There was an underlying assumption that the process of viewing or creating art was inherently therapeutic or personally helpful. Identification of this assumption and how it impacted the prognosis of an individual in a positive manner was intuitively described and not clearly defined, at least from a research perspective. It was during this time that art intervention programs began receiving national (U.S.) recognition. One program, *StreetSmART*, was named a national model.

Up until this point, most of the reported positive aspects of arts programming were anecdotal. There had been little systematic evaluation or research of which these authors were aware. In general, the evaluations that had been conducted had methodological problems and were not very robust. There were many unaccounted-for variables that could skew the results. The studies, however, did tend to support the notion that there were indeed positive outcomes. This naturally led to an interest in developing more systematic evaluations of arts intervention programming.

Two projects in the 1990s attempted to address this issue and are particularly noteworthy. Neither can be said to provide definitive evidence supporting the value of the programming, but they represent important historical steps in furthering the research and practice of arts intervention programming. Both are still widely referenced in current work.

The Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice funded, in partnership with the National Endowment for the Arts, a pilot diversion project (for first-time offenders) and incarcerated youth. The YouthARTS project, evaluated by Clawson and Coolbaugh (2001), was a three-site program established as a demonstration project. This program was meant to serve as a formal evaluative process of what had been emerging independently and in piecemeal fashion throughout the country. It was designed to shed light on the question as to whether arts programming worked as intended.

At each of these sites, a cohort of youth was followed for a period of months, and assessments were conducted to evaluate the impact of the programming on the youth. Because of a number of problems, the evaluations were promising but inconclusive, a situation that frequently occurs when evaluating juvenile justice programs. The premise was that engaging youth in arts programming would result in their learning better ways to manage themselves and their lives. The youth generally lived in at-risk neighborhoods, which in these days current models describe as *communities with limited social capital or community assets*.

Many issues disrupted the quality of the data and the efficacy of the research. These included participant retention (high loss of participants), fidelity of implementation, quality of data collection, and similar issues. However, a pattern emerged that did indicate there was some promise to these programs. This was in line with previous evaluations that showed arts intervention as a promising practice.

The second noteworthy research project was a set of studies conducted by the RAND Corporation. These studies attempted to identify and codify characteristics and best practices of programs across the country and, more locally, in Los Angeles. These studies helped create the foundation for future research. They were systematic in their data collection and analysis and had a large enough sample size to have greater assurance in their findings, and they represented the most robust research concerning arts programming.

One of the RAND studies differentiated programs identified as developing "prosocial" behaviors from those that did not have that outcome. From this the researchers developed a set of best practices—or, more accurately, common practices—used by the programs associated with the positive prosocial outcomes. Some of these are described later in this chapter.

One of the most robust, long-term study of arts programs is commonly called the *McGill study*, because it was conducted by faculty from McGill University. Robin Wright and colleagues (Wright, Lindsay, Allaggia, & Sheel, 2006) conducted a 3-year quasi-experimental study across five sites in Canada to ascertain the impact on the psychosocial functioning of the participating youth.

Comparison with a matched sample from the Canadian National Longitudinal Survey of Children and Youth showed significant positive changes in some mental health measures, such as depression. Significant improvements were reported in social skills, communication, cooperation, teamwork, and conflict resolution. The data were inconclusive in regard to behavioral changes.

The RAND studies and Clawson and Coolbaugh's (2001) study foretold the interest in the impact of arts programming on juveniles and on criminal offenders. The McGill study was the one of the stronger examinations of the impact of the arts. Studies on the use of arts as an intervention, though still not conclusive, are now less inconclusive, and they show promising outcomes. These results are described later in this chapter, after some background about the philosophy and theoretical foundation of arts programming as an intervention program is discussed.

## Theory

### Conceptual Theory

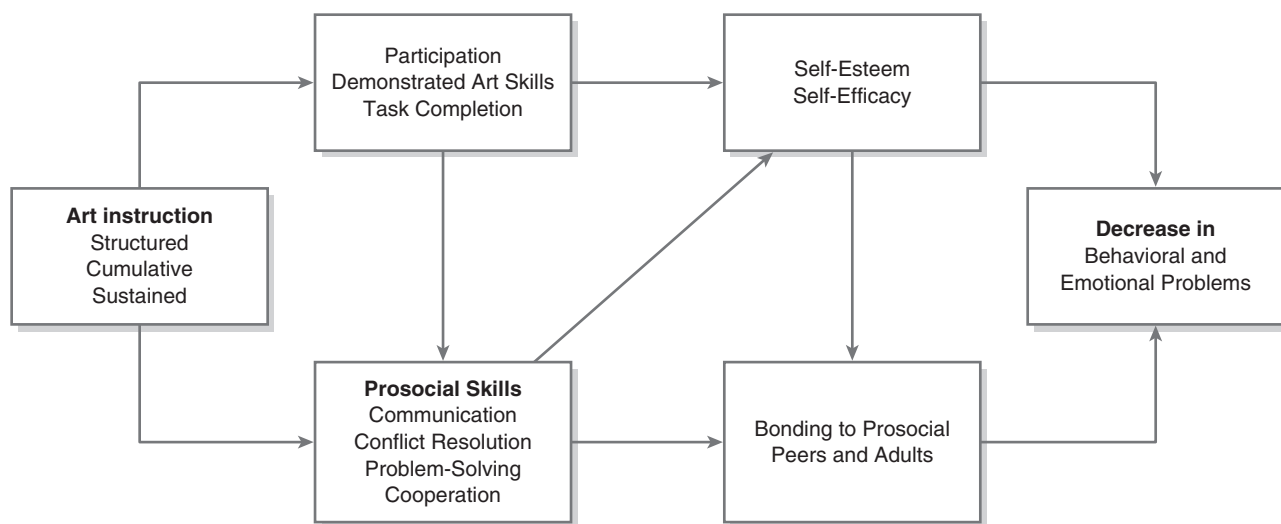
The term *theory* has not been clearly defined when discussing arts as intervention. Excluding art therapy, in which trained counselors work clinically with the patients or clients, research on this programming is limited to mostly program or outcome evaluations and has not focused on developing a theoretical model for arts intervention.

Wright and her colleagues (2006) were an exception with their conceptual model related to learning skills that impact affective experience and behavioral aspects of

youth (see Figure 95.1). That model attempted to show the relationships to the program components and the outcomes.

Wright's approach, and in general most approaches to arts interventions programming, have either consciously or intuitively been shaped by the perspective of what is termed *positive youth development* (PYD). That model looks at the assets in the youth's life rather than looking at shortcomings, handicaps, and those things that are missing or destructive in the child's life (see Table 95.1). In such an approach the goal is to build and strengthen the assets in the youth's life. It is believed that doing so will increase the resilience of an individual who may be faced with dramatically difficult life events. For example, possessing certain social skills is believed to be associated with good social outcomes. If a person knows how to problem-solve, manage anger, or communicate effectively, then he or she is considered to have the skill sets to effectively resist the poor choices that may be available in his or her social environment and make constructive positive decisions. It logically follows that teaching youth these skills will build personal resources to manage a variety of situations. This also has an impact on youth's affective experience of self; they are postulated to show an increase in self-regard.

In contrast to PYD, a deficit-based approach attempts to find out what is wrong with the youth and then tries to fix it. However, there are limits to this approach. As Jeffrey Butts, Susan Mayer, and Gretchen Ruth (2005) discussed in their issue brief, keeping youth away from risky behaviors does not mean they will have a good future. Other elements—for example, assets,—need to be in place. Absence of the bad elements is not necessarily predictive of a productive future, but a youth who has many of the aforementioned important assets has a higher probability of having a productive life.



**Figure 95.1** Conceptual Model for the Impact of Arts Programming

SOURCE: From the *Tampa Arts and Youth Demonstration Project*, by R. Wright, L. John, and W. Rowe (2007). Presentation given at the Society for Applied Anthropology Conference, Tampa, Florida.

**Table 95.1** Comparison Between Traditional and Positive Youth Development (PYD) Models

<i>Traditional Juvenile Justice Versus PYD</i>	<i>Traditional Juvenile Justice Model</i>	<i>PYD Juvenile Justice Model</i>
Role of youth in community	Target of change	Agent of change
Role of youth in justice system	Client	Participant
Mission of juvenile justice system	Public safety	Community wellness
Key strategy of juvenile justice	Control youth behavior	Connect youth with social and developmental resources
Target of juvenile services	Youth problems and deficits	Youth strengths and assets
Purpose of service delivery	Supervision and control	Attachment and engagement

SOURCE: J. Butts, S. Mayer, and G. Ruth (2005). *Focusing Juvenile Justice on Positive Youth Development*. Chapin Hall Center for Children: Issue Brief No. 105, [http://www.chapinhall.org/article\\_abstract.aspx?ar=1414](http://www.chapinhall.org/article_abstract.aspx?ar=1414).

### Program Theory

The PYD model operates in an arts intervention program as a contextual basis for a *program theory*. This is defined as a conceptual causal framework that explains what outcomes and results are expected in a program and the relationship of activities to those outcomes. Some people refer to program theory as a *model of change*; others state that program theory is an explanation of an underlying social model. This model may comprise other theories or models; youth development, attachment, or self-regulation theory are examples.

Although specific protocols are available for developing a program theory, for this chapter it is operationalized in the following way: There is a problem and an intervention, and activities are designed to solve the problem (based on the assumptions identified in the problem statement), outcomes are expected from these activities, and measures are defined that indicate success. The next section explicates these parts.

### The Problem

Problem definition is a way of explicating the assumptions being made when the intervention program is being designed. In this sense, in order to understand the rationale in utilizing arts as an intervention strategy, it is important to define the problem one is trying to solve.

The history of dealing with “juvenile delinquents” is far too complex to discuss in any detail here; however, several generalizations will be made in an effort to develop a problem definition. Approaches to dealing with juvenile delinquent behaviors have changed over time and involve assumptions about environment and individual choice when looking at the perpetrator and about tolerance for behavior, or desire for retribution, when seen from the vantage of the victim or society. There appears to be one of two assumptions operating when punishment is

offered as the solution to the problem behaviors: Either (1) the youth is consciously choosing to be involved in criminal activity or, in a behaviorist framework, (2) there is sufficient reward for being involved in criminal activity and the behavior is reinforced. Either way, the punishment of locking up a youth is viewed as a method to interrupt those processes. When this view coincides with a low community tolerance for youth criminal activity, the approach can loosely be called a “lock ’em up” or “teach ’em a lesson” approach.

A second approach is evident in the rehabilitative movement or the utilization of a medical model. The youth have issues that need fixing in a manner analogous to having a chronic infection. However, these issues may be internal (developmental, mental or emotional capacity) or external. The latter refers to an environment that shapes and rewards negative behavior, which may include dysfunctional relationships with family, peers, and authority figures. In this model, youth are treated through therapeutic intervention. This is typically in the form of talk therapy. When viewed from the deficit model, this approach requires a focus on problems in the youth’s life and then actively determining ways to manage those problems.

Art as an intervention strategy is more aligned with the rehabilitative approach than with the punishment method of addressing youth crime. As such, it shares the assumption that the individual can be treated. However, it diverges from typical therapeutic intervention in two respects. First, the focus is not on the problems but on building the youth’s ability to make good choices. This is a way of building the individual’s assets. The assumption from this approach is the following: Given the skill sets needed to be able to evaluate situations and make good choices, people will generally do so. This eliminates the need for any in-depth diagnostic process to determine what is wrong with the youth. The focus is not on what is wrong but on the skills, knowledge, and experiences people need to manage life more effectively. In medical terms, it is a wellness approach instead of a disease-based approach to health.

Arts may offer therapeutic value similar to that of counseling, but without the counseling—and at a lower cost. The art environment, if managed effectively, has characteristics of traditional therapy in that self-exploration is a part of the process. Coupled with the building of the social skills, youth will have the capacity to make good decisions, which includes resisting criminal activity, *in vivo*, or in the present, rather than in reflection.

With that background, the problem statement could be phrased the following way:

In given environments, many youth engage in criminal activity for reasons that include the lack of skill sets needed to make good choices. With the right skills, youth can learn how to make good choices and will likely make them given the (structured) opportunity to explore their own place in the world and their sense of self. Therefore, the question becomes the following: how can we teach the skills in a framework that provides youth with productive self exploration in a manner that produces positive and constructive behaviors for the youth?

This is a very different problem definition than one that asks, “What is wrong with these kids? Or their families? Or their communities?” It also differs from a statement that asks “How can we make the streets safer?” The former is a typical rehabilitative approach, and the latter is associated with a desire for punishment.

## Comparing Arts and Sport as Responses

As stated earlier, art is not the only possible response to the problem. Sport is a commonly expressed and funded answer. It is important to determine, therefore, the rationale for arts in contrast to sports or other programming. Without that rationale we are creating a solution that does not have a problem.

Because athletics is a primary approach to engaging youth in a positive manner, this section compares and contrasts arts intervention with sports as a way to explicate the rationale for utilization of arts programming. This is not meant to imply that there are not other ways to engage youth (e.g., scouting and recreational programs). The activities in those programs are somewhat more heterogeneous, making it more difficult to clearly distinguish between sports and arts.

Important areas of differentiation do exist between sports and the arts. One of the more prosaic differences is that not everybody likes sports. Alternatives and variety of choices are useful. This alone may be considered a valid argument for creating alternatives to sports programming. Why should people be forced into playing sports when they have no interest or limited ability? That generally can lead to frustration on the part of the participant or, worse, being the recipient of scorn and humiliation.

A more in-depth analysis, beyond choice, identifies several other core differences between sports participation and art. In general, youth do better in sports if they

are bigger, faster, stronger, or taller. Sports comprise a competitive situation in which physical attributes and the coordination of the senses play a strong role in performance. It is a team model with a hierarchical group structure in which the contributions of all the team members are not valued equally—there are bench-warmers, for instance. For the youth who do well in that kind of setting, sports may very well be an effective means to learn important skill sets related to social learning. For youth who do not do well, there may be a variety of responses, many of which are not necessarily positive for that child. This may be especially true if the youth is there involuntarily as an alternative to jail or being adjudicated.

Sports programs tend to value conformity to a high standard that is generally established by a coach or is intrinsic to the sport. Whereas at earlier ages youth are praised for their effort, as youth age performance becomes more central. Those who are perceived not to voluntarily conform may be labeled a “slacker,” “troublemaker,” or worse. Those who do not perform well based on the athletic criteria (hitting, running, blocking) may be called “dead weight” or “bench-warmers.” Those who are perceived to voluntarily perform are “team members,” and the ones who exhibit good athletic performance may be labeled “stars.”

Because sports is a goal-directed activity with a specific desired outcome (winning), these roles and expectations align very concretely and appropriately. Although process is important in sports—that is, being a good teammate is valued—outcome frequently overrides the process. Sports has many examples of players who were kept on the team for their ability to help achieve victory despite the fact that that individual could be blamed for an unhappy team environment.

The arts model takes an entirely different perspective to participation and performance. First, the arts values diversity or individuality, while conformity is eschewed. If instructions were given to participating youth to draw a picture of the self in school, there would be general surprise and disappointment if the entire class drew the same schoolhouse with the same teacher in the same colors with no variety in their expression. A variety of representations are expected. The expression of individuality is encouraged. Unlike sports, there are no external performance criteria that measure performance. In baseball, hits are hits. In an arts program, the criteria relate to learning how to express thoughts and emotions; there is no unitary standard.

An important distinction needs to be made between *arts intervention programming* and *art classes*. Art classes teach technique to the end of creating good, or at least skillful, art. Arts intervention programming, on the other hand, teaches expressiveness without concern for the quality of the product. The standards for the art product are relatively low and generally not a factor in its evaluation. The “performance standard,” or its equivalent, is the student’s interpretation of his or her artwork. Art is a vehicle to learn self-expression.

A second major difference between art and sports is the notion of *teamwork*. This generally is an entirely different experience in the arts than it is in sports. When the art project (e.g., a performing arts program) involves a group of people, there are generally enough tasks to include everybody in the process. Some tasks may have higher visibility, but all tasks are necessary for the successful completion of the art project. In drama, the person responsible for lighting may not be on stage, but that does not diminish the importance of the role. This again differs from sports, in which the weaker players are frequently seen as being carried by the stronger players. In the arts, everyone has their job and is expected to do it to the best of their ability.

A third area of distinction, one that has been too little researched, is the *variability in age* of the participants in the Prodigy program. Generally, there are two age groupings (7–12 and 13–17), a broader range than in activities that have a physical component central to it. This age mixture, if properly managed, creates an opportunity for the participants to learn more complex social skills. Dealing with youth who are at different developmental stages necessitates increased social skill sets to be an effective participant in this program. The issue of facilitating development of those skill sets is discussed later in this chapter.

## Self-Exploration and Expression

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Just as diversity is valued, also valued and encouraged are self-exploration of one's own emotional responses as well as one's standing in family, school, and community. This opportunity to self-reflect in a structured manner is also seen as one of the hallmarks of an effective youth arts program. This gives youth an opportunity to (a) explore individual emotional responses to various situations and (b) express emotions, including fear and anger, in a manner that is relatively constructive. This may be viewed as learning an alternative behavior, one that is more effective than behaviors that may lead to criminal charges.

Facilitating the expression of emotions is a common technique in therapeutic contexts. Labeling emotions seems to help with the management of them. Recent neuroimaging studies (Lieberman et al., 2006) showed a disruption in the negative emotional pathways when feelings were labeled. This type of coding of experience appears in the psychological as well as in the child development literature as being important in the emotional growth and in the regulation of negative emotions. Arts intervention programs encourage and support this type of coding.

## Classroom Experience

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To make all of these components work is, of course, a more complex matter. There are many side elements to creating a serviceable arts program, such as when and where to hold the program, but the focus for program effectiveness needs

to be on the classroom experience for the youth—the activity that engages the youth. Programmatically, most of the skill building takes place in the classroom, although some programs, including Prodigy, also hold separate life skills workshops. What the classroom looks like and how it is structured are the key questions to ask and manage in the expansion of the program.

One of the common elements among the programming across the country, and indeed, around the world, is the use of artists as instructors. Individuals trained as teachers are not excluded from being hired; they are just not recruited. The focus is on hiring working artists, for two primary reasons.

First, working artists serve as a role model for the youth. They are seeing an adult who is making a living in (and who has a commitment to) the expression of his or her own personal views in a creative manner, complete with emotional content. This can be powerful because it provides a role model of a decent human being (assuming a good staff selection process) who is introspective, expressive of individuality, and emotionally mature. Prior research has demonstrated that many acting-out behaviors relate to emotional immaturity. Art and artists provide a model for these emotions to be explored and expressed in a constructive manner. Greater value, in this model, is placed more on honest expression than in looking good for peers or gaining attention through destructive acts.

