

The background is a complex, colorful collage. It features several stylized eyes and faces. One large eye is at the top center, with a green iris and a purple pupil. Another eye is on the right side, with a yellow iris and a blue pupil. A third eye is at the bottom left, with a red iris and a black pupil. The collage is composed of various geometric shapes, patterns, and colors, including red, blue, green, yellow, and orange. The overall style is abstract and artistic.

NINTH EDITION

CRIMINOLOGY

LARRY J. SIEGEL

Synopsis of Criminological Theories

CLASSICAL THEORY

ORIGIN About 1764

FOUNDERS Cesare Beccaria, Jeremy Bentham

MOST IMPORTANT WORKS Beccaria, *On Crimes and Punishments* (1764); Bentham, *Moral Calculus* (1789)

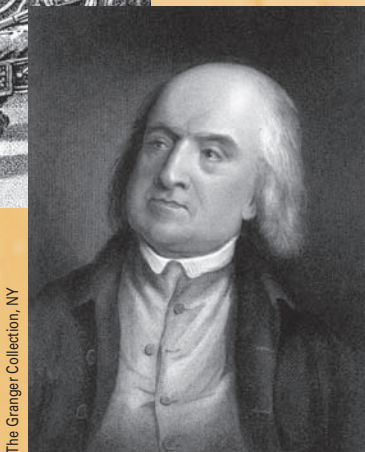
CORE IDEAS People choose to commit crime after weighing the benefits and costs of their actions. Crime can be deterred by certain, severe, and swift punishment.

MODERN OUTGROWTHS Rational Choice Theory, Routine Activities Theory, General Deterrence Theory, Specific Deterrence, Incapacitation



Cesare Beccaria

The Granger Collection, NY



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Jeremy Bentham

POSITIVIST THEORY

ORIGIN About 1810

FOUNDERS Franz Joseph Gall, Johann Spurzheim, J. K. Lavater, Cesare Lombroso, Enrico Ferri, Raffaele Garofalo, Earnest Hooton, Charles Goring

MOST IMPORTANT WORKS Lombroso, *Criminal Man* (1863); Garofalo, *Criminology* (1885); Ferri, *Criminal Sociology* (1884); Goring, *The English Convict* (1913); William Sheldon, *Varieties of Delinquent Youth* (1949)

CORE IDEAS Some people have biological and mental traits that make them crime prone. These traits are inherited and are present at birth. Mental and physical degeneracies are the cause of crime.

MODERN OUTGROWTHS Biosocial and Psychological Theory, Cognitive Theory, Behavioral Theory, Evolutionary Theory, Arousal Theory



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Cesare Lombroso

MARXIST/CONFLICT THEORY

ORIGIN About 1848

FOUNDERS Karl Marx, Willem Bonger, Ralf Dahrendorf, George Vold

MOST IMPORTANT WORKS Marx and Friedrich Engels, *The Communist Manifesto* (1848); Bonger, *Criminality and Economic Conditions* (1916); George Rusche and Otto Kirchheimer, *Punishment and Social Structure* (1939); Dahrendorf, *Class and Class Conflict in Industrial Society* (1959)

CORE IDEAS Crime is a function of class struggle. The capitalist system's emphasis on competition and wealth produces an economic and social environment in which crime is inevitable.

MODERN OUTGROWTHS Conflict Theory, Radical Theory, Radical Feminist Theory, Left Realism, Peacemaking, Power-Control Theory, Postmodern Theory, Reintegrative Shaming, Restorative Justice

SOCIOLOGICAL THEORY

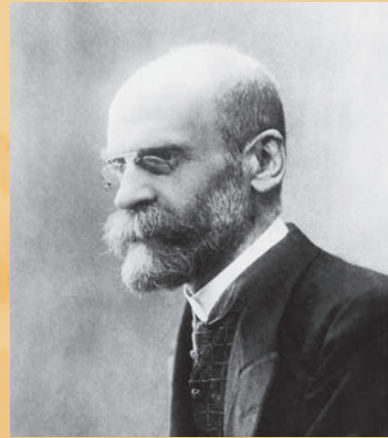
ORIGIN 1897

FOUNDERS Émile Durkheim, Robert Ezra Park, Ernest Burgess, Clifford Shaw, Walter Reckless, Frederic Thrasher

MOST IMPORTANT WORKS Durkheim, *The Division of Labor in Society* (1893), and *Suicide: A Study in Sociology* (1897); Park, Burgess, and John McKenzie, *The City* (1925); Thrasher, *The Gang* (1926); Shaw et al., *Delinquency Areas* (1925); Edwin Sutherland, *Criminology* (1924)

CORE IDEAS A person's place in the social structure determines his or her behavior. Disorganized urban areas are the breeding ground of crime. A lack of legitimate opportunities produces criminal subcultures. Socialization within the family, the school, and the peer group controls behavior.

MODERN OUTGROWTHS Strain Theory, Cultural Deviance Theory, Social Learning Theory, Social Control Theory, Social Reaction Theory, Labeling



Émile Durkheim

Corbis/Bettmann

MULTIFACTOR THEORY

ORIGIN About 1930

FOUNDERS Sheldon and Eleanor Glueck

MOST IMPORTANT WORKS Sheldon and Eleanor Glueck: *Five Hundred Delinquent Women* (1934); *Later Criminal Careers* (1937); *Criminal Careers in Retrospect* (1943); *Juvenile Delinquents Grown Up* (1940); *Unraveling Juvenile Delinquency* (1950)

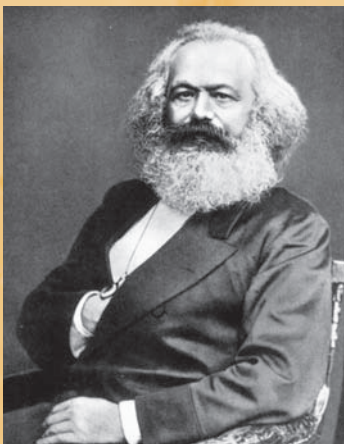
CORE IDEAS Crime is a function of environmental, socialization, physical, and psychological factors. Each makes an independent contribution to shaping and directing behavior patterns. Deficits in these areas of human development increase the risk of crime. People at risk for crime can resist anti-social behaviors if these traits and conditions can be strengthened.

MODERN OUTGROWTHS Developmental Theory, Life Course Theory, Latent Trait Theory



Sheldon and Eleanor Glueck

Harvard Law School Library



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NINTH EDITION

CRIMINOLOGY

Larry J. Siegel

UNIVERSITY OF MASSACHUSETTS, LOWELL

Australia • Canada • Mexico • Singapore • Spain • United Kingdom • United States

Criminology, Ninth Edition

Larry J. Siegel

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■ *This book is dedicated to my children,
Julie, Andrew, Eric, and Rachel,
and to my wife, Therese J. Libby*

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PREFACE

In July 2004, Troy Victorino and some friends were illegally squatting in a Florida home while the owners were spending the summer in Maine. When the owners' granddaughter, Erin Belanger, found them, she called the police to have them removed from the premises. The squatters were kicked out, but they left behind an X-box game system and clothes, and Belanger took the items back to her home, which she was sharing with friends. Over the next few days, Victorino and his friends threatened Belanger and slashed the tires on her car. They warned her that they were going to come back and beat her with a baseball bat when she was sleeping. Then on August 6, 2004, Victorino and three accomplices armed with aluminum bats kicked in the locked front door. The group, who wore black clothes and had scarves on their faces, grabbed knives inside and attacked victims in different rooms of the three-bedroom house as some of them slept. All six victims, including Erin Belanger, were beaten and stabbed beyond recognition. All six died.

Victorino was a career criminal. He had spent eight of the last eleven years before the killings serving prison sentences for a variety of crimes including auto theft, battery, arson, burglary, and theft. In 1996, he beat a man so severely that doctors needed fifteen titanium plates to rebuild the victim's face. The week before the attack Victorino was arrested for punching a 28-year-old man in the face and was charged with felony battery. He was released on a \$2,500 bond and visited his probation officer for his regular check-in the day before the murders. While he should have been arrested at that point for violating his probation, his case supervisor failed to take action; in the aftermath of the attack, Victorino's probation officer and three of his supervisors were dismissed.

The X-box murder case, while particularly senseless and brutal, is certainly not unique: More than 10,000 Americans are murdered each year. It is not surprising then that many Americans are concerned about crime and are worried about becoming the victims of violent crime, having our houses broken into, our cars stolen, and our pension funds misappropriated. We alter our behavior to limit the risk of victimization and question whether legal punishment alone can control criminal offenders. We watch movies about law firms, clients, fugitives, and stone-cold killers. We are shocked by the news media when they give graphic accounts of school shootings, police brutality, and sexual assaults.

I, too, have had a life-long interest in crime, law, and justice. Why do people behave the way they do? What causes one person like Troy Victorino to become violent and anti-social while another channels his energy into work, school, and family? Why are some adolescents able to resist the

temptation of the streets and become law-abiding citizens? Conversely, what accounts for the behavior of the multimillionaire who cheats on her taxes or engages in fraudulent schemes? The former has nothing yet is able to resist crime; the latter has everything and falls prey to its lure. And what should be done with convicted criminals? After the murders, Troy Victorino's mother claimed that his problems stemmed from being sexually abused as a child. Should such abuse mitigate his guilt? Or should he be given the death penalty for his horrible crimes?

For the past thirty years I have been able to channel this interest into a career as a teacher of criminology. My goal in writing this text is to help students generate the same interest in criminology that has sustained me during my teaching career. What could be more important or fascinating than a field of study that deals with such wide-ranging topics as the motivation for mass murder, the effects of violent media on young people, and the activities of organized crime? Criminology is a dynamic field, changing constantly with the release of major research studies, Supreme Court rulings, and governmental policy. Its dynamism and diversity make it an important and engrossing area of study.

Because interest in crime and justice is so great and so timely, this text is designed to review these ongoing issues and cover the field of criminology in an organized and comprehensive manner. It is meant as a broad overview of the field, designed to whet the reader's appetite and encourage further and more in-depth exploration. Several major themes recur throughout the book:

- **COMPETING VIEWPOINTS:** In every chapter an effort is made to introduce students to the diversity of thought that characterizes the discipline. One reason that the study of criminology is so important is that debates continue over the nature and extent of crime and the causes and prevention of criminality. Some experts view criminal offenders as society's victims, unfortunate people who are forced to violate the law because they lack hope of legitimate opportunity. Others view aggressive, antisocial behavior as a product of mental and physical abnormalities, present at birth or soon after, which are stable over the life course. Still another view is that crime is a function of the rational choice of greedy, selfish people who can only be deterred through the threat of harsh punishments. All chapters explore how different theoretical frameworks cover different aspects of criminology. Students are helped in this regard by Concept Summary boxes, which compare different viewpoints, showing their main points and their strengths.

- **CRITICAL THINKING:** It is important for students to think critically about law and justice and to develop a critical perspective toward the social and legal institutions entrusted with crime control. Throughout the book, students are asked to critique research highlighted in featured material and to think outside the box. To aid in this task, each chapter ends with a Thinking Like a Criminologist scenario that can be analyzed with the help of material found in the chapter.
- **DIVERSITY:** Diversity is a key issue in criminology, and the text attempts to integrate issues of racial, ethnic, gender, and cultural diversity throughout. The book includes material on international issues, such as the use of the death penalty abroad, as well as gender issues such as the rising rate of female criminality. To help with the coverage of this topic, Race, Culture, Gender, and Criminology features address diversity issues. In Chapter 16, for example, there is an in-depth discussion on how race influences sentencing in criminal courts. There are also Comparative Criminology features, which focus on criminological issues abroad or compare the United States with other nations.
- **CURRENT THEORY AND RESEARCH:** Throughout the book, every attempt is made to use the most current research to show students the major trends in criminological study and policy. Most people who use the book have told me that this is one of its strongest features. I have attempted to present current research in a balanced fashion, though this sometimes can be frustrating to students. For example, while some experts find that a defendant's race negatively affects sentencing in the criminal courts, other criminologists conclude that race has little influence. Which position is correct? While it is comforting to reach an unequivocal conclusion about an important topic, sometimes that is simply not possible. In an effort to be objective and fair, each side of important criminological debates is presented in full. Throughout the text, Criminological Enterprise features review important research in criminology. For example in Chapter 2, "Explaining Crime Trends" discusses research that helps explain why crime rates rise and fall.
- **SOCIAL POLICY:** There is a focus on social policy throughout the book so that students can see how criminological theory has been translated into crime prevention programs. Because of this theme, Policy and Practice in Criminology features are included throughout the text. These show how criminological ideas and research can be put into action. For example, in Chapter 17, the feature "The RSAT Program" discusses treatment for incarcerated individuals with substance abuse problems, which is a growing problem among prisoners. In addition to outlining the treatment program, critical evaluation of the program's successes and failures is included.

- **USE OF TECHNOLOGY:** The book attempts to interweave Internet sites by providing a number of web-links within each chapter. These direct students to websites that further discuss the material presented in the chapter. In addition, the text makes extensive use of InfoTrac® College Edition, an online research site that contains thousands of full-text articles. There are InfoTrac College Edition exercises included in every chapter.

In sum, the primary goals in writing this text are:

1. To provide students with a thorough knowledge of criminology and show its diversity and intellectual content
2. To be as comprehensive and up-to-date as possible
3. To be objective and unbiased
4. To describe current theories, crime types, and methods of social control, and analyze their strengths and weaknesses
5. To show how criminological thought has influenced social policy

TOPIC AREAS

Criminology is a thorough introduction to this fascinating field and intended for students in introductory-level courses in criminology. It is divided into four main sections or topic areas.

Part One provides a framework for studying criminology. The first chapter defines the field and discusses its most basic concepts: the definition of crime, the component areas of criminology, the history of criminology, the concept of criminal law, and the ethical issues that confront the field. Chapter 2 covers criminological research methods, and the nature, extent, and patterns of crime. Chapter 3 is devoted to the concept of victimization, including the nature of victims, theories of victimization, and programs designed to help crime victims.

Part Two contains six chapters that cover criminological theory: Why do people behave the way they do? Why do they commit crimes? These views focus on choice (Chapter 4); biological and psychological traits (Chapter 5); social structure and culture (Chapter 6); social process and socialization (Chapter 7); social conflict (Chapter 8); and human development (Chapter 9).

Part Three is devoted to the major forms of criminal behavior. The chapters in this section cover violent crime (Chapter 10); common theft or property offenses (Chapter 11); white-collar, cyber, and organized crime (Chapter 12); and public order crimes, including sex offenses and substance abuse (Chapter 13).

Part Four contains four chapters that cover the criminal justice system. Chapter 14 provides an overview of the entire

justice system, including the process of justice, the major organizations that make up the justice system, and concepts and perspectives of justice. Chapter 15 focuses on the police in society, tracing the history of law enforcement and the current state of policing. Chapter 16 covers the court process, while Chapter 17 provides an overview of corrections.

GOALS AND OBJECTIVES

The text has been carefully structured to cover relevant material in a comprehensive, balanced, and objective fashion. Every attempt has been made to make the presentation of material interesting and contemporary. No single political or theoretical position dominates the text; instead, the many diverse views that are contained within criminology and characterize its interdisciplinary nature are presented. While the text includes analysis of the most important scholarly works and scientific research reports, it also includes a great deal of topical information on recent cases and events, such as the rape accusation lodged against basketball star Kobe Bryant and the conviction of Martha Stewart for securities-related crimes in the ImClone case in 2003.

WHAT IS NEW IN THE NINTH EDITION

- Chapter 1 begins with the story of Kobe Bryant, the star athlete arrested in Eagle, Colorado, on July 4, 2003, on rape charges and how pre-trial publicity may have influenced his trial. The Criminological Enterprise feature examines contemporary elements of criminal law. A number of new cases are analyzed, including a 2003 case *Smith et al. v. Doe et al.*, which concerns the Alaska Sex Offender Registration Act, and an important 2003 case, *Lawrence v. Texas*, in which the Supreme Court declared that laws banning sodomy were unconstitutional.
- Chapter 2 begins with a discussion of Eric Rudolph, who was arrested and charged with a deadly bombing of an Atlanta abortion clinic. It has a new discussion of the NIBRS data, which is the future of the Uniform Crime Report. There is an analysis of important research including Steven Levitt's work on understanding why crime rates fell in the 1990s, as well as new research explaining neighborhood drug arrest rates and the reporting of sexual victimization to the police. There is also the latest data from the Monitoring the Future study, the National Crime Victimization Survey, and the Uniform Crime Report. These reports are the focus of a Concept Summary on data collection methods. A Comparative Criminology feature, "International Crime Trends," looks at crime trends around the world. A Policy and Practice in Criminology feature on gun control has been updated.
- Chapter 3 starts with the story of Waterbury, Connecticut, Mayor Philip Giordano, a married father of three, who was convicted of engaging in sexual relations with minors as young as 9 years old. The chapter contains material on the long-term costs of victimization. A Criminological Enterprise feature explores the problems faced by adolescent victims of violence. The chapter also discusses the book by Susan Brison, a rape victim, who recounts her experiences in the aftermath of sexual assault. Among the research studies now integrated within the chapter are ones covering the effect of victimization on hostility and risk factors for the sexual victimization of women.
- Chapter 4 reviews a number of important new research studies, including Bruce Jacobs' research on robbers who target drug dealers. There is also analysis of data on the association between the level of police and crime rates and the effect of deterrent measures on crime prevention, the success of a breath-analyzed ignition interlock device to prevent drunk driving, the effects of closed-circuit television on crime, and whether the police can prevent homicide. A Concept Summary compares crime control methods.
- Chapter 5 includes the latest findings from the Minnesota Study of Twins Reared Apart. It has updated research on the effects of prenatal exposure to mercury and data from a national assessment of Americans' exposure to environmental chemicals. It covers the intergenerational transmission of antisocial behavior, the effects of a depressed mood on delinquency, cognitive ability and delinquent behavior, and research on juvenile sex offenders.
- Chapter 6 has a new Race, Culture, Gender, and Criminology feature, "The Code of the Streets." It has new research on the effects of housing on mental health, the role of culture in a socially disorganized area, and the structural correlates of homicide rates. It expands coverage of community cohesion and shows how it influences risks of victimization. There is new information on the neighborhood context of policing, as well as the association of neighborhood structure and parenting processes. The latest NCVS and census data are presented. Neighborhood ecology and victimization are explored.
- Chapter 7 reviews a number of new research studies examining the effects of socialization on criminality. It covers the importance of family and school in shaping adolescent deviance. There are new studies examining the influence of early work experiences on adolescent deviance and substance abuse. Other new research studies look at the effects of pairing aggressive and non-aggressive children in social relations and the in-

fluence of parental monitoring on adolescents' delinquent behavior. The sections on stigma, labeling, and delinquency have all been updated.

- Chapter 8 now includes a major section on the effects of globalization on crime and well-being. It contains research on a wide variety of conflict theory topics including the effects of racial profiling and whether human empathy can transform the justice system. A gendered theory of crime is analyzed. The chapter now includes extensive coverage of the restorative justice movement.
- Chapter 9 now contains material on how marriage helps reduce the likelihood of chronic offending. It has a detailed analysis of David Farrington's Integrated Cognitive Antisocial Potential (ICAP) theory and Robert Agnew's General Theory of Crime and Delinquency. New research covers such topics as childhood predictors of offense trajectories; stability and change in antisocial behavior; the relationship of childhood and adolescent factors to offending trajectories; the intergenerational transmission of antisocial behavior; and the relationship among race, life circumstances, and criminal activity. The impact of social capital on the crime rate is discussed as well.
- Chapter 10 has expanded coverage on the causes of violence. There are also new sections on psychological and social learning views of rape causation. Changes in rape laws are examined in a new section on consent. There has been an expansion of the sections on murder and homicide, including material on who is at risk to become a school shooter. There are also new materials on the causes of child abuse and parental abuse. There are new sections on acquaintance robbery and expanded material on hate crimes and terrorism, including responses to terrorism by the FBI and the Department of Homeland Security. The findings of the 9/11 Commission are discussed in detail.
- Chapter 11 contains new material on shoplifting control, including the use of electronic tagging of products. It lists the cars and car parts crooks love best. There is more information on credit card theft and what is being done to control the problem. There is new material on burglary, including repeat burglary and infectious burglary. The section on arson has been expanded.
- Chapter 12 has been retitled "Enterprise Crime: White-Collar, Cyber, and Organized Crime" to reflect the growing importance of cyber crime. Cyber crime involves people using the instruments of modern technology for criminal purpose. Among the topics now covered are Internet securities fraud and identity theft. There are sections on enforcement issues and a new feature on controlling cyber crime, which covers efforts

now being made to control computer- and Internet-based criminal activities. Data from the most recent Computer Crime and Security Survey by the Computer Security Institute are analyzed. A new Comparative Criminology feature covers Russian organized crime. A number of new cases involving white-collar crime, including TV personality Martha Stewart and the Securities and Exchange Commission investigation of leading Wall Street brokerage firms, are discussed.