Second, because the artists are not recruited within the teacher framework, the relationship to a school classroom is minimized. Many of these youth have experienced failure in the schools and there is little justification for recreating that sort of environment in an arts program. The artist serves more in the role of journeyman who is working with apprentices rather than a teacher who is working with students. This becomes like a workshop and not a classroom. The artist becomes a resource, who is more in the role of a mentor—someone to share knowledge—not a didactic instructor. The youth is not in the role of a school-bound student but is viewed more collegially. This is a change in relationship between instructor and student and creates opportunities for trust building and additional social skill building.

What does the research say about these rationales? Not too much, it turns out. The best we can currently say, based on the RAND studies in the 1990s, is that artists may be a necessary, but insufficient, factor in the success of the arts programming; that is, both effective and ineffective programs have used working artists as instructors—so the artist alone will not produce the desired outcomes. As part of an evaluation, Prodigy has begun assessing different elements of the classroom that impact the experience for the youth.

## Classroom Climate: Learning Skills

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Again, little research has examined best practices in the classroom in the context of arts intervention programming. The evaluations that do exist report some common

elements, such as being supportive of youth taking (social) risks and having collaborative decision-making processes. These elements were associated with prosocial behaviors of participants.

As Prodigy began to focus on the content of the instructor training, the faculty researchers looked at the asset-based PYD model to determine the skill sets that related to positive outcomes for youth. Three skills were focused on as a result of this inquiry: (1) communication, (2) problem solving, and (3) anger management. These skills have been associated with positive youth outcomes and are teachable. The last is a critical component of any program.

In the ideal implementation, these skill sets are integrated into the class activities. If, for instance, while painting, one of the youth becomes frustrated, the instructor encourages the youth to find a way to work through the anger and find a way to resolve the issue that is creating the frustration. Integrating these social skills—in this case, both anger management and problem solving—is seen as important for two reasons: (1) It is a way to facilitate the teaching (and learning) of social skills, and (2) it helps create an environment in which social risks are encouraged.

The second point is an important one if the youth are to learn skill sets that will help them as they mature and the impact of peer pressure increases. *Positive social risk-taking* can be defined as the ability to express individuality in a peer or other group setting.

The opportunity for positive social risk-taking is influenced by the larger concept of *classroom climate*. This is broadly defined as the pattern of values within the classroom, as represented by the manner in which the content is taught, rewards and recognition are earned, and the interactions between the people in the class.

Classrooms can be a stressful, rigid, and competitive environment. By design, that is not the recommended experience for youth in an arts intervention program. Prodigy strives for an environment that is supportive of the youth in ways that can be measured and observed.

The few evaluative studies of art as intervention programming suggest that certain elements in the classroom are associated with producing positive outcomes, such as prosocial behavior:

1. *Encouragement for social risk-taking.* Youth are encouraged to speak their mind and present their work, questions, and critiques. Encouragement is an active, facilitated process, which is different from just allowing the risk-taking to occur.
2. *Facilitation of problem solving.* If a student presents a problem, whether it is a social issue (interaction with another youth) or technical problem (about the artwork), the instructor does not necessarily provide a solution but facilitates the youth in finding a solution.
3. *Rewards and recognition.* Participants need to receive recognition for their work as well as for positive risk taking.
4. *A caring instructor.* This was more frequently named as a more important part of an effective program than the fact artists were instructors.

5. *Instructor mentoring of participants and instructor facilitation of peer-to-peer mentoring.* These relationships seem to be important in the socialization of the participating youth. The adult–youth mentoring, as discussed previously, shifts the classroom from a traditional setting to a workshop format. The youth-to-youth mentoring creates opportunities for the participants to learn, with facilitation of the instructor as needed, targeted social skills.

These five points are not unique to an arts intervention program. In fact, other researchers, including Fixsen, Naom, Blasé, Friedman, and Wallace (2005) in their report on implementation practices and Weissberg, Kumpfer, and Seligman (2003) in their overview of prevention programs, have found similar associations between effective programs and some of these five points.

That refers us back to the previous questions about the differences between art programming and sports programming. If quality intervention programs have those five characteristics, does it matter which program a person is in? That is, does art programming offer anything that is unique relative to other intervention programming? Is there a rationale for arts programming that goes beyond choice and support of diversity and of expression?

Again, because the empirical literature related to arts intervention programming is thin at best on this question, we need to expand our view of arts programming to include research on the impact of arts on cognitive learning. That body of research is more extensive and more robust. From that research we can, through implication, develop some hypotheses about what associations can be expected about the relationship between art and the building of social skills.

## Arts and Learning

The most centralized way to look at the research on arts and learning is to obtain a copy of a compendium of research on arts and learning entitled *Critical Links: Learning in the Arts and Student Academic and Social Development*. Edited by Richard Deasey (2002), this publication is a review of 62 studies that examined the impact of the arts on mostly academic outcomes, although some of the studies looked at social and behavioral outcomes. The research is not conclusive, because most of the studies were correlational; that is, they showed a relationship between the arts intervention or activity and an outcome, but did not ascertain whether there is a causal link between the activity and the outcome. Thus, it is inconclusive as to whether the arts program caused the outcome or there was some other factor that led to the outcome.

In brief, the research has found positive relationships between participation in arts and learning of spatial reasoning, verbal skills, writing, literacy, and math skills. Positive impact on the participant's self-perception and, in some cases, positive change in beneficial risk-taking were

also reported. More recent research is examining neural pathways to observe the relationship, but these studies are very early and also not conclusive.

These studies suggest that art benefits the development of intellect and cognitive abilities. This is in addition to the emotional development that programmatic use of art in an intervention program generally has as a focus.

### Outcomes

The research on Prodigy has shown some exciting results. Program completion rates are high, over 85% on average, and recidivism is less than 10% after 6 months. Both are important outcomes to achieve. Incompletion is associated with a high recidivism rate, whereas completion is related to a low one. Although these outcome measures are the *raison d'être* for its existence, there are also some near-term results that may lead to a better understanding of the impact of the program.

Prodigy participants reported fewer mental health symptoms at the end of their program stay. This includes reduced measures of anger and depression. This is an important outcome, because mental health is strongly related to antisocial behavior among youth. The change was both statistically and clinically significant.

Gender differences were also reported. Females came into the program with a higher level of symptoms than did males, but at the end of the program there was no difference in symptomatology between males and females. Although females reported greater symptoms, their scores after the program showed no significant difference from the males, indicating a stronger program effect for females.

A behavior change is an observable change and so is easier to obtain views from others rather than relying solely on the youth's self-reported perception. The research indicates that both youth (who self-reported) and parents reported there was improved behavior of the youth at the end of the program compared with the beginning. This is an especially encouraging finding, because behavior change is generally considered one of the more intractable changes.

Another measure, in particular, had encouraging results. The youth reported improvement in their belief about their academic skills and ability to do well in the classroom. This academic self-efficacy may have an impact on student attitudes and even behaviors and performance in the classroom, an assessment Prodigy is just beginning to undertake. Doing well in school, in the PYD model, is an indicator of increased resilience on the part of the students. This relates to the previously discussed research on academic performance, cognitive development, and the arts.

### Conclusion

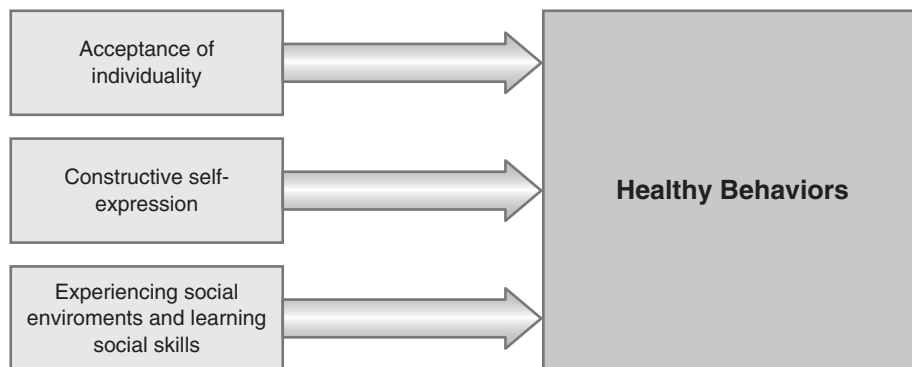
Arts intervention is a strategy that has over 100 years of history in the United States. It has been reported to have a positive impact and to help keep youth out of trouble. It is a cognitive–emotional intervention. Students are asked to explore and understand their thinking and the relationship to their emotional state. They are asked to express themselves. They do this in the context of an environment that is supportive of risk taking.

A simplified version of the program model for the arts programming is shown in Figure 95.2.

However, research has been limited on its use and the implications of arts programming. Prodigy is undergoing a continuous evaluation, and the McGill study has shown positive results as has the research in education.

There are some next steps to take:

1. *A full program evaluation of an arts program.* This is under way at Prodigy and will provide more insight into the programmatic aspects. This has implications for all types of programming, not just arts. It is part of the effort to implement evidence-based programming.
2. *A theoretical examination and explication of the program components in an arts program that relate to the desired outcomes.* This will advance the science of intervention program and continue the research into PYD models.



**Figure 95.2** Simplified Model for Arts Programming



3. *A cost analysis.* Early work indicates that arts programming can deliver effective diversion programs at a low cost per youth. This has important policy implications in terms of allocation of resources.

Over the next 5 years, the science on arts intervention programming should become reasonably robust, with more conclusive statements. Understanding this programming can lead to relatively low-cost programming that youth enjoy and that can be as effective as costlier options. The promise is that youth can improve their social skills, increase their ability to self-regulate, and learn how to express emotions in a constructive manner. They may also experience positive cognitive development benefits leading to improved school performance. If this type of programming holds up to scrutiny, it argues for a change in how we approach youth intervention from both a policy and programmatic standpoint.

## References and Further Readings

- Arts and Corrections: <http://www.communityarts.net/archivefiles/corrections/index.php>
- Arts and Corrections resource list: <http://www.nea.gov/resources/accessibility/rlists/corrections.html>
- Butts, J., Mayer, S., & Ruth, G. (2005). *Focusing juvenile justice on positive youth development* (Chapin Hall Center for Children Issue Brief No. 105). Retrieved from <http://www.chapinhall.org>
- Catalano, R. F., Berglund, M. L., Ryan, J., Lonczak, H., & Hawkins, J. (1998). *Positive youth development in the United States: Research findings on evaluations of positive youth development programs*. Retrieved from <http://aspe.hhs.gov/hsp/PositiveYouthDev99>
- Clawson, H. J., & Coolbaugh, K. (2001). *The YouthARTS Development Project*. Juvenile Justice Bulletin. Retrieved November 2004 from [http://www.ncjrs.org/html/ojjdp/2001\\_5\\_2/contents.html](http://www.ncjrs.org/html/ojjdp/2001_5_2/contents.html)
- Deasy, R. (Ed.). (2002). *Critical links: Learning in the arts and student academic and social development*. Retrieved from <http://www.aep-arts.org>
- Fixsen, D. L., Naoom, S. F., Blasé, K. A., Friedman, R. M., & Wallace, F. (2005). *Implementation research: A synthesis of the literature*. Tampa: University of South Florida, Louis de la Parte Florida Mental Health Institute, Department of Child and Family Studies.
- Hillman, G. (in press). Introduction: Special edition. *Best Practices in Mental Health: An International Journal*.
- Lieberman, M., Eisenberger, N., Crockett, M., Tom, S., Pfeifer, J., & Wa, B. (2006). Putting feelings into words: Affect labeling disrupts amygdala activity in response to affective stimuli. *Psychological Science, 18*, 421–428.
- McArthur, D., & Law, S. (1996). *The Arts and Prosocial Impact Study: A review of current programs and literature*. Santa Monica, CA: RAND.
- Prodigy Arts Program: <http://prodigyarts.org>
- Stone, A., Bikson, T., Moini, J., & McArthur, D. (1998). *The Arts and Prosocial Impact Study: Program characteristics and prosocial effects*. Santa Monica, CA: RAND.
- Stone, A., McArthur, D., Law, S. A., Moini, J. (1997). *The Arts and Prosocial Impact Study: An examination of best practices*. Santa Monica, CA: RAND.
- Weissberg, R. P., Kumpfer, K., & Seligman, M. E. P. (Eds.). (2003). Prevention that works for children and youth: An introduction. *American Psychologist, 58*, 425–432.
- Wright, R., Lindsay, J., Allaggia, R., & Sheel, J. (2006). Community-based arts program for youth in low-income communities: A multi-method evaluation. *Child and Adolescent Social Work Journal, 23*, 635–652.
- YouthARTS Development Project: [http://www.ncjrs.gov/html/ojjdp/2001\\_5\\_2/contents.html](http://www.ncjrs.gov/html/ojjdp/2001_5_2/contents.html)
- YouthARTS Toolkit: <http://www.americansforthearts.org/youtharts/about>

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## WRONGFUL CONVICTIONS

MARVIN ZALMAN

*Wayne State University*

Wrongful convictions occur when innocent defendants are found guilty in criminal trials, or when defendants feel compelled to plead guilty to crimes they did not commit in order to avoid the death penalty or extremely long prison sentences. The term *wrongful conviction* can also refer to cases in which a jury erroneously finds a person with a good defense guilty (e.g., self-defense), or where an appellate court reverses a conviction (regardless of the defendant's factual guilt) obtained in violation of the defendant's constitutional rights. This chapter deals with the first type of wrongful convictions, or *wrong person convictions*. Note also that the verdict of acquittal in American law is "not guilty" rather than "innocent," meaning that an acquitted person might not be factually innocent. For the sake of clarity, the term *actual or factual innocence* is used to refer to persons who did not commit the crime. *Miscarriage of justice* (a legal term in England) is also used to describe wrongful convictions.

A wrongful conviction is a terrible injustice that is magnified when an actually innocent person spends years in prison or on death row. This has always been recognized by the U.S. legal system. The rising number of exonerations, however, and growing awareness that such injustices occur every day in American courts, raises profound doubts about the accuracy and fairness of the criminal justice system. This understanding is supported by considerable recent research. This surge in awareness and budding research has

motivated a growing number of innocence projects, which work to exonerate wrongly convicted prisoners, to also propose justice policy reforms designed to reduce the number of wrongful convictions or to alleviate their effects. This chapter explains why wrongful conviction has become a prominent issue, the scope of the problem, its causes, and reform proposals.

The injustice of being convicted and imprisoned for a crime one did not commit is intuitively apparent. Research and anecdotal evidence shows that a high proportion of wrongfully convicted prisoners suffer severe psychological consequences, including posttraumatic stress disorder and anxiety disorders, which is not typical among actually guilty prisoners in the absence of life-threatening experiences in prison. This complicates the ability of exonerated prisoners to return to a normal life after release.

More than half the states do not legally authorize financial compensation for persons who were victimized by the criminal justice system in this way, although the number of states with compensation laws has grown in recent years. Moreover, exonerated prisoners do not receive the services provided to prisoners released on parole. Newer compensation laws provide for health and restorative services, as well as financial compensation, to help exonerated prisoners. A person who has been exonerated does not have automatic grounds to sue and recover money damages against police or prosecutors. A number of such cases have been successful in recent years, but they are infrequent and successful

only when specific wrongdoing by criminal justice agencies can be proven and immunity defenses overcome.

## The Rise of the Innocence Movement

Prior to 1990, wrongful convictions generated only slight interest. The famous writer of the “Perry Mason” legal thrillers, Erle Stanley Gardner, created an informal “court of last resort” in the 1950s to investigate and correct miscarriages of justice. For the most part, however, the public, as well as most judges and criminal lawyers, was convinced that very few innocent people were ever convicted. When the Supreme Court expanded defendants’ trial rights in the 1960s, for example, the reason given was not to make the criminal justice system more accurate in determining guilt and innocence but to prevent government oppression.

Some pre-1990 scholarship did raise issues of trial accuracy. First, a group of cognitive psychologists began to conduct eyewitness identification experiments in the 1970s. By 1990, they had amassed a wealth of information showing that eyewitnesses were often mistaken and that lineup and identification procedures could significantly increase or decrease eyewitness accuracy. Next, a survey of criminal justice officials by criminologists C. Ronald Huff, Arye Rattner, and Edward Sagarin in the 1980s estimated that thousands of wrongful convictions occurred every year (Huff, Rattner, & Sagarin, 1996). Finally, philosopher Hugo Adam Bedau and sociologist Michael Radelet published a survey in a prestigious law journal in 1988 asserting that 350 innocent persons were convicted of capital and potentially capital crimes in the 20th century and that 23 were executed. Although a handful of these 350 might have been factually guilty, the study’s overall correctness raised awareness in the legal community that an innocent person could be executed. This scholarship did not, despite occasional news stories about wrongful convictions, create widespread concern about miscarriages of justice.

It was DNA testing, used to prove guilt with near certainty and to absolutely exclude suspects or defendants, that caused a sea change in attitudes about wrongful convictions. Previously, blood testing based on group types and other blood factors could not exclude suspects whose blood factors matched the crime sample; even though a large percentage of the population also shared those factors, prosecutors placed these “matches” in evidence. In forensic DNA testing, 13 loci (sites) in a suspect’s DNA strand that vary among people are analyzed to create a distinct DNA profile (or *DNA fingerprint*). The profile is compared with that of the same 13 loci in the biological sample linked to the crime (e.g., semen or blood deposited during a rape or assault). If the profiles match, based on population genetics studies, the probability that the suspect was the source of the crime scene DNA is astronomically high. If only 1 of the loci does not match, the suspect is absolutely excluded.

The first DNA exoneration in the United States occurred in 1989 and showed how DNA transformed a confusing tale of innocence or guilt into one of absolute clarity. Gary Dotson was convicted of rape in Illinois on a teenage girl’s eyewitness identification. In fact, she made up the rape story to cover her fear and shame after consensual sex with a boyfriend. Six years later she was married, got religion, and recanted her story. The police and a judge refused to believe that the recantation was true, despite her pastor supporting her truthful state of mind and the former boyfriend admitting to the consensual sex. Dotson was released on parole by the governor of Illinois in 1985, who inconsistently said that he did not believe the recantation. Dotson was reimprisoned for a parole violation in 1987. Finally, with the support of journalists and a determined defense lawyer, a DNA test was performed on the semen in the rape kit. Dotson was absolutely cleared and formally exonerated. His case became a template for tens and then hundreds of thousands of police rape investigations, which exonerated suspects in the early stages of crime investigations. By the early 1990s, the FBI laboratory reported that one quarter of all rape kit samples from police around the country were exclusions. This meant that in thousands of cases, accusations based on eyewitness identifications were wrong.

Soon, prisoners who knew they were innocent and serving time or sitting on death row for crimes that did not happen or were committed by someone else began to petition for DNA testing. Most were denied testing because of prosecutors’ resistance based on legal technicalities. However, a sufficient number of exonerations occurred by the mid-1990s to generate significant happenings. Newspapers prominently reported DNA exonerations. In New York, two enterprising law school clinical professors, Barry Scheck and Peter Neufeld, started the first law school innocence project at Cardozo Law School to pursue cases of inmates claiming innocence. Janet Reno, then attorney general of the United States, commissioned a report highlighting the weakness of eyewitness identification. The report raised the profile of the wrongful convictions issue in criminal justice and legal circles. By the late 1990s, several powerful documentaries, such as Errol Morris’s *Thin Blue Line*, brought the issue to moviegoers and television audiences.

In 2001, Scheck and Neufeld, together with reporter Jim Dwyer, published *Actual Innocence*, recounting several of their exoneration cases in gripping detail. Each case listed a specific way in which the criminal justice system had failed. This list, along with previous studies, created catalogues of what are considered causes of wrongful convictions. Although the book was well received, the major event in 2000 that did more to put wrongful convictions on the map was Illinois Governor George Ryan’s moratorium on executions. Between 1990 and 2000, Illinois had executed 12 prisoners while 13 on death row had been exonerated and freed. This so shocked Ryan that he halted all executions and set up a commission to review capital

punishment in Illinois. The commission recommended many reforms, and several were enacted. Ryan's continuing concern with unreliable death sentences led him to commute the sentences of all 167 death row prisoners and pardon 4 on the grounds of actual innocence before he left office in 2003. This led other states to impose moratoria or to end the death penalty. Exonerations have weakened support for capital punishment and raised general public awareness about wrongful convictions.

## Size and Scope of the Wrongful Conviction Problem

If wrongful convictions were rare, they could be downplayed as inevitable failings of a complex human system. If they are frequent and are linked to systemic problems, then they pose a challenge to the fairness and accuracy of the justice system that calls for a public response. The issue is controversial. Some prosecutors and judges believe the number of wrongful convictions to be vanishingly small and have offered an estimate of approximately 260 a year or an error rate of 0.027% (or 0.00027). This figure is a mistaken interpretation of a study conducted by Professor Samuel Gross and colleagues that counted 340 known exonerations between 1989 and 2003 (Gross, Jacoby, Matheson, Montgomery, & Patil, 2005). Critics fail to note that an *exoneration* is not the same as a *wrongful conviction* (although the terms are loosely used as equivalents). Gross et al. (2005) defined an exoneration as an official act declaring a previously convicted defendant not guilty, by means of (a) a governor's pardon on the basis of evidence of innocence; (b) a court dismissing criminal charges on the basis of new evidence of innocence (e.g., DNA); (c) a defendant being acquitted on retrial after an appeal, on evidence of factual innocence; or (d) a state's posthumous acknowledgment that a defendant who had died in prison was innocent. The study, however, demonstrated that the 340 exonerations it catalogued were the tip of an iceberg, with the number of wrongful convictions probably reaching into the thousands.

Most known exonerations have occurred in murder and rape cases rather than more numerous crimes, such as robbery, for which unreliable eyewitness identification is the only evidence. This is so partly because DNA evidence is available in most rape cases (although 60% of known exonerations were revealed by means other than DNA testing). High-stakes capital cases also generate greater assistance to avoid executions. It is likely that more errors occur in assault, robbery, and burglary convictions based on erroneous eyewitness identification and circumstantial evidence. Studies of wrongful convictions in death penalty cases since 1973 (when the modern era of capital punishment began), as to which careful statistics are kept by the government, have estimated "wrong person" wrongful convictions at 1% to 3.5%. In Illinois, of the 289 persons

sentenced to death between 1973 and 2003, 17 (or 5.9%) were exonerated and released.

Surveys of state judges, prosecutors, defense lawyers, and police officials have provided an alternate estimate of wrongful convictions—of about 1%. Although police and prosecutors give lower estimates than judges and defense lawyers, in light of what is now known about wrongful convictions a 1% felony error rate is plausible. On the basis of slightly more than 1 million state court adult felony convictions in 2004, and prison and jail rates of 40% and 30%, respectively, this rate translates to an estimated 10,790 adults wrongly convicted, of whom 4,316 were sent to prison and 3,237 wrongly jailed in 2004.

The number of wrongly convicted persons cannot be known with certainty, because no federal or state agency keeps track of exonerations, let alone wrongful convictions. Many news stories, reports, and books fairly describe wrongful convictions in detail, although not all of these wrongful convictions resulted in formal exonerations. In some of these cases, prosecutors insisted that the original verdict was accurate despite strong new evidence of factual innocence, further clouding an understanding of wrongful convictions.

## Causes of Wrongful Convictions

Studies reveal several factors related to miscarriages of justice, labeled "causes," although they are not so in a scientific sense. Typically, more than one factor is found in each wrongful conviction. Although a few wrongful convictions are caused only by honest witness error, most involve some level of negligence or malfeasance by criminal justice officers or defense lawyers. A troubling minority of cases involve perjury or knowingly dishonest action by forensic examiners, prosecutors, and police. Brief descriptions of the major factors related to wrongful convictions follow. Note that the list that follows is not comprehensive.

### Eyewitness Identification

Mistaken eyewitness identification is the leading cause of wrongful convictions. It was involved in 79% of the first 200 DNA exonerations. Although an overall error rate for eyewitnesses is not well established, some experts place it at about 25%. This figure is the same as the proportion of DNA tests in rape cases conducted by the Federal Bureau of Investigation laboratory in which the DNA did not match the mistakenly identified suspect. The human memory does not record all information like a video recorder; it drops most information out of short-term memory and stores the central, but not peripheral, elements of those events in long-term memory. This makes facial recall somewhat uncertain. Events during a crime, such as extreme stress or focus on a weapon, decreases facial recall by

victims and witnesses. In addition, *unconscious transference* can lead witnesses to superimpose the face of someone previously observed but not well-known onto the memory of the perpetrator. Memory is dynamic and can change during the recall stage from what was observed. Memory is also malleable and can change under the influence of suggestion. These and other factors show that eyewitness identification should be received with caution, and yet police, prosecutors, and especially jurors tend to rarely disbelieve eyewitness evidence.

Problems with eyewitness identification are made worse by flawed police procedures. Police have relied on “showups,” which is showing the suspect or the suspect’s photograph alone to the witness without a lineup. Courts rule that showups are suggestive and will exclude showup evidence unless one of several easy-to-produce factors is present. The showup exception factors are whether the witness paid attention, had a good opportunity to view the perpetrator, gave an accurate description, was certain, and viewed the showup shortly after the crime.

Even lineups are often flawed. Police are not always scrupulous in ensuring that the suspect does not stand out from the lineup fillers. Laboratory research shows that more errors occur when fillers are selected on the basis of their similarity to the suspect than on the basis of the victim’s description of the perpetrator. Police or prosecutors have at times suppressed the uncertain identification or nonidentification by one lineup witness while promoting the testimony of another. These and other elements often make lineups a less-than-optimal method of an accurate identification.

### Forensic Science Error or Misconduct

Problems with expert evidence presented by forensic scientists or forensic examiners is the second leading cause of wrongful convictions; erroneous forensic evidence supported the convictions of 57% of the first 200 DNA exonerations. Forensic error and misconduct take a variety of forms, including problems inherent in the method, incompetent or untruthful experts, and substandard forensic laboratories.

Some expert evidence is based not on scientific testing but on comparisons that rely ultimately on the experts’ subjective evaluations. Some of these methods, such as fingerprints, bullet and tool mark examinations, and footprint and tire impressions, are relatively credible and accurate, but known errors have nevertheless occurred. If such expert evidence goes unchallenged by defense attorneys (by having other experts evaluate it), it is possible that honest but mistaken conclusions will lead to false convictions. Other kinds of expert comparison, such as handwriting analysis, are more subjective and require closer scrutiny. Even lower on the reliability scale are comparison methods that are so tentative that some label it “junk science.” Two such methods, microscopic hair analysis and bite mark impressions

on skin, have caused numerous wrongful convictions. Hair analysis has now been largely replaced by DNA analysis, and bite mark evidence, although accepted in courts, has been subject to strong criticism.

Examiners have been known to err even where evidence is based on forensic science, which includes blood analysis (serology, which has been replaced by DNA analysis), drug analysis, forensic toxicology (the science of poisons), and organic and inorganic analysis of crime scene trace evidence. Even worse, in a few notorious cases forensic examiners have been exposed as pathological liars who always testified to benefit the prosecution, even when no tests were conducted. In addition to outright falsification, forensic experts can mislead courts and juries by overstating the strength of their findings, reporting inconclusive reports as conclusive, failing to report conflicting results, and the like. When expert witness perjury has been exposed, state criminal justice systems have had to reopen hundreds of cases to ensure that they did not result in wrongful convictions. Some specialized arson investigators have relied on incorrect or outdated fire science to report that fire and burn patterns were evidence of arson when this was not true.

Finally, even the most reliable methods can produce incorrect results if the forensic laboratories are substandard. As DNA testing becomes more sensitive, the risks of contamination rises unless the laboratories are in pristine condition. Testing in some inferior laboratories has even led to several people being wrongly convicted on the basis of erroneous DNA analysis. Among the worst cases was the Houston, Texas, police laboratory. A few years ago conditions were so poor that the laboratory’s roof leaked, contaminating samples with excess moisture.

### False Confessions

Most people cannot understand why innocent persons confess, especially as the “third degree” (beating and torture to get confessions) has mostly disappeared from American law enforcement. Yet, false confessions were obtained in about 20% of exonerations, and at least 125 false confessions have been documented. What people do not know is that police interrogation is a “guilt presumptive” process designed to extract a confession from the guilty person who is reluctant to confess. As such, it uses powerful psychological techniques to get suspects, even innocent suspects, to talk and to confess.

When police interrogate a suspect, they are usually not trying to solve a crime because they are already convinced that the suspect is guilty, even if the investigation has not been completed. Police conduct pre-interrogation interviews to ascertain whether a suspect is truthful, but the ability of police to detect lies is no better than chance. Despite Miranda warnings, most suspects waive their rights. Laboratory experiments and case studies have shown that innocent persons waive more frequently because they know they have nothing to hide.

The interrogation setting and process create psychological pressure designed to extract a confession. The suspect is isolated and confined in a small, uncomfortable space. The interrogator forcefully asserts the suspect's guilt and cuts off any denials or objections. In the United States police may lawfully lie to a suspect during interrogation, by, for example, falsely asserting that his or her fingerprint or DNA profile was found at the scene. The interrogation creates a sense of hopelessness in the suspect. The interrogator then develops themes, such as minimizing the seriousness of the crime, that make it psychologically easier for the suspect to admit guilt. Once an admission is made, the process moves on to generating detailed oral and written admissions or confessions.

Police interrogation produces incriminating statements or full confessions two thirds of the time. The techniques and subterfuges are so powerful that interrogation also induces innocent persons to confess. Research suggests that teens, mentally impaired individuals, and people with personality deficits are more likely to falsely confess than normal adults. *Compliant* false confessions are made in order to end the psychological pressure of interrogation. Some who confess naively believe that they will be released, led to that belief by subtle police statements that do not amount to the clear promises banned by the rule against coerced confessions. Others think that once they get out of the interrogation room they will be able to explain their case to a judge and have their case dismissed. Less frequently, cases of *internalized* false confessions occur, where the innocent suspect comes to doubt himself, after extensive and insistent police persuasion that includes false statements presented as fact, and admits that he "must have" committed the crime while in a blackout state. Even when such confessions are retracted, they play a strong role in convicting innocent suspects.

### **Perjury: Perpetrators, Informants, Jailhouse Snitches, and Criminal Justice Personnel**

Perjury in various forms is common in wrongful convictions. Informant perjury was a factor in 49% of the first 111 death penalty exonerations. In capital cases the real perpetrator is often a suspect, and in several cases where police focused on an innocent person, the actual killers led investigators further astray with false testimony. Witnesses frequently lie to police for a number of reasons, and although police tend to believe that they are proficient at detecting witnesses' deception, scientific studies show that investigators do no better than chance at detecting liars. In laboratory studies, all groups (whether police or students) could identify falsehoods about half the time.

Miscarriages of justice happen often when police pay informants to supply incriminating information about suspects, which the informants then fabricate. Informants are often criminals and can be paid in many ways: money, dropped criminal charges, leniency when they are charged with serious crimes, or favors to friends or family. This

gives the most untrustworthy people incentives to lie, and police handlers often fail to properly screen their stories. A pernicious type of informant is the jailhouse snitch. Numerous false convictions are obtained in part on the testimony of jailed snitches who claim that the innocent suspect confessed the crime to them or made incriminating statements. It is not all that difficult for a clever snitch to get enough information about a case to make up a plausible story for the prosecution to use. In some jails the use of snitches has become so routine as to suggest willful blindness on the part of police and prosecutors.

Unfortunately, there are several recent notorious cases in which rogue police officers have framed innocent people for drug and weapons possession. Although this kind of corruption is rare, when it happens it requires officials to reinvestigate hundreds of convictions. Police and prosecutors have great discretion in conducting investigations and trying cases. Although the overwhelming majority are honest, their opportunity to cover the truth requires internal vigilance on the part of these agencies.

### **Ineffective Defense Counsel**

Most defendants are poor (indigent) and rely on government-paid assigned counsel or public defenders rather than retained lawyers. Indigent defense is chronically underfunded, making it difficult for competent attorneys to routinely provide adequate defense. Studies in several states have shown a higher proportion of defense lawyers in exoneration cases with poorer disciplinary records than average, offering proof that substandard lawyering is a cause of wrongful convictions. The U.S. Constitution requires effective assistance of counsel for defendants, but the Supreme Court's standards for determining ineffective assistance are weak and require proof that attorney negligence caused a verdict. Only 38 of the first 200 (29%) DNA exonerees raised ineffective-assistance claims on appeal, reflecting the difficulty of making this kind of challenge, and only 4 received a reversal on ineffective-assistance grounds.

Egregious cases of defense attorney misconduct in court have ranged from sleeping or total unpreparedness to drunkenness and being high on drugs. Even ordinarily competent defense lawyers have failed to prevent the conviction of innocent clients in ways too numerous to catalogue. Among the most serious underlying problems are failures to adequately investigate case facts and failing to properly challenge prosecutors' witnesses, including forensic experts. Although the wrongful conviction literature does not list ineffective assistance as the highest cause, in a sense there is a failure by the defense in every wrongful conviction.

### **Prosecutorial Misconduct**

Prosecutorial misconduct, whether or not it leads to wrongful convictions, is common. In-court misconduct

includes making inflammatory comments or mischaracterizing evidence to the jury, allowing witness perjury (suborning perjury), or permitting snitches to lie about their payoffs for testifying. Prosecutors have even been known to destroy evidence. The suppression of exculpatory evidence (that which points to innocence), in violation of Supreme Court rules, appears in many wrongful conviction cases. Suppressing exculpatory evidence is a cloudy issue because it is up to the prosecutor to determine in the first instance whether the evidence is exculpatory.

When DNA testing became standard in the 1990s, a large proportion of prosecutors, all of whom welcomed DNA as an investigation tool, strongly resisted postconviction, postappeal petitions by prisoners seeking to test DNA crime scene samples in storage. Such resistance added to the frustration and tragedy of actually innocent prisoners, and it delayed justice. In a few cases, any chance of getting to the truth was terminated when existing DNA samples in evidence lockers were deliberately destroyed after prisoners petitioned for testing.

Prosecutorial misconduct is especially significant because prosecutors are the most powerful figures in the criminal justice process, with great discretion as to whether to charge suspects or to dismiss cases. Before prosecutions are formally initiated, prosecutors have a judge-like role. They dismiss one quarter of all cases filed by police, often because they believe that the suspect is innocent. Two theories guide prosecutors in their discretionary decisions and in the way they prosecute their cases: the (1) adversary role and (2) the minister of justice role. In the *adversary role* a prosecutor can go forward with a case in which the evidence is equivocal, on the theory that it is up to the jury to decide whether a defendant is guilty beyond a reasonable doubt. As a *minister of justice* a prosecutor must be personally convinced that the defendant is guilty beyond a reasonable doubt. A problem with the adversary role is that prosecutors holding that view will tend to have a win-at-any-cost attitude, likely resulting in fewer dismissed cases, more aggressive trial tactics, more instances of misconduct, and greater opportunities of generating wrongful convictions. The minister of justice role requires the difficult human and institutional ability to balance vigorous prosecution with fairness and decency. This balance was captured in a 1940 speech to federal prosecutors made by Attorney General Robert Jackson, later a U.S. Supreme Court justice:

Your positions are of such independence and importance that while you are being diligent, strict, and vigorous in law enforcement you can also afford to be just. Although the government technically loses its case, it has really won if justice has been done.

### Police Investigation

At its best, police investigation is the patient, systematic, and dispassionate search for, discovery of, and evaluation

of all relevant facts of a suspected crime. The goal is to establish whether a crime was committed and to identify and apprehend the perpetrator(s). This complex and sensitive task requires solid understanding of criminal law, extensive knowledge about criminal behavior and crime patterns, complete familiarity with the methods of evidence collection and analysis of forensic evidence, skill in interviewing witnesses, and good analytic and writing abilities.

Although it is inevitable that some crimes will not be solved and some innocent suspects will be mistakenly identified, several factors increase the probability of error. One is *tunnel vision*, which in fact affects all people and all criminal justice system participants. This term encompasses well-established psychological cognitive mechanisms such as *confirmation bias*, or the human tendency to seek and interpret new information in ways that confirm preconceptions and avoid information and interpretations that contradict prior beliefs. When applied to police investigation, tunnel vision is the tendency to focus on the first suspect and then to select and filter evidence that builds a case for guilt, while ignoring or suppressing exculpatory evidence. Tunnel vision is an unconscious or “natural” and entirely nonmalicious process. However, its worst effects are amplified by aspects of police investigation such as the nature of interrogation, discussed earlier.

Another problem is the nature of the police investigation report. This document is tremendously important, because in most cases there is limited or no investigation by the defense (in large part because of severely limited funds) and so the police case, found in the report, becomes the official facts in the case. The police report is relied on heavily by the prosecutor in deciding whether and what crimes to charge, by the magistrate in setting bail and ordering detention for psychological evaluation, and even by defense attorneys who do not independently investigate their client’s cases for plea bargaining and trial purposes. It is the basis on which an officer testifies at trial and can influence sentencing decisions.

In contrast to European countries, where police investigation is supervised by investigative magistrates who are well-trained judicial officers in national ministries (departments) of justice, American police investigation (aside from federal cases) is almost entirely under the control of local police departments. European police reports are highly detailed, part of the official dossier, and geared to ascertaining the truth; American reports are internal documents that serve functions other than informing the prosecution, such as evaluating personnel. Police are not specifically trained to include exculpatory information in reports, despite orders to include “all” information. Severe time pressure makes it difficult for police to write comprehensive reports, and police are trained to not report information that could lead to civil suits against themselves or their departments. Studies indicate that police reports do not normally contain exculpatory facts, and in fact are often deficient in reporting inculpatory facts, to the discomfit of prosecutors. A few cases have

uncovered deliberate fabrication and the exclusion of exculpatory evidence in police reports that framed innocent suspects. It is not known how pervasive these behaviors are. What is probably more common is for overworked police officers to focus on the initial suspect and enter facts in their field notes and follow-up reports that confirm their initial suspicion. Once written, there is no regular procedure to incorporate contradictory or exculpatory evidence in police reports.