- Chapter 13 now has material on changes in gay marriage law, the distribution of pornography via the Internet. There is more on the international trade in prostitution including a new feature on the "Natascha Trade," the coercion of women from the former Soviet Union into prostitution. A number of important legal cases are summarized, including *Boy Scouts of America v. Dale*, which upheld the Boy Scouts' right to ban gay men from becoming scout masters; *Lawrence v. Texas*, which made it impermissible for states to criminalize nonheterosexual sex; and *Ashcroft, Attorney General, et al. v. Free Speech Coalition*, which dealt with the government's right to control Internet pornography. There is a new section on cyber prostitution. The latest data on drug use and the association between substance abuse and crime are included in the chapter.
- Chapter 14 has the latest material on important criminal justice issues including the police, courts, and corrections. There are updated data on the number of people behind bars and trends in the correctional population.
- Chapter 15 has new information on racial profiling, justifiable homicides by police officers and how police interactions with citizens impact their satisfaction with the police. It covers the changing role of the police including crime prevention and use of force.
- Chapter 16 has an analysis of the trial of David Westfield and the issue of attorney competence. It includes recent information on use of the death penalty, specialized courts, and racial influences on sentencing.
- Chapter 17 now includes a number of new cases including *Hope v. Pelzer* on prisoners' rights. The chapter looks at the concept of inmate re-entry and how it impacts the community.

FEATURES

This text contains different kinds of pedagogy that help students analyze material in greater depth and also link it to other material in the book:

- *The Criminological Enterprise*: Boxes that review important issues in criminology. For example in Chapter 2,

“Explaining Crime Trends” discusses the social and political factors that cause crime rates to rise and fall.

- *Policy and Practice in Criminology*: Boxes that show how criminological ideas and research can be put into action. In Chapter 2, “Should Guns be Controlled?” examines the pros and cons of the gun control debate.
- *Race, Culture, Gender, and Criminology*: Boxes that cover issues of racial, cultural, and sexual diversity. For example, in Chapter 6, “The Code of the Streets” discusses the work and thoughts of Elijah Anderson, one of the nation’s leading sociologists.
- *Comparative Criminology*: These boxes, new to this edition, compare criminological policies, trends, and practices in the United States and abroad. For example, in Chapter 4 a recent comparison of the effects of closed-circuit television on crime rates is examined in England and the United States in some detail.
- *Critical Thinking and InfoTrac College Edition Research*: Each of the boxed features is accompanied by critical thinking questions and links to articles in the InfoTrac College Edition online database.
- *Connections*: Short boxed inserts that help link material to other topics covered in the book. For example, a Connections box in Chapter 11 shows how efforts to control theft offenses are linked to the choice theory of crime discussed in Chapter 4.
- *InfoTrac College Edition®*: Links throughout the text suggest key terms and articles related to the content that can be searched in the InfoTrac College Edition database.
- *Chapter Outlines*
- *Chapter Objectives*: New to this edition.
- *Chapter-Opening Vignettes*: CNN video clips are linked to the chapter-opening vignettes on the student CD-ROM (new to this edition).
- *Thinking Like a Criminologist*: Sections at the end of each chapter present challenging questions or issues that students must use their criminological knowledge to answer or confront. Applying the information learned in the text will help students begin to “think like criminologists.”
- *Doing Research on the Web*: New to this edition, these sections guide students to web pages that will help them answer the criminological questions posed by the Thinking Like a Criminologist section.
- *Critical Thinking Questions*: Each chapter ends with questions that help develop students’ critical thinking skills.
- *Key Terms*: Each chapter also includes a listing of key terms and the page number where the term is discussed in the chapter.

ANCILLARIES

A number of supplements are provided by Thomson Wadsworth to help instructors use *Criminology*, Ninth Edition, in their courses and to aid students in preparing for exams. (Available to qualified adopters. Please consult your local sales representative for details.)

For the Instructor

Instructor’s Manual The manual includes lecture outlines, discussion topics, student activities, Internet connections, media resources, and testing suggestions that will help time-pressed teachers more effectively communicate with their students and also strengthen the coverage of course material. Each chapter has multiple-choice, true/false, and fill-in-the-blank test items, as well as sample essay questions.

WebTutor™ Advantage Preloaded with content and available for packaging with this text, WebTutor Advantage for WebCT or BlackBoard integrates all the content of this text’s rich Book Companion Website, additional quizzing and study resources for students, and all the sophisticated course management functionality of a WebCT or BlackBoard product. Instructors can assign materials (including online quizzes) and have the results flow *automatically* to their gradebooks. WebTutor Advantage is ready to use as soon as instructors log on—or, instructors can customize its preloaded content by uploading images and other resources, adding weblinks, or creating their own practice materials. Students have access to additional quizzing, games that test their understanding of important concepts, and other learning resources that will give them the tools they need to pass the course. Instructors can enter a pincode for access to password-protected Instructor Resources. Contact your Thomson representative for information on packaging WebTutor Advantage with this text.

ExamView® This computerized testing software helps instructors create and customize exams in minutes. Instructors can easily edit and import their own questions and graphics, change test layouts, and reorganize questions. This software also offers the ability to test and grade online. It is available for both Windows and Macintosh.

CNN® Today Videos Exclusively from Thomson Wadsworth, the CNN Today Video series offers compelling videos that feature current news footage from the Cable News Network’s comprehensive archives. Criminology Volumes VI through VIII each provide a collection of 2- to 6-minute clips on hot topics in criminology, such as children who murder, the insanity defense, hate crimes, cyber terrorism, and much more. Available to qualified adopters, these videotapes are great lecture launchers as well as classroom discussion pieces.

Wadsworth Criminal Justice Video Library The Wadsworth Criminal Justice Video Library offers an exciting collection of videos to enrich lectures. Qualified adopters may select from a wide variety of professionally prepared videos covering various aspects of policing, corrections, and other areas of the criminal justice system. The selections include videos from *Films for the Humanities & Sciences*, *Court TV* videos that feature provocative 1-hour court cases to illustrate seminal high-profile cases in depth, *A&E American Justice Series* videos, *National Institute of Justice: Crime File* videos, *ABC News* videos, and *MPI Home* videos.

Opposing Viewpoints Resource Center This online center allows instructors to expose their students to all sides of today's most compelling issues, including genetic engineering, environmental policy, prejudice, abortion, healthcare reform, media violence, and dozens more. The Opposing Viewpoints Resource Center draws on Greenhaven Press' acclaimed social issues series, as well as core reference content from other Gale and Macmillan Reference USA sources. The result is a dynamic online library of current event topics—the facts as well as the arguments of each topic's proponents and detractors. Special sections focus on critical thinking (and walk students through how to critically evaluate point-counterpoint arguments) and researching and writing papers. To take a quick tour of the OVRC, visit <http://www.gale.com/OpposingViewpoints/index.htm>.

For the Student

Student CD-ROM (packaged free with text)—NEW to this edition—Included on the CD are chapter-based CNN video clips with critical thinking questions relating to key points from the text. Student responses can be saved and e-mailed to instructors.

Study Guide An extensive student study guide has been developed for this edition. Because students learn in different ways, a variety of pedagogical aids are included in the guide to help them. Each chapter is outlined, major terms are defined, and summaries and sample tests are provided.

Companion Website The Student Companion Website provides chapter outlines and summaries, tutorial quizzing, a final exam, the text's glossary, flashcards, a crossword puzzle, Concentration game, InfoTrac College Edition exercises, weblinks, a link to OVRC, and the multi-step Concept Builder, which includes review, application, and exercise questions on chapter-based key concepts.

InfoTrac College Edition® . . . now with InfoMarks! NOT SOLD SEPARATELY. Now FREE 4-month access to InfoTrac College Edition's online database of more than 18 million reliable, full-length articles from 5,000 academic journals and periodicals (including *The New York Times*, *Science*, *Forbes*, and *USA Today*) includes access to InfoMarks—stable URLs that can be linked to articles, journals, and searches. Info-

Marks allow you to use a simple “copy and paste” technique to create instant and continually updated online readers, content services, bibliographies, electronic “reserve” readings, and current topic sites. Ask about other InfoTrac College Edition resources available, including InfoMarks print and online readers with readings, activities, and exercises hand-selected to work with the text. And to help students use the research they gather, their free 4-month subscription to InfoTrac College Edition includes access to InfoWrite, a complete set of online critical thinking and paper writing tools. To take a quick tour of InfoTrac College Edition, visit <http://www.infotrac-college.com/> and select the “User Demo.”

CriminologyNow This web-based, intelligent study system helps students maximize their study time and helps instructors save time by providing a complete package of diagnostic quizzes, a *Personalized Study Plan*, and integrated media elements—including an e-book, learning modules, pre- and post-tests, study aids, feedback, CNN video clips with related questions, and an *Instructor's Gradebook*.

Crime Scenes 2.0: An Interactive Criminal Justice CD-ROM This highly visual and interactive program casts students as the decision makers in various roles as they explore all aspects of the criminal justice system. Exciting videos and supporting documents put students in the midst of a juvenile murder trial, a prostitution case that turns into manslaughter, and several other scenarios. This product received the gold medal in higher education and silver medal for video interface from *NewMedia Magazine's Invision Awards*.

Crime and Evidence in Action CD-ROM This interactive CD-ROM, with its accompanying website, places students in the center of the action. They will take on the roles of patrol officer, detective, prosecutor, defense attorney, judge, corrections officer, forensics technician, and parole officer as they apply their knowledge to conduct investigative research. As the case unfolds, students will be asked to make decisions, each with valuable feedback information. The flashing MDT will go off throughout the scenarios, providing new, critical information. The forensics exercises challenge the students to make critical decisions impacting the validity of their findings! The post-tests and scoring features allow instructors to evaluate their students' comprehension of the content.

Careers in Criminal Justice Interactive 3.0 CD-ROM This engaging self-exploration CD-ROM provides an interactive discovery of the wide range of careers in criminal justice. The self-assessment helps steer students to suitable careers based on their personal profile. Students can gather information on various careers from the job descriptions, salaries, employment requirements, sample tests, and video profiles of criminal justice professionals presented on this valuable tool.

Careers in Criminal Justice and Related Fields: From Internship to Promotion, Fifth Edition Written by J. Scott Harr and Kären Hess, this practical book helps students develop a search strategy to find employment in criminal justice and related fields. Each chapter includes “insider’s views,” written by individuals in the field and addressing promotions and career planning.

Guide to Careers in Criminal Justice This concise 60-page booklet provides a brief introduction to the exciting and diverse field of criminal justice. Students can learn about opportunities in law enforcement, courts, and corrections and how they can go about getting these jobs.

Criminal Justice Internet Investigator III This handy brochure lists the most useful criminal justice links on the World Wide Web. It includes the most popular criminal justice and criminology sites featuring online newsletters, grants and funding information, statistics, and more.

Internet Guide for Criminal Justice Developed by Daniel Kurland and Christina Polsenberg, this easy reference text helps newcomers as well as experienced web surfers use the Internet for criminal justice research.

Internet Activities for Criminal Justice This 60-page booklet shows how to best utilize the Internet for research via searches and activities.

Criminology: An Introduction Using MicroCase® Explorer®, Fifth Edition This book features real data to help students examine major criminological theories such as social disorganization, deviant associations, and others. It has twelve 1-hour exercises and five independent projects in all, covering dozens of topic areas and offering an exciting view of criminological research.

ACKNOWLEDGMENTS

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Larry Siegel
Bedford, New Hampshire

CONCEPTS OF CRIME, LAW, AND CRIMINOLOGY



How is crime defined? How much crime is there, and what are the trends and patterns in the crime rate? How many people fall victim to crime, and who is likely to become a crime victim? How did our system of criminal law develop, and what are the basic elements of crimes? What is the science of criminology all about?

These are some of the core issues that will be addressed in the first three chapters of this text. Chapter 1 introduces students to the field of criminology: its nature, area of study, methodologies, and historical development. Concern about crime and justice has been an important part of the human condition for more than 5,000 years, since the first criminal codes were set down in the Middle East. Although criminology—the scientific study of crime—is considered a modern science, it has existed for more than 200 years. It introduces students to one of the key components of criminology—the development of criminal law. Chapter 1 also discusses the social history of law, the purpose of law, and how law defines crime. Chapter 2 focuses on criminological research methods and how they are used to measure the nature and extent of crime, and Chapter 3 is devoted to victims and victimization. Important, stable patterns in the rates of crime and victimization indicate that these are not random events. The way crime and victimization are organized and patterned profoundly influences how criminologists view the causes of crime.

- CHAPTER 1** **Crime, Criminology, and the Criminal Law**
- CHAPTER 2** **The Nature and Extent of Crime**
- CHAPTER 3** **Victims and Victimization**

CHAPTER 1



When basketball idol Kobe Bryant was arrested in Eagle, Colorado, on July 4, 2003, and charged with felony sexual assault on July 18, a strong ripple went through all levels of American society. Bryant was alleged to have assaulted a 19-year-old girl who worked at a luxury hotel in which he was staying when he was in Colorado for knee surgery in late June.

The case dominated the media for months. ESPN told viewers that a bellman saw the woman leaving

Bryant's room with marks on her face and neck. People magazine reported that Bryant bought his wife a \$4 million diamond ring. Other reports said that Bryant's accuser was sexually promiscuous. Bryant himself, a married man with an infant daughter, announced that he had committed adultery with the woman but insisted the sex was consensual. The Bryant case raises questions about the media's role in high-profile criminal trials. How is it possible to select a fair and impartial jury if the case has already been tried in the press?

On July 23, 2004, before the trial began, a Colorado judge ruled that the defense had met the burden required under the state's rape victim law of proving that evidence about the woman's sex life was relevant for the jury to hear. How do details from her past contribute to deciding the truth of a criminal matter? If Kobe Bryant had been accused of robbing a store, would it be fair to focus on such questions as the owner's financial background and sexual orientation?

While it should not have been a factor in the Bryant case, a criminal charge against a famous black athlete accused by a white woman causes many Americans to view the case through the lens of race. Are African American men routinely and falsely accused by the justice system?

On September 1, 2004, the case was abruptly dropped when prosecutors disclosed that the victim did not want to proceed with the criminal case. As part of the deal, Bryant made a public statement in which he said, "Although I truly believe this encounter between us was consensual, I recognize now that she did not and does not view this incident the same way I did." What does the crime of rape entail? Is it possible for someone to commit rape without realizing that he has committed a crime?

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

CRIME, CRIMINOLOGY, AND THE CRIMINAL LAW

CHAPTER OUTLINE

What Is Criminology?

Criminology and Criminal Justice
Criminology and Deviance

A Brief History of Criminology

Classical Criminology
Nineteenth-Century Positivism
Foundations of Sociological Criminology
The Chicago School and Beyond
Conflict Criminology
Contemporary Criminology

What Criminologists Do: The Criminological Enterprise

Criminal Statistics
Sociology of Law
The Nature of Theory and Theory Development
Criminal Behavior Systems
Penology
Victimology

How Criminologists View Crime

The Consensus View of Crime
The Conflict View of Crime
The Interactionist View of Crime
Defining Crime

Crime and the Criminal Law

Common Law
Contemporary Criminal Law

The Criminological Enterprise: The Elements of Criminal Law

The Evolution of Criminal Law

Ethical Issues in Criminology

CHAPTER OBJECTIVES

1. Understand what is meant by the field of criminology
2. Know the historical context of criminology
3. Recognize the differences among the various schools of criminological thought
4. Be familiar with the various elements of the criminological enterprise
5. Be able to discuss how criminologists define crime
6. Recognize the concepts of criminal law
7. Know the difference between evil acts and evil intent
8. Describe the various defenses to crime
9. Show how criminal law is undergoing change
10. Be able to discuss ethical issues in criminology

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||||| CONNECTIONS |||||

For the criminological view on the relationship between media and violence, see Chapter 5. For more on the relationship between pornography and crime, see Chapter 13. And for the concept of rape shield laws, go to Chapter 10.



To read numerous news reports on the **Bryant case**, go to the ABC News website at http://abcnews.go.com/sections/us/Sports/kobebryant_subindex.html. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The types of questions about crime and its control raised by the Bryant case and other similar high-profile incidents have spurred public and scholarly interest in **criminology**, an academic discipline that makes use of scientific methods to study the nature, extent, cause, and control of criminal behavior. This discipline is devoted to the development of valid and reliable information that addresses the causes of crime as well as crime patterns and trends. Unlike media commentators—whose opinions about crime may be colored by personal experiences, biases, and values—**criminologists** remain objective as they study crime and its consequences. The field of criminology has gained prominence as an academic area of study due to the constant threat of crime and the social problems it represents.

This text analyzes criminology and its major subareas of inquiry. It focuses on the nature and extent of crime, the causes of crime, crime patterns, and crime control. This chapter introduces and defines criminology: What are its goals? What is its history? How do criminologists define crime? How do they conduct research? What ethical issues face those wishing to conduct criminological research?

WHAT IS CRIMINOLOGY?

Criminology is the scientific approach to studying criminal behavior. In their classic definition, criminologists Edwin Sutherland and Donald Cressey state:

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. . . . The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and treatment.¹

Sutherland and Cressey's definition includes the most important areas of interest to criminologists: (1) the development of criminal law and its use to define crime, (2) the cause of law violation, and (3) the methods used to control criminal behavior. This definition also makes reference to the term *verified principles*, which implies that the scientific

method should be used in studying criminology. Criminologists use objective research methods to pose research questions (hypotheses), gather data, create theories, and test their validity. They also use every method of established social science inquiry, including analysis of existing records, experimental designs, surveys, historical analysis, and content analysis. Criminology is essentially an **interdisciplinary science**; criminologists have been trained in diverse fields, most commonly sociology, but also criminal justice, political science, psychology, economics, and the natural sciences.

Criminology and Criminal Justice

Although the terms *criminology* and *criminal justice* may seem similar, and people often confuse the two, there are major differences between these fields of study. Criminology explains the etiology (origin), extent, and nature of crime in society, whereas criminal justice refers to the agencies of social control that handle criminal offenders. While criminologists are mainly concerned with identifying the nature, extent, and cause of crime, criminal justice scholars are engaged in describing, analyzing, and explaining the behavior of the agencies of justice—police departments, courts, and corrections—and identifying effective methods of crime control.

Because both fields are crime related, they do overlap. Criminologists must be aware of how the agencies of justice operate and how they influence crime and criminals. Criminal justice experts cannot begin to design programs of crime prevention or rehabilitation without understanding something of the nature of crime. It is common, therefore, for criminal justice programs to feature courses on criminology and for criminology courses to evaluate the agencies of justice.

Criminology and Deviance

Criminology is also sometimes confused with the study of deviant behavior. However, significant distinctions can be made between these areas of scholarship. Deviant behavior is behavior that departs from social norms. Included within the broad spectrum of deviant acts are behaviors ranging from committing violent crimes to joining a nudist colony.

Crime and deviance are often confused because not all crimes are deviant or unusual acts and not all deviant acts are illegal or criminal. For example, using recreational drugs, such as marijuana, may be illegal, but is it deviant? A significant percentage of U.S. youth have used or are using drugs. Therefore, to argue that all crimes are behaviors that depart from the norms of society is probably erroneous. Similarly, many deviant acts are not criminal even though they may be shocking to the conscience. For example, suppose a passerby observes a person drowning and makes no effort to save that person. Though the general public would probably condemn the observer's behavior as callous, immoral, and deviant, no legal action could be taken because citizens are not required by law to effect rescues. There is no legal requirement that someone rush into a burning building, brave

a flood, or dive into the ocean to save another from harm. In sum, many criminal acts, but not all, fall within the concept of deviance. Similarly, some deviant acts, but not all, are considered crimes.



The principal purpose of the **Office on National Drug Control Policy (ONDCP)** is to establish policies, priorities, and objectives for the nation's drug control program, the goals of which are to reduce illicit drug use, manufacturing, and trafficking; reduce drug-related crime and violence; and reduce drug-related health consequences. To read more about their efforts, go to their website at <http://www.whitehousedrugpolicy.gov>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

To understand the nature and purpose of law, criminologists study both the process by which deviant acts are criminalized and become crimes and, conversely, how criminal acts are **decriminalized** and become legal albeit deviant. In some instances, individuals, institutions, or government agencies mount a campaign aimed at convincing both the public and lawmakers that what was considered relatively innocuous deviant behavior is actually dangerous and must be outlawed. For example, marijuana use was at one time legal but was later banned because of an extensive lobbying effort by Harry Anslinger, head of the Federal Bureau of Narcotics, who used magazine articles, public appearances, and public testimony to sway public opinion.² In testimony before the House Ways and Means Committee considering passage of the Marijuana Tax Act of 1938, Anslinger stated:

In Florida a 21-year-old boy under the influence of this drug killed his parents and his brothers and sisters. The evidence showed that he had smoke marihuana. In Chicago recently two boys murdered a policeman while under the influence of marihuana. Not long ago we found a 15-year-old boy going insane because, the doctor told the enforcement officers, he thought the boy was smoking marihuana cigarettes. They traced the sale to some man who had been growing marihuana and selling it to these boys all under 15 years of age, on a playground there.³

As a result of these efforts, a deviant behavior, marijuana use, became a criminal behavior, and previously law-abiding citizens were now defined as criminal offenders. Today, some national organizations, such as the Drug Policy Alliance, are committed to both repealing draconian drug laws and ending what they consider to be the socially irresponsible “war against drugs,” which has gone overboard in its effort to detect drug users and punish them severely. In 2004, the alliance issued this statement:

Many of the problems the drug war purports to resolve are in fact caused by the drug war itself. So-called “drug-

related” crime is a direct result of drug prohibition's distortion of immutable laws of supply and demand. Public health problems like HIV and Hepatitis C are all exacerbated by zero tolerance laws that restrict access to clean needles. The drug war is not the promoter of family values that some would have us believe. Children of inmates are at risk of educational failure, joblessness, addiction and delinquency. Drug abuse is bad, but the drug war is worse.⁴

||||| CONNECTIONS |||||

It is interesting that some of the drugs considered highly dangerous today were once sold openly and considered medically beneficial. For example, the narcotic drug heroin, now considered extremely addicting and dangerous, was originally named in the mistaken belief that its painkilling properties would prove “heroic” to medical patients. The history of drug and alcohol abuse and legalization efforts will be discussed further in Chapter 13.

There is also frequent discussion about where to draw the line between behavior that is considered deviant but legal and behavior that is outlawed and criminal. For example, when does sexually oriented material cross the line between being merely suggestive and become pornographic? Can a line be drawn separating sexually oriented materials into two groups, one considered legally acceptable and a second considered depraved or obscene? And, if such a line could be drawn, who gets to draw it? Radio host Howard Stern was fined by the Federal Communications Commission (FCC) in 2004 for “repeated, graphic and explicit sexual descriptions that were pandering, titillating or used to shock the audience.”⁵ The government action prompted Clear Channel Communications to drop his show from their stations. Stern later posted transcripts from other programs such as *Oprah Winfrey* that used language very similar to what was used on his show but was deemed not offensive by government regulators.⁶ It is often difficult to determine when behavior crosses the line from the merely deviant to the outright criminal.

In sum, criminologists are concerned with the concept of deviance and its relationship to criminality. The shifting definition of deviant behavior is closely associated with our concepts of crime. The relationship among criminology, criminal justice, and deviance is illustrated in Concept Summary 1.1.



To quiz yourself on this material, go to the Criminology 9e website.

A BRIEF HISTORY OF CRIMINOLOGY

The scientific study of crime and criminality is relatively recent. Although written criminal codes have existed for thou-

Criminology, Criminal Justice, and Deviance

Criminology

Criminology explores the etiology (origin), extent, and nature of crime in society. Criminologists are concerned with identifying the nature, extent, and cause of crime.

Criminal Justice

Criminal justice refers to the study of agencies of social control that handle criminal offenders. Criminal justice scholars engage in describing, analyzing, and explaining the operations of the agencies of justice, specifically the police departments, courts, and correctional facilities. They seek more effective methods of crime control and offender rehabilitation.

Overlapping Areas of Concern

Criminal justice experts cannot begin to design effective programs of crime prevention or rehabilitation without understanding the nature and cause of crime. They require accurate criminal statistics and data to test the effectiveness of crime control and prevention programs.

Deviance

Deviance refers to the study of behavior that departs from social norms. Included within the broad spectrum of deviant acts are behaviors ranging from violent crimes to joining a nudist colony. Not all crimes are deviant or unusual acts, and not all deviant acts are illegal.

Overlapping Areas of Concern

Under what circumstances do deviant behaviors become crimes? When does sexually oriented material cross the line from merely suggestive to obscene and therefore illegal? If an illegal act becomes a norm, should society reevaluate its criminal status? There is still debate over the legalization and/or decriminalization of abortion, recreational drug use, possession of handguns, and assisted suicide.

sands of years, these were restricted to defining crime and setting punishments. What motivated people to violate the law remained a matter for conjecture.

During the Middle Ages (1200–1600), superstition and fear of satanic possession dominated thinking. People who violated social norms or religious practices were believed to be witches or possessed by demons. The prescribed method for dealing with the possessed was burning at the stake, a practice that survived into the seventeenth century. For example, between 1581 and 1590, Nicholas Remy, head of the Inquisition in the French province of Lorraine, ordered 900 sorcerers and witches burned to death; likewise, a contemporary, Peter Binsfield, the bishop of the German city of Trier, ordered the death of 6,500 people. An estimated 100,000 people were prosecuted throughout Europe for witchcraft during the sixteenth and seventeenth centuries. It was also commonly believed that some families produced unsound or unstable offspring and that social misfits were inherently damaged by reason of their “inferior blood.”⁷ It was common practice to use cruel tortures to extract confessions, and those convicted of violent or theft crimes suffered extremely harsh penalties including whipping, branding, maiming, and execution.

Classical Criminology

By the mid-eighteenth century, social philosophers began to rethink the prevailing concepts of law and justice. They argued for a more rational approach to punishment, stressing that the relationship between crimes and their punishment should be balanced and fair. This view was based on the prevailing philosophy of the time called **utilitarianism**, which

During the Middle Ages, superstition and fear of satanic possession dominated thinking. People who violated social norms or religious practices were believed to be witches or possessed by demons. The prescribed method for dealing with the possessed was burning at the stake, a practice that survived into the seventeenth century. This painting, *The Trial of George Jacobs, August 5, 1692* by T. H. Matteson (1855), depicts the ordeal of Jacobs, a patriarch of Salem, Massachusetts. During the witch craze, he had ridiculed the trials, only to find himself being accused, tried, and executed.



Oil on canvas 39 × 53 inches. #1.246 Peabody Essex Museum, Salem, MA

emphasized that behavior occurs when the actor considers it useful, purposeful, and reasonable. It stands to reason that criminal behaviors can be eliminated or controlled if people begin to view them as troublesome and disappointing and not easily rewarding. Reformers called for a more moderate and just approach to penal sanctions, which could substitute for the cruel public executions designed to frighten people into obedience. The most famous of these was Cesare Beccaria (1738–1794), whose writings described both a motive for committing crime and methods for its control.

Beccaria believed people want to achieve pleasure and avoid pain. Therefore, he concluded, crimes must provide some pleasure to the criminal. To deter crime, he believed one must administer pain in an appropriate amount to counterbalance the pleasure obtained from crime. Beccaria stated his famous theorem like this:

In order for punishment not to be in every instance, an act of violence of one or many against a private citizen, it must be essentially public, prompt, necessary, the least possible in the given circumstances, proportionate to the crimes, and dictated by the laws.⁸

The writings of Beccaria and his followers form the core of what today is referred to as **classical criminology**. As originally conceived in the eighteenth century, classical criminology theory had several basic elements:

- In every society people have free will to choose criminal or lawful solutions to meet their needs or settle their problems.
- Criminal solutions may be more attractive than lawful ones because they usually require less work for a greater payoff.
- A person's choice of crime may be controlled by his or her fear of punishment.
- The more severe, certain, and swift the punishment, the better able it is to control criminal behavior.

This classical perspective influenced judicial philosophy during much of the late eighteenth and nineteenth centuries. Prisons began to be used as a form of punishment, and sentences were geared proportionately to the seriousness of the crime. Executions were still widely used but slowly began to be employed for only the most serious crimes. The catch phrase was “let the punishment fit the crime.”

Nineteenth-Century Positivism

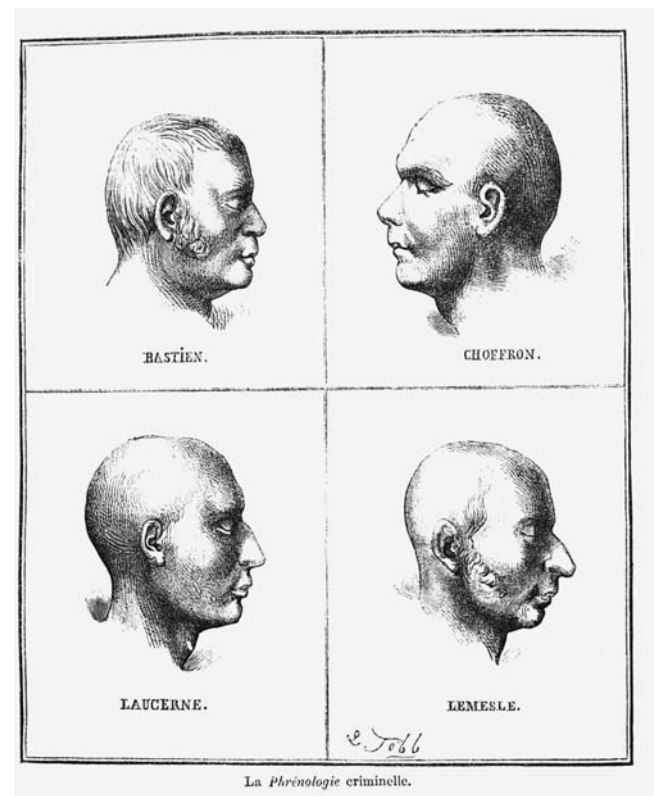
The classical position served as a guide to crime, law, and justice for almost 100 years, but during the late nineteenth century a change in the way information was gathered challenged its dominance. The scientific method was beginning to take hold in Europe, and, rather than rely on pure thought and reason, people began using careful observation and analysis of natural phenomena to understand the way the world worked. This movement inspired new discoveries in

biology, astronomy, and chemistry. If the scientific method could be applied to the study of nature, then why not use it to study human behavior?

Positivism can be used as an orientation in shaping the content of the law. To learn about this perspective, use InfoTrac College Edition to read: Claire Finkelstein, “Positivism and the Notion of an Offense,” *California Law Review* 88 (March 2000): 335.

Auguste Comte (1798–1857), considered the founder of sociology, applied scientific methods to the study of society. According to Comte, societies pass through stages that can be grouped on the basis of how people try to understand the world in which they live. People in primitive societies consider inanimate objects as having life (for example, the sun is a god); in later social stages, people embrace a rational, scientific view of the world. Comte called this final stage the positive stage, and those who followed his writings became known as positivists.

As we understand it today, **positivism** has two main elements. The first is the belief that human behavior is a function of forces beyond a person's control. Some of these forces are social, such as the effect of wealth and class, and others are political and historical, such as war and famine. Other forces are more personal and psychological, such as an individual's



Early positivists believed the shape of the skull was a key determinant of behavior. These drawings from the nineteenth century illustrate “typical” criminally shaped heads.

brain structure and his or her biological makeup or mental ability. Each of these forces influences human behavior.

The second aspect of positivism is embracing the scientific method to solve problems. Positivists rely on the strict use of empirical methods to test hypotheses. That is, they believe in the factual, firsthand observation and measurement of conditions and events. Positivists would agree that an abstract concept such as intelligence exists because it can be measured by an IQ test. They would challenge a concept such as the soul because it is a condition that cannot be verified by the scientific method. The positivist tradition was popularized by Charles Darwin (1809–1882), whose work on the evolution of man encouraged a nineteenth-century “cult of science” that mandated that all human activity could be verified by scientific principles.

POSITIVIST CRIMINOLOGY The earliest “scientific” studies examining human behavior were biologically oriented. **Physiognomists**, such as J. K. Lavater (1741–1801), studied the facial features of criminals to determine whether the shape of ears, nose, and eyes and the distance between them were associated with antisocial behavior. **Phrenologists**, such as Franz Joseph Gall (1758–1828) and Johann K. Spurzheim (1776–1832), studied the shape of the skull and bumps on the head to determine whether these physical attributes were linked to criminal behavior. Phrenologists believed that external cranial characteristics dictate which areas of the brain control physical activity. Though their primitive techniques and quasi-scientific methods have been thoroughly discredited, these efforts were an early attempt to use a scientific method to study crime.

By the early nineteenth century, abnormality in the human mind was being linked to criminal behavior patterns. Philippe Pinel (1745–1826), one of the founders of French psychiatry, claimed that some people behave abnormally even without being mentally ill. He coined the phrase *manie sans delire* to denote what eventually was referred to as a **psychopathic personality**. In 1812, an American, Benjamin Rush, described patients with an “innate preternatural moral depravity.”⁹ Another early criminological pioneer, English physician Henry Maudsley (1835–1918), believed that insanity and criminal behavior were strongly linked. He stated: “Crime is a sort of outlet in which their unsound tendencies are discharged; they would go mad if they were not criminals, and they do not go mad because they are criminals.”¹⁰ These early research efforts shifted attention to brain functioning and personality as the keys to criminal behavior. When Sigmund Freud’s (1856–1939) work on the unconscious gained worldwide attention, the psychological basis of behavior was forever established.

BIOLOGICAL DETERMINISM In Italy, Cesare Lombroso (1835–1909) was studying the cadavers of executed criminals in an effort to scientifically determine whether law violators were physically different from people of conventional values and behavior. Lombroso, known as the “father of

criminology,” was a physician who served much of his career in the Italian army. That experience gave him ample opportunity to study the physical characteristics of soldiers convicted and executed for criminal offenses. Later, he studied inmates at institutes for the criminally insane at Pavia, Pesaro, and Reggio Emilia.¹¹

Lombrosian theory can be outlined in a few simple statements.¹² First, Lombroso believed that serious offenders—those who engaged in repeated assault- or theft-related activities—**inherited criminal traits**. These “born criminals” inherited physical problems that impelled them into a life of crime. This view helped stimulate interest in a **criminal anthropology**.¹³ Second, Lombroso held that born criminals suffer from **atavistic anomalies**—physically, they are throwbacks to more primitive times. For example, criminals were believed to have the enormous jaws and strong canine teeth common to carnivores and savages who devour raw flesh.

Lombroso compared the behavior of criminals to that of the mentally ill and those suffering from some types of epilepsy. According to Lombrosian theory, criminogenic traits can be acquired through indirect heredity, from a degenerate family whose members suffered from such ills as insanity, syphilis, and alcoholism. He believed that direct heredity—being related to a family of criminals—is the second primary cause of crime.

Lombroso’s version of criminal anthropology was brought to the United States via articles and textbooks that adopted his ideas. He attracted a circle of followers who expanded on his vision of **biological determinism**. His work was actually more popular in the United States than it was in Europe. By the turn of the century, American authors were discussing “the science of penology” and “the science of criminology.”¹⁴

Lombroso’s concept of strict biological determinism is no longer taken seriously. Later in his career even he recognized that not all criminals were biological throwbacks. Today, those criminologists who suggest that crime has some biological basis also believe that environmental conditions influence human behavior. Hence, the term **biosocial theory** has been coined to reflect the assumed link among physical and mental traits, the social environment, and behavior.

SOCIAL POSITIVISM At the same time that biological views were dominating criminology, other positivists were developing the field of sociology to scientifically study the major social changes that were taking place in nineteenth-century society.

Sociology seemed an ideal perspective from which to study society. After thousands of years of stability, the world was undergoing a population explosion: The population estimated at 600 million in 1700 had risen to 900 million by 1800; people were flocking to cities in ever-increasing numbers; Manchester, England, had 12,000 inhabitants in 1760 and 400,000 in 1850; during the same period, the population of Glasgow, Scotland, rose from 30,000 to 300,000.

The development of machinery such as power looms had doomed cottage industries and given rise to a factory system in which large numbers of people toiled for extremely low wages. The spread of agricultural machines increased the food supply while reducing the need for a large rural workforce; these excess laborers further swelled city populations. At the same time, political, religious, and social traditions continued to be challenged by the scientific method.

Foundations of Sociological Criminology

The foundations of sociological criminology can be traced to the works of pioneering sociologists L. A. J. (Adolphe) Quetelet (1796–1874) and (David) Émile Durkheim (1858–1917). Quetelet instigated the use of data and statistics in performing criminological research. Durkheim, considered one of the founders of sociology,¹⁵ defined crime as a normal and necessary social event. These two perspectives have been extremely influential on modern criminology.

ADOLPHE QUETELET Quetelet was a Belgian mathematician who began (along with a Frenchman, Andre-Michel Guerry) what is known as the **cartographic school of criminology**.¹⁶ This approach made use of social statistics that were being developed in Europe in the early nineteenth century. Statistical data provided important demographic information on the population, including density, gender, religious affiliation, and wealth.

Quetelet studied data gathered in France (called the *Comptes generaux de l'administration de la justice*) to investigate the influence of social factors on the propensity to commit crime. In addition to finding a strong influence of age and sex on crime, Quetelet also uncovered evidence that season, climate, population composition, and poverty were related to criminality. More specifically, he found that crime rates were greatest in the summer, in southern areas, among heterogeneous populations, and among the poor and uneducated. He also found crime rates to be influenced by drinking habits.¹⁷ Quetelet identified many of the relationships between crime and social phenomena that still serve as a basis for criminology today.

ÉMILE DURKHEIM According to Durkheim's vision of social positivism, crime is part of human nature because it has existed during periods of both poverty and prosperity.¹⁸ Crime is normal because it is virtually impossible to imagine a society in which criminal behavior is totally absent. Such a society would almost demand that all people be and act exactly alike. Durkheim believed that the inevitability of crime is linked to the differences (heterogeneity) within society. Since people are so different from one another and employ such a variety of methods and forms of behavior to meet their needs, it is not surprising that some will resort to criminality. Even if “real” crimes were eliminated, human weaknesses and petty vices would be elevated to the status of crimes. As

long as human differences exist, then, crime is inevitable and one of the fundamental conditions of social life.

Durkheim argued that crime can be useful and, on occasion, even healthy for society. He held that the existence of crime paves the way for social change and that the social structure is not rigid or inflexible. Put another way, if crime did not exist, it would mean that everyone behaved the same way and agreed on what is right and wrong. Such universal conformity would stifle creativity and independent thinking. To illustrate this concept, Durkheim offered the example of the Greek philosopher Socrates, who was considered a criminal and put to death for corrupting the morals of youth simply because he expressed ideas that were different from what others believed at that time.

Durkheim reasoned that another benefit of crime is that it calls attention to social ills. A rising crime rate can signal the need for social change and promote a variety of programs designed to relieve the human suffering that may have caused crime in the first place. For example, national surveys conducted since the 1970s show that a surprising number of teens are substance abusers. This has prompted school systems to develop school-based antidrug programs, which may have helped lower use rates in the teenage population.¹⁹

In his famous book *The Division of Labor in Society*, Durkheim described the consequences of the shift from a small rural society, which he labeled “mechanical,” to the more modern “organic” society with a large urban population, division of labor, and personal isolation.²⁰ From this shift flowed **anomie**, or norm and role confusion, a powerful sociological concept that helps describe the chaos and disarray accompanying the loss of traditional values in modern society. Durkheim's research on suicide indicated that anomic societies maintain high suicide rates; by implication, anomie might cause other forms of deviance as well.

||||||| CONNECTIONS |||||

Durkheim's writing and research has had a profound effect on criminology. His vision of anomie and its influence on contemporary criminological theory will be discussed further in Chapter 6.

The Chicago School and Beyond

The primacy of sociological positivism was secured by research begun in the early twentieth century by Robert Ezra Park (1864–1944), Ernest W. Burgess (1886–1966), Louis Wirth (1897–1952), and their colleagues in the sociology department at the University of Chicago. The scholars who taught at this program created what is still referred to as the **Chicago School**, in honor of their unique style of doing research. These urban sociologists pioneered research on the **social ecology** of the city. Their work inspired a generation of scholars to conclude that social forces operating in urban areas create criminal interactions; some neighborhoods become “natural areas” for crime.²¹ These urban

neighborhoods maintain such a high level of poverty that critical social institutions, such as the school and the family, break down. The resulting social disorganization reduces the ability of social institutions to control behavior, and the outcome is a high crime rate.

The Chicago School sociologists and their contemporaries focused on the functions of social institutions, such as the school and family, and how their breakdown influenced deviant and antisocial behavior. Criminal behavior, they argued, was not a function of personal traits or characteristics but rather a reaction to an environment that was inadequate for proper human relations and development. They initiated the ecological study of crime by examining how neighborhood conditions, such as poverty levels, influenced crime rates. Their findings substantiated their belief that crime was a function of where one lived.

During the 1930s and 1940s, another group of sociologists—strong believers in a social-psychological link to criminological behavior—conducted research to support their beliefs. They concluded that the individual's relationship to important social processes—such as education, family life, and peer relations—was the key to understanding human behavior. For example, they found that children who grow up in homes wracked by conflict, who attend inadequate schools, or who associate with deviant peers become exposed to pro-crime forces. One position, championed by the preeminent American criminologist Edwin Sutherland, was that people learn criminal attitudes from older, more experienced law violators. Another view, developed by Chicago School sociologist Walter Reckless, was that crime occurs when children develop an inadequate self-image, which renders them incapable of controlling their own misbehavior. Both of these views linked criminality to the failure of **socialization**, the interactions people have with the various individuals, organizations, institutions, and processes of society that help them mature and develop.

Use InfoTrac College Edition to learn more about how socialization affects human development. Use “socialization” as a key word. You might also want to look at this article to learn how TV affects socialization: Susan D. Witt, “The Influence of Television on Children’s Gender Role Socialization,” *Childhood Education* 76 (mid-summer 2000): 322.

By mid-century, most criminologists had embraced either the **ecological view** or the **socialization view** of crime. However, these were not the only views of how social institutions influence human behavior. In Europe, the writings of another social thinker, Karl Marx (1818–1883), had pushed the understanding of social interaction in another direction and sowed the seeds for a new approach in criminology.²²

Conflict Criminology

In his *Communist Manifesto* and other writings, Marx described the oppressive labor conditions prevalent during

the rise of industrial capitalism. His observations of the economic structure convinced Marx that the character of every civilization is determined by its mode of production—the way its people develop and produce material goods (materialism). The most important relationship in industrial culture is between the owners of the means of production, the capitalist **bourgeoisie**, and the people who do the actual labor, the **proletariat**. The economic system controls all facets of human life; consequently, people’s lives revolve around the means of production. The exploitation of the working class, he believed, would eventually lead to class conflict and the end of the capitalist system.

Although these writings laid the foundation for a Marxist criminology, decades passed before the impact of Marxist theory was realized. In the United States during the 1960s, social and political upheaval was fueled by the Vietnam War, the development of an anti-establishment counterculture movement, the civil rights movement, and the women’s movement. Young sociologists who became interested in applying Marxist principles to the study of crime began to analyze the social conditions in the United States that promoted class conflict and crime. What emerged from this intellectual ferment was a Marxist-based radical criminology that indicted the economic system as producing the conditions that support a high crime rate. The radical tradition has played a significant role in criminology ever since.

||||||| CONNECTIONS |||||

The modern versions of the various schools of criminological thought will be discussed in greater detail throughout the book. Choice theories, the modern offshoot of Beccaria, are reviewed in Chapter 5. Current biological and psychological theories are the topic of Chapter 6. Contemporary theories based on Durkheim’s views as well as theories based on the writings of the Chicago School are discussed in Chapter 6. The social process view will be discussed in Chapter 7, and Marxist views are in Chapter 8. Developmental views are discussed in Chapter 9.