### Other Causes, Root Causes

This list of wrongful conviction causes is not comprehensive. Race may play a part, either by blatant discrimination, subtle bias, or as a result of the weaknesses of cross-racial identification. This last results not from bias but from familiarity that allows people to see subtle facial features among people with whom they are familiar. A disproportionate number of wrongful convictions have occurred against African American men convicted of raping white women.

The death penalty may also generate a higher proportion of wrongful convictions. Police, under extreme pressure to solve capital murders, rely on marginal evidence to fasten their attention on suspects. The American war on crime and its hyperimprisonment (at five to eight times the levels found in other advanced democracies with comparable crime levels except for homicide) has created a pro-prosecution atmosphere, leading police, prosecutors, judges, juries, and appellate courts away from balanced decision making, probably resulting in more miscarriages of justice.

In addition, pervasive root causes of wrongful convictions exist. One, discussed earlier, is tunnel vision. Another is the lack of resources for all actors (police, prosecutors, and courts, as well as defense lawyers). This creates extreme pressure to investigate cases within limited time periods. Overlapping with pressure is the system's normal bureaucratic functioning and production demands, which channel the work of justice officials into routines that make it difficult to slow case processing for more careful examination where called for. These bureaucratic imperatives are aggravated by structural factors that may be impossible to change. The American governmental and criminal justice system is the most fragmented of any modern nation. There are substantial differences in quality among the 16,000 local police departments and 3,000 prosecutors' offices in the nation. The election of prosecutors and judges, virtually unheard of anywhere else in the world, injects a level of partisanship into criminal justice that often undermines rational action. These factors may in turn create a culture of impunity among investigators and prosecutors in which errors are seldom restrained and misconduct rarely punished. The adversary system of trial, which imposes a large burden on the defense to counter the prosecution with its own evidence, is fatally flawed when

criminal defendants almost never have the ability to independently gather evidence.

### Reforms: Reducing the Number of Wrongful Convictions

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Research and systematic thinking about the proximate causes of wrongful convictions have suggested a number of feasible reforms likely to reduce miscarriages of justice. At this early stage in the innocence movement, no comparable thought has been given to dealing with the far more intractable root causes. The partial list and descriptions that follow do not explain the research bases for the proposed reforms, but there is good reason to believe that the widespread adoption and systematic application of these reforms will reduce the number of wrongful convictions.

Recommended lineup reforms are grounded in laboratory research findings that show they will reduce the number of false identifications without significantly reducing accurate identifications. Witnesses in all lineups (live and photo) should be instructed that the perpetrator may not be present, to reduce the tendency to pick anyone. All lineup fillers should be selected on the basis of the victim's verbal description, and not on similarity to the suspect. Lineups should contain only one suspect and should be fair in that there are similarities of race, height, general appearance, facial hair, photograph characteristics, and the like between the suspect and fillers. It is best that the lineup administrator not know who the suspect is (blind administration), to ensure that there is no unconscious influence on the witness (as is done for subjects in medical and pharmaceutical trials). If lineup administration is blind, the lineup participants (live or photo) should be presented one at a time (sequentially) rather than as a group (simultaneously). This helps to prevent the exercise of *relative judgment*, by which a witness picks a person out of the lineup who looks most like the memory of the perpetrator rather than recognizing the perpetrator. A witness should be asked for a confidence statement immediately after making an identification, to prevent his or her inflation of confidence as the case proceeds.

All crime laboratories should be accredited and their examiners certified and required to undergo periodic proficiency testing. Defense attorneys, as well as prosecutors and judges, should be educated in forensic testing techniques, and funding should be sufficient to have challenged forensic evidence retested. Defense attorneys should become aware that comparison testing methods, like fingerprinting, are not infallible. Where standards for comparison testing are weak or even suspect, as with bite mark evidence, special caution must be taken in allowing and weighing such evidence. Forensic science research is needed to ensure that methods and findings are valid. Substandard laboratories should be closed and not reopened until all problems are remedied.



The most widely recommended interrogation reform is to videotape entire interrogations, from initiation and before Miranda warnings to the conclusion, and not just the confessions. Videotaping allows pretrial judges to determine whether interrogation was coercive or likely to produce a false confession. Police benefit from videotaped interrogations, because confessions by guilty suspects provide powerful prosecution evidence. Interrogations should be time limited, especially for vulnerable suspects, such as teenagers, to 2 hours, because many false confessions are the product of protracted interrogation. Police in Canada and the United Kingdom are not allowed to use lies to get suspects to confess. This rule should be adopted even though the U.S. Supreme Court has held that lies do not violate a suspect's constitutional rights. Another valuable reform would require police to provide, before interrogating, stronger evidence of their belief that a suspect is guilty than is now the case. A judicial instruction that informs the jury about the risks associated with nonvideotaped station house confessions creates incentives for police and prosecutors to adopt electronic recording.

If the use of jailhouse snitches is to continue, prosecutors should carefully corroborate their stories and take into account snitches' characters and past experiences before using their claims that suspects confessed to them. Legal rules should allow defendants extensive discovery to explore the nature of deals made in return for their testimony. Judges should warn juries that jailhouse snitch evidence should be examined with greater care than that of other witnesses.

At present, many groups urge that compensation for indigent defense be raised to reasonable compensation, to allow competent assigned attorneys the time to better represent clients and bring public defenders' workloads into compliance with established standards. Changes in appellate rulings should allow findings of ineffective assistance without needing to prove that incompetence caused a verdict. Greater bar association scrutiny of appointed counsel and public defenders can enjoin attorneys to do their jobs properly. Defense attorneys should be expected to visit crime scenes and interview all prosecution and defense witnesses. Funding for investigators should increase.

Additional funding for prosecutors and their investigators, by reducing caseloads, will create better understanding of cases and may reduce wrongful convictions. Prosecutors should advise police and forensic laboratories to include exculpatory evidence in their reports. As the leading executive branch participants in the criminal justice system, prosecutors should promote laws and regulations to improve lineups and interrogations in accordance with best practices established by psychological research and should not resist reasonable postconviction requests for reinvestigation of evidence.

Police investigators also need greater resources to make work pressures more manageable. Standards should be rewritten and training revised to educate investigators in

wrongful conviction matters, to become aware of the effects of tunnel vision, and to include exculpatory evidence in their reports. This may be very hard to achieve, because it calls for a change in police culture away from pro-prosecution partisanship and more toward a neutral and scientific attitude toward cases.

## Conclusion

In 20 years, wrongful conviction has gone from a little-noted phenomenon to an important topic within criminal justice. The number of innocence projects working to exonerate prisoners has grown from 1 or 2 in the early 1990s to about 50 today. Partly as a result of their policy advocacy, innocence reforms have been enacted. Congress passed the Innocence Protection Act in 2004, providing funding for state postconviction DNA testing, encouraging states to pass postconviction DNA testing laws, and raising the annual compensation for exonerated federal prisoners to \$50,000 for each year of imprisonment. More than 40 states have passed postconviction testing laws. Six states and hundreds of police departments have required videotaping of interrogations. Seven states and a growing number of police departments have established eyewitness identification reforms. North Carolina created the first innocence inquiry commission that reviews wrongful convictions claims and presents successful claims to a special court.

The investigation of wrongful convictions, which challenge the fairness and accuracy of the criminal justice system, are becoming a necessary feature of criminal justice analysis. The adoption of innocence reforms will not only reduce this kind of injustice but will also improve the quality and professionalism of criminal justice participants.

## References and Further Readings

- Baumgartner, F. R., DeBoef, S. L., & Boydston, A. E. (2008). *The decline of the death penalty and the discovery of innocence*. Cambridge, UK: Cambridge University Press.
- Bedau, H. A., & Radelet, M. L. (1988). The myth of infallibility: A reply to Markman and Cassell (Response to a critique ordered by Attorney General Edwin Meese). *Stanford Law Review*, 41, 161–170.
- Cole, S. A. (2001). *Suspect identities: A history of fingerprinting and criminal identification*. Cambridge, MA: Harvard University Press.
- Cutler, B. L., & Penrod, S. D. (1995). *Mistaken identification: The eyewitness, psychology, and the law*. New York: Cambridge University Press.
- Doyle, J. M. (2005). *True witness: Cops, courts, science, and the battle against misidentification*. New York: Palgrave Macmillan.
- Findley, K. A., & Scott, M. S. (2006). The multiple dimensions of tunnel vision in criminal cases. *Wisconsin Law Review*, 2, 291–397.

- Fisher, S. Z. (1993). "Just the facts, ma'am": Lying and the omission of exculpatory evidence in police reports. *New England Law Review*, 28, 1–62.
- Forst, B. (2004). *Errors of justice: Nature, sources, and remedies*. Cambridge, UK: Cambridge University Press.
- Garrett, B. L. (2008). Judging innocence. *Columbia Law Review*, 108, 55–141.
- Giannelli, P., & Raeder, M. (Eds.). (2006). *Achieving justice: Freeing the innocent, convicting the guilty*. Washington, DC: American Bar Association.
- Gould, J. B. (2008). *The innocence commission: Preventing wrongful convictions and restoring the criminal justice system*. New York: New York University Press.
- Gross, S. R., Jacoby, K., Matheson, D. J., Montgomery, N., & Patil, S. (2005). Exonerations in the United States, 1989 through 2003. *Journal of Criminal Law and Criminology*, 95, 523–560.
- Harmon, T. R. (2001). Predictors of miscarriages of justice in capital cases. *Justice Quarterly*, 18, 949–968.
- Huff, C. R., Rattner, A., & Sagarin, E. (1996). *Convicted but innocent: Wrongful conviction and public policy*. Thousand Oaks, CA: Sage.
- Leo, R. A. (2005). Rethinking the study of miscarriages of justice: Developing a criminology of wrongful conviction. *Journal of Contemporary Criminal Justice*, 21, 201–223.
- Leo, R. A. (2008). *Police interrogation and American justice*. Cambridge, MA: Harvard University Press.
- Loftus, E. (1979). *Eyewitness testimony*. Cambridge, MA: Harvard University Press.
- Rabinowitz, D. (2003). *No crueler tyrannies: Accusation, false witness and other terrors of our times*. New York: Wall Street Journal Book.
- Radelet, M. L., Bedau, H. A., & Putnam, C. (1992). *In spite of innocence*. Boston: Northeastern University Press.
- Scheck, B., Neufeld, P., & Dwyer, J. (2001). *Actual innocence: When justice goes wrong and how to make it right*. New York: Penguin/New American Library.
- Vollen, L., & Eggers, D. (Eds.). (2005). *Surviving justice: America's wrongfully convicted and exonerated*. San Francisco: McSweeney's Books.
- Weinberg, S., Gordon, N., & Williams, B. (2003). *Harmful error: Investigating America's local prosecutors*. Washington, DC: Center for Public Integrity.
- Westervelt, S. D., & Humphrey, J. A. (Eds.). (2001). *Wrongly convicted: Perspectives on failed justice*. New Brunswick, NJ: Rutgers University Press.
- Zalman, M., Smith, B., & Kiger, A. (2008). Officials' estimates of the incidence of "actual innocence" convictions. *Justice Quarterly*, 25, 72–100.

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## PUBLIC HEALTH AND CRIME

HAYDEN P. SMITH

*University of South Carolina*

During the decade of the 1980s, changes occurred in the field of public health that significantly impacted the field of criminology. At this time, public health professionals were evaluating a range of interventions and interventions that crossed the traditional boundaries of public health; for example, they worked on issues involving homelessness, teenage pregnancy, and violence prevention. The field of public health had even gained optimism in response to the HIV/AIDS pandemic. Starting with educational campaigns in the 1980s that addressed sexual behaviors and drug abuse and furthered by the development of antiviral medications in the 1990s, the HIV/AIDS pandemic was transformed from a death sentence into a manageable, chronic condition. Clearly public health and criminology were working side by side, if not together.

While some issues were gaining interest in both fields, three of the five leading causes of premature death—suicide, homicide, and injury—had received far less attention from public health researchers than criminologists (Rosenberg & Fenley, 1991). All three causes were strongly correlated with violence. In response, then-Surgeon General C. Everett Koop (1986) expanded the mission of public health and dedicated new resources toward the prevention and treatment of violence. By doing so, violence was now conceptualized as a public safety and community health issue, rather than principally a law enforcement matter. By 1991, the National Center for Injury Prevention and Control was housed within the

Centers for Disease Control and Prevention, and the American Medical Association had initiated practices designed to address family violence. Collaborative partnerships between criminal justice and public health increased, with the hope of pooling resources and creating synergy. In short, the field of criminal justice had experienced a paradigm shift and had incorporated the perspective of public health into everyday operations.

The inclusion of a new perspective was facilitated by the need for criminal justice to reach beyond its borders. The “nothing works” ideology had reached its peak following Martinson’s (1974) assessment of 231 rehabilitation programs, which found no significant changes in offender recidivism. Also, the Law Enforcement Assistance Administration had been dissolved and its models of operation criticized as ineffectual and obsolete. Thirty years later, former Law Enforcement Assistance Administration officials now involved in the Office of Justice Programs reflected that policies should always be “based on the knowledge that criminal justice agencies *alone* cannot solve crime problems” (U.S. Department of Justice, 1996, p. 1).

To address threats to public safety, practitioners and academicians who had previously embraced the traditional criminal justice models accommodated epidemiological models into the study of crime and deviancy. Today, the paradigm shift experienced by criminal justice is evident. Criminologists routinely conduct surveillance of geographical conditions to identify risk factors associated with criminality and devise population-based interventions

that prove to be evidence based. Practitioners now respond to “contagious” adverse events, and criminal justice syllabi include mental illness, drug abuse, and correctional health, among other public health topics. The purpose of this chapter is to link the fields of public health and criminology by showing their similar interests, methods, and goals.

The shift of the criminal justice system toward a public health perspective requires further explication. First, the notion of criminal justice as a public health issue is presented within the ecological context of mandatory sentencing, rapid incarceration, and the provision of services to an increasingly sicker and older U.S. population. Key stakeholders and administrators are cognizant that criminal justice institutions are responsible for providing interventions that directly impact neighboring communities. This includes addressing the chronic health needs of recidivists and tracking their migration among the criminal justice, public health, and community systems. Also included is the adoption of central epidemiological tenets that include surveillance, screening and testing, therapy, medication, and education.

Second, this chapter introduces readers to several classic public health experiments that have documented the social determinants of health (Marmot & Wilkinson, 1999). Specifically, the Alameda Study, the Whitehall Studies, and the Black Report highlight the relationship between the lived environment and trajectories of health.

Third, the concept of health is discussed using the accepted World Health Organization definition of “physical, mental and social well-being and not merely the absence of disease or infirmity” (World Health Organization, 1946). This broad definition includes a range of diseases, conditions, and behaviors that threaten public safety. This section is divided into the tripartite scheme of physical health, mental health, and social health, and their relevancy to the criminal justice system is explained. The Chicago Safe Start project is presented as an example of a synergistic partnership between criminal justice and public health designed to address community violence. Last, the paradigm shift within criminal justice is discussed and future directions are summarized.

## The Need for Collaboration

*No single actor, public or private, has the all-encompassing knowledge, overview, information or resources to solve complex and diversified problems.*

—The Copenhagen Center (Schested, 2003, p. 89)

Criminal justice issues resonate beyond the domains of the police, court, and corrections and threaten the integrity of our society. In fact, disorganized communities experience the cumulative effects of socioeconomic disparities whereby layers of risk factors are nested within larger

ecological systems of additional risk factors (M. Lynch & Cicchetti, 1998). Within a nested model, citizens are more or less likely to encounter individual-level risk factors (e.g., poor prenatal care), group-level risk factors (e.g., gang membership), and institutional/social level risk factors (e.g., political and racial oppression). Prolonged exposure to risk factors reduces what sociologist Max Weber (1922/1968) termed *life chances*, or the opportunities provided to improve one’s quality of life. In addition to the relative deprivation that fuels this phenomenon, there is a loss of cohesiveness in the social relations within these communities (Sampson, 2003). This builds a cyclical pattern in which collective efficacy cannot be realized and the community maintains the “bad part of town” label. Such a despairing portrayal can only reinforce the need for community empowerment through integrating diverse scientific disciplines, agencies, and programs.

Public health has been an appropriate perspective adopted by criminology because crime is “a mirror of the quality of the social environment” (Kawachi, Kennedy, & Wilkinson, 1999, p. 719). Crime and poor health are endemic in low socioeconomic communities and are thought to originate from the same ecological sources. This suggests that criminologists provide an important role in public health by participating in collaborative endeavors and by recognizing crime as a harbinger of community health. To supporters like Moore (1995), the public health and criminal justice systems can maximize outcomes by assuming a complementary rather than substituting role. Here, key stakeholders utilize the specialized training of their respective disciplines but also work with partners outside of the discipline to promote synergy and address gaps in service delivery. Differences between the criminal justice and public health systems are typically found in the following five dimensions: (1) how each views the problem, (2) what particular components of the problem warrant more attention, (3) the analytic framework selected that is based on assumptions rooted in professional experience, (4) the available resources, and (5) divergences of ethical values (Moore, 1995). However these challenges are typically minimized by the collaboration between public health and criminology. An important reconceptualization of crime and delinquency is the role of the criminal justice system as an intervention point that can promote health.

## Criminal Justice as an Intervention

The United States incarcerates more of its citizens than any other country, and most of these incarcerated citizens will return to mainstream society. In fact, there are currently 500,000 inmates per year who are released from prison alone, a three-fold increase from the 170,000 inmates released in 1980 (Travis & Waul, 2004). Never before has the U.S. criminal justice system been responsible for the personal safety and health care needs of such a large portion

of society. To present further challenges, many incarcerated persons are marginal members of society who have had minimal exposure to traditional health care resources. Further subsets of recidivist criminals have typically experienced serious trauma, drug/alcohol abuse, and mental illness over the life course and enter the criminal justice system with deteriorating health conditions. In response, the criminal justice system now functions as an intervention point whereby chronic conditions are evaluated and treated, with the distal goal of promoting compliance with medical directives following release.

This paradigm shift is predicated on the notion that criminal justice institutions are inextricably linked to the broader society. Lessons from the past teach that a dysfunctional correctional system acts as an incubator for communicable disease and violence that permeate neighborhoods. These adverse health outcomes are particularly salient for the children of individuals under correctional supervision, a population that currently numbers in excess of 3.2 million (Travis & Waul, 2004). The policies of mass incarceration have also reduced structural resources (i.e., housing and employment), emotional support, and hope for the future in low socioeconomic and minority communities.