Contemporary Criminology

Various schools of criminology developed throughout the past two centuries. Though they have evolved, each continues to have an impact on the field. For example, classical theory has evolved into rational choice and deterrence theories. Choice theorists today argue that criminals are rational and use available information to decide if crime is a worthwhile undertaking; deterrence theory holds that this choice is structured by the fear of punishment. Biological positivism has undergone similar transformation. Although criminologists no longer believe that a single trait or inherited characteristic can explain crime, some are convinced that biological and psychological traits interact with environmental factors to influence all human behavior, including criminality. Biological and psychological theorists study the association between criminal behavior and such traits as diet, hormonal makeup, personality, and intelligence.

Sociological theories, tracing back to Quetelet and Durkheim, maintain that individuals' lifestyles and living conditions directly control their criminal behavior. Those at the bottom of the social structure cannot achieve success, and thus they experience anomie, strain, failure, and frustration.

Some sociologists have added a social-psychological dimension to their views of crime causation and believe that individuals' learning experiences and socialization directly control their behavior. In some cases, children learn to commit crime by interacting with and modeling their behavior on those they admire, whereas other criminal offenders are people whose life experiences have shattered their social bonds to society.

The writings of Marx and his followers continue to be influential. Many criminologists still view social and political conflict as the root cause of crime. The inherently unfair economic structure of the United States and other advanced capitalist countries is the engine that drives the high crime rate. Critical criminology, the contemporary form of Marxist/conflict theory, will be discussed further in Chapter 8. Some criminologists are now integrating each of these concepts into more complex theories that link personal, situational, and social factors. These developmental theories of crime are analyzed in Chapter 9. Each of the major perspectives is summarized in Concept Summary 1.2.

Criminological Perspectives

The major perspectives of criminology focus on individual (biological, psychological, and choice theories); social (structural and process theories); political and economic (conflict theory); and multiple (developmental theory) factors.

Classical/Choice Perspective

- *Situational forces:* Crime is a function of free will and personal choice. Punishment is a deterrent to crime.

Biological/Psychological Perspective

- *Internal forces:* Crime is a function of chemical, neurological, genetic, personality, intelligence, or mental traits.

Structural Perspective

- *Ecological forces:* Crime rates are a function of neighborhood conditions, cultural forces, and norm conflict.

Process Perspective

- *Socialization forces:* Crime is a function of upbringing, learning, and control. Peers, parents, and teachers influence behavior.

Conflict Perspective

- *Economic and political forces:* Crime is a function of competition for limited resources and power. Class conflict produces crime.

Developmental Perspective

- *Multiple forces:* Biological, social-psychological, economic, and political forces may combine to produce crime.



To quiz yourself on this material, go to the Criminology 9e website.

WHAT CRIMINOLOGISTS DO: THE CRIMINOLOGICAL ENTERPRISE

Regardless of their background or training, criminologists are primarily interested in studying crime and criminal behavior. As two noted criminologists, Marvin Wolfgang and Franco Ferracuti, put it: "A criminologist is one whose professional training, occupational role, and pecuniary reward are primarily concentrated on a scientific approach to, and study and analysis of, the phenomenon of crime and criminal behavior."²³

Several subareas exist within the broader arena of criminology. Taken together, these subareas make up the **criminological enterprise**. Criminologists may specialize in a subarea in the same way that psychologists might specialize in a subfield of psychology, such as child development, perception, personality, psychopathology, or sexuality. Some of the more important criminological specialties are described next and summarized in Concept Summary 1.3.

Criminal Statistics

The subarea of criminal statistics involves measuring the amount and trends of criminal activity. How much crime occurs annually? Who commits it? When and where does it occur? Which crimes are the most serious?

Criminologists interested in criminal statistics try to create valid and reliable measurements of criminal behavior. For example, they create techniques to access the records of police and court agencies. They develop paper-and-pencil survey instruments and then use them on large samples of citizens to determine the percentage of people who actually commit crime and the number of law violators who escape detection by the justice system. They also develop techniques to identify the victims of crime to establish more accurate indicators of the true number of criminal acts: How many people are victims of crime, and what percentage reports crime to police? The study of criminal statistics is a crucial aspect of the criminological enterprise, because without valid and reliable data sources, efforts to conduct research on crime and create criminological theories would be futile.

The Sociology of Law

The sociology of law is a subarea of criminology concerned with the role social forces play in shaping criminal law and, concomitantly, the role of criminal law in shaping society. Criminologists study the history of legal thought in an effort to understand how criminal acts—such as theft, rape, and murder—evolved into their present form.

Often, criminologists are asked to join in the debate when a new law is proposed to banish or control behavior.

For example, across the United States, a debate has been raging over the legality of art works, films, photographs, and even rock albums that some people find offensive and lewd and others consider harmless. Criminologists help determine the role that the law will take in curbing the public's access to media and culture. They help answer questions such as these: Should society curtail actions that some people consider immoral but by which no one is actually harmed? How is "harm" defined? Is a child who reads a pornographic magazine "harmed"?

Criminologists are also active participants in updating the content of the criminal law. Computer fraud, airplane hijacking, theft from automatic teller machines, Internet scams, and illegally tapping into TV cable lines are all behaviors that did not exist when the criminal law was originally conceived. Consequently, the law must be constantly revised to reflect cultural, societal, and technological adaptations to common acts. For example, Dr. Jack Kevorkian made headlines for helping people kill themselves by using his "suicide machine." Some believe Kevorkian's actions are criminal, immoral, and socially harmful, and national media coverage made his actions widely known. However, even though many tried to take him to court, there was no law banning second-party help in suicides. In response to the national media coverage, however, Michigan passed legislation

making it a felony to help anyone commit suicide, and in the November 1998 election, Michigan voters defeated an attempt to legalize physician-assisted suicide.²⁴ Kevorkian was convicted for his acts and sent to prison. Is he a criminal or someone who truly cares about human suffering? Regardless of what you may think, the law argues the former, and Kevorkian remains incarcerated at the time of this writing.



You can access **Dr. Kevorkian's** web page at <http://www.fansoffieger.com/kevo.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Another example of the law's reflection of current social attitudes is the 2003 case of *Smith et al. v. Doe et al.* The U.S. Supreme Court ruled that the Alaska Sex Offender Registration Act, which required that an incarcerated sex offender or child kidnapper must register with the Department of Corrections within thirty days of being released from incarceration, was legal and that even inmates who had been convicted before the act's passage must register upon release. The Supreme Court held that the act was not in violation of the Constitution's ban on *ex post facto laws*.²⁵

The Court reasoned that the Registration Act was non-punitive and designed to protect the public from sex offenders rather than to punish offenders. The Court's ruling reflects the public's concern about sexual predators and the desire to create and maintain sex offender registries. Could the Court have just as easily ruled that making all people register as sex offenders was a violation of their basic civil rights because some had been convicted before the registration requirement was in place? And why require registration at all? We do not make robbers and burglars register as "thieves" even though they present a danger to society. Was the Court's legal interpretation influenced by public opinion?

The Criminological Enterprise

These subareas constitute the discipline of criminology.

Criminal Statistics

- *Gathering valid crime data:* Devising new research methods; measuring crime patterns and trends.

The Sociology of Law

- *Determining the origin of law:* Measuring the forces that can change laws and society.

Theory Construction

- *Predicting individual behavior:* Understanding the cause of crime rates and trends.

Criminal Behavior Systems

- *Determining the nature and cause of specific crime patterns:* Studying violence, theft, organized, white-collar, and public order crimes.

Penology

- *Studying the correction and control of criminal behavior:* Using scientific methods to assess the effectiveness of crime control and offender treatment programs.

Victimology

- *Studying the nature and cause of victimization:* Aiding crime victims; understanding the nature and extent of victimization; developing theories of victimization risk.

The Nature of Theory and Theory Development

Social theory is typically viewed as a systematic set of interrelated statements or principles that explain some aspect of social life; it serves as a model or framework for understanding human behavior. Grand theories, such as those developed by renowned social thinkers such as Karl Marx and Émile Durkheim, are aimed at trying to explain the structure of human behavior and the forces that change or alter its content and direction. There are also narrowly drawn theories that focus on everyday activities, such as the relationship between child abuse and delinquency or whether the number of police on patrol influences neighborhood crime rates.

Regardless of whether they are grand or narrow in focus, theories should not be based on mere conjecture but rather on social facts: readily observed phenomena that can be consistently quantified and measured. Once constructed, theories are tested with hypotheses: testable expectations of behavior that can be derived from the theory. For example, if a



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Criminologists help determine the proper role of law in curbing actions that some people consider immoral but by which no one is actually harmed. When Janet Jackson and fellow singer Justin Timberlake performed during the halftime show at Super Bowl XXXVIII in Houston, February 1, 2004, a shock wave was felt around the nation when Ms. Jackson bared her breast! Federal regulators later fined CBS \$550,000 for Ms. Jackson's "wardrobe malfunction," the largest fine ever levied against a television broadcaster. Should the network be legally responsible for a spontaneous act it could not foresee? Did Jackson's behavior really cause "social harm"? Who should decide what is immoral and what is criminal?

theory states that the greater the number of police on the street, the lower the crime rate, then the hypothesis to test this theory might include: (1) Cities with the most police per capita will have the lowest crime rates, and (2) adding more police officers to the local force will cause the crime rate to decline.

The theory's validity would be challenged if it were observed that adding police had little or no effect on the crime rate. Such an observation would require the theory to be altered or abandoned. For a theory to be accepted it must be able to survive numerous tests in the real world that are designed to verify its principles or premises. The theory will become an accepted element of social thought if the

relationships assumed by the theory are consistent and verifiable and if predictions derived from the theory prove accurate.

Criminologists bring their personal beliefs and backgrounds to bear when they study criminal behavior, so there are diverse theories of crime causation. Some criminologists have a psychological orientation and view crime as a function of personality, development, social learning, or cognition. Others investigate the biological correlates of antisocial behavior and study the biochemical, genetic, and neurological links to crime. Sociologists look at the social forces producing criminal behavior, including neighborhood conditions, poverty, socialization, and group interaction.

In some instances, criminologists have formulated grand theories that attempt to explain all criminal behavior with a single construct. For example, Michael Gottfredson and Travis Hirschi's General Theory of Crime links all forms of antisocial behavior to the lack of self-control.²⁶

||||| CONNECTIONS |||||

The General Theory of Crime, considered by many to be the preeminent theory of its type, will be explored in detail in Chapter 9.

Sometimes criminologists investigate narrow issues of crime causation. For example, one prominent theory is termed "continuity of crime": People who commit crime in their youth are the ones most likely to commit crime as adults. But why does this happen? Ronald Simons and his colleagues looked at a sample of 236 young adults and their romantic partners in order to discover the influence of mating behaviors on crime.²⁷ They found that people who engage in delinquent behaviors as adolescents were more likely to choose antisocial romantic partners as young adults and associate with a delinquent peer group. Involvement with antisocial romantic partners and friends helps reinforce criminal activities. The effect of antisocial romantic partners/peers differed between the sexes: Females were much more likely to be influenced by criminal boyfriends; males were more likely to be influenced by criminal peers. The Simons research helps criminologists address the question of continuity of crime: Why do some adolescent delinquents become adult criminals while others desist from crime? For females, the choice of a romantic partner may be a key element; for males, it is rejection of deviant friends.

Criminal Behavior Systems

The criminal behavior systems subarea of criminology involves research on specific criminal types and patterns: violent crime, theft crime, public order crime, and organized crime. Numerous attempts have been made to describe and understand particular crime types. Marvin Wolfgang's famous 1958 study, *Patterns in Criminal Homicide*, is considered a landmark analysis of the nature of homicide and the

relationship between victim and offender.²⁸ Edwin Sutherland's analysis of business-related offenses helped coin a new phrase—**white-collar crime**—to describe economic crime activities. The study of criminal behavior also involves research on the links between different types of crime and criminals; this is known as **crime typology**. Unfortunately, because people often disagree about types of crimes and criminal motivation, no standard exists within the field. Some typologies focus on the criminal, suggesting the existence of offender groups—such as professional criminals, psychotic criminals, occasional criminals, and so on. Others focus on the crimes, clustering them into categories such as property crimes, sex crimes, and so on.

Penology

The study of **penology**—an aspect of criminology that overlaps with the study of criminal justice—involves the correction and control of known criminal offenders. Penologists formulate strategies for crime control and then help implement these policies in the real world. Criminologists have continued their efforts to develop new crime-control programs and policies. Some criminologists view penology as involving rehabilitation and treatment. Their efforts are directed at providing behavior alternatives for would-be criminals and treatment for individuals convicted of law violations. This view portrays the criminal as someone society has failed; someone under social, psychological, or economic stress; someone who can be helped if society is willing to pay the price. Others argue that crime can only be prevented through a strict policy of social control. They advocate such strict penological measures as the death penalty (capital punishment) and mandatory prison sentences. Criminologists also help evaluate correctional initiatives to determine if they are effective and how they impact people's lives.

Victimology

In two classic criminological studies, one by Hans von Hentig and the other by Stephen Schafer, the critical role of the victim in the criminal process was first identified. These authors were among the first to suggest that victim behavior is often a key determinant of crime and that victims' actions may actually precipitate crime. Both men believed that the study of crime is not complete unless the victim's role is considered.²⁹

For those studying the role of the victim in crime, these areas are of particular interest:

- Using victim surveys to measure the nature and extent of criminal behavior; calculating the actual costs of crime to victims
- Creating probabilities of victimization risk

- Studying victim culpability or precipitation of crime
- Designing services for the victims of crime, such as counseling and compensation programs

Victimology has taken on greater importance as more criminologists focus their attention on the victim's role in the criminal event.



To quiz yourself on this material, go to the Criminology 9e website.

|||||| CONNECTIONS |||

In recent years, criminologists have devoted ever-increasing attention to the victim's role in the criminal process. It has been suggested that a person's lifestyle and behavior may actually increase the risk that he or she will become a crime victim. Some have suggested that living in a high-crime neighborhood increases risk; others point their finger at the problems caused by associating with dangerous peers and companions. For a discussion of victimization risk, see Chapter 3.

HOW CRIMINOLOGISTS VIEW CRIME

Professional criminologists usually align themselves with one of several schools of thought or perspectives in their field. Each perspective maintains its own view of what constitutes criminal behavior and what causes people to engage in criminality. This diversity of thought is not unique to criminology; biologists, psychologists, sociologists, historians, economists, and natural scientists disagree among themselves about critical issues in their respective fields. Considering the multidisciplinary nature of the field of criminology, fundamental issues—such as the nature and definition of crime itself—are cause for disagreement among criminologists.

A criminologist's choice of orientation or perspective depends, in part, on his or her definition of crime: The beliefs and research orientations of most criminologists are related to this definition. This section discusses the three most common concepts of crime used by criminologists.

The Consensus View of Crime

According to the **consensus view**, crimes are behaviors believed to be repugnant to all elements of society. The **substantive criminal law**, which is the written code that defines crimes and their punishments, reflects the values, beliefs, and opinions of society's mainstream. The term *consensus* is used because it implies that there is general agreement among a majority of citizens on what behaviors should be outlawed by the criminal law and viewed as crimes. Several attempts have been made to create a concise, yet thorough and encompassing, consensus definition of crime.



According to the consensus view, crimes are behaviors believed to be repugnant to all elements of society. Do you agree with the artist's implied sentiment that spraying graffiti on a wall is not really a crime? Why do you think this remains an outlawed behavior?

© David Robinson/Corbis

The eminent criminologists Edwin Sutherland and Donald Cressey have taken the popular stance of linking crime with the criminal law:

Criminal behavior is behavior in violation of the criminal law. . . . [I]t is not a crime unless it is prohibited by the criminal law [which] is defined conventionally as a body of specific rules regarding human conduct which have been promulgated by political authority, which apply uniformly to all members of the classes to which the rules refer, and which are enforced by punishment administered by the state.³⁰

This approach to crime implies that it is a function of the beliefs, morality, and rules established by the existing legal power structure. According to Sutherland and Cressey's statement, criminal law is applied "uniformly to all members of the classes to which the rules refer." This statement reveals the authors' faith in the concept of an "ideal legal system" that deals adequately with all classes and types of people. For example, laws banning burglary and robbery are directed at controlling the neediest members of society, whereas laws banning insider trading, embezzlement, and corporate price-fixing are aimed at controlling the wealthiest. The reach of the criminal law is not restricted to any single element of society.

SOCIAL HARM The consensus view of crime links illegal behavior to the concept of **social harm**. Though people generally enjoy a great deal of latitude in their behavior, it is agreed that behaviors that are harmful to other people and society in general must be controlled. Social harm is what sets strange, unusual, or **deviant behavior**—or any other action that departs from social norms—apart from criminal behaviors.³¹ According to the consensus view, many deviant acts are not criminal even though they may be shocking or immoral: for example, watching sexually explicit films. Though religious leaders would probably condemn this behavior as immoral and decadent, it is not considered a crime, and no legal

action can be taken because the general consensus is that watching adult films does not cause sufficient harm to the person doing the watching and/or the performers who made the film. However, if the film involved children, its production and sale would be outlawed because making such films is considered extremely harmful to minors.

||||| CONNECTIONS |||||

Recall how earlier we covered the efforts by Harry Anslinger to show the social harm caused by smoking marijuana. His efforts resulted in a merely deviant act being transformed into a criminal act; previously law-abiding citizens were now defined as criminal offenders.

This position is not without controversy. Although it is clear that rape, robbery, and murder are inherently harmful and their control justified, behaviors such as drug use and prostitution are problematic because the harm they inflict is only on those who are willing participants. According to the consensus view, however, society is justified in controlling these so-called victimless crimes because public opinion holds that they undermine the social fabric and threaten the general well-being of society. Moreover, they may potentially bring harm to participants, and society has a duty to protect all its members—even those who choose to engage in high-risk behaviors.

The Conflict View of Crime

Central to the conflict approach to crime is the proposition that criminal law reflects and protects established economic, racial, gendered, and political power and privilege.³² The **conflict view** depicts society as a collection of diverse groups—owners, workers, professionals, students—who are in constant and continuing conflict. Groups able to assert their political power use the law and the criminal justice

system to advance their economic and social position. Criminal laws, therefore, are viewed as acts created to protect the haves from the have-nots. Conflict criminologists often compare and contrast the harsh penalties exacted on the poor for their “street crimes” (burglary, robbery, and larceny) with the minor penalties the wealthy receive for their white-collar crimes (securities violations and other illegal business practices), which cause considerably more social harm. While the poor go to prison for minor law violations, the wealthy are given lenient sentences for even the most serious breaches of law.

According to the conflict view, the definition of crime is controlled by those who possess wealth, power, and position. Crime is shaped by the values of the ruling class and not by an objective moral consensus that reflects the needs of all people. Crime, according to this definition, is a political concept designed to protect the power and position of the upper classes at the expense of the poor. Even crimes prohibiting violent acts, such as armed robbery, rape, and murder, may have political undertones. Banning violent acts ensures domestic tranquility and guarantees that the anger of the poor and disenfranchised classes will not be directed at their wealthy capitalist exploiters. According to this conflict view of crime, “real” crimes would include the following acts:

- Violations of human rights due to racism, sexism, and imperialism
- Unsafe working conditions
- Inadequate childcare
- Inadequate opportunities for employment and education and substandard housing and medical care
- Crimes of economic and political domination
- Pollution of the environment
- Price-fixing
- Police brutality
- Assassinations and war-making
- Violations of human dignity
- Denial of physical needs and necessities and impediments to self-determination
- Deprivation of adequate food and blocked opportunities to participate in political decision making³³

Although this list might be criticized as containing vague and subjectively chosen acts, conflict theorists counter that consensus law also contains crimes that have vague and subjective definitions. Consider the case of substance abuse. Narcotics and similar drugs are illegal, but alcohol, which causes far more social harm, is readily available. Similarly, gambling among friends is prohibited, but the state sells lottery tickets and licenses horse tracks. The sale of obscene material is illegal, but people can buy magazines featuring sex and nudity such as *Maxim*, *Playboy*, and *Hustler* at every newsstand.

The Interactionist View of Crime

The **interactionist view** of crime traces its antecedents to the symbolic interaction school of sociology, first popularized by pioneering sociologists George Herbert Mead, Charles Horton Cooley, and W. I. Thomas.³⁴ This position holds that (1) people act according to their own interpretations of reality, through which they assign meaning to things; (2) they observe the way others react, either positively or negatively; and (3) they reevaluate and interpret their own behavior according to the meaning and symbols they have learned from others.

According to this perspective, there is no objective reality. People, institutions, and events are viewed subjectively and labeled either good or evil according to the interpretation of the evaluator. For example, some people might consider films such as *American Pie*, *Scary Movie*, and *Road Trip* obscene, foul-mouthed, and degrading, but others might consider the same films light-hearted fun.

In the interactionist view, the definition of crime reflects the preferences and opinions of people who hold social power in a particular legal jurisdiction. These people use their influence to impose their definition of right and wrong on the rest of the population. Conversely, criminals are individuals society chooses to label as outcasts or deviants because they have violated social rules. In a classic statement, sociologist Howard Becker argued, “The deviant is one to whom that label has successfully been applied; deviant behavior is behavior people so label.”³⁵ Crimes are outlawed behaviors because society defines them that way and not because they are inherently evil or immoral acts.

The interactionist view of crime is similar to the conflict perspective; both suggest that behavior should be outlawed when it offends people who maintain the social, economic, and political power necessary to have the law conform to their interests or needs. However, unlike the conflict view, the interactionist perspective does not attribute capitalist economic and political motives to the process of defining crime. Instead, interactionists see the criminal law as conforming to the beliefs of moral crusaders or **moral entrepreneurs**, who use their influence to shape the legal process in the way they see fit.³⁶ Laws against pornography, prostitution, and drugs are believed to be motivated more by moral crusades than by capitalist sensibilities. Consequently, interactionists are concerned with shifting moral and legal standards.

To the interactionist, crime has no meaning unless people react to it negatively. The one-time criminal, if not caught or labeled, can simply return to a “normal” way of life with little permanent damage. Consider the college student who tries marijuana. He does not view himself, nor do others view him, as a criminal or a drug addict. Only when prohibited acts are recognized and sanctioned do they become important, life-transforming events.

The three main views of crime are summarized in Concept Summary 1.4.

The Definition of Crime

The definition of crime affects how criminologists view the cause and control of illegal behavior and shapes their research orientation.

Consensus View

- The law defines crime.
- Agreement exists on outlawed behavior.
- Laws apply to all citizens equally.

Conflict View

- The law is a tool of the ruling class.
- Crime is a politically defined concept.
- “Real crimes” are not outlawed.
- The law is used to control the underclass.

Interactionist View

- Moral entrepreneurs define crime.
- Acts become crimes because society defines them that way.
- Criminal labels are life-transforming events.

CONNECTIONS

Because of the damage caused by the stigma of official criminal justice processing, interactionists believe society should intervene as little as possible in the lives of law violators. Labeling theory, discussed in Chapter 7, is based on interactionist views and holds that applying negative labels leads first to a damaged identity and then to a criminal career.

Defining Crime

The consensus view of crime dominated criminological thought until the late 1960s. Criminologists devoted themselves to learning why lawbreakers violated the rules of society. The criminal was viewed as an outlaw who, for one reason or another, flouted the rules defining acceptable conduct and behavior. In the 1960s, the interactionist perspective gained prominence. Rapid changes in U.S. society made traditional law and values questionable. Many criminologists were swept along in the social revolution of the 1960s and likewise embraced an ideology that suggested that crimes reflected rules imposed by a conservative majority on non-conforming members of society. At the same time, more radical scholars gravitated toward conflict explanations, which they believed were a more accurate assessment of the social harms caused by crime.

Today, each position still has many followers. This is important because criminologists’ personal definitions of crime dominate their thinking, research, and attitudes toward their

profession. Because of their diverse perspectives, criminologists have taken a variety of approaches in explaining the causes of crime and suggesting methods for its control. Considering these differences, it is possible to take elements from each school of thought to formulate an integrated definition of **crime**:

Crime is a violation of societal rules of behavior as interpreted and expressed by a criminal legal code created by people holding social and political power. Individuals who violate these rules are subject to sanctions by state authority, social stigma, and loss of status.

This definition combines the consensus position that the criminal law defines crimes with the conflict perspective’s emphasis on political power and control and the interactionist concept of stigma. Thus crime, as defined here, is a political, social, and economic function of modern life.



To quiz yourself on this material, go to the Criminology 9e website.

CRIME AND THE CRIMINAL LAW

No matter which definition of crime we embrace, criminal behavior is tied to the criminal law. It is therefore important for all criminologists to have some understanding of the development of criminal law, its objectives, its elements, and how it evolves. The concept of criminal law has been recognized for more than 3,000 years. Hammurabi (1792–1750 BCE), the sixth king of Babylon, created the most famous set of written laws of the ancient world, known today as the **Code of Hammurabi**. Preserved on basalt rock columns, the code established a system of crime and punishment based on physical retaliation (“an eye for an eye”). The severity of punishment depended on class standing: If convicted of an unprovoked assault, a slave would be killed, whereas a freeman might lose a limb.

More familiar is the **Mosaic Code** of the Israelites (1200 BCE). According to tradition, God entered into a covenant or contract with the tribes of Israel in which they agreed to obey his law (the 613 laws of the Old Testament, including the Ten Commandments), as presented to them by Moses, in return for God’s special care and protection.



Most people do not realize that the **Ten Commandments** are only the most well known of the 613 commandments in the Old Testament. To review the others, go to <http://www.jewishencyclopedia.com/view.jsp?artid=689&letter=C>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The Mosaic Code is not only the foundation of Judeo-Christian moral teachings but also a basis for the U.S. legal system. Prohibitions against murder, theft, perjury, and adultery preceded, by several thousand years, the same laws in the U.S. legal system.

Did you know that the ancient Romans had laws governing the behavior of women at parties? To learn more about these and other ancient laws, use “Greek law” and “Roman law” as subject guides with InfoTrac College Edition.

Though ancient formal **legal codes** were lost during the Dark Ages, early German and Anglo-Saxon societies developed legal systems featuring monetary compensation for criminal violations. Guilt was determined by two methods. One was **compurgation**, in which the accused person swore an oath of innocence with the backing of twelve to twenty-five oath-helpers, who would attest to his or her character and claims of innocence. The second was trial by **ordeal**, which was based on the principle that divine forces would not allow an innocent person to be harmed. It involved such measures as having the accused place his or her hand in boiling water or hold a hot iron. If the wound healed, the person was found innocent; if the wound did not heal, the accused was deemed guilty. Another version, trial by combat, allowed the accused to challenge his accuser to a duel, with the outcome determining the legitimacy of the accusation. Punishments included public flogging, branding, beheading, and burning.

Common Law

After the Norman conquest of England in 1066, royal judges began to travel throughout the land, holding court in each county several times a year. When court was in session, the royal administrator, or judge, would summon a number of citizens who would, on their oath, tell of the crimes and serious breaches of the peace that had occurred since the judge’s last visit. The royal judge would then decide what to do in each case, using local custom and rules of conduct as his guide. Courts were bound to follow the law established in previous cases unless a higher authority, such as the king or the pope, overruled the law.

The present English system of law came into existence during the reign of Henry II (1154–1189), when royal judges began to publish their decisions in local cases. Judges began to use these written decisions as a basis for their decision making, and eventually a fixed body of legal rules and principles was established. If a new rule was successfully applied in a number of different cases, it would become a precedent. These precedents would then be commonly applied in all similar cases—hence the term **common law**. Crimes such as murder, burglary, arson, and rape are common-law crimes whose elements were initially defined by judges. They are referred to as ***mala in se***, or inherently evil and depraved. When the situation required, the English Parliament enacted legislation to supplement the judge-made common law. Crimes defined by Parliament, which reflected existing social conditions, were referred to as ***mala prohibita***, or **statutory crimes**.

Before the American Revolution, the colonies, then under British rule, were subject to the common law. After the colonies acquired their independence, state legislatures standardized common-law crimes by putting them into statutory form in criminal codes. As in England, whenever common law proved inadequate to deal with changing social and moral issues, the states and Congress supplemented it with legislative statutes, creating new elements in the various state and federal legal codes. Concept Summary 1.5 lists a number of crimes that were first defined in common law.

Common-Law Crimes

Crimes against the Person

- *First-degree murder*: **First-degree murder** is unlawful killing of another human being with malice aforethought and with premeditation and deliberation. Example: A woman buys poison and pours it into a cup of coffee her husband is drinking, intending to kill him for the insurance benefits.
- *Voluntary manslaughter*: **Voluntary manslaughter** is intentional killing committed under extenuating circumstances that mitigate the killing, such as killing in the heat of passion after being provoked. Example: A husband coming home early from work finds his wife in bed with another man. The husband goes into a rage and shoots and kills both lovers with a gun he keeps by his bedside.
- *Battery*: **Battery** is the unlawful touching of another with intent to cause injury. Example: A man sees a stranger sitting in his favorite seat in a cafeteria and goes up to that person and pushes him out of the seat.
- *Assault*: **Assault** is intentional placing of another in fear of receiving an immediate battery. Example: A student aims an unloaded gun at her professor and threatens to shoot. The professor believes the gun is loaded.
- *Rape*: **Rape** is unlawful sexual intercourse with a female without her consent. Example: After a party, a man offers to drive a young female acquaintance home. He takes her to a wooded area and, despite her protests, forces her to have sexual relations with him.
- *Robbery*: **Robbery** is wrongful taking and carrying away of personal property from a person by violence or intimidation. Example: A man armed with a loaded gun approaches another man on a deserted street and demands his wallet.

Inchoate (Incomplete) Offenses

- *Attempt*: An intentional act for the purpose of committing a crime that is more than mere preparation or planning of the crime. The crime is not completed, however. Example: A person places a bomb in the intended victim’s car so that it will detonate when the ignition key is used. The bomb is discovered before the car is started. Attempted murder has been committed.

- *Conspiracy*: Voluntary agreement between two or more people to achieve an unlawful object or to achieve a lawful object using means forbidden by law. Example: A doctor conspires with a con man to fake accidents and then bring the false “victims” to his office so he can collect medical fees from an insurance company.
- *Solicitation*: With the intent that another person engage in conduct constituting a felony, a person solicits, requests, commands, or otherwise attempts to cause that person to engage in such conduct. Example: A terrorist approaches a person he believes is sympathetic to his cause and begs him to join in a plot to blow up a government building.

Crimes against Property

- *Burglary*: **Burglary** is breaking and entering of a dwelling house of another in the nighttime with the intent to commit a felony. Example: Intending to steal some jewelry and silver, a young man breaks a window and enters another’s house at 10 P.M.
- *Arson*: **Arson** is the intentional burning of a dwelling house of another. Example: A worker, angry that her boss did not give her a raise, goes to his house and sets it on fire.
- *Larceny*: **Larceny** is taking and carrying away the personal property of another with the intent to keep and possess the property. Example: While shopping, a woman sees a diamond ring displayed at the jewelry counter. When no one is looking, the woman takes the ring, places it in her pocket, and walks out of the store without paying.

Source: Developed by Therese J. Libby, J.D.

Contemporary Criminal Law

Criminal laws are now divided into felonies and misdemeanors. The distinction is based on seriousness: A **felony** is a serious offense; a misdemeanor is a minor or petty crime. Crimes such as murder, rape, and burglary are felonies; they are punished with long prison sentences or even death. Crimes such as unarmed assault and battery, petty larceny, and disturbing the peace are misdemeanors; they are punished with a fine or a period of incarceration in a county jail.

Regardless of their classification, acts prohibited by the criminal law constitute behaviors considered unacceptable and impermissible by those in power. People who engage in these acts are eligible for severe sanctions. By outlawing these behaviors, the government expects to achieve a number of social goals:

- *Enforce social control*: Those who hold political power rely on criminal law to formally prohibit behaviors believed to threaten societal well-being or to challenge their authority. For example, U.S. criminal law

incorporates centuries-old prohibitions against the following behaviors harmful to others: taking another person’s possessions, physically harming another person, damaging another person’s property, and cheating another person out of his or her possessions. Similarly, the law prevents actions that challenge the legitimacy of the government, such as planning its overthrow, collaborating with its enemies, and so on.

- *Discourage revenge*: By punishing people who infringe on the rights, property, and freedom of others, the law shifts the burden of revenge from the individual to the state. As Oliver Wendell Holmes stated, this prevents “the greater evil of private retribution.”³⁷ Although state retaliation may offend the sensibilities of many citizens, it is greatly preferable to a system in which people would have to seek justice for themselves.
- *Express public opinion and morality*: Criminal law reflects constantly changing public opinions and moral values. *Mala in se* crimes, such as murder and forcible rape, are almost universally prohibited; however, the prohibition of legislatively created *mala prohibita* crimes, such as traffic offenses and gambling violations, changes according to social conditions and attitudes. Criminal law is used to codify these changes.
- *Deter criminal behavior*: Criminal law has a **social control function**. It can control, restrain, and direct human behavior through its sanctioning power. The threat of punishment associated with violating the law is designed to prevent crimes before they occur. During the Middle Ages, public executions drove home this point. Today criminal law’s impact is felt through news accounts of long prison sentences and an occasional execution.
- *Punish wrongdoing*: The deterrent power of criminal law is tied to the authority it gives the state to sanction or punish offenders. Those who violate criminal law are subject to physical coercion and punishment.
- *Maintain social order*: All legal systems are designed to support and maintain the boundaries of the social system they serve. In medieval England, the law protected the feudal system by defining an orderly system of property transfer and ownership. Laws in some socialist nations protect the primacy of the state by strictly curtailing profiteering and individual enterprise. The U.S. capitalist system is also supported and sustained by criminal law. In a sense, the content of criminal law is more a reflection of the needs of those who control the existing economic and political system than a representation of some idealized moral code.

The Criminological Enterprise

The Elements of Criminal Law

While each state and the federal government have unique methods of defining crime, there are significant uniformities and similarities that shape the essence of almost all criminal law codes. Although the laws of California, Texas, and Maine may be somewhat different, the underlying concepts that guide and shape their legal systems are universal. The question remains: Regardless of jurisdictional boundaries, what is the legal definition of a crime, and how does the criminal law deal with it?

Legal Definition of a Crime

Today, in all jurisdictions, the legal definition of a crime involves the elements of the criminal acts that must be proved in a court of law if the defendant is to be found guilty. For the most part, common criminal acts have both mental and physical elements, both of which must be present if the act is to be considered a legal crime. In order for a crime to occur, the state must show that the accused committed the guilty act, or **actus reus**, and had the **mens rea**, or criminal intent, to commit the act. The **actus reus** may be an aggressive act, such as taking someone's money, burning a building, or shooting someone; or it may be a failure to act when there is a legal duty to do so, such as a parent's neglecting to seek medical attention for a sick child.

The **mens rea** (guilty mind) refers to an individual's state of mind at the time of the act or, more specifically, the person's intent to commit the crime.

Actus Reus

To satisfy the requirements of **actus reus**, guilty actions must be voluntary. Even though an act may cause harm or damage, it is not considered a crime if it was done by accident or was done involuntarily. For example, it would not be a crime if a motorist obeying all the traffic laws hit a child who had run into the street. If the same motorist were drinking or speeding, then his action would be considered a vehicular crime because it was a product of negligence. Similarly, it would not be considered a crime if a baby-sitter accidentally dropped a child and the child died. However, it would be considered manslaughter if the sitter threw the child down in anger or frustration, and the blow caused the child's death. In some circumstances of **actus reus**, the use of words is considered criminal. In the crime of sedition, the words of disloyalty constitute the **actus reus**. If a person falsely yells "fire" in a crowded theater and people are injured in the rush to exit, that person is held responsible for the injuries, because the use of the word in that situation constitutes an illegal act.

Typically, the law does not require people to aid others in distress, such as entering a burning building to rescue people trapped by a fire. However,

failure to act is considered a crime in certain instances:

- **Relationship of the parties based on status:** Some people are bound by relationship to give aid. These relationships include parent–child and husband–wife. If a husband finds his wife unconscious because she took an overdose of sleeping pills, he is obligated to save her life by seeking medical aid. If he fails to do so and she dies, he can be held responsible for her death.
- **Imposition by statute:** Some states have passed laws requiring people to give aid. For example, a person who observes a broken-down automobile in the desert but fails to stop and help the parties involved may be committing a crime.
- **Contractual relationships:** These relationships include lifeguard and swimmer, doctor and patient, and baby-sitter or au pair and child. Because lifeguards have been hired to ensure the safety of swimmers, they have a legal duty to come to the aid of drowning people. If a lifeguard knows a swimmer is in danger and does nothing about it and the swimmer drowns, the lifeguard is legally responsible for the swimmer's death.

Mens Rea

In most situations, for an act to constitute a crime, it must be done with criminal intent, or **mens rea**. Intent, in the legal sense, can mean carrying out

Some of the elements of contemporary criminal law are discussed in The Criminological Enterprise feature "The Elements of Criminal Law."

The Evolution of Criminal Law

The criminal law is constantly evolving in an effort to reflect social and economic conditions. Sometimes legal changes

are prompted by highly publicized cases that generate fear and concern. For example, a number of notorious cases of celebrity stalking, including Robert John Bardo's fatal shooting of actress Rebecca Schaeffer on July 18, 1989, prompted more than twenty-five states to enact **stalking** statutes. Such laws prohibit "the willful, malicious, and repeated following and harassing of another person."³⁸ Similarly, after 7-year-old Megan Kanka of Hamilton Township, New Jersey,

an act intentionally, knowingly, and willingly. However, the definition also encompasses situations in which recklessness or negligence establishes the required criminal intent.

Criminal intent also exists if the results of an action, although originally unintended, are certain to occur. For example, when Timothy McVeigh planted a bomb in front of the Murrah Federal Building in Oklahoma City, he did not intend to kill any particular person in the building. Yet the law would hold that McVeigh or any other person would be substantially certain that people in the building would be killed in the blast, and McVeigh therefore had the criminal intent to commit murder.

Strict Liability

Though common-law crimes require that both the *actus reus* and the *mens rea* must be present before a person can be convicted of a crime, several crimes defined by statute do not require *mens rea*. In these cases, the person accused is guilty simply by doing what the statute prohibits; intent does not enter the picture. These **strict liability crimes**, or public welfare offenses, include violations of health and safety regulations, traffic laws, and narcotic control laws. For example, a person stopped for speeding is guilty of breaking the traffic laws regardless of whether he or she intended to go over the speed limit or did it by accident. The underlying purpose of these laws

is to protect the public; therefore, intent is not required.

Criminal Defenses

When people defend themselves against criminal charges, they must refute one or more of the elements of the crime of which they have been accused. A number of different approaches can be taken to create this defense.

First, defendants may deny the *actus reus* by arguing that they were falsely accused and that the real culprit has yet to be identified. Second, defendants may claim that although they engaged in the criminal act of which they are accused, they lacked the *mens rea* (intent) needed to be found guilty of the crime.

If a person whose mental state is impaired commits a criminal act, it is possible for the person to excuse the criminal actions by claiming that he or she lacked the capacity to form sufficient intent to be held criminally responsible. Insanity, intoxication, and ignorance are types of excuse defenses. For example, a defendant might argue that because he suffered from a mental impairment that prevented him from understanding the harmfulness of his acts, he lacked sufficient *mens rea* to be found guilty as charged.

Another type of defense is **justification**. Here the individual usually admits committing the criminal act but maintains that he or she should not be held criminally liable because the act was justified. Among the

justification defenses are necessity, duress, self-defense, and entrapment. For example, a battered wife who kills her mate might argue that she acted out of duress; her crime was committed to save her own life.

People standing trial for criminal offenses may thus defend themselves by claiming that they did not commit the act in question, that their actions were justified under the circumstances, or that their behavior can be excused by their lack of *mens rea*. If either the physical or mental elements of a crime cannot be proved, then the defendant cannot be convicted.

Critical Thinking

1. Should the concept of the guilty mind be eliminated from the criminal law and replaced with a strict liability standard? If you do the crime, you do the time?
2. Some critics believe that current criminal defenses, such as the battered wife defense or the insanity defense, allow the guilty to go free even though they committed serious criminal acts. Do you agree?

• InfoTrac College Edition Research

To find out more about the insanity defense, use the term as a key word with InfoTrac College Edition.

Sources: Joshua Dressler, *Cases and Materials on Criminal Law* (American Casebook Series) (Eagan, MN: West, 2003); Joel Samaha, *Criminal Law* (Belmont, CA: Wadsworth, 2001).

was killed in 1994 by a repeat sex offender who had moved into her neighborhood, the federal government passed legislation requiring that the general public be notified of local **pedophiles** (sexual offenders who target children).³⁹ California's **sexual predator law**, which took effect on January 1, 1996, allows people convicted of sexually violent crimes against two or more victims to be committed to a mental institution after their prison terms have been served.

This law has already been upheld by **appellate court** judges in the state.⁴⁰

The criminal law may also change because of shifts in the culture and in social conventions, reflecting a newfound tolerance of behavior condemned only a few years before. For example, in an important 2003 case, *Lawrence v. Texas*, the Supreme Court declared that laws banning sodomy were unconstitutional because they violated the due process rights



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The criminal law is constantly evolving to reflect social, economic, and cultural shifts. Changes in the law may be a sign of toleration for behavior considered socially unacceptable and harmful only a few years before. Here Boston City Registrar Judith McCarthy goes over the application for a marriage license submitted by successful same-sex marriage lawsuit plaintiffs Julie and Hillary Goodridge at City Hall in Boston May 17, 2004. Massachusetts became the first state in the United States to legally sanction same-sex marriage based on the ruling of the Massachusetts Supreme Judicial Court that required the state to issue marriage licenses to gay and lesbian couples. Does Massachusetts' same-sex marriage law reflect changing national values or is it merely a reflection of the beliefs of a few liberal judges in an open-minded state?

of citizens based on their sexual orientation. In its decision, the court said

Although the laws involved . . . here . . . do not more than prohibit a particular sexual act, their penalties and purposes have more far-reaching consequences, touching upon the most private human conduct, sexual behavior, and in the most private of places, the home. They seek to control a personal relationship that, whether or not entitled to formal recognition in the law, is within the liberty of persons to choose without being punished as criminals. The liberty protected by the Constitution allows homosexual persons the right to choose to enter upon relationships in the confines of their homes and

their own private lives and still retain their dignity as free persons.