Efficacious policies have been demonstrated through the adoption of the public health perspective. A public health approach includes the epidemiological tenets of surveillance, screening and testing, therapy, medication, and education. Therapy and education are promoted through a range of programs that are ideally linked to meet the needs of the individual. In addition to addressing individual-level behaviors, the field of public health seeks to understand the social determinants of health that occur at the ecological level (Marmot & Wilkinson, 1999). The antecedents of poor community health include economic inequality, fear of crime, education attrition, unsafe schools and housing, demographic vulnerabilities, environmental pollution, and racial/social oppression. These causal factors require the collaboration of several agencies to establish population-level interventions.

Another component of the public health perspective is the move from fragmented “silo” databases toward the construction of an integrated data warehouse. Here, data are collected from various agencies and standardized for researchers and policymakers. The integration of data systems enables the identification of at-risk populations. For example, Crandall and colleagues (Crandall, Nathens, & Rivera, 2004) found that 44% of women who were murdered by a spouse had gone to the emergency room within the previous 2 years. This represents a missed opportunity to screen and report intimate partner violence from within the safe confines of a medical setting. These victims fell between the gaps of the criminal justice and public health systems and highlight the need for suggested collaborations. With this in mind, this chapter now introduces readers to several classic public health studies and highlights their significance to the field of criminal justice.

## Important Public Health Studies

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The following seminal public health studies reveal the impact that ecological variables have on community health and have significant implications for criminal justice. Ecological variables include such environmental factors as where one works or how much money one makes. These studies focus on the hierarchical nature of social conditions that constitute fundamental causes of poor health and posit that higher socioeconomic groups are more favorably situated to know about health risks and to possess the resources that allow them to engage in protective behaviors to avoid those risks (Link & Phelan, 1995). The findings of the Alameda Study and Whitehall Studies are synthesized in the influential Black Report.

### Alameda Study

In 1962, academics at the University of California at Berkeley allocated funds to initiate a large ecological study of community health. The Alameda Study, which had a longitudinal, cohort design, examined the causative agents of morbidity and mortality within selected residents during the years 1965, 1974, 1983, 1994, and 1995. Researchers found that, over time, living in an impoverished area was associated with a 50% increased risk in death for all sources of mortality, even after controlling for individual-level variables (Haan, Kaplan, & Camacho, 1987). In fact, the location of where one lived was far more important than personal lifestyle choices such as diet, smoking, and exercise. This research has since been replicated, with successive research documenting a positive, linear relationship between socioeconomic status and premature mortality (J. W. Lynch et al., 2004).

### Whitehall Studies

The Whitehall Studies, Whitehall I and Whitehall II, were pioneered by Sir Michael Marmot and examined a particular work group: civil servants working in one area of London. Whitehall I and Whitehall II observed a large number of workers over time in order to quantify the presence of a social gradient of poor health. Civil servants were selected because this work group had nonsignificant differences in race and ethnicity, work environment, and medical benefits. However, the English civil servants could be categorized as belonging to one of five distinct work grades, which enabled researchers to collect data on social class while holding the aforementioned variables constant.

The Whitehall I study was conducted in 1967 and included 19,019 male civil servants. Whitehall I found that individuals with high employment grades were much less likely to die prematurely than men in the lowest ranks—in fact, after a 10-year period the low-ranked workers had three times the mortality rate of high-ranking workers (Ebi-Kryston, 1989). Low-grade workers also faced increased

risk for coronary heart disease, cancer, accidents, homicides, and suicides when compared with high-grade workers (Marmot, 1986). In 1985, the Whitehall II study examined a new cohort of 10,314 civil servants and included female civil servants. Whitehall II reaffirmed the presence of a social gradient of health, with lower occupational rankings correlated with an increased risk of premature mortality while controlling for individual-level risk factors. Analyses of Whitehall I and Whitehall II reveal that low occupation ranking was associated with low control of work, which promotes feelings of helplessness and stress. Social gradients of health have since been confirmed in almost the entire developed world with virtually every studied disease and condition (Marmot & Wilkinson, 1999).

### ***The Black Report***

In 1977, *The Black Report* (Black, Davidson, Townsend, & Whitehead, 1993) was commissioned by English medical sociologists to report on the rising health disparities that continued in light of a socialized medical system. The working group identified four models that explain health inequalities: (1) artifact, (2) selection, (3) behaviorist, and (4) materialist/structural (MacIntyre, 1997). The artifact model suggests that the relationship between ecology and community health is primarily a product of measurement error, whereas the selection model assumes that biologically determined natural abilities lead to the allocation of social position and health. The behaviorist model argued that habits, customs, and practices of low-socioeconomic individuals produced poor health, with foremost importance placed on instances of maternal mismanagement (e.g., smoking while pregnant, inadequate prenatal care) that produce infant mortality or unhealthy offspring. The behaviorist model placed emphasis on the disease pathways of personal ignorance and irresponsible lifestyles. The materialist/structural viewpoint argues that ecological factors influence health, “independent of inherited constitution” (Szreter, 1984, p. 528). Of particular significance was the finding of *The Black Report* that the materialist/structuralism model possessed the greatest explanatory power in terms of health disparity. This means that, despite the contribution of genetic, behavioral, and cultural factors, the governing explanation for health inequality was material deprivation and economic stratification. No other model could justify why mortality rates in higher social classes had steadily declined while those at lower levels had stagnated or even increased.

*The Black Report* Committee concluded that “the availability of health care did not overcome social and economic differences,” which “were central to the explanation for the existence of health disparities” (Bundrys, 2003, p. 171). *The Black Report* recommended the inclusion of a comprehensive anti-poverty strategy, educational development, and equity in the distribution of resources. It is important to note that materialist/structuralism theorists

would support structural changes that eliminate inequality rather than just providing interventions that ameliorate the effects. The Alameda and Whitehall Studies, coupled with *The Black Report*, provide valuable direction; the next section examines the contemporary state of affairs for public health and crime.

## **Defining Public Health**

The World Health Organization’s (1946) broad definition of *health*, given earlier in this chapter, extends beyond individual risk factors and biological markers to include an assessment of ecological variables that lead to poor community health. The intersection of the criminal justice and public health domains can be explicated through the tripartite scheme of physical health, mental health, and social health.

### **Physical Health**

Citizens who regularly interact with the criminal justice system disproportionately share the burden of infectious disease and poor health. Recent evidence identified the presence of an extensive criminal history as a strong predictor of physical illness (Mateyoke-Scriver, Webster, Hiller, Staton, & Leukefeld, 2003). Furthermore, citizens positioned in the lower socioeconomic strata are more likely to enter the criminal justice process with limited health service utilization and with significant prior exposure to risk factors. As a result, an estimated 44% of state inmates and 39% of federal inmates at any given time have a medical problem other than a cold or virus (Maruschak, 2008). Paradoxically, many inmates discover that the medical services available in prison or jail are superior to the health resources available in the community. This is evident in research that found 80% of all state inmates received medical screening when admitted to prison, with 91% of state inmates seeking further professional care for health problems (Maruschak & Beck, 2001). Addressing physical health through the criminal justice system raises a host of complex issues; therefore, this discussion is limited to two key areas: (1) infectious disease and (2) specialized health needs.

#### *Infectious Disease*

Criminal populations account for a disproportionately large share of the total population of infectious diseases, in particular HIV/AIDS, sexually transmitted diseases (STDs), hepatitis, and tuberculosis. Infectious disease rates are even higher among incarcerated populations, with state and federal inmates approximately 2.7 times more likely than the mainstream population to have confirmed AIDS status (Maruschak, 2006). Almost all of these inmates will return to the community, and many

will continue to engage in high-risk activities. This represents a public health emergency when one considers that prison and jails annually release 25% of *all* HIV/AIDS cases, 30% of *all* hepatitis C cases, and 30% of *all* tuberculosis cases (Hammett, Harmon, & Rhodes, 2002). Despite limitations in resources and the presence of rigid security requirements, the correctional system functions as a crucial intervention point for the identification and treatment of infectious disease.

Sentinel health events highlight that inefficient correctional systems can act as disease incubators that threaten public safety. Sentinel events are preventable and/or treatable diseases that act as a measure of unnecessary disease, disability, and death at the community level. For example, during the early 1990s a combination of prison overcrowding, poor ventilation, inmate predispositions, and minimal health care resources led to an outbreak of drug-resistant tuberculosis in New York City (Schmalleger & Smykla, 2008). Approximately 80% of the confirmed cases were traced back to inmates released from New York jails and prisons. Such lessons reinforce the notion that correctional institutions are not isolated components of society, and infectious diseases left undiagnosed and untreated can generate dangerous contagion effects that resonate to the broader community.

The antecedents of infectious disease within corrections are well known and typically include unsafe sexual behavior, intravenous drug use, and tattooing, yet currently less than 1% of all U.S. correctional facilities provide condoms to inmates, and none distribute clean needles (May & Williams, 2002). These limitations are counterbalanced by the passing of the Prison Rape Elimination Act of 2003 by the U.S. Congress, which aims to reduce rates of sexual violence within prisons and jails. The Prison Rape Elimination Act follows an epidemiological method of surveillance, collection of confidential data, sexual health education, and the development of a risk-assessment model for the early identification of prison rapists. These efforts are supported by innovative collaborations at the state level that rely on both the criminal justice and public health systems to address infectious disease.

### *Specialized Health Needs*

The shift experienced by the criminal justice system has been facilitated by the specific health needs of vulnerable populations. In this section, the discussion of health needs is limited to three groups: (1) children/youth, (2) women, and (3) the elderly.

*Children/Youth.* Recent evidence from clinical neuroscience demonstrates that the human brain experiences significant development throughout childhood and adolescence. Using a brain imaging technique known as *magnetic resonance imaging*, neurologists have found that components of the human brain, the frontal and temporal lobes,

are less developed in an adolescent brain when compared with an adult brain. As a result, youth in general are less likely than other age groups to govern impulse control. Criminologists have long known early delinquency to be highly correlated with other risk-taking behaviors, such as underage drinking and binge drinking, drug abuse, unsafe sex, and a propensity for violence. (Violence includes physical fighting, gang membership, bullying, and the use of weapons.)

These behaviors present as a constellation of risk and ultimately lead to *comorbidity*, or a state in which the individual suffers from multiple chronic diseases or conditions. The Youth Risk Behavior Surveillance System (YRBSS) created by the Centers for Disease Control is a longitudinal data source used to monitor priority health-risk behaviors in youth. Results from the 2007 YRBSS found that 72% of all deaths among persons aged 10 to 24 years result from four causes: (1) motor vehicle crashes (30%), (2) other unintentional injuries (15%), (3) homicide (15%), and (4) suicide (12%; Centers for Disease Control and Prevention, 2008). Alcohol and drug abuse are strongly associated with this early mortality and represent an early intervention point that the fields of criminal justice and public health have yet to adequately address. The YRBSS also revealed substantial youth morbidity due to teenage pregnancy, STDs, and HIV/AIDS. In addition to these risky behaviors, the majority of youthful offenders who enter the criminal justice system are less likely to have access to preventive medical care, educational programs, and supportive family units. Moreover, adolescence is a period of significant changes, with youth moving from strict attachment to parental figures toward the attainment of social status in accordance with peer standards. These at-risk youth are susceptible to victimization, homelessness, and drug abuse that further deteriorate health status.

*Women.* The sevenfold increase in female incarceration rates between 1980 and 2000 means that there are now over 950,000 women in the United States under some form of criminal justice supervision (Chesney-Lind & Pasko, 2004). The majority of these incarcerated women (55% in state facilities and 63% in federal facilities) report having a child under the age of 18, which equates to 1,498,800 children who are directly impacted by incarceration (Mumola, 2000). The effect of the mass incarceration of women has been disproportionately experienced by communities of color and in low socioeconomic areas.

Women who interact with the criminal justice system have discrete needs that differ from male populations. First, typical female offenders are more likely than their male counterparts to be convicted of a crime involving alcohol, drugs, or property, and they are more likely to have histories of sexual victimization. Typical juvenile female offenders are between 14 and 16 years of age, of a racial or ethnic minority, and likely to have significant academic problems (Boyd, 2008). These deficiencies are further compounded

by a history of negative interactions with social institutions, such as the family, school, and work, that promote non-compliance with health directives.

Second, higher rates of HIV/AIDs and STDs are reported in women who interact with the criminal justice system on a regular basis. The sequelae of HIV/AIDs include victimization due to intimate partner violence and/or a history of sex work. As such, at-risk women may draw the attention of law enforcement systems that can intervene to address public health issues. Within incarcerated populations female inmates are more likely than their male counterparts to request medical services; however, gynecological examinations are frequently conducted by nonspecialized providers, and preventive services, such as Pap smears and breast examinations, are not routinely provided in many institutions. This represents an underutilized intervention that could be altered to improve the sexual health of female offenders, most of whom are returning to families and children.

The third relevant need of female inmates relates to maternity and jail/prison visitation. Approximately 3% to 4% of female inmates enter the criminal justice system pregnant, and many will give birth while under correctional supervision (Maruschak, 2006). A lack of prenatal care places many of these women at increased risk for a complicated and/or high-risk pregnancy, which in turn increases the cost of health care for the institution and, eventually, the broader society. In general, women experience more guilt, anxiety, and worry about their children when compared with men. Jail visitation policies that balance the needs of incarcerated mothers with the need for institutional security will greatly benefit the emotional health of these women.

Fourth, women who interact with the criminal justice system are at increased risk of intimate partner violence. Feminist scholars posit that patriarchal societies relegate women and girls to subordinate social positions in order to maximize the power and status of men. As such, the often-cyclical pattern of partner violence continues over the life course and requires gender-based programming to restore self-efficacy and address issues of drug dependency and learned helplessness. Interestingly, the classic Minneapolis Domestic Violence Experiment conducted by criminologists Lawrence Sherman and Richard Berk (1984) addressed the health needs of women by using a medical model. This research viewed law enforcement as an intervention and randomized the treatment effect in order to identify an evidence-based policy outcome that supported mandatory arrest protocols in cases of domestic violence.

*The Elderly.* The term *baby boomer* signifies the rapid increase of birth rates following the second world war. In the year 2000, this boomer generation constituted between 22% to 32% of state populations, with the 50-to-54 age group exhibiting a 55% growth rate between 1990 and 2000 (Meyer, 2001). In addition, the national life expectancy of the elderly increased in part because of medical developments

but also because the notion of “age” was reconceptualized and a greater proportion of elderly people have benefited from active and healthy lifestyles. These demographic changes have impacted the country’s social structure and the criminal justice system.

Studies routinely demonstrate that elderly populations fear crime more than other groups despite the fact that they have a lower risk of being victimized. In San Francisco, a survey of elderly people residing in a crime-ridden area found that fear of crime was the most important health problem in their lives, supporting an association between low self-perceptions of public safety and reduced physical activity (Robert, 1999). Stated differently, fear of crime directly impacts the health of the elderly as they are forced to restrict daily activities, and fear of crime indirectly harms the community by reducing the level of collective efficacy its citizens can muster.

The health needs of an increasingly graying population have also impacted correctional facilities, where it is estimated that 83% of elderly prisoners have a long-standing disability and an average of three chronic illnesses (Fazel, Hope, O’Donnell, Piper, & Jacoby, 2001; McCarthy, 1983). Elderly health concerns can be separated into topics of morbidity and mortality. Elderly inmates experience morbidity due to incontinence; arthritis; and the potential need for corrective aids and prosthetic devices, including eyeglasses, dentures, hearing aids, ambulatory equipment, and special shoes. Early mortality, or early death, is usually the result of advanced medical conditions such as dementia and kidney, liver, or prostate disease. The resources needed to provide specialized health services to the elderly can overwhelm correctional facilities. Small jails have experienced difficulties in meeting the expense of constructing disability-friendly facilities, which is a component of the Americans with Disabilities Act. One cost-saving measure involves compassionate release of the sick. Elderly inmates who are terminally ill are provided palliative care services and can apply for a compassionate release; however, this is granted on the basis of poor physical health rather than consideration of age.

## Mental Health

*Mental health* is defined as “a state of successful performance of mental function, resulting in productive activities, fulfilling relationships with other people, and the ability to adapt to change and to cope with adversity” (Satcher, 1999, p. 4). Conversely, mental illness is associated with interpersonal dysfunction and increased risk of homelessness and drug/alcohol abuse. Mental illness can also lead to abnormal social behaviors that draw the attention of law enforcement. Even though the appropriateness of criminalizing and incarcerating mentally ill persons remains a controversial ethical debate, the criminal justice system remains the primary form of mental health care for a sizeable portion of society. The criminal justice system is now responsible for the provision of mental health services



through the identification of evidence-based interventions. To be considered successful, these interventions must improve the mental health of individuals while also justifying distal goals such as lowering recidivism, maintaining fiscal responsibility, and reinforcing public safety.

In 1939, Penrose wrote that “criminality, insanity and mental deficiency are, all three, relative terms, for the difference between normal and abnormal implied in each of them is a matter of degree” (p. 2). Penrose identified a population whose aberrant behavior was labeled either criminal or mentally ill in relation to the parameters of social standards. The presence of a marginalized group that migrates between the mental health and criminal justice systems is still evident. The most noteworthy example of this migration centers on the deinstitutionalization of state mental institution patients that began in 1955. Deinstitutionalization involved the reassignment of patients out of state mental institutions and into community mental health centers. Deinstitutionalization was stimulated by advancements in psychotropic medication (e.g., Thorazine) that enabled better control of patients’ symptoms. Despite having earnest goals, the proponents of deinstitutionalization inadvertently shifted the burden of care of the mentally ill to the criminal justice system.

Studies estimate that the prevalence rate of psychiatric morbidity is now 10 times greater in prison samples when compared with the community (Brugha et al., 2005). Incarcerated populations are also estimated to contain between two and five times the rate of individuals with severe and persistent mental illnesses, such as schizophrenia/psychosis, major depression, bipolar disorder, and post-traumatic stress disorder, when compared with mainstream society (Lamberti & Weisman, 2004). The association between mental illness and substance abuse compounds problems. One study found that the preponderance of offenders were under the influence of substances at the time of arrest and estimated that 90% of inmates with severe mental illness experienced a substance use disorder during the life course (Abram & Teplin, 1991). Current practices of mental health by the criminal justice system include treatment in the form of psychotropic medications and/or therapeutic interventions.

Changes in practices are also evident in the accommodation of the mentally ill by the criminal justice system. The war on drugs carried harsh and punitive sentencing that resulted in the mass incarceration of mentally ill and/or substance-addicted people. As a result, the criminal justice system devotes significant institutional resources to an increasingly sick population. A case in point is the Los Angeles County Jail, where a daily population of 3,300 severely mentally ill inmates constitutes the largest de facto mental institution in the United States (The Sentencing Project, 2002). Furthermore, the state of California now treats more mentally ill people in prison and jails than all hospitals and residential treatment centers combined (12.5% vs. 10%, respectively; Beck & Maruschak, 2001). The adoption of a public health perspective has allowed for

the inclusion of programs that can direct suitable mentally ill individuals into more appropriate avenues of care. These initiatives include jail diversion programs and drug courts that redirect suitable mentally ill offenders away from the criminal justice system.

#### *Jail Diversion Programs*

The traditional models of law enforcement provided minimal guidance regarding how to respond to mentally ill people. As a result, police officers used rigid techniques that promoted the warehousing of the mentally ill within correctional facilities. Inadequate training on the etiology and manifestation of specific mental disorders were also associated with police officer injuries. In response, jail diversion programs were created as an interface between the criminal justice and mental health systems. According to Steadman (2002), mentally ill misdemeanants should be diverted into community mental health facilities that provide services in an appropriate and fiscally responsible manner. Not eligible for diversion are mentally ill offenders who commit violent and serious crimes, because these felonies constitute a threat to public safety.

Diversion programs can be separated into prebooking or postbooking depending on the time point of the criminal justice system intervention. The Crisis Intervention Team (CIT) within the Memphis (Tennessee) Police Department is the most publicized form of prebooking jail diversion in the United States. The CIT program was devised to offer law enforcement personnel specialized training and resources in order to divert suitable mentally ill offenders into community health facilities. This diversion occurs in lieu of the alternatives: release or arrest of the offender. This program provides 40 hours of training in psychiatric and substance use disorders, including use of crisis de-escalation techniques. Prebooking programs require the commitment of police officers, and discretionary decisions are conducted at the street level. Postbooking programs, on the other hand, target the intervention within the court or correctional milieu. During these processes a mental health professional identifies misdemeanor offenders who are eligible for transfer to a facility for the provision of psychiatric services. Jail diversion programs are ideally coupled with the defragmentation of social services, which can allow for streamlined reintegration back into the community. The Memphis CIT program is still in need of a public health/criminal justice program evaluation in order to test its efficacy, yet it is included here as an example of innovation and synergy.

#### *Drug Courts*

In recent years, the field of criminal justice has become reluctant to employ strictly *punitive* responses to drug and alcohol addiction and has moved toward an acceptance of *treatment-oriented* responses. Drug courts are based on the recognition of comorbidity between mental illness and

drug/alcohol addiction. They afford the offender the opportunity to meet treatment, screening, and technical mandates in order to have charges dropped. Failure to meet these requirements can lead to criminal sanctions, including incarceration and restitution. There are currently 2,000 drug courts in the United States, and research supports a 10% to 20% reduction in recidivism among participants (Draine, Wilson, & Pogorzelski, 2007).

The adoption of the public health perspective by courts can enable mentally ill/drug-addicted offenders the opportunity to reframe their interaction with the criminal justice system. Few would argue that punitive criminal justice policies in the area of drug abuse have maintained community health or reduced recidivism. Instead, these punitive responses have overwhelmed the criminal justice system and alienated communities (Bobo & Thompson, 2006). Conversely, efficacious drug courts link vulnerable populations with much-needed community services. The offender faces the decision of whether to address health deficits through these services or risk incarceration. Beyond these issues that bring the fields of public health and criminal justice together is the social health of citizens.

### Social Health

Crime represents a serious threat to neighborhood stability that can affect the residents' health directly through violent acts, substance abuse, and financial loss. Crime directly impacts neighborhoods when residents decrease outdoor activity to avoid exposure to unsafe conditions (Ross, 1993). Fear of crime is also associated with prolonged stimulation of the fight-or-flight response, which in turn is linked to reduced resistance to infection and cancer as well as the exacerbation of chronic health conditions (Fremont & Bird, 2000). Crime influences health indirectly because the presence of recognizable cues sends a message that social cohesion is weak. Even low-level property crimes such as littering, vandalism, and graffiti are signs of a disorganized community, the implication being that social cohesion has been replaced by individualism and alienation. An organizing framework that distinguishes social health in a neighborhood includes the following: (a) physical features of the environment shared by all residents in a locality; (b) availability of health environments at home, work, and play; (c) services provided, publicly or privately, to support people in their daily lives; (d) sociocultural features of a neighborhood; and (e) the reputation of an area (MacIntyre, Ellaway, & Cummins, 2002). This chapter now presents these components with reference to an existing public health and criminal justice collaboration: the Chicago Smart Start project.

The Chicago Smart Start project is budgeted for \$3,350,000 over a 5½-year period and is cofunded by the city of Chicago and the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (Chicago Safe Start, 2008). The mission of Chicago Safe Start is to prevent and reduce the impact of exposure to violence on children ages 5 and younger. The project is a true reflection of the

adoption of a public health perspective by the criminal justice system. With an emphasis on quantifiable outcomes, Chicago Safe Start categorizes social health into risk factors, protective factors, and treatment (Chicago Safe Start, 2008).

*Risk factors* are characteristics, variables, and/or conditions present in individuals or groups that increase the likelihood of that individual or group developing a disorder or adverse outcome (National Center for Children Exposed to Violence, 2008). Chicago Safe Start subdivides risk factors into four categories: (1) biological (e.g., prenatal exposure to drugs and/or alcohol), (2) individual (e.g., low academic achievement, including poor reading skills or a weak commitment to education), (3) family (e.g., exposure to and reinforcement of violence in the home), and (4) community (e.g., presence of gangs and drug dealing, which provide violent role models and rewards for violent behavior).

*Protective factors* are characteristics, variables, and/or conditions present in individuals or groups that enhance resiliency, increase resistance to risk, and fortify against the development of a disorder or adverse outcome (National Center for Children Exposed to Violence, 2008). Chicago Safe Start subdivides protective factors into three categories: (1) individual (e.g., capacity for empathy and respect for all people and their values), (2) family (e.g., positive, sustained attachments with at least one adult family member, teacher, or other adult), and (3) community (e.g., schools, families, and peer groups that teach children healthy beliefs and set clear standards).

The accumulation of protective factors can theoretically offset the accumulation of risk factors, leading to a promotion of social health; however, when communities disproportionately experience the burden of risk factors, then efficacious treatments must be developed. Public health officials define *treatment* as a form of intervention that is typically long term and characterized by an ongoing relationship with a particular type of service provider. The goal of treatment is to provide long-term support and remediation of symptoms (National Center for Children Exposed to Violence, 2007). The Chicago Safe Start project addresses physical health by linking Medicaid to clinical services. Services include, but are not limited to, screening, diagnosis and assessment, testing, psychotherapy, prescriptions and medication monitoring, emergency care, and health education. Mental health treatments are provided by linking separate funding sources, such as the Committee on Women's Treatment and the Domestic Violence and Substance Abuse Initiative. Community health targets high-risk teen parents, by providing home visits, screening and assessment, and parent group services.

### Conclusion

The paradigm shift toward public health is expected to evolve as criminologists seek interdisciplinary perspectives to reduce social problems. Both the criminal justice system and public health systems share commonality in the population

they regularly serve. Criminogenic populations are more likely to have weathered lives of early trauma, adolescent delinquency, and adulthood addiction. Over the life course, these risk factors increase rates of physical, mental, and social abnormalities. By the time these individuals commit infractions serious enough to warrant the attention of the criminal justice system, they present with a constellation of chronic disease and egocentric behaviors. Certainly, ill health and high crime are disproportionately experienced by urban, poor populations in which people of color reside.

The social gradient of health demonstrates the extent to which environmental variables impact rates of mortality and morbidity. With time, the burden of disease manifests in crime, delinquency, drug and alcohol addiction, and criminogenic behavior. Furthermore, social inequalities promote abuse, victimization, and fear of crime that can restrict daily activities. The inclusion of a public health perspective enables criminology the opportunity to extend its mission beyond issues of crime and deviance in order to address public safety, public health, and social justice. This involves the adoption of epidemiology tenets of screening and testing, surveillance, data consolidation, and educational campaigns and programs. The public health perspective favors prevention strategies rather than treatment or response strategies and population-level interventions rather than individual-level interventions. Meeting these objectives will require the synergy of collaborative partnerships that involve criminal justice agencies and public health agencies.

The policies of the U.S. criminal justice system have led to the mass incarceration of groups that disproportionately experience the burden of physical, mental, and social pathologies. Paradoxically, criminologists have adopted the public health perspective in order to direct citizens into more appropriate avenues of care and away from the criminal justice system. A shift in perspective inherently carries conflicts in methodology and ethics; however, the potential efficacy offered through interdisciplinary partnerships outweighs these concerns. This chapter leaves readers a final quote that highlights the disastrous state of affairs in the California criminal justice system and the need for new perspectives to address crime and delinquency:

It has been projected that over the next five years, the state's budget for locking up people will rise by 9 percent annually, compared with its spending on higher education, which will rise only by 5 percent. By the 2012–2013 fiscal year, \$15.4 billion will be spent on incarcerating Californians, as compared with \$15.3 billion spent on educating them. (Harris, 2007)

## References and Further Readings

- Abram, K. M., & Teplin, L. A. (1991). Co-occurring disorders among mentally ill jail detainees: Implications for public policy. *American Psychologist*, *46*, 1036–1045.
- Beck, A. J., & Maruschak, L. M. (2001). *Mental health treatment in state prisons*. Washington, DC: U.S. Department of Justice.
- Black, D., Davidson, N., Townsend, P., & Whitehead, M. (1993). *Inequalities in health: The Black Report*. New York: Penguin.
- Bobo, L. D., & Thompson, V. (2006). Unfair by design: The war on drugs, race, and the legitimacy of the criminal justice system. *Social Research: An International Quarterly of Social Sciences*, *73*, 445–472.
- Boyd, R. J. (2008). Meeting the mental health needs of female juvenile offenders: Where are we now, and where do we go from here? In R. L. Gido & L. Dalley (Eds.), *Women's mental health issues: Across the criminal justice system* (pp. 1–22). New York: Prentice Hall.
- Brugha, T., Singleton, N., Meltzer, H., Bebbington, P., Farrell, M., Jenkins, R., et al. (2005). Psychosis in the community and in prisons: A report from the British National Survey of Psychiatric Morbidity. *American Journal of Psychiatry*, *162*, 774–780.
- Bundrys, G. (2003). *Unequal health: How inequality contributes to health or illness*. New York: Rowman & Littlefield.
- Centers for Disease Control and Prevention. (2008). *Youth risk behavior surveillance—United States, 2007*. Atlanta, GA: Author.
- Chesney-Lind, M., & Pasko, L. (2004). *The female offender: Girls, women, and crime* (2nd ed.). Thousand Oaks, CA: Sage.
- Chicago Safe Start. (2008). *Chicago Safe Start: Strategic plan 2001–2005*. Retrieved from <http://www.chicagosafestart.net/Default.asp>
- Crandall, M. L., Nathens, A. B., & Rivara, F. P. (2004). Injury patterns among female trauma patients: Recognizing intentional injury. *Journal of Trauma: Injury, Infection, and Critical Care*, *57*, 42–45.
- Draine, J., Wilson, A. B., & Pogorzelski, W. (2007). Limitations and potential in current research on services for people with illness in the criminal justice system. *Journal of Offender Rehabilitation*, *45*, 159–177.
- Ebi-Kryston, K. (1989). Predicting 15 year chronic bronchitis mortality in the Whitehall Study. *Journal of Epidemiology and Community Health*, *43*, 168–172.
- Fazel, S., Hope, T., O'Donnell, I. O., Piper, M., & Jacoby, R. (2001). Health of elderly male prisoners: Worse than the general population, worse than younger prisoners. *Age and Aging*, *30*, 403–407.
- Fremont, A. M., & Bird, C. E. (2000). Social and psychological factors, physiological processes, and physical health. In C. E. Bird, P. Conrad, & A. M. Fremont (Eds.), *The handbook of medical sociology* (pp. 334–352). Upper Saddle River, NJ: Prentice Hall.
- Haan, M., Kaplan, G. A., & Camacho, T. (1987). Poverty and health: Prospective evidence from the Alameda County Study. *American Journal of Epidemiology*, *125*, 989–998.
- Hammett, T. M., Harmon, P., & Rhodes, K. V. (2002). The burden of infectious disease among inmates of and releasees from US correctional facilities, 1997. *American Journal of Public Health*, *92*, 1789–1794.
- Harris, M. (2007). Prison vs. education spending reveals California's priorities. *San Francisco Chronicle*. Retrieved March 12, 2008, from <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/05/29/EDGGTP3F291.DTL>
- Kawachi, I., Kennedy, B. P., & Wilkinson, R. G. (1999). Crime: Social disorganization and relative deprivation. *Social Science & Medicine*, *48*, 719–731.
- Koop, C. E. (1986). *Surgeon General's Report on Acquired Immune Deficiency Syndrome*. Retrieved from <http://profiles.nlm.nih.gov/NN/B/B/V/N>

- Lamberti, J. S., & Weisman, R. L. (2004). Persons with severe mental disorders in the criminal justice system: Challenges and opportunities. *Psychiatric Quarterly*, 75, 151–164.
- Link, B. G., & Phelan, J. (1995). Social conditions as fundamental causes of disease. *Journal of Health and Social Behavior*, 35, 80–94.
- Lynch, J. W., Davey Smith, G., Harper, S., Hillemeier, M., Ross, N., Kaplan, G. A., et al. (2004). Is income inequality a determinant of population health? Part 1. A systematic review. *The Milbank Quarterly*, 82, 5–104.
- Lynch, M., & Cicchetti, D. (1998). An ecological–transactional analysis of children and contexts: The longitudinal interplay among child maltreatment, community violence, and children's symptomatology. *Development and Psychopathology*, 10, 235–257.
- MacIntyre, S. (1997). The Black Report and beyond: What are the issues? *Social Science & Medicine*, 44, 723–745.
- MacIntyre, S., Ellaway, A., & Cummins, S. (2002). Place effects on health: How can we conceptualise, operationalise and measure them? *Social Science & Medicine*, 55, 125–139.
- Marmot, M. G. (1986). Social inequalities in mortality. In R. G. Wilkinson (Ed.), *Class and health*. London: Tavistock.
- Marmot, M. G., & Wilkinson, R. G. (1999). *Social determinants of health*. Oxford, UK: Oxford University Press.
- Martinson, R. (1974). What works? Questions and answers about prison reform. *The Public Interest*, 46, 457–471.
- Maruschak, L. M. (2006). *HIV in prisons, 2006* (NCJ Publication No. 222179). Washington, DC: U.S. Department of Justice.
- Maruschak, L. M. (2008). *Medical problems of prisoners* (NCJ Publication No. 221740). Washington, DC: U.S. Department of Justice.
- Maruschak, L. M., & Beck, A. J. (2001). *Medical problems of inmates, 1997* (NCJ Publication No. 181644). Washington, DC: U.S. Department of Justice.
- Mateyoke-Scriver, A., Webster, J. M., Hiller, M. L., Staton, M., & Leukefeld, C. (2003). Criminal history, physical and mental health, substance abuse, and services use among incarcerated substance abusers. *Journal of Contemporary Criminal Justice*, 19, 82–97.
- May, J. P., & Williams, E. L. (2002). Acceptability of condom availability in a U.S. jail. *AIDS Education and Prevention*, 14(Suppl. B), 85–91.
- McCarthy, M. (1983, February). The health status of elderly inmates. *Corrections Today*, 64–65.
- Meyer, J. (2001). *Census 2000 Brief: Age*. Washington, DC: U.S. Census Bureau.
- Moore, M. H. (1995). Public health and criminal justice approaches to prevention. In M. Tonry & D. Farrington, (Eds.), *Crime and justice: A review of research: Vol. 19. Building a safer society: Strategic approaches to crime prevention* (pp. 237–262). Chicago: University of Chicago Press.
- Mumola, C. (2000). *Incarcerated parents and their children* (NCJ Publication No. 182335). Washington, DC: U.S. Department of Justice.
- National Center for Children Exposed to Violence. (2007). *Glossary of terms*. Retrieved August 7, 2007, from <http://www.ncccev.org/resources/terms.html#Treatment>
- National Center for Children Exposed to Violence. (2008). *Glossary of terms*. Retrieved May 17, 2008, from <http://www.ncccev.org/index.html>
- Penrose, L. (1939). Disease and crime: Outline of a comparative study of European statistics. *British Journal of Medical Psychology*, 17, 1–15.
- Robert, S. A. (1999). Socioeconomic position and health: The independent contribution of community socioeconomic context. *Annual Review of Sociology*, 25, 489–516.
- Rosenberg, M. L., & Fenley, M. A. (1991). *Violence in America: A public health approach*. Oxford, UK: Oxford University Press.
- Ross, C. E. (1993). Fear of victimization and health. *Journal of Quantitative Criminology*, 9, 159–175.
- Sampson, R. J. (2003). Neighborhood-level context and health: Lessons from sociology. In I. Kawachi & L. F. Berkman (Eds.), *Neighborhoods and health*. New York: Oxford University Press.
- Satcher, D. (1999). *Mental health: A Report of the Surgeon General. Executive summary*. Washington, DC: U.S. Department of Health and Human Services.
- Schedsted, K. (2003). Cross-sector partnerships as a new form of local governance. In P. Abrahamson & P. Raynard (Eds.), *Local partnerships in Europe: An action research report*. Copenhagen, Denmark: The Copenhagen Center.
- Schmallegger, F., & Smykla, J. O. (2008). *Corrections in the 21st century* (4th ed.). New York: McGraw-Hill.
- The Sentencing Project. (2002). *Mentally ill offenders in the criminal justice system: An analysis and prescription*. Retrieved from [http://www.sentencingproject.org/Admin/Documents/publications/sl\\_mentallyilloffenders.pdf](http://www.sentencingproject.org/Admin/Documents/publications/sl_mentallyilloffenders.pdf)
- Sherman, L. W., & Berk, R. A. (1984). *Minneapolis Domestic Violence Experiment* (NCJ Publication No. 098905). Washington, DC: U.S. Department of Justice.
- Steadman, H. (Ed.). (2002). *Effectively addressing the mental health needs of jail detainees: Breaking through the barriers*. Washington, DC: National Coalition for the Mentally Ill in the Criminal Justice System.
- Szreter, S. (1984). The genesis of the Registrar Generals' social classification of occupations. *British Journal of Sociology*, 19, 522–546.
- Travis, J., & Waul, M. (2004). *Prisoners once removed: The impact of incarceration and reentry on children, families, and communities*. Washington, DC: The Urban Institute.
- U.S. Department of Justice. (1996). *Law Enforcement Assistance Administration/Office of Justice Programs: Retrospective summary*. Rockville, MD: Author.
- Weber, M. (1968). *Economy and society: An outline of interpretive sociology*. New York: Bedminster. (Original work published 1922)
- World Health Organization. (1946). Preamble to the Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19–22 June, 1946; signed on 22 July 1946 by the representatives of 61 States and entered into force on 7 April 1948. *Official Records of the World Health Organization, No. 2*, p. 100. Retrieved February 24, 2005, from <http://www.who.int/about/definition/en>

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## CRIMINAL JUSTICE ETHICS

ROBERT M. WORLEY AND VIDISHA BARUA  
*Pennsylvania State University Altoona*

**E**thics is the study of morality, which prescribes what comprises good and bad conduct. Ethics and morality evolve out of the human experience, beginning in childhood at home and in places of worship and religious gatherings, and advancing to more pronounced rules, regulations, and laws that one needs to abide by as he or she grows into an adult. The study of ethics comprises three branches: (1) *metaethics*, which involves the interpretation of ethical terms; (2) *normative ethics*, which determines what people ought to do; and (3) *applied ethics*, which is concerned with the practical application of ethical principles, especially in professions such as medicine and law (Pollock, 2007).