As a result of the decision, all sodomy laws in the United States are now unconstitutional and therefore not enforceable.⁴¹

The future direction of U.S. criminal law remains unclear. Certain actions, such as crimes by corporations and political corruption, will be labeled as criminal and given more attention. Other offenses, such as recreational drug use, may diminish in importance or be removed entirely from the criminal law system. In addition, changing technology and its ever-increasing global and local roles in our lives will require modifications in criminal law. For example, such technologies as automatic teller machines and cellular phones have already spawned a new generation of criminal acts such as identity theft and software piracy.



To quiz yourself on this material, go to the Criminology 9e website.

||||| CONNECTIONS |||||

As the information highway sprawls toward new expanses, the nation's computer network advances, and biotechnology produces new substances, criminal law will be forced to address threats to the public safety that today are unknown. These new forms of Internet-related technocrimes will be discussed in more detail in Chapter 12.

ETHICAL ISSUES IN CRIMINOLOGY

A critical issue facing students of criminology involves recognizing the field's political and social consequences. All too often, criminologists forget the social responsibility they bear as experts in the area of crime and justice. When government agencies request their views of issues, their pronouncements and opinions become the basis for sweeping social policy. The lives of millions of people can be influenced by criminological research data.

Debates over gun control, capital punishment, and mandatory sentences are ongoing and contentious. Some criminologists have successfully argued for social service, treatment, and rehabilitation programs to reduce the crime rate, but others consider them a waste of time, suggesting instead that a massive prison construction program coupled with tough criminal sentences can bring the crime rate down. By accepting their roles as experts on law-violating behavior, criminologists place themselves in a position of power; the potential consequences of their actions are enormous. Therefore, they must be aware of the ethics of their profession

and be prepared to defend their work in the light of public scrutiny. Major ethical issues include these:

- What is to be studied?
- Who is to be studied?
- How are studies to be conducted?

WHAT TO STUDY? Under ideal circumstances, when criminologists choose a subject for study, they are guided by their own scholarly interests, pressing social needs, the availability of accurate data, and other similar concerns. Nonetheless, in recent years, a great influx of government and institutional funding has influenced the direction of criminological inquiry. Major sources of monetary support include the Justice Department's National Institute of Justice and the Substance Abuse and Mental Health Services Administration (SAMHSA). Both the National Science Foundation and the National Institute of Mental Health have been prominent sources of government funding. Private foundations, such as the Edna McConnell Clark Foundation, have also played an important role in supporting criminological research.

Though the availability of research money has spurred criminological inquiry, it has also influenced the direction research has taken. State and federal governments provide a significant percentage of available research funds, and they may also dictate the areas that can be studied. In recent years, for example, the federal government has spent millions of dollars funding long-term cohort studies of criminal careers. Consequently, academic research has recently focused on criminal careers. Other areas of inquiry may be ignored because there is simply not enough funding to pay for or sponsor the research.

A potential conflict of interest may arise when the institution funding research is itself one of the principal subjects of the research project. For example, governments may be reluctant to fund research on fraud and abuse of power by government officials. They may also exert a not-so-subtle influence on the criminologists seeking research funding: If criminologists are too critical of the government's efforts to reduce or counteract crime, perhaps they will be barred from receiving further financial help. This situation is even more acute when we consider that criminologists typically work for universities or public agencies and are under pressure to bring in a steady flow of research funds or to preserve the continued viability of their agency. Even when criminologists maintain discretion of choice, the direction of their efforts may not be truly objective. The objectivity of research may be questioned if studies are funded by organizations that have a vested interest in the outcome of the research. For example, a study on the effectiveness of the defensive use of handguns to stop crime may be tainted if the funding for the project comes from a gun manufacturer whose sales may be affected by the research findings. Efforts to show that private prisons are more effective than state

correctional facilities might be tainted if the researchers received a research grant from a corporation that maintains private prisons.

It has been shown over the past decades that criminological research has been influenced by government funding that is linked to the topics the government wants researched and those it wants to avoid. Recently funding by political agencies has increased the likelihood that criminologists will address drug issues while spending less time on topics such as incapacitation and white-collar crime.⁴² Should the nature and extent of scientific research be shaped by the hand of government or should it remain independent of outside interference?

WHOM TO STUDY? A second major ethical issue in criminology concerns the subject of the inquiries and study. Too often, criminologists focus their attention on the poor and minorities while ignoring the middle-class criminal who may be committing white-collar crime, organized crime, or government crime. Critics have charged that by "unmasking" the poor and desperate, criminologists have justified any harsh measures taken against them. For example, a few social scientists have suggested that criminals have lower intelligence quotients than the average citizen and that because minority group members have lower than average IQ scores, their crime rates are high.⁴³ This was the conclusion reached in *The Bell Curve*, a popular though highly controversial book written by Richard Herrnstein and Charles Murray.⁴⁴ Although such research is often methodologically unsound, it brings to light the tendency of criminologists to focus on one element of the community while ignoring others. The question that remains is whether it is ethical for criminologists to publish biased or subjective research findings, paving the way for injustice.

HOW TO STUDY? Ethics are once again questioned in cases where subjects are misled about the purpose of the research. When white and African American youngsters are asked to participate in a survey of their behavior or to take an IQ test, they are rarely told in advance that the data they provide may later be used to prove the existence of significant racial differences in their self-reported crime rates. Should subjects be told about the true purpose of a survey? Would such disclosures make meaningful research impossible? How far should criminologists go when collecting data? Is it ever permissible to deceive subjects to collect data? Criminologists must take extreme care when they choose subjects for their research studies to ensure that they are selected in an unbiased and random manner.⁴⁵

When criminological research efforts involve experimentation and treatment, care must be taken to protect those subjects who have been chosen for experimental and control groups. For example, it may be unethical to provide a special treatment program for one group while depriving others of

the same opportunity. Conversely, criminologists must be careful to protect subjects from experiments that may actually cause them harm. For example, an examination of the highly publicized Scared Straight program, which brought youngsters into contact with hardcore prison inmates to scare them out of a life of crime, discovered that the young subjects may have been harmed by their experience. Rather

than being frightened into conformity, subjects actually increased their criminal behavior.⁴⁶



To quiz yourself on this material, go to the Criminology 9e website.

SUMMARY

- Criminology is the scientific approach to the study of criminal behavior and society's reaction to law violations and violators. It is essentially an interdisciplinary field; many of its practitioners were originally trained as sociologists, psychologists, economists, political scientists, historians, and natural scientists.
- Criminology has a rich history, with roots in the utilitarian philosophy of Beccaria, the biological positivism of Lombroso, the social theory of Durkheim, and the political philosophy of Marx.
- The criminological enterprise includes subareas such as criminal statistics, the sociology of law, theory construction, criminal behavior systems, penology, and victimology.
- When they define crime, criminologists typically hold one of three perspectives: the consensus view, the conflict view, or the interactionist view.
- The consensus view holds that criminal behavior is defined by laws that reflect the values and morals of a majority of citizens.
- The conflict view states that criminal behavior is defined in such a way that economically powerful groups can retain their control over society.
- The interactionist view portrays criminal behavior as a relativistic, constantly changing concept that reflects society's current moral values. According to the interactionist view, behavior is labeled as criminal by those in power; criminals are people society chooses to label as outsiders or deviants.
- The criminal law is a set of rules that specify the behaviors society has outlawed.
- The criminal law serves several important purposes: It represents public opinion and moral values; it enforces social controls; it deters criminal behavior and wrongdoing; it punishes transgressors; and it banishes private retribution.
- The criminal law used in U.S. jurisdictions traces its origin to the English common law. In the U.S. legal system, lawmakers have codified common-law crimes into state and federal penal codes.
- Every crime has specific elements. In most instances, these elements include both the *actus reus* (guilty act) and the *mens rea* (guilty mind or criminal intent).
- At trial, a defendant may claim to have lacked *mens rea* and, therefore, not be responsible for a criminal action. One type of defense is excuse for mental reasons, such as insanity, intoxication, necessity, or duress. Another type of defense is justification by reason of self-defense or entrapment.
- The criminal law is undergoing constant reform. Some acts are being decriminalized—their penalties are being reduced—while penalties for others are becoming more severe.
- Ethical issues arise when information-gathering methods appear biased or exclusionary. These issues may cause serious consequences because research findings can significantly impact individuals and groups.

Thinking Like a Criminologist

You have been experimenting with various techniques to identify a surefire method to predict violence-prone

behavior in delinquents. Your procedure involves brain scans, DNA testing, and blood analysis. Used with

samples of incarcerated adolescents, your procedure has been able to distinguish with 80 percent accuracy

between youths with a history of violence and those who are exclusively property offenders.

Your research indicates that if any youth were tested with your techniques, potentially violence-prone career criminals easily could be identified for special treatment. For example, children in the local school

system could be tested, and those who are identified as violence prone carefully monitored by teachers. Those at risk to future violence could be put into special programs as a precaution.

Some of your colleagues argue that this type of testing is unconstitutional because it violates the subjects' Fifth

Amendment right against self-incrimination. There is also the problem of error: Some kids may be falsely labeled as violence prone. How would you answer your critics? Is it fair or ethical to label people as potentially criminal and violent even though they have not yet exhibited antisocial behaviors? Do the risks of such a procedure outweigh its benefits?

Doing Research on the Web

Go to these sites for information on the biological testing of criminals: <http://www.wiu.edu/library/govpubs/guides/dnacrmnl.htm> and http://www.forensic-evidence.com/site/Biol_Evid/BioEvid_dna_jones.html.

You can read Nicole Rafter's take on biological theories of crime at: <http://www.albany.edu/museum/museum/criminal/curator/nicole.html>.

To read about the effects of stigma as it pertains to mental health, go to: <http://www.cmha-tb.on.ca/stigma.htm#what>.



KEY TERMS

criminologists (4)
 criminology (4)
 interdisciplinary science (4)
 decriminalized (5)
 utilitarianism (6)
 classical criminology (7)
 positivism (7)
 physiognomist (8)
 phrenologist (8)
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CRITICAL THINKING QUESTIONS

- Beccaria argued that the threat of punishment controls crime. Are there other forms of social control? Aside from the threat of legal punishments, what else controls your own behavior?
- What research method would you employ if you wanted to study drug and alcohol abuse at your own school?
- Would it be ethical for a criminologist to observe a teenage gang by “hanging” with them, drinking, and watching as they steal cars? Should he report that behavior to the police?
- Can you identify behaviors that are deviant but not criminal? What about crimes that are not deviant?

5. Do you agree with conflict theorists that some of the most damaging acts in society are not punished as crimes? If so, what are they?

6. Under common law a person must have *mens rea* to be guilty of a crime. Would society be better off if criminal intent was not considered?

After all, aren't we merely guessing about a person's actual motivation for committing crime?

NOTES

1. Edwin Sutherland and Donald Cressey, *Principles of Criminology*, 6th ed. (Philadelphia: Lippincott, 1960), p. 3.
2. Edward Brecher, *Licit and Illicit Drugs* (Boston: Little, Brown, 1972), pp. 413–416.
3. Hearings on H.R. 6385 April 27, 28, 29, 30, and May 4, 1937. <http://www.druglibrary.org/schaffer/hemp/taxact/anslng1.htm>. Accessed April 10, 2004.
4. <http://www.dpf.org/drugwar/>. Accessed April 12, 2004.
5. Federal Communications Commission, In the Matter of Clear Channel Broadcasting File No. EB-03-IH-0159, Washington, DC., April 7, 2004. <http://www.fcc.gov/eb/Orders/2004/FCC-04-88A1.html>.
6. <http://www.howardstern.com/oprah.html>. Accessed April 7, 2004.
7. Eugen Weber, *A Modern History of Europe* (New York: Norton, 1971), p. 398.
8. Marvin Wolfgang, *Patterns in Criminal Homicide* (Philadelphia: University of Pennsylvania Press, 1958).
9. Described in David Lykken, "Psychopathy, Sociopathy, and Crime," *Society* 34 (1996): 29–38.
10. See Peter Scott, "Henry Maudsley," in *Pioneers in Criminology*, ed. Hermann Mannheim (Montclair, NJ: Prentice-Hall, 1981).
11. Howard Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: Free Press, 1963), p. 21.
12. *Ibid.*, p. 9.
13. Nicole Hahn Rafter, "Criminal Anthropology in the United States," *Criminology* 30 (1992): 525–547.
14. *Ibid.*, p. 535; see also Nicole Rafter, "Earnest A. Hooton and the Biological Tradition in American Criminology," *Criminology* 42 (2004): 735–771.
15. See, generally, Robert Nisbet, *The Sociology of Émile Durkheim* (New York: Oxford University Press, 1974).
16. L. A. J. Quetelet, *A Treatise on Man and the Development of His Faculties* (Gainesville, FL: Scholars' Facsimilies and Reprints, 1969), pp. 82–96.
17. *Ibid.*, p. 85.
18. Émile Durkheim, *Rules of the Sociological Method*, reprint ed., trans. W. D. Halls (New York: Free Press, 1982).
19. See Jerald Bachman, Lloyd Johnston, and Patrick O'Malley, *Monitoring the Future: Questionnaire Responses from the Nation's High School Seniors, 2000* (Ann Arbor, MI: Institute for Social Research, 2001).
20. Émile Durkheim, *The Division of Labor in Society*, reprint ed. (New York: Free Press, 1997).
21. Robert Park and Ernest Burgess, *The City* (Chicago: University of Chicago Press, 1925).
22. Karl Marx and Friedrich Engels, *Capital: A Critique of Political Economy*, trans. E. Aveling (Chicago: Charles Kern, 1906); Karl Marx, *Selected Writings in Sociology and Social Philosophy*, trans. P. B. Bottomore (New York: McGraw-Hill, 1956). For a general discussion of Marxist thought, see Michael Lynch and W. Byron Groves, *A Primer in Radical Criminology* (New York: Harrow and Heston, 1986), pp. 6–26.
23. Marvin Wolfgang and Franco Ferracuti, *The Subculture of Violence* (London: Social Science Paperbacks, 1967), p. 20.
24. Associated Press, "Michigan Senate Acts to Outlaw Aiding Suicides," *Boston Globe*, 20 March 1994, p. 22.
25. *Smith et al. v. Doe et al.*, 01-729 (2003).
26. Michael Gottfredson and Travis Hirschi, *A General Theory of Crime* (Stanford, CA: Stanford University Press, 1990).
27. Ronald Simons, Eric Stewart, Leslie Gordon, Rand Conger, and Glen Elder, Jr., "Test of Life-Course Explanations for Stability and Change in Antisocial Behavior from Adolescence to Young Adulthood," *Criminology* 40 (2002): 401–434.
28. Marvin Wolfgang, *Patterns in Criminal Homicide* (Philadelphia: University of Pennsylvania Press, 1958).
29. Hans von Hentig, *The Criminal and His Victim* (New Haven: Yale University Press, 1948); Stephen Schafer, *The Victim and His Criminal* (New York: Random House, 1968).
30. Edwin Sutherland and Donald Cressey, *Criminology*, 8th ed. (Philadelphia: Lippincott, 1960), p. 8.
31. Charles McCaghy, *Deviant Behavior* (New York: Macmillan, 1976), pp. 2–3.
32. Michael Lynch, Raymond Michalowski, and W. Byron Groves, *The New Primer in Radical Criminology: Critical Perspectives on Crime, Power, and Identity*, 3rd ed. (Monsey, NY: Criminal Justice Press, 2000), p. 59.
33. Lynch and Groves, *A Primer in Radical Criminology*.
34. See Herbert Blumer, *Symbolic Interactionism* (Englewood Cliffs, NJ: Prentice-Hall, 1969).
35. Becker, *Outsiders*, p. 9.
36. *Ibid.*
37. Oliver Wendell Holmes, *The Common Law*, ed. Mark De Wolf (Boston: Little, Brown, 1881), p. 36.
38. National Institute of Justice, *Project to Develop a Model Anti-Stalking Statute* (Washington, DC: National Institute of Justice, 1994).
39. "Clinton Signs Tougher 'Megan's Law,'" *CNN News Service*, 17 May 1996.
40. Associated Press, "Judge Upholds State's Sexual Predator Law," *Bakersfield Californian*, 2 October 1996.
41. *Lawrence et al. v. Texas* 02-102 (2003).

42. Joachim Savelsberg, Ryan King, and Lara Cleveland, "Politicized Scholarship? Science on Crime and the State," *Social Problems* 49 (2002): 327–349.
43. See, for example, Michael Hindelang and Travis Hirschi, "Intelligence and Delinquency: A Revisionist Review," *American Sociological Review* 42 (1977): 471–486.
44. Richard Herrnstein and Charles Murray, *The Bell Curve* (New York: Free Press, 1994).
45. Victor Boruch, Timothy Victor, and Joe Cecil, "Resolving Ethical and Legal Problems in Randomized Experiments," *Crime and Delinquency* 46 (2000): 330–353.
46. Anthony Petrosino, Carolyn Turpin-Petrosino, and James Finckenauer, "Well-Meaning Programs Can Have Harmful Effects! Lessons from Experiments of Programs Such as Scared Straight," *Crime and Delinquency* 46 (2000): 354–379.

CHAPTER 2



On May 31, 2003, Eric Rudolph was arrested behind a grocery store in rural western North Carolina after five years on the run. He was accused of detonating a bomb that exploded outside a Birmingham abortion clinic on January 29, 1998, killing a police officer and critically injuring a clinic nurse. He was also charged with setting off a bomb that killed one person and injured 150 others in a park in downtown Atlanta during the 1996 Olympics. There is also evidence that

Rudolph was involved in the 1997 bombings of a gay nightclub and a building that housed an abortion clinic.

Rudolph came under suspicion when witnesses saw a man believed to be Rudolph leaving the scene of the Birmingham bombing, which killed an off-duty police officer and critically injured a clinic nurse. A truck registered to Rudolph was spotted moments later. In the days following the bombing, law enforcement agents searched a storage locker rented by Rudolph and found nails like those used to bomb the clinic and an Atlanta building that housed an abortion clinic. The bombs had similarities that also linked them to the bomb set off during the Olympics.

Rudolph's crime spree is believed to have been motivated by his extreme political beliefs. He was reputedly a member of a white supremacist group called the Army of God. His relatives told authorities that Rudolph was an ardent anti-Semite who claimed that the Holocaust never happened and that the Jews now control the media and the government. Ironically, soon after he was arrested, the court appointed Richard S. Jaffe, a practicing Jew, to lead Rudolph's defense team.¹

The Rudolph case made national headlines in 2003. It illustrates the undercurrent of violence that is all too common on the American landscape. Yet, while the Rudolph case is a shocking reminder of the damage that a single person can inflict on the public, the overall crime rate seems to be in decline. And while the United States has the reputation of being an extremely violent nation, violence rates here are dropping while increasing abroad. How can this phenomenon be explained? What causes the rise and fall in crime rates and trends?

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

THE NATURE AND EXTENT OF CRIME

CHAPTER OUTLINE

How Criminologists Study Crime

Survey Research
Cohort Research: Longitudinal and Retrospective
Official Record Research
Experimental Research
Observational and Interview Research
Meta-Analysis and Systematic Review

Measuring Crime Trends and Rates

Official Data: The Uniform Crime Report
Victim Surveys: The National Crime Victimization Survey
Self-Report Surveys
Evaluating Crime Data Sources

Crime Trends

Trends in Violent Crime
Trends in Property Crime

The Criminological Enterprise: Explaining Crime Trends

Trends in Victimization Data (NCVS Findings)
Self-Report Findings

Comparative Criminology: International Crime Trends

What the Future Holds

Crime Patterns

The Ecology of Crime
Use of Firearms
Social Class and Crime

Policy and Practice in Criminology: Should Guns Be Controlled?

Age and Crime
Gender and Crime

Race, Culture, Gender, and Criminology: Gender Differences in Crime

Race and Crime
Criminal Careers

CHAPTER OBJECTIVES

1. Be familiar with the various forms of crime data
2. Know the problems associated with collecting
3. Be able to discuss the recent trends in the crime rate
4. Be familiar with the factors that influence crime rates
5. Be able to discuss the patterns in the crime rate
6. Be able to discuss the association between social class and crime
7. Recognize that there are age, gender, and racial patterns in crime
8. Describe the various positions on gun control
9. Be familiar with Wolfgang's pioneering research on chronic offending
10. Be able to discuss the influence the discovery of the chronic offender has had on criminology

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Stories such as Rudolph's help convince most Americans that we live in a violent society. Are Americans justified in their fear of violent crime? Should they barricade themselves behind armed guards? Are crime rates actually rising or falling? Where do most crimes occur? To answer these and similar questions, criminologists have devised elaborate methods of crime data collection and analysis. Without accurate data on the nature and extent of crime, it would not be possible to formulate theories that explain the onset of crime or to devise social policies that facilitate its control or elimination. Accurate data collection is also critical in order to assess the nature and extent of crime, track changes in the crime rate, and measure the individual and social factors that may influence criminality such as socioeconomic status and the age structure of society.

In this chapter, we review how data are collected on criminal offenders and offenses and what this information tells us about crime patterns and trends. We also examine the concept of criminal careers and discover what available crime data can tell us about the onset, continuation, and termination of criminality. We begin with a discussion of the most important sources of crime data.

HOW CRIMINOLOGISTS STUDY CRIME

Criminologists use a wide variety of research techniques to measure the nature and extent of criminal behavior and the personality, attitudes, and background of criminal offenders. It is important to understand how these data are collected to gain insight into how professional criminologists approach various problems and questions in their field.

Survey Research

Criminologists conduct surveys when they want to measure attitudes, beliefs, values, characteristics, and behavior. By correlating the responses within the survey instrument, they are able to analyze the relationship between two or more personal factors. For example, are kids who report being abused as children more likely to use drugs as adolescents?