Criminal justice and ethics are closely related. According to *social contract theory*, the denizens of a country give up certain liberties to be protected by the government, and criminal justice professionals are agents of the government. Justice practitioners are expected to have a higher moral character, so that the common man can feel confident about the agents of the government that are affording them protections. Virtually all criminal justice professionals, be they police officers, judges, prosecutors, defense lawyers, correctional officers, probation officers, or parole officers, need to exercise the use of their discretion at some point or another during the course of their careers. Usually this occurs when practitioners are faced with specific ethical dilemmas, as opposed to taking a stand in matters involving broad ethical issues (Pollock, 2007). When discretionary decisions are guided by ethics,

decisions can be said to be fair and just, because there are always shades of moral obligations that are higher than others (Souryal, 2006).

The awareness and importance of ethics in the field of criminal justice are increasing at a fast pace. This is because, as in virtually every other occupation, criminal justice officials also engage in unethical behaviors during the course of their 8-hour shifts. Every year there are practitioners who end their careers in disgrace by engaging in unscrupulous activities. This includes behaviors that are outright illegal, as well as those that have not been labeled as being criminal in nature. It is noteworthy that not every type of unethical behavior is necessarily illegal. In fact, criminal justice practitioners engage in many types of unethical behaviors that are not governed by the legislature and the court system.

### Ethical Systems

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Plato argued that the idea of “goodness,” or the *summum bonum* of values, is a virtue even higher than justice (Souryal, 2006). This goodness lights up the minds of human beings and helps them make moral judgments. The idea of *natural law*, or self-preservation, appealed to both Plato and his student Aristotle, who sought universal qualities in human nature (Souryal, 2006). Originating from the Stoics, natural law signifies a search for moral absolutes that is identified as natural (Pollock, 2007).

Aristotle, in the *Nicomachean Ethics*, “provided the first systematic study of ethics in the history of the Western world” (Albanese, 2008, p. 15). In this book, Aristotle proposed the ethics of virtue that is concerned with cultivating virtuous habits. Aristotle suggested the intermediate path, or the *golden mean*, which strikes a balance between extreme behaviors. He prescribed 10 moral virtues or excellences that are to be cultivated: (1) courage, (2) temperance, (3) prudence, (4) justice, (5) pride, (6) ambition, (7) having a good temper, (8) being a good friend, (9) truthfulness, and (10) wittiness (Albanese, 2008). Because Aristotle’s ethics of virtue was based on the cultivation of habits over time, it did not address the specific issue of ethical dilemmas and moral judgments (Pollock, 2007). There are several ethical systems that explain the ethicality of a moral judgment. Broadly put, the ethical systems can be *deontological* (nonconsequentialism) or *teleological* (consequentialism). A deontological ethical system is concerned with the inherent nature of an act, whereas a teleological ethical system is concerned with the consequences of an act (Pollock, 2007).

### Deontological Systems

The most prominent deontologist is Immanuel Kant (1724–1804), who propounded *ethical formalism*. Kant proposed the rational basis of moral decisions and identified that an act based on duty was truly moral. He called this the *categorical imperative* or the *supreme principle of morality*, something that one must do, a duty (Close & Meier, 2003; Pollock, 2007). The next is the *Golden Rule*. This system, found in diverse cultures, proposes the common principle “Do unto others as you would have them do unto you.” Although the reason for this behavior might be based on the consequences of the action, this system is often treated as deontological because it sets forth a fundamental moral principle (Close & Meier, 2003). Religious ethics or the *Divine Command Theory* believe that God’s word is perfect and that morality is derived from the words of God, whatever the religion of an individual might be (Close & Meier, 2003; Pollock, 2007). The emphasis is on following God’s commands rather than focusing on the consequences of the actions.

### Teleological Systems

The most common teleological ethical system is *utilitarianism*, founded by Jeremy Bentham (1748–1832). This concept was also found in the works of Cesare Beccaria (1738–1794) and John Stuart Mill (1806–1873; Albanese, 2008). Utilitarianism focuses on the good or happiness of the majority. Happiness is measured by Bentham’s *pleasure–pain principle* or the *hedonistic calculus*, whereby pleasure is sought and pain avoided (Albanese, 2008; Pollock, 2007). An action will be judged by the total amount of pleasure or happiness that will be created as opposed to the

total amount of pain or unhappiness that will be created (Close & Meier, 2003). Because the emphasis is on the consequences of an act, utilitarianism justifies bad actions as long as the result is good; in other words, the end justifies the means. Determining whether a specific act is morally right or wrong constitutes *act utilitarianism* (Pollock, 2007). *Rule utilitarianism* proposes that an act is morally right if it can be universally applied as a rule that is morally right.

Another teleological system is *ethical egoism*, which proposes that an action be judged by the greatest good that is produced for the person taking the action. The sole consideration is for the benefit to the egoist. *Ethics of care*, a feminine ethical system discussed in the works of Carol Gilligan, has found application in restorative justice and rehabilitation of offenders (Pollock, 2007). The focus is on relationships, the needs of the victims, and on reintegrating offenders into society after they have accepted responsibility for their actions. This can be said to be a teleological system, because it is concerned about the consequences of the actions, whether it would serve the needs of those affected by the decision.

### Ethics and the Police

There are two paradigms of policing: (1) the traditional crime fighter role and (2) the more recent public service or community policing role (Pollock, 2007). In the United States, although crime control is the major role of policing, both paradigms can be seen. The public service paradigm is predominant in Europe. The public service paradigm can be identified with community policing, where the police are people’s friends, mingling with them in the community and aiming at social peace. The spirit of service is primary. The goal is to abide by the code of police ethics and be ideal protectors of the people, as expected by social contract theory. Under this paradigm, a criminal is viewed not as a member of a distinct group but as somebody from the neighborhood who has gone astray (Pollock, 2007).

Whereas the public service paradigm is more rights based and duty oriented, as prescribed by ethical formalism, the crime control paradigm is less formal and subscribes to utilitarianism. Under the crime control paradigm the police are seen as an army to fight crime and catch criminals by whatever means necessary (Kleinig, 2008; Pollock, 2007). With the September 11, 2001, attacks on the World Trade Center and the Pentagon, the crime control paradigm has gained prominence. Criminals are viewed as enemies, and the police consider themselves as distinct from the people they serve. This gives rise to the police subculture in which loyalty is the code of honor and the “blue wall of secrecy” is maintained. “Noble cause” corruption is tolerated within the departments, thus allowing police use of excessive force, as in the film *Dirty Harry* (Pollock, 2007). The police subculture also allows

officers to carry out unethical behavior at the individual level. Increasing diversity in the police force, police unions, and civil litigation are causing police subcultures to weaken (Pollock, 2007).

### **The Police Subculture**

It should be mentioned that subcultures are prevalent in some form in almost every police agency in the world, ranging from the United States to the United Kingdom. It is important to note that police subcultures may directly contribute to unethical employee behaviors. Unlike probation and parole officers, who may work alone, police officers are heavily influenced by their peers. Walker and Katz (2008) contended that the police subculture provides officers with rationalizations and motivations that allow them to engage in unprofessional behaviors. Some scholars have argued that there is a profound need to eliminate the negative effects associated with the police subculture (Souryal, 2006).

It is also possible that the police subculture allows law enforcement officials to commit unethical acts in the presence of other officers. Ward and McCormack (1987) stated, for example, that there are some citizens who strongly feel that “the great esprit de corps in the police force inhibits officers from investigating suspected corruption of fellow officers” (p. 21). Other scholars have noticed the lack of cooperation between officers of different ranks (Toch, 2002). Souryal (2006) argued that this builds a sense of unity among low-ranking patrolmen who may be tempted to isolate themselves from senior officers or cover up each other’s mistakes. Pollock (2007) also contended that there is an enormous amount of discord between police administrators and their underlings. Some scholars also argue that the police subculture inadvertently excludes certain types of police officers (Holdaway, 1996; Miller, Forest, & Jurick et al., 2003). In the United Kingdom, discrimination has been said to exist toward other officers as an indirect result of police activities that occur outside of work, such as shift parties and get-togethers (Holdaway, 1996). According to Holdaway (1996), certain officers, usually women and members of minority groups, are excluded from these events. This is consistent with Miller et al.’s (2003) contention that homosexual police officers also have limited access to the police subculture. Even though some officers are more entrenched in the police subculture than others, much of the current literature contends that it promotes attitudes that lead to cynicism and unethical behaviors among police.

### **Police Corruption**

In 1972, the Knapp Commission exposed unethical behavior and police corruption at virtually every level within the New York City Police Department (NYPD). During these official proceedings, corrupt officers were

considered to be either “grass eaters” or “meat eaters” (Pollock, 2007). Grass eaters were officers who accepted gratuities yet did not demand any of the services they received (Souryal, 2006). Meat eaters, on the other hand, aggressively demanded bribes in exchange for specific types of favors. The Knapp Commission discovered that both of these types of police officers permeated the entire police department.

In the Knapp Commission inquiry, two police officers, Frank Serpico and David Durk, of the NYPD, went public with allegations of corruption and graft (Maas, 1973). During this formal investigation Serpico testified against many of his fellow police officers and helped to expose the ineffectiveness of the NYPD’s internal investigation department (Maas, 1973). Not long after his testimony, Serpico was shot in the face during a routine drug bust; although his coworkers did not come to his immediate aid, Serpico survived the attack (Maas, 1973). After the Knapp Commission, the NYPD pledged to eliminate officer misconduct and corruption (Pollock, 2007).

In addition to accepting bribes or engaging in organized corruption, police officers may engage in other types of unethical behaviors during the course of their 8-hour shift. Some research, for example, has shown that police officers engage in unscrupulous sexual acts while on duty (Barker & Carter, 1994). Souryal (2006) contended that this is because police officers have a high degree of power and are relatively isolated from their supervisors. It has been well documented that some police officers have had sex while on duty (Barker & Carter, 1994; Souryal, 2006). There have even been instances in which sheriffs and chiefs of police have partaken in unethical acts. In one recent case, for example, a high-ranking police executive of Wallkill County, New York, was allegedly caught having an intimate encounter in a patrol vehicle (Souryal, 2006). In other instances, however, the acts may be much more serious and are often motivated by greed and self-interest (Pollock, 2007).

### **Additional Types of Unethical Police Behaviors**

There are many types of unethical behaviors in which police officers engage besides sexual deviance. These acts can range from abusing sick time to brutality (Barker & Carter, 1994). Some law enforcement employees may also sleep on duty, even in instances when they are expected to be vigilant and alert (Souryal, 2006). There are also officers who may expect businesses to provide them with special perks, such as free meals and coffee (Souryal, 2006). Police officers may also be tempted to falsify reports and even commit perjury (Barker & Carter, 1994; Pollock, 2007).

It is important to note that many countries besides the United States have police officers who have acted unethically. In fact, virtually every country has had at least one type of instance in which police officers have acted unprofessionally (Reichel, 2002). Mexican law enforcement

officials, for example, are perceived by many scholars to be notoriously corrupt. In Peru, it has been said that corruption is so rampant that police officers may overlook traffic violations for bribes as small as candy bars (Reichel, 2002). In other countries, unethical police behaviors are equally as serious, if not more so, and may range from torturing pretrial detainees in Egypt to trafficking child pornography in Australia (Reichel, 2002). These examples illustrate that unethical employee behaviors exist in virtually every type of police organization on a worldwide scale.

## Ethics and the Courts

Although police officers certainly engage in unethical behaviors, practitioners who work in the court also have the potential to act in an inappropriate or unscrupulous manner. This is because, to varying degrees, court personnel such as prosecutors, defense attorneys, and judges have discretionary powers. When faced with ethical dilemmas, they can take decisions one way or the other, because moral obligations have finer shades (Souryal, 2006).

### Prosecutors and Ethics

Some prosecutors, for example, may behave unethically. Prosecutors exercise a great deal of discretion as they decide which cases should go to trial and which should be dismissed. In theory, they must try to seek justice and not merely a conviction. However, on occasion they are driven by personal ambitions rather than justice. Some prosecutors treat their current jobs as stepping-stones to other lucrative jobs (Kleinig, 2008; Pollock, 2007). This might compromise their undivided service to the public. They also are greatly involved in the process of plea bargaining, where the presumption of innocence is compromised and the defendant pleads guilty in exchange for a promise of lesser charges or less sentencing. At times, another ethical issue arises when the defendant refuses to accept a plea bargain and the prosecutor acts in a retaliatory manner during the trial.

In addition to the ethical issues inherent in the plea bargaining process, prosecutors may also intentionally attempt to compromise the trial process (Kleinig, 2008). This can be done by a practice known as *jury skewing* (Kleinig, 2008, p. 126).

According to Kleinig (2008), jury skewing occurs when prosecutors seek out jurors who are partial or biased in their favor. It should be noted that although some scholars consider this practice to be unethical, it is nevertheless perfectly legal, unless a prosecutor discriminates on the basis of race, ethnicity, or gender as per *Batson v. Kentucky* (1986).

In addition to engaging in jury skewing, prosecutors may also behave unethically by withholding exculpatory information that may affect the outcome of a criminal case in favor of the defendant (Kleinig, 2008). In *Brady*

*v. Maryland* (1863), the U.S. Supreme Court held that the suppression of exculpatory information is a violation of the due process rights of criminal defendants. Prosecutors are also likely to use questionable expertise because of the relationship the government has with forensic laboratories. Kleinig (2008) identified other examples of prosecutorial misconduct, such as coaching witnesses, overstatement about the evidence in the opening and closing statements, and zealous resistance to appeals that may reflect poorly on their work. Prosecutorial misconduct can be explained by utilitarianism and egoism, focusing on the consequences of their wrong actions, but such actions are definitely not justified by any deontological ethical system that recognizes that the inherent nature of the act must be good.

### Unethical Behaviors and Defense Attorneys

Like prosecutors, defense attorneys also have the potential to behave unethically. The job of a defense attorney is to ensure that defendants are not deprived of their due process rights. Their loyalty lies solely to their clients and not to the public. At times, however, defense attorneys pursue this goal too zealously to prove their defendants' innocence. At such a time, they should be careful not to encourage or allow perjury by their clients (Kleinig, 2008). The attorney–client privilege is a very important aspect of the representation of a client. This confidential and loyal relationship is important to ensure proper representation of a defendant, which is possible only after a complete knowledge of the facts of the case. A defense attorney's job is not to judge whether the client is guilty or innocent but to ensure that the client gets a fair representation and that all due process rights are protected (Pollock, 2007). This confidentiality can be broken only under four circumstances: (1) The defendant can waive it, (2) by court order, (3) if the defendant expresses his intent to commit a future crime or fraud, and (4) if the defendant tries to implicate the attorney in some criminal enterprise (Pollock, 2007).

There are times when the defense attorney fails to represent his or her client effectively. Several cases alleging ineffective assistance of counsel have been filed, but this has been a ground hard to prove. In *United States v. Cronin* (1984), the U.S. Supreme Court held that a claim of ineffective assistance of counsel can be made only by pointing out specific errors made by the trial counsel. It cannot be based on an inference drawn from the defense counsel's inexperience or lack of time to prepare, the gravity of the charges, the complexity of the defense, or the accessibility of witness to counsel. In *Strickland v. Washington* (1984), the court ruled that an accused who claims ineffective counsel must show deficient performance by counsel and a reasonable probability that but for such deficiency the result of the proceeding would have been different.

There have been cases in which the defense attorney was found silent and even sleeping during the proceedings



in court. In *Burdine v. Johnson* (2001), a defense lawyer for a capital offense defendant kept falling asleep during the trial. Convicted and sentenced to death, the defendant appealed, claiming he was denied the constitutional right to effective counsel. The Fifth Circuit concluded that Burdine did not have the benefit of effective counsel and therefore ordered a new trial. The U.S. Supreme Court refused to hear the case on appeal; thus, the decision to give Burdine a new trial was upheld. In *Ex parte McFarland* (2005), the court of criminal appeals held that although the lead defense attorney had slept through portions of the trial, the defendant was not deprived of assistance of counsel because his second attorney was present and an active advocate at all times.

In *Bell v. Cone* (2002), the court allowed a death sentence to stand even though the defendant's lawyer failed to make an argument to the jury to save his life. In this case, Cone was tried and found guilty of capital murder. During the sentencing stage, the sequence was for the prosecution to argue first, then the defense lawyer, and then the prosecutor again. A junior prosecutor argued first for the prosecution. The defense lawyer then decided to waive his argument, because under court rules the prosecutor could not argue a second time if the defense lawyer waived the argument. This was done by the defense lawyer as a strategy so that the senior prosecutor, who was a highly effective lawyer and who was going to give the second prosecution argument, could not say a word. The jury gave the defendant the death penalty anyway. Cone appealed, claiming ineffective counsel. The court upheld the sentence, saying that Cone's constitutional right had not been violated because what the defense lawyer used as a strategy was reasonable.

In *Mickens v. Taylor* (2002), Mickens was convicted of murder and sentenced to death. He claimed ineffective assistance of counsel because he discovered, after the trial, that his attorney had represented the victim on unrelated charges. This was never revealed to Mickens. The U.S. Supreme Court rejected his claim, saying that a defendant who claims that the right to counsel was violated because of a conflict of interest must show that the conflict had a negative effect on the attorney's representation and that there was a reasonable probability that the result would have been different. The court concluded that "dual representation" in and of itself merely represents a "theoretical division of loyalties" and did not require a reversal of the results.

### Ethical Issues Involving Judges

Just as both prosecutors and defense attorneys have the potential to behave unethically, judges are also not immune to engaging in inappropriate behaviors. The most important ethical responsibility of a judge is to be impartial. For this, judicial independence and integrity are vital. Judicial independence could mean both the independence of the

judiciary from the other branches of the government and the personal independence and integrity of the judges so that they are not influenced by other considerations in their function as judges (Kleinig, 2008). The Code of Judicial Conduct Canon 2 (1990) says that a judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities. Also, as per the Code of Judicial Conduct Canon 2 (C) (1990), a judge should not hold membership in any organization that discriminates on the basis of race, religion, gender, or national origin.

Judicial accountability is yet another aspect that holds judges responsible for their actions. Judges are to disqualify themselves from cases in which their impartiality might be questioned, as in cases in which they might have a financial or other interest (Barua, in press). This was reinforced by the approval of the Judicial Conference Policy for Mandatory Conflict Screening on September 19, 2006. This policy mandated an automated conflict screening to identify any financial conflict that federal judges might have in cases that come before them. Besides this, judges are often invited to attend educational trips sponsored by certain organizations. This sometimes gives rise to an ethical issue that judges would be biased toward the sponsors of these programs or toward corporations in which they might have a financial interest.

It is more the appearance of impropriety than an actual unethical action of a judge that creates concerns (Barua, in press). On September 19, 2006, the Judicial Conference Policy on Judges' Attendance at Privately Funded Educational Programs was released. It mandated that a federal judge should not accept travel, food, lodging, reimbursement, or anything that would be considered a gift under the Judicial Conference Ethics Reform Act Gift Regulations for attending a private educational seminar, unless its sponsor has filed a public disclosure statement on the content of the program and all sources of funding for the judges' expenses. These two policies were aimed to allay the fears of unethical behaviors that the public might have about federal judges (Barua, in press).

The two areas where judges exercise their discretion are (1) interpretation of the law and (2) sentencing (Pollock, 2007). While interpreting laws, judges can get caught up in hypertechnical application of laws at the cost of equity and fairness (Pollock, 2007). Before the federal sentencing guidelines, sentencing disparities existed because of different sentencing patterns of individual judges (Hofer, Blackwell, & Ruback, 1999). Whatever may be the situation and the case, judges are expected to be fair, just, and impartial and to mete out equal treatment to all and sundry, upholding the neutral position of the judge and behaving in a manner that behooves a judge and the pristine judicial office. As this section of the chapter has shown, however, some judges may behave unethically. Like other practitioners who work in the court, judges also have the potential to behave irresponsibly or in an unprofessional manner.

## Ethics and Correctional Officers

Although very little literature has systematically addressed the types of unethical behaviors in which correctional officers engage, at least a few studies have addressed these issues. One of the most common areas of ethical concern pertains to excessive uses of force that occur in penal facilities. Morris (1988) portrayed a classic depiction of abuse as he described the events that led up to the infamous 1980 New Mexico prison uprising. Morris gave a detailed account of the “goon squads” that were led by guards and designed to systematically abuse offenders as a means of achieving control. Ultimately, it was this informal control mechanism that was one of the major factors that led to one of the most devastating riots in American prison history.

It has been almost 30 years since the New Mexico prison uprising, yet there is still reason to believe that correctional officers use excessive force against inmates. In August 2005, for example, two female jail employees were arrested for conspiring with an offender to assault another inmate (Hales, 2005). In this incident, the guards were apprehended for utilizing offenders to punish a female inmate who was incarcerated for committing sex crimes against her son. The mistreatment of offenders by prison employees may occur in institutional settings besides state and local correctional facilities. For example, similar acts of brutality have been committed against Iraqi detainees by U.S. military prison personnel. In recent memoranda to the Armed Service Committee, one military employee stated, “We would give them [prisoners] blows to the head, chest, legs and stomach, pull them down, kick dirt on them. This happened every day” (Serrano, 2005, p. A-1).

In addition to physical brutality that is directed toward inmates, there have been cases in which male and female guards have acted unethically by sexually assaulting the inmates they are paid to protect. Welch (2004) described a well-documented 1998 incident in which three female prisoners were sold as “sex slaves” to male inmates at a federal penitentiary in Pleasanton, California. Ultimately, this led to a federal lawsuit, and the Federal Bureau of Prisons settled the suit for \$500,000 (*Lucas v. White*, 1999). The prison agency also agreed to drastic changes in order to curtail the sexual abuse of female inmates.

While the preceding case represents one of the most horrific examples of sexual abuse directed at female inmates, there have been other examples in which it may seem less obvious as to whether a sexual assault even occurred. In *State v. Cardus* (1997), a male prison guard developed a rapport with a female inmate for whom he was performing favors. This led to a friendship, followed by a physical relationship. Sexual contact occurred, but only on one occasion, and was limited to oral sex. To complicate matters even further, court documents indicate that there were strong feelings of attraction on the part of the inmate (*State v. Cardus*, 1997). She later admitted in an official proceeding that her actions were

voluntary. The inmate gave the following testimony: “I wanted to do it being incarcerated for about a month then, and prior to being incarcerated, I wasn’t having sex . . . I did want it” (*State v. Cardus*, 1997, p. 429). Despite this testimony, the Intermediate Court of Appeals ruled that the “consent” of an incarcerated person was “ineffective consent,” and it affirmed the defendant’s conviction of second-degree sexual assault. In the *Cardus* case, the correctional officer was behaving in both a criminal and an unethical manner.

## Inappropriate Relationships With Prison Inmates

Some of the more recent literature on unethical behaviors that occur in prison settings relate to the inappropriate relationships that can develop between inmates and staff members. Few studies have been conducted in this area, and this is still largely uncharted territory. An incident that one scholar might call an “inappropriate relationship” may be labeled by others as a form of economic exploitation, or even sexual abuse. One thing is certain, however: These behaviors are certainly unethical and should not be tolerated in a correctional environment. Worley, Marquart, and Mullings (2003) provided a definition of inappropriate relationships:

Personal relationships between employees and inmates/clients or with family members of inmates/clients. This behavior is usually sexual or economic in nature and has the potential to jeopardize the security of a prison institution or compromise the integrity of a correctional employee. (p. 179)

Although some research on the forbidden relationships between correctional staff and inmates focuses disproportionately on sexual situations involving male officers and female offenders, the majority of inappropriate relationships occur between male inmates and female correctional officers (Worley et al., 2003; Worley & Cheeseman, 2006). This makes sense when one considers that female inmates make up only 7.3% of the state prison population and 7.5% of the federal prison population (Clear, Cole, & Reisig, 2009).

There may be a perception that only low-ranking correctional employees are likely to have inappropriate relationships, but even prison administrators are not immune from behaving unscrupulously with inmates. Recently, for example, Christine Achenbach, an executive assistant and fourth in command at a federal prison in Colorado, was convicted of having sexual relations with a prison inmate (Hughes, 2002). During the course of her sexual relationship with two offenders, Achenbach was even believed to have warned her inmate “boyfriends” when their cells would be searched (Hughes, 2002). Both of these offenders were members of the infamous Crips gang (Hughes, 2002). One of Achenbach’s inmate lovers, during the trial, described how he wooed her into having a relationship and said: “I felt that [Achenbach] was vulnerable and that she

could be compromised if a person were to be sensitive and take time with her” (Hughes, 2002). In 2002, a judge sentenced Achenbach to 4 years of probation; she was also required to register as a sex offender for life (Abbott, 2002). It is clear from this example that even upper echelon correctional administrators have the potential to engage in unethical behavior.

### **Contraband and the Prison Economy**

It is important to note that in addition to having sex with inmates, correctional officers can also act unethically by providing offenders with contraband. According to some scholars, the recent anti-tobacco policies of many prison agencies have contributed to correctional officer misconduct (Silverman, 2001). Some employees may see nothing wrong with smuggling in tobacco, because it is not a mind-altering substance and has only recently become restricted, but Silverman (2001) argued this point:

Since the ban in Texas, tobacco has become the number one contraband item. Moreover, many [correctional officers] and other staff members are smokers, and some do not feel that bringing tobacco in is “really a violation,” because they disagree with the ban. For some, throwing a carton of cigarettes over the wall to make an extra \$100 is more of a game than a law violation. It presents staff with an easy way to supplement their income without really feeling guilty that they are violating the law. (p. 240)

As this quote illustrates, some correctional officers may see an enormous opportunity to conspire with inmates in order to provide a much-needed commodity to the prison population. Vermont, the first state to outlaw smoking, had to lift its ban after offenders began soliciting staff members and even having sex with other inmates for cigarettes (Blood, 1996; Silverman, 2001). There is no question that a few officers have been tempted by inmates to smuggle contraband into penal facilities.

### **Unethical Behaviors and the Prison Guard Subculture**

Although there is very little literature pertaining to the types of unethical behaviors in which correctional employees engage, much more research has examined and been published on prison guard subcultures. This literature may give invaluable insights into the unethical behaviors of correctional officers. The prison guard subculture, like the police subculture, manufactures negative images of the “client” (Kauffman, 1988). Irwin (2005) contended that the most crucial aspect of the guard subculture is the hatred and moral superiority that most keepers have toward the kept. Even though the guard workforce has become much more diverse, most correctional employees view inmates as “worthless, untrustworthy, manipulative, and disreputable deviants” (Irwin, 2005, p. 64).

Like the police subculture, the prison guard subculture may also provide officers with rationalizations for behaving unethically. Pollock (2007) contended that veteran guards initiate newer officers into the subculture. Kauffman (1988) argued that new officers quickly learn from other guards not to be a “rat” (a prison employee who informs on his or her coworkers). Prison custodians are taught by other staff members to never cooperate with superiors by participating in any activities that would be detrimental to another officer (Kauffman, 1988). Pollock (2007) also believes there are sanctions if an officer is viewed as a rat by his fellow employees. Some scholars have argued that because of this guard subculture a tremendous amount of employee misconduct, such as theft and brutality, tends to go unreported in prison agencies (Irwin, 2005; Souryal, 2006). Other research indicates that the tendency for officers not to “rat” also contributes to an enormous amount of sexual abuse that is prevalent in female institutions and committed by male guards (Human Rights Watch Women’s Rights Project, 1996).

There is clearly an abundance of literature devoted to the correctional officer subculture. By examining this, scholars may be able to better appreciate why some correctional officers behave unethically.

### **Ethics and Probation and Parole Officers**

As previously mentioned, unethical acts are committed by employees in virtually every type of law enforcement endeavor. This is true even in the field of probation and parole, where employees are presumed to have one of the highest levels of education and job training (Souryal, 2006). Probation and parole officers have the potential to engage in many different types of unscrupulous behaviors. Some probation and parole officers, for example, may conduct personal business on state time. This can include anything from grocery shopping to getting a haircut while on duty. There are also employees in community corrections who claim that they make field visits when in fact they do not (Souryal, 2006).

In addition to these types of unprofessional behaviors, probation and parole officers may also act in an unethical manner by discriminating against clients solely on the basis of race, gender, or age (Souryal, 2006). Also, probation and parole employees may engage in sexual deviance. One type of sexual deviance, for example, may include sexual harassment that occurs in the workplace. Recently, an Alaskan probation officer filed a lawsuit against his female superior alleging that she permitted a sexually charged, hostile work environment (Carroll, 2005). He maintained that one of his female coworkers had pinched his nipples repeatedly, even after being told to stop. In addition to engaging in sexual harassment, probation and parole employees may also behave unethically by having sexual relationships with either their clients or their clients’

family members (Souryal, 2006). Like police officers, prison guards, and court employees, these practitioners also have the potential to behave unethically during the course of their careers.

## Conclusion

Based on social contract theory, criminal justice professionals have been given a certain authority and power by the government, as its agents, to protect the inhabitants within a particular jurisdiction in exchange for a few liberties given up by these residents. This sets them apart from the general populace. Armed with the responsibility to guard the populace, criminal justice professionals are expected to have higher moral standards so that the people can trust them with the power they have to protect. Occasionally, instead of honoring the position and trust given to them, these professionals get distracted and use their discretion as they deem fit. This leads to a collapse of the social contract theory, often leading to disastrous consequences.

When the consequences of a decision are bad, the teleological or consequentialist ethical system does not support it. Oftentimes such decisions are motivated by personal gain following the ethical system best characterized as egoism. Because the essence of criminal justice is the service and protection of society, this is definitely at odds with the concept of egoism. The police officer, or the probation officer, or the judge who accepts bribes and gratuities, or engages in sexual relations with clients, begins his or her moral career that leads to higher forms of corruption and unethical behaviors (Pollock, 2007). Such corruption is engaged in solely for the purpose of personal gain and is condemned by most ethical systems, such as ethical formalism (deviating from duty), utilitarianism (not good for the majority), teleological (bad consequences), deontological (the act itself is bad), natural law (aimed at personal happiness rather than self-preservation), religious ethics (not supported by God), Plato's *summum bonum* (against the principle of the ultimate good), Aristotle's ethics of virtue (not a virtue or excellence), the Golden Rule (the corrupt would not want to be a victim of corruption), and the ethics of care (corruption does not show care). The only ethical system that justifies the unethical behavior of criminal justice professionals is egoism, which is focused on the self and happiness for oneself. Just as no act can be absolutely selfless (e.g., even charity gives self-satisfaction), no selfish act can bring ultimate happiness to the doer. As such, unethical behavior is going to cause more pain than pleasure in the long run, according to Bentham's hedonistic calculus (Pollock, 2007).

On one final note, it is important to mention that there is at least one additional type of unethical behavior in which criminal justice professionals engage that can be explained as corruption for the good of the organization and not for

personal gain. An instance of this might be an excessive use of force, as when a police officer tries to catch a crook by whatever means necessary or a when a correctional officer who uses it to teach a criminal a lesson. Another example could include a prosecutor who uses dubious evidence when he or she is convinced that someone has committed a crime and should not be allowed to be free. Even though these are guided by a noble cause—to rid society of the “bad guys”—such behavior might be problematic (Kleinig, 2008). Nevertheless, such corruption is often tolerated by individual departments. Other than civil litigation, the only way to check such unethical behavior within the agencies is to have ethical leaders who will not tolerate such actions by their subordinates. In sum, it is a matter of concern that unethical behavior is prevalent in all areas of criminal justice, be it among police officers, court personnel, or corrections officers. A strict adherence to the ethical codes, an ethical leadership, and a pride in their professions and the spirit it upholds are important steps toward addressing this issue.

## References and Further Readings

- Abbott, K. (2002, December 5). Inmates, guards testify in sex trial. *Rocky Mountain News*, p. 22A.
- Albanese, J. S. (2008). *Professional ethics in criminal justice: Being ethical when no one is looking*. Boston: Pearson Education.
- Barker, T., & Carter, D. (1994). *Police deviance* (3rd ed.). Cincinnati, OH: Anderson.
- Barua, V. (in press). Accountability and transparency of the federal judiciary. *The Criminal Law Bulletin*.
- Batson v. Kentucky, 476 U.S. 79 (1986).
- Bell v. Cone, 505 U.S. 685 (2002).
- Blood, M. (1996, February 26). Rikers is joining ranks of smoke-free prisons. *The (Newark, NJ) Star-Ledger*, p. 37.
- Brady v. Maryland, 373 U.S. 83 (1863).
- Burdine v. Johnson, No. 99–21034 (5th Circuit, 2001).
- Carroll, T. (2005, September 16). Man alleges harassment, sues state. *Juneau (Alaska) Empire*, p. 1A.
- Clear, T. R., Cole, G. F., & Reisig, M. (2009). *American corrections* (8th ed.). Belmont, CA: Thompson Wadsworth.
- Close, D., & Meier, N. (2003). *Morality in criminal justice: An introduction to ethics*. Belmont, CA: Thompson Wadsworth.
- Ex parte McFarland, 163 S.W.3d 743 (Tex. Crim App., 2005).
- Hales, D. (2005, August 24). Jail employees arrested for conspiracy to assault inmate. *Muskogee Daily Phoenix and Times Democrat*, p. A1.
- Hofer, P., Blackwell, K., & Ruback, B. (1999). The effect of federal sentencing guidelines on inter-judge sentencing disparity. *Journal of Criminal Law and Criminology*, 90, 239–321.
- Holdaway, S. (1996). *The racialisation of British policing*. Basingstoke, UK: Macmillan.
- Hughes, J. (2002, December 5). Ex-colleague to tell of alleged trysts at prison inmate: Official seen having sex. *Denver Post*, p. B2.
- Human Rights Watch Women's Rights Project. (1996). *All too familiar: Sexual abuse of women in U.S. state prisons*. New York: Human Rights Watch.
- Irwin, J. (2005). *The warehouse prison: Disposal of the new dangerous class*. Los Angeles: Roxbury.

- Kauffman, K. (1988). *Prison officers and their world*. Cambridge, MA: Harvard University Press.
- Kleinig, J. (2008). *Ethics and criminal justice: An introduction*. Cambridge, UK: Cambridge University Press.
- Lucas v. White, 63 F. Supp. 2d. 1046, N. D. Cal. (1999).
- Maas, P. (1973). *Serpico*. New York: Harper.
- Mickens v. Taylor, 535 U.S. 162 (2002).
- Miller, S. L., Forest, K. B., & Jurik, N. C. (2003). Diversity in blue: Lesbian and gay police officers in a masculine operation. *Men and Masculinities*, 5, 355–385.
- Morris, R. (1988). *The devil's butchershop: The New Mexico prison uprising*. Albuquerque: University of New Mexico Press.
- Pollock, J. M. (2007). *Ethical dilemmas and decisions in criminal justice* (5th ed.). Belmont, CA: Thompson Wadsworth.
- Reichel, P. (2002). *Comparative criminal justice systems* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.
- Serrano, R. A. (2005, September 24). *More Iraqis tortured, officer says the 82nd Airborne is accused of abuses in 2003 and early 2004*. *Los Angeles Times*, p. A1.
- Silverman, I. J. (2001). *Corrections: A comprehensive view*. Belmont, CA: Thompson Wadsworth.
- Souryal, S. (2006). *Ethics in criminal justice: In search of the truth* (4th ed.). Cincinnati, OH: Anderson.
- State v. Cardus, 86 Haw. 426 (1997).
- Strickland v. Washington, 466 U.S. 668 (1984).
- Toch, H. (2002). *Stress in policing*. Washington, DC: American Psychological Association.
- United States v. Cronin, 466 U.S. 648 (1984).
- Walker, S., & Katz, C. M. (2008). *The police in America: An introduction* (6th ed.). New York: McGraw-Hill.
- Ward, R. H., & McCormack, R. (1987). *Managing police corruption: Internal perspectives*. Chicago: Office of International Criminal Justice.
- Welch, M. (2004). *Corrections: A critical approach*. New York: McGraw-Hill.
- Worley, R. M., & Cheeseman, K. A. (2006). Guards as embezzlers: The consequences of “non-shareable” problems in prison settings. *Deviant Behavior*, 27, 203–222.
- Worley, R. M., Marquart, J. W., & Mullings, J. L. (2003). Prison guard predators: An analysis of inmates who established inappropriate relationships with prison staff, 1995–1998. *Deviant Behavior*, 24, 175–198.



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