One common survey method used by criminologists is the **self-report survey**, which asks participants to describe, in detail, their recent and lifetime criminal activity. Self-reports are given in groups, and the respondents are promised anonymity in order to ensure the validity and honesty of the responses. The **victimization survey**, which asks people to describe their experiences as crime victims, is another staple of criminological data collection.

Surveys typically involve **sampling**, which refers to the process of selecting for study a limited number of subjects who are representative of entire groups sharing similar characteristics, called the **population**. For example, a criminologist might interview a sample of 3,000 prison inmates drawn from the population of more than 1 million inmates in the United States; in this case, the sample represents the entire

population of U.S. inmates. It is assumed that the characteristics of people or events in a carefully selected sample will be quite similar to those of the population at large.

Sometimes, criminologists conducting surveys focus on a particular group of people; for example, they may conduct surveys of female police officers in order to better understand their values and activities. In other circumstances they may want the survey to be representative of all members of society; this is referred to as a **cross-sectional survey**. For example, all youths in the local public high school might be surveyed about their substance abuse. This data would be considered cross-sectional since all members of the community go to high school, and therefore the sample would contain both the rich and the poor, males and females, drug users and nonusers, and so on.

For a number of reasons, surveys are an excellent and cost-effective technique for measuring the characteristics of large numbers of people:

- Because questions and methods are standardized for all subjects, uniformity is unaffected by the perceptions or biases of the person gathering the data.
- Carefully drawn samples enable researchers to generalize their findings from small groups to large populations.
- Though surveys measure subjects at a single point in their life span, questions can elicit information on subjects' prior behavior as well as their future goals and aspirations.²



A number of academic institutes are devoted to **survey research**. Here is the link to the Princeton University Survey Research Center (SRC): <http://www.wss.princeton.edu/~psrc/>. For an up-to-date list of web-links, go to http://cj.wadsworth.com/siegel_crim_9e.

Cohort Research: Longitudinal and Retrospective

Cohort research involves observing a group of people who share a like characteristic over time. For example, researchers might select all girls born in Albany, New York, in 1970 and then follow their behavior patterns for twenty years. The research data might include their school experiences, arrests, hospitalizations, and information about their family life (divorces, parental relations). The subjects might be given repeated intelligence and physical exams; their diets might be monitored. Data could be collected directly from the subjects or without their knowledge—from schools, police, and other sources. If the research is carefully conducted, it may be possible to determine which life experiences, such as growing up in an intact home or failing at school, typically preceded the onset of crime and delinquency.

It is extremely difficult, expensive, and time-consuming to follow a cohort over time. Another approach for obtaining this kind of information is to take an intact cohort of known offenders and look back into their early life experiences by

checking their educational, family, police, and hospital records. This format is known as a **retrospective cohort study**.³

||||||| CONNECTIONS |||||

Some critical criminological research has been based on cohort studies, such as the important research conducted by University of Pennsylvania criminologist Marvin Wolfgang and his colleagues. Their findings have been instrumental in developing an understanding about the onset and development of a criminal career. Wolfgang's cohort research, which is discussed later in this chapter, helped identify the chronic criminal offender.

To carry out cohort studies, criminologists frequently investigate records of social organizations, such as hospitals, schools, welfare departments, courts, police departments, and prisons. School records contain data on students' academic performance, attendance, intelligence, disciplinary problems, and teacher ratings. Hospitals record incidents of drug use and suspicious wounds, which may be indicative of child abuse. Police files contain reports of criminal activity, arrest data, personal information on suspects, victim reports, and actions taken by police officers. Court records enable researchers to compare the personal characteristics of offenders with the outcomes of their court appearances, for example, conviction rates and types of sentence. Prison records contain information on inmates' personal characteristics, adjustment problems, disciplinary records, rehabilitation efforts, and length of sentence served.

Official Record Research

In order to understand more about the nature and extent of crime, criminologists also use the records of government agencies such as police departments, prisons, and courts. In some instances these records are collected, compiled, and analyzed by government agencies such as the federal government's Bureau of Justice Statistics.



The **Bureau of Justice Statistics** web page may be accessed at <http://www.ojp.usdoj.gov/bjs/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The most important crime record data is collected from local law enforcement agencies by the Federal Bureau of Investigation and published yearly in their **Uniform Crime Report (UCR)**. The UCR includes both crimes reported to local law enforcement departments and the number of arrests made by police agencies.⁴

||||||| CONNECTIONS |||||

The UCR is probably the single most important source of official crime statistics and will be discussed more completely later in this chapter.

Official record data can be used to focus on the social forces that affect crime. For example, to study the relationship between crime and poverty, criminologists use the Census Bureau's data, which provides information about income, the number of people on welfare, and the number of single-parent families in an urban area, and then cross-reference this information with UCR data from the same locality.

Experimental Research

Sometimes criminologists want to determine the effect one condition or behavior will have on another. For example, they may wish to directly test whether (a) watching a violent TV show will (b) cause viewers to act aggressively. This test requires experimental research. To conduct experimental research, criminologists manipulate or intervene in the lives of their subjects to see the outcome or the effect of the intervention. True experiments usually have three elements: (1) random selection of subjects, (2) a control or comparison group, and (3) an experimental condition. To find out the effects of viewing violent media content, a criminologist might have one group of randomly chosen subjects watch an extremely violent and gory film (*Kill Bill II*) while another randomly selected group viewed something more mellow (*Princess Diaries II*). The behavior of both groups would be monitored; if the subjects who had watched the violent film were significantly more aggressive than those who had watched the nonviolent film, an association between media content and behavior would be supported. The fact that both groups were randomly selected would prevent some preexisting condition from invalidating the results of the experiment.

Sometimes it is impossible to randomly select subjects or manipulate conditions. In this instance criminologists may be forced to rely on what is known as a *quasi-experimental design*. For example, a criminologist may want to measure whether kids who were abused as children are more likely to become violent as teens. A criminologist may follow a group of kids who were abused and compare them with another group who were never abused in order to discover if the abused kids were more likely to become violent teens. However, this is not a true experiment because, of course, it would be impossible to randomly select youth, assign them to two independent groups, and then purposely abuse members of one group in order to gauge their reactions.

Criminological experiments are relatively rare because they are difficult and expensive to conduct; they involve manipulating subjects' lives, which can cause ethical and legal roadblocks; and they require long follow-up periods to verify results. Nonetheless, they have been an important source of criminological data.

Observational and Interview Research

Sometimes criminologists focus their research on relatively few subjects, interviewing them in depth or observing them as they go about their activities. This research often results in the kind of in-depth data absent in large-scale surveys.

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For example, in one effort Claire Sterk-Elifson focused on the lives of middle-class female drug abusers.⁵ The thirty-four interviews she conducted provide insight into a group whose behavior might not be captured in a large-scale survey. Sterk-Elifson found that these women were introduced to cocaine at first “just for fun”: “I do drugs,” one 34-year-old lawyer told her, “because I like the feeling. I would never let drugs take over my life.”⁶ Unfortunately, many of these subjects succumbed to the power of drugs and suffered both emotional and financial stress.

Another common criminological method is to observe criminals firsthand to gain insight into their motives and activities. This may involve going into the field and participating in group activities; this was done in sociologist William Whyte’s famous study of a Boston gang, *Street Corner Society*.⁷ Other observers conduct field studies but remain in the background, observing but not being part of the ongoing activity.⁸

Still another type of observation involves bringing subjects into a structured laboratory setting and observing how they react to a predetermined condition or stimulus. This approach is common in experimental studies testing the effect of observational learning on aggressive behavior. For example, experiments such as the one described previously, in which subjects view violent films and their subsequent behavior is monitored, would typically be conducted in a laboratory setting.⁹

Meta-Analysis and Systematic Review

Meta-analysis involves gathering data from a number of previous studies. Compatible information and data are extracted and pooled together. When analyzed, the grouped data from several different studies provide a more powerful and valid indicator of relationships than the results provided from a single study. A **systematic review** is another widely accepted means of evaluating the effectiveness of public

policy interventions. It involves collecting the findings from previously conducted scientific studies that address a particular problem, appraising and synthesizing the evidence, and using the collective evidence to address a particular scientific question.

Through these well-proven techniques, criminologists can identify what is known and what is not known about a particular problem and use the findings as a first step for carrying out new research. For example, recently criminologists David Farrington and Brandon Welsh used a systematic review and a meta-analysis in order to study the effects of street lighting on crime.¹⁰ After identifying and analyzing thirteen relevant studies, Farrington and Welsh found evidence showing that neighborhoods that improve their street lighting do in fact experience a reduction in crime rates. Their findings should come as no great surprise: It seems logical that well-lit streets would have fewer robberies and thefts because (1) criminals could not conceal their efforts under the cover of darkness, and (2) potential victims could take evasive action if they saw a suspicious-looking person lurking about. However, their analysis produced an unusual finding: Improving lighting caused the crime rate to go down during the day just as much as it did during the night! Obviously, the crime-reducing effect of street lights had little to do with illuminating the streets. Farrington and Welsh speculate that improved street lighting increases community pride and solidarity, and the result of this newfound collective efficacy is a lowered crime rate, both during the day and evening.

Criminology, then, relies on many of the basic research methods common to other fields, including sociology, psychology, and political science. Multiple methods are needed to ensure that the goals of criminological inquiry can be achieved.



To quiz yourself on the material in this section, go to the Criminology 9e website.

MEASURING CRIME TRENDS AND RATES

While criminologists make use of all these methods in their research activities, they tend to lean on aggregate and survey data when they measure the nature, extent, and trends in crime. In the next sections, the three main sources of national crime data are reviewed in some detail.

Official Data: The Uniform Crime Report

Official data on crime refers to those crimes known to and recorded by the nation's police departments. The Federal Bureau of Investigation's Uniform Crime Report (UCR) is the best known and most widely cited source of official criminal statistics.¹¹ The FBI receives and compiles records from more than 17,000 police departments serving a majority of the U.S. population. Its major unit of analysis involves **index crimes**, or **Part I crimes**: murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, arson, and motor vehicle theft. Exhibit 2.1 defines these crimes.

The FBI tallies and annually publishes the number of reported offenses by city, county, standard metropolitan statistical area, and geographical divisions of the United States. In addition to these statistics, the UCR shows the number and characteristics (age, race, and gender) of individuals who have been arrested for these and all other crimes, except traffic violations (**Part II crimes**).

COMPILING THE UNIFORM CRIME REPORT The methods used to compile the UCR are quite complex. Each month law enforcement agencies report the number of index crimes known to them. These data are collected from records of all crime complaints that victims, officers who discovered the infractions, or other sources reported to these agencies.

Whenever criminal complaints are found through investigation to be unfounded or false, they are eliminated from the actual count. However, the number of actual offenses known is reported to the FBI whether or not anyone is arrested for the crime, the stolen property is recovered, or prosecution ensues.

In addition, each month law enforcement agencies also report how many crimes were **cleared**. Crimes are cleared in two ways: (1) when at least one person is arrested, charged, and turned over to the court for prosecution; or (2) by exceptional means, when some element beyond police control precludes the physical arrest of an offender (for example, the offender leaves the country). Data on the number of clearances involving the arrest of only juvenile offenders, data on the value of property stolen and recovered in connection with Part I offenses, and detailed information pertaining to criminal homicide are also reported. Traditionally, slightly more than 20 percent of all reported index crimes are cleared by arrest each year (Figure 2.1).

Part I Index Crime Offenses

Criminal Homicide

MURDER AND NONNEGLIGENT MANSLAUGHTER The willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded. Justifiable homicides are limited to (1) the killing of a felon by a law enforcement officer in the line of duty and (2) the killing of a felon, during the commission of a felony, by a private citizen.

MANSLAUGHTER BY NEGLIGENCE The killing of another person through gross negligence. Traffic fatalities are excluded. Although manslaughter by negligence is a Part I crime, it is not included in the Crime Index.

Forcible Rape

The carnal knowledge of a female forcibly and against her will. Included are rapes by force and attempts or assaults to rape. Statutory offenses (no force used—victim under age of consent) are excluded.

Robbery

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.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary/Breaking or Entering

The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Larceny/Theft (except motor vehicle theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, con games, forgery, worthless checks, and so on are excluded.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Specifically excluded from this category are motorboats, construction equipment, airplanes, and farming equipment.

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another, or the like.

Source: FBI, Uniform Crime Report, 2003.

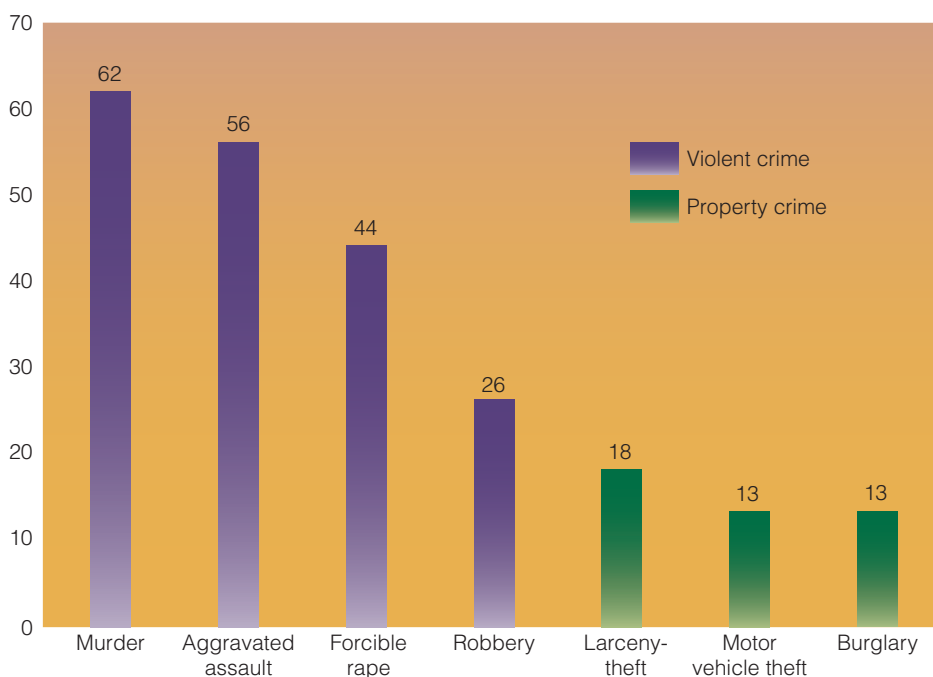
Violent crimes are more likely to be solved than property crimes because police devote more resources to these more serious acts. For these types of crime, witnesses (including the victim) are frequently available to identify offenders, and in many instances the victim and offender were previously acquainted.

Index Crimes Cleared by Arrest, 2003

More serious crimes such as murder and rape are cleared at much higher rates than less serious crimes such as larceny. Factors may include the fact that police spend more resources solving serious crimes and that there is more often an association between victim and offender in serious crimes. Arson is not included in most calculations because it is not reported by all police departments.

Source: FBI, *Crime in the United States*, 2003.

Percent of index crimes cleared by arrest



The UCR uses three methods to express crime data. First, the number of crimes reported to the police and arrests made are expressed as raw figures (for example, 16,503 murders occurred in 2003). Second, crime rates per 100,000 people are computed. That is, when the UCR indicates that the murder rate was 5.7 in 2003, it means that almost 6 people in every 100,000 were murdered between January 1 and December 31 of 2003. This is the equation used:

$$\frac{\text{Number of Reported Crimes}}{\text{Total U.S. Population}} \times 100,000 = \text{Rate per 100,000}$$

Third, the FBI computes changes in the number and rate of crime over time. For example, murder rates climbed .7 percent between 2002 and 2003.

VALIDITY OF THE UNIFORM CRIME REPORT Despite criminologists' continued reliance on the UCR, its accuracy has been suspect. The three main areas of concern are reporting practices, law enforcement practices, and methodological problems.

1. *Reporting practices:* Some criminologists claim that victims of many serious crimes do not report these incidents to police; therefore, these crimes do not become part of the UCR. The reasons for not reporting vary. Some victims do not trust the police or have confidence in their ability to solve crimes. Others do not have property insurance and therefore believe it is useless to report theft. In other cases, victims fear reprisals from an offender's friends or family or, in the case of family violence, from their spouse, boyfriend, and/or girlfriend.¹²

According to surveys of crime victims, less than 40 percent of all criminal incidents are reported to the

police. Some of these victims justify non-reporting by stating that the incident was "a private matter," that "nothing could be done," or that the victimization was "not important enough."¹³ These findings indicate that the UCR data may significantly underrepresent the total number of annual criminal events.

2. *Law enforcement practices:* The way police departments record and report criminal and delinquent activity also affects the validity of UCR statistics. This effect was recognized more than forty years ago, when between 1948 and 1952 the number of burglaries in New York City rose from 2,726 to 42,491, and larcenies increased from 7,713 to 70,949.¹⁴ These increases related to the change from a precinct-based to a centralized statewide reporting system for crime statistics.¹⁵

How law enforcement agencies interpret the definitions of index crimes may also affect reporting practices. Some departments define crimes loosely—for example, reporting a trespass as a burglary or an assault on a woman as an attempted rape—whereas others pay strict attention to FBI guidelines. These reporting practices may help explain interjurisdictional differences in crime.¹⁶ For example, arson may be seriously underreported because many fire departments do not report to the FBI, and those that do define many fires that may well have been set by arsonists as "accidental" or "spontaneous."¹⁷

Some local police departments make systematic errors in UCR reporting. Some count an arrest only after a formal booking procedure, although the UCR requires arrests to be counted if the suspect is released without a formal charge. One survey of arrests found

an error rate of about 10 percent in every Part I offense category.¹⁸ More serious allegations claim that in some cases police officials may deliberately alter reported crimes to improve their department's public image. Police administrators interested in lowering the crime rate may falsify crime reports by, for example, classifying a burglary as a non-reportable trespass.¹⁹ For example, in 2004 an audit of the Atlanta Police Department, which included confidential interviews with police officers, concluded that the department consistently underreported crimes for years. The reason? To improve the city's image for tourism. Some officers claimed that crime rates were fudged in what proved to be a successful effort to improve the city's chances of hosting the Olympic Games in 1996.²⁰

Ironically, boosting police efficiency and professionalism may actually help increase crime rates; as people develop confidence in the police, they may be more motivated to report crime. For example, a New York City police program provided special services (such as follow-up visits and education) to a select sample of domestic violence victims.²¹ Evaluation of the program showed that households that received the extra attention were more likely to report new incidences of violence than those that received no special services. Although it is possible that the follow-ups encouraged violence, a more realistic assessment is that the interventions increased citizens' confidence in the ability of the police to handle domestic assaults and encouraged greater crime reporting.

Higher crime rates may occur as departments adopt more sophisticated computer technology and hire better-educated, better-trained employees. Crime rates also may be altered based on the way law enforcement agencies process UCR data. As the number of employees assigned to dispatching, record keeping, and criminal incident reporting increases, so too will national crime rates. What appears to be a rising crime rate may be simply an artifact of improved police record-keeping ability.²²

3. *Methodological issues:* Methodological issues also contribute to questions pertaining to the UCR's validity. The most frequent issues include the following:

- No federal crimes are reported.
- Reports are voluntary and vary in accuracy and completeness.
- Not all police departments submit reports.
- The FBI uses estimates in its total crime projections.
- If an offender commits multiple crimes, only the most serious is recorded. Thus, if a narcotics addict rapes, robs, and murders a victim, only the murder is recorded. Consequently, many lesser crimes go unreported.

- Each act is listed as a single offense for some crimes but not for others. If a man robbed six people in a bar, the offense is listed as one robbery; but if he assaulted or murdered them, it would be listed as six assaults or six murders.
- Incomplete acts are lumped together with completed ones.
- Important differences exist between the FBI's definition of certain crimes and those used in a number of states.²³

The complex scoring procedure means that many serious crimes are not counted. For example, during an armed bank robbery, the offender strikes a teller with the butt of a handgun. The robber runs from the bank and steals an automobile at the curb. Although the offender has technically committed robbery, aggravated assault, and motor vehicle theft, which are three Part I offenses, because robbery is the most serious, it would be the only one recorded in the UCR.²⁴

NIBRS: THE FUTURE OF THE UNIFORM CRIME REPORT

Clearly there must be a more reliable source for crime statistics than the UCR as it stands today. Beginning in 1982, a five-year redesign effort was undertaken to provide more comprehensive and detailed crime statistics. The effort resulted in the **National Incident-Based Reporting System (NIBRS)**, a program that collects data on each reported crime incident. Instead of submitting statements of the kinds of crime that individual citizens report to the police and summary statements of resulting arrests, the new program requires local police agencies to provide at least a brief account of each incident and arrest, including the incident, victim, and offender information. Under NIBRS, law enforcement authorities provide information to the FBI on each criminal incident involving forty-six specific offenses, including the eight Part I crimes, that occur in their jurisdiction; arrest information on the forty-six offenses plus eleven lesser offenses is also provided in NIBRS. These expanded crime categories include numerous additional crimes, such as blackmail, embezzlement, drug offenses, and bribery; this allows a national database on the nature of crime, victims, and criminals to be developed. Other collected information includes statistics gathered by federal law enforcement agencies, as well as data on hate or bias crimes. Thus far twenty-two states have implemented their NIBRS program, and twelve others are in the process of finalizing their data collections. When this program is fully implemented and adopted across the nation, it should bring about greater uniformity in cross-jurisdictional reporting and improve the accuracy of official crime data.



To read more about **NIBRS**, go to <http://www.ojp.usdoj.gov/bjs/nibrs.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Victim Surveys: The National Crime Victimization Survey (NCVS)


Because many victims do not report their experiences to the police, the UCR cannot measure all the annual criminal activity. To address the nonreporting issue, the federal government sponsors the **National Crime Victimization Survey (NCVS)**, a comprehensive, nationwide survey of victimization in the United States.

||||||| CONNECTIONS |||||

Victim surveys provide information not only about criminal incidents that have occurred but also about the individuals who are most at risk of falling victim to crime, and where and when they are most likely to become victimized. Data from recent NCVS surveys will be used in Chapter 3 to draw a portrait of the nature and extent of victimization in the United States.

Each year data are obtained from a large nationally representative sample; in 2003, more than 83,000 households with more than 149,000 people age 12 or older were interviewed.²⁵ People are asked to report their victimization experiences with such crimes as rape, sexual assault, robbery, assault, theft, household burglary, and motor vehicle theft. Due to the care with which the samples are drawn and the high completion rate, NCVS data are considered a relatively unbiased, valid estimate of all victimizations for the target crimes included in the survey.

The NCVS finds that many crimes go unreported to police. For example, the UCR shows that slightly more than 90,000 rapes or attempted rapes occurred, but the NCVS estimates that about 198,000 actually occurred. The reason for such discrepancies is that fewer than half of violent crimes, fewer than one-third of personal theft crimes (such as pocket picking), and fewer than half of household thefts are reported to police. Victims seem to report to the police only crimes that involve considerable loss or injury. If we are to believe NCVS findings, the official UCR statistics do not provide an accurate picture of the crime problem because many crimes go unreported to the police.

 To read the results on an international victimization study, use InfoTrac College Edition to read: Martin Killias, John van Kesteren, and Martin Rindlisbacher, "Guns, Violent Crime, and Suicide in 21 Countries," *Canadian Journal of Criminology* 43 (October 2001): 429–446.

VALIDITY OF THE NCVS Like the UCR, the NCVS may also suffer from some methodological problems. As a result, its findings must be interpreted with caution. Among the potential problems are the following:

- Overreporting due to victims' misinterpretation of events. For example, a lost wallet may be reported as stolen, or an open door may be viewed as a burglary attempt.

- Underreporting due to the embarrassment of reporting crime to interviewers, fear of getting in trouble, or simply forgetting an incident.
- Inability to record the personal criminal activity of those interviewed, such as drug use or gambling; murder is also not included, for obvious reasons.
- Sampling errors, which produce a group of respondents who do not represent the nation as a whole.
- Inadequate question format that invalidates responses. Some groups, such as adolescents, may be particularly susceptible to error because of question format.²⁶

Self-Report Surveys

Along with victim surveys, self-reports are viewed as another research technique mechanism that can help illuminate the "dark figures of crime": the figures missed by the UCR. Figure 2.2 illustrates some typical self-report items.

Most self-report studies have focused on juvenile delinquency and youth crime, for three reasons.²⁷ First, the school setting makes it convenient to test thousands of subjects simultaneously because students all have the means to respond to a research questionnaire (pens, desks, and time). Second, because school attendance is universal, a school-based self-report survey represents a cross-section of the community. Finally, juveniles have the highest reported crime rates; measuring delinquent behavior, therefore, is a key to understanding the nature and extent of crime. Self-reports are not restricted to youth crime, however. They are also used to examine the offense histories of prison inmates, drug users, and other segments of the population.²⁸

One important source of self-report data is the Monitoring the Future (MTF) study, which researchers at the University of Michigan Institute for Social Research (ISR) have been conducting annually since 1978. This national survey, which typically involves more than 2,500 high school seniors, is a key source of data in teen drinking and drug use.²⁹



You can reach the **Monitoring the Future** website at <http://monitoringthefuture.org>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Like victimization surveys, the MTF data indicate that the number of people who break the law is far greater than the number projected by official statistics. Almost everyone questioned is found to have violated a law at some time including truancy, alcohol abuse, false ID use, shoplifting or larceny under \$50, fighting, marijuana use, and damage to the property of others. Furthermore, self-reports dispute the notion that criminals and delinquents specialize in one type of crime or another; offenders seem to engage in a mixed bag of crime and deviance.³⁰

VALIDITY OF SELF-REPORTS Various techniques have been used to verify self-report data.³¹ For example, the "known

Self-Report Survey Questions

Please indicate how often in the past 12 months you did each act (check the best answer).

	Never did act	One time	2–5 times	6–9 times	10+ times
Stole something worth less than \$50 _____					
Stole something worth more than \$50 _____					
Used cocaine _____					
Been in a fistfight _____					
Carried a weapon such as a gun or knife _____					
Fought someone using a weapon _____					

group” method compares youths who are known to be offenders with those who are not to see whether the former report more delinquency. Research shows that when kids are asked if they have ever been arrested or sent to court their responses accurately reflect their true life experiences.³²

Critics of self-report studies frequently suggest that it is unreasonable to expect people to candidly admit illegal acts. This is especially true of those with official records, who may be engaging in the most criminality. At the same time, some people may exaggerate their criminal acts, forget some of them, or be confused about what is being asked. Some surveys contain an overabundance of trivial offenses, such as shoplifting small items or using false identification, often lumped together with serious crimes to form a total crime index. Consequently, comparisons between groups can be highly misleading.

The “missing cases” phenomenon is also a concern. Even if 90 percent of a school population voluntarily participate in a self-report study, researchers can never be sure whether the few who refuse to participate or are absent that day comprise a significant portion of the school’s population of persistent high-rate offenders. Research indicates that offenders with the most extensive prior criminality are also the most likely “to be poor historians of their own crime commission rates.”³³ It is also unlikely that the most serious chronic offenders in the teenage population are the most willing to cooperate with university-based criminologists administering self-report tests.³⁴ Institutionalized youths, who are not generally represented in the self-report surveys, are not only more delinquent than the general youth population, but are also considerably more misbehaving than the most delinquent youths identified in the typical self-report survey.³⁵ Consequently, self-reports may measure only nonserious, occasional delinquents while ignoring hard-core chronic offenders who may be institutionalized and unavailable for self-reports.

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Criminologists suspect that a few high-rate offenders are responsible for a disproportionate share of all serious crime. Results would be badly skewed if even a few of these chronic offenders were absent or refused to participate in schoolwide self-report surveys. For more on chronic offenders, see the sections at the end of this chapter.

Finally, there is evidence that reporting accuracy differs among racial, ethnic, and gender groups. For example, one recent study found that while girls were more willing than boys to disclose drug use, Latino girls underreport their drug usage. Such differences might provide a skewed and inaccurate portrait of criminal and or delinquent activity—Latino girls may falsely report less drug use than other females.³⁶

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Self-report data are used as the standard measure of youthful drug use in the United States. When reading the results of national drug use surveys in Chapter 13 keep in mind the limited validity of these self-report surveys.

Evaluating Crime Data Sources

Each source of crime data has strengths and weaknesses. The UCR contains data on the number and characteristics of people arrested, information that the other data sources lack. Some recent research indicates that for serious crimes, such as drug trafficking, arrest data can provide a meaningful measure of the level of criminal activity in a particular neighborhood environment, which other data sources cannot provide. It is also the source of information on particular crimes such as murder, which no other data source can provide.³⁷ It remains the standard unit of analysis upon which most

criminological research is based. However, this survey omits the many crimes victims choose not to report to police, and it is subject to the reporting caprices of individual police departments.

The NCVS includes unreported crime and important information on the personal characteristics of victims. However, the data consist of estimates made from relatively limited samples of the total U.S. population, so that even narrow fluctuations in the rates of some crimes can have a major impact on findings. It also relies on personal recollections that may be inaccurate. The NCVS does not include data on important crime patterns, including murder and drug abuse.

Data Collection Methods

Uniform Crime Report

- Data is collected from records from police departments across the nation.
- Strengths of the UCR are that it measures homicides and arrests. It is a consistent, national sample.
- Weaknesses of the UCR are that it omits crimes not reported to police, omits most drug usage, and contains reporting errors.

National Crime Victimization Survey

- Data is collected from a national survey of victims.
- Strengths of the NCVS are that it includes crimes not reported to the police, uses careful sampling techniques, and is a yearly survey.
- Weaknesses of the NCVS are that it relies on victims' memory and honesty, and it omits substance abuse.

Self-Report Surveys

- Data is collected from surveys of students.
- Strengths of self-report surveys are that they include nonreported crimes, substance abuse, and offenders' personal information.
- Weaknesses of self-report surveys are that they rely on the honesty of offenders and that they omit offenders who refuse to or who are unable to participate and who may be the most deviant.

Self-report surveys can provide information on the personal characteristics of offenders—such as their attitudes, values, beliefs, and psychological profiles—that is unavailable from any other source. Yet, at their core, self-reports rely on the honesty of criminal offenders and drug abusers, a population not generally known for accuracy and integrity.

Although their tallies of crimes are certainly not in sync, the crime patterns and trends they record are often quite similar (see Concept Summary 2.1).³⁸ For example, all three sources generally agree about the personal characteristics of serious criminals (such as age and gender) and where and when crime occurs (such as urban areas, nighttime, and summer months). In addition, the problems inherent in each source are consistent over time. Therefore, even if the data sources are incapable of providing a precise and valid count of crime at any given time, they are reliable indicators of changes and fluctuations in yearly crime rates. What do these data sources tell us about crime trends and patterns?



To quiz yourself on this material, go to the Criminology 9e website.

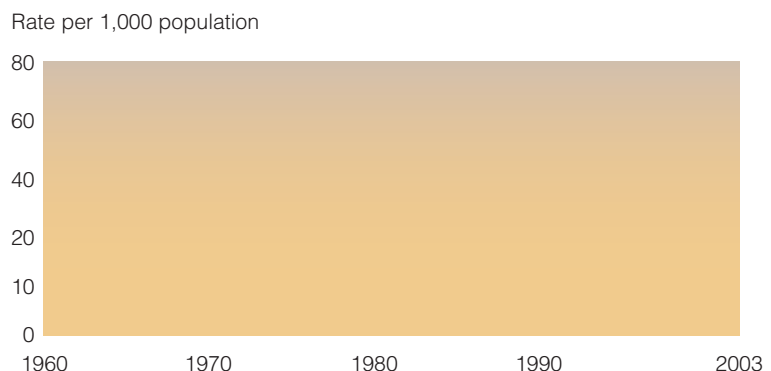
CRIME TRENDS

Crime is not new to this century.³⁹ Studies have indicated that a gradual increase in the crime rate, especially in violent crime, occurred from 1830 to 1860. Following the Civil War, this rate increased significantly for about fifteen years. Then, from 1880 up to the time of the First World War, with the possible exception of the years immediately preceding and following the war, the number of reported crimes decreased. After a period of readjustment, the crime rate steadily declined until the Depression (about 1930), when another crime wave was recorded. As measured by the UCR, crime rates increased gradually following the 1930s until the 1960s, when the growth rate became much greater. The homicide rate, which had actually declined from the 1930s to the 1960s, also began a sharp increase that continued through the 1970s.


In 1981 the number of index crimes rose to about 13.4 million and then began a consistent decline until 1984, when police recorded 11.1 million crimes. By the following year, however, the number of crimes once again began an upward

Crime Rate Trends

Source: FBI, *Crime in the United States*, 2003.



trend, so that by 1991 police recorded about 14.6 million crimes. Since then the number of crimes has been in decline; in 2003 about 11.8 million crimes were reported to the police. Figure 2.3 illustrates crime rate trends between 1960 and 2003. As the figure shows, there has been a significant downward trend in the rate of crime for more than a decade. Even teenage criminality, a source of national concern, has been in decline during this period, decreasing by about one-third over the past twenty years. The teen murder rate, which had remained stubbornly high, has also declined during the past few years.⁴⁰ The factors that help explain the upward and downward movement in crime rates are discussed in The Criminological Enterprise feature “Explaining Crime Trends.”

 To read more about crime trends, use the term as a subject guide with InfoTrac College Edition.

Trends in Violent Crime


The violent crimes reported by the FBI include murder, rape, assault, and robbery. In 2003, almost 1.4 million violent crimes were reported to police, a rate of around 500 per 100,000 Americans. According to the UCR, violence in the United States has decreased significantly during the past decade, reversing a long trend of skyrocketing increases. The total number of violent crimes declined more than 11 percent between 1997 and 2003, and the violence rate dropped more than 18 percent; violent crimes declined more than 25 percent during the past decade.

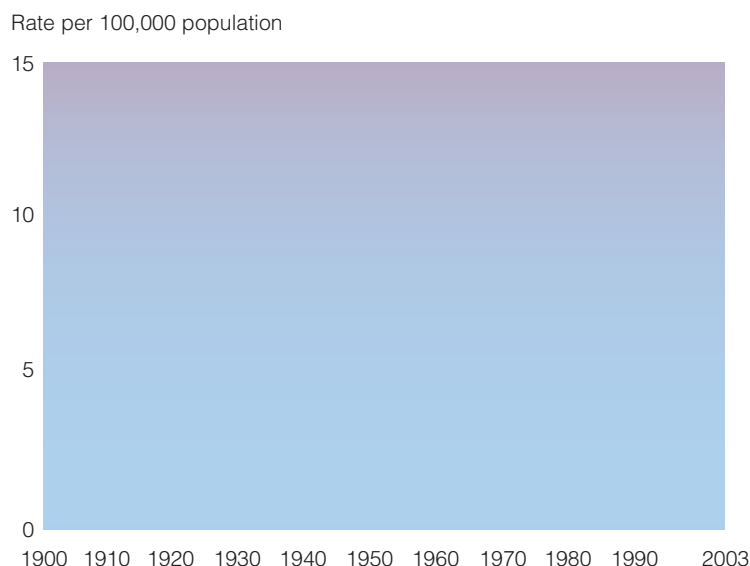
Particularly encouraging has been the decrease in the number and rate of murders. Murder statistics are generally regarded as the most accurate aspect of the UCR. Figure 2.4 illustrates homicide rate trends since 1900. Note that the

rate peaked around 1930, then held relatively steady at about 4 to 5 per 100,000 population from 1950 through the mid-1960s, at which point they started rising to a peak of 10.2 per 100,000 population in 1980. From 1980 to 1991, the homicide rate fluctuated between 8 to 10 per 100,000 population; in 1991 the number of murders topped 24,000 for the first time in the nation's history. Between 1991 and 2000, homicide rates per capita fell from 9.8 to 5.7 per 100,000 today, a drop of more than 40 percent. Murder rates have ticked upwards since 1999, rising 1.7 percent between 2002 and 2003 (about 16,500 people were murdered in 2003). The recent rise (due in part to gang violence and killings) may be a signal that the crime drop may be finally coming to an end. While the recent upswing in murder is troubling, the overall decade long decline in the overall violence rate has been both unexpected and welcome.

Trends in Property Crime

The property crimes reported in the UCR include larceny, motor vehicle theft, and arson. In 2003, about 10 million property crimes were reported, a rate of about 3,650 per 100,000 population. Property crime rates have declined in recent years, though the drop has not been as dramatic as that experienced by the violent crime rate. Between 1992 and 2003, the total number of property crimes declined about 17 percent, and the property crime rate declined about 26 percent; property crime rates were essentially flat between 2002 and 2003.

 To read the results of an international victimization study, use InfoTrac College Edition to read: Martin Killias, John van Kesteren, and Martin Rindlisbacher, “Guns, Violent Crime, and Suicide in 21 Countries,” *Canadian Journal of Criminology* 43 (2001): 429–446.



Homicide Rate Trends, 1900–2003

Source: Bureau of Justice Statistics, *Violent Crime in the United States* (Washington, DC: 1992). Updated with data from FBI, *Crime in the United States*, 2003.

Explaining Crime Trends

Crime experts have identified a variety of social, economic, personal, and demographic factors that influence crime rate trends. Although crime experts are still uncertain about how these factors impact these trends, directional change seems to be associated with changes in crime rates.

Age

Because teenagers have extremely high crime rates, crime experts view change in the population age distribution as having the greatest influence on crime trends: As a general rule, the crime rate follows the proportion of young males in the population. With the “graying” of society in the 1980s and a decline in the birthrate, it is not surprising that the overall crime rate declined between 1991 and 2003. The number of juveniles should be increasing over the next decade, and some crime experts fear that this will signal a return to escalating crime rates. However, the number of senior citizens is also expanding, and their presence in the population may have a moderating effect on crime rates (seniors do not commit much crime), offsetting the effect of teens.

Economy

There is debate over the effect the economy has on crime rates. It seems logical that when the economy turns down, people (especially those who are unemployed) will become more motivated to commit theft crimes. However, some crime experts believe a poor economy actually helps lower crime rates because unemployed parents are at home to supervise children and guard their possessions. Because there is less to spend, a poor economy reduces the number of valuables worth stealing. Also, it seems unlikely that law-abiding, middle-aged workers will

suddenly turn to a life of crime if they are laid off during an economic downturn. Not surprisingly, most research efforts fail to find a definitive relationship between unemployment and crime. For example, research on the relationship between unemployment and crime conducted by Gary Kleck and Ted Chiricos reinforced the weak association between the two factors. Kleck and Chiricos discovered that there was no relationship between unemployment rates and the rate of most crimes including those that desperate unemployed people might choose such as the robbery of gas stations, banks, and drug stores. Nor did unemployment influence the rate of nonviolent property crimes including shoplifting, residential burglary, theft of motor vehicle parts, and theft of automobiles, trucks, and motorcycles.

It is possible that over the long haul, a strong economy will help lower crime rates, while long periods of sustained economic weakness and unemployment may eventually lead to increased rates: Crime skyrocketed in the 1930s during the Great Depression; crime rates fell when the economy surged for almost a decade during the 1990s.

Social Malaise

As the level of social problems increases—such as single-parent families, dropout rates, racial conflict, and teen pregnancies—so too do crime rates. For example, crime rates are correlated with the number of unwed mothers in the population. It is possible that children of unwed mothers need more social services than children in two-parent families. As the number of kids born to single mothers increases, the child welfare system will be taxed and services depleted. The teenage birthrate began to decrease in the late 1980s, and fifteen to twenty years later, crime rates followed.

Racial conflict may also increase crime rates. Areas undergoing racial change, especially those experiencing an in-migration of minorities into predominantly white neighborhoods, seem prone to significant increases in their crime rate. Whites in these areas may be using violence to protect what they view as their home turf. Racially motivated crimes actually diminish as neighborhoods become more integrated and power struggles are resolved.

Abortion

In a controversial work, John J. Donohue III and Steven D. Levitt found empirical evidence that the recent drop in the crime rate can be attributed to the availability of legalized abortion. In 1973, *Roe v. Wade* legalized abortion nationwide. Within a few years of *Roe v. Wade*, more than 1 million abortions were being performed annually, or roughly one abortion for every three live births. Donohue and Levitt suggest that the crime rate drop, which began approximately eighteen years later in 1991, can be tied to the fact that at that point the first groups of potential offenders affected by the abortion decision began reaching the peak age of criminal activity. They find that states that legalized abortion before the rest of the nation were the first to experience decreasing crime rates and that states with high abortion rates have seen a greater fall in crime since 1985.

The abortion-related reduction in crime rates is predominantly attributable to a decrease in crime among the young. It is possible that the link between crime rates and abortion is the result of two mechanisms: (1) selective abortion on the part of women most at risk to have children who would engage in criminal activity, and (2) improved childrearing or environmental circumstances caused by better maternal, familial, or fetal care because

women are having fewer children. If abortion were illegal, they find, crime rates might be 10 to 20 percent higher than they currently are with abortion. If these estimates are correct, legalized abortion can explain about half of the recent fall in crime. All else equal, researchers predict that crime rates will continue to fall slowly for an additional fifteen to twenty years as the full effects of legalized abortion are gradually felt.

Guns

The availability of firearms may influence the crime rate, especially the proliferation of weapons in the hands of teens. There is evidence that more guns than ever before are finding their way into the hands of young people. Surveys of high school students indicate that between 6 and 10 percent carry guns at least some of the time. Guns also cause escalation in the seriousness of crime. As the number of gun-toting students increases, so too does the seriousness of violent crime as, for example, a schoolyard fight turns into murder. The recent end of the federal ban on assault weapons may be a precursor to higher murder rates.

Gangs

Another factor that affects crime rates is the explosive growth in teenage gangs. Surveys indicate that there are about 750,000 gang members in the United States. Boys who are members of gangs are far more likely to possess guns than non-gang members; criminal activity increases when kids join gangs. According to Alfred Blumstein, gangs involved in the urban drug trade recruit juveniles because they work cheaply, are immune from heavy criminal penalties, and are daring and willing to take risks. Arming themselves for protection, these drug-dealing children present a menace to their community, which persuades non-gang-affiliated neighborhood adolescents to arm themselves for protection. The re-

sult is an arms race that produces an increasing spiral of violence.

The decade-long decline in the crime rate may be tied to changing gang values. Some streetwise kids have told researchers that they now avoid gangs because of the “younger brother syndrome”—they have watched their older siblings or parents caught in gangs or drugs and want to avoid the same fate. However, there has been a recent upswing in gang violence, a phenomenon that may herald an overall increase in violent crime.

Drug Use

Some experts tie increases in the violent crime rate between 1980 and 1990 to the crack epidemic, which swept the nation's largest cities, and to drug-trafficking gangs that fought over drug turf. These well-armed gangs did not hesitate to use violence to control territory, intimidate rivals, and increase market share. As the crack epidemic has subsided, so too has the violence in New York City and other metropolitan areas where crack use was rampant. A sudden increase in drug use on the other hand may be a harbinger of future increases in the crime rate.

Media

Some experts argue that violent media can influence the direction of crime rates. As the availability of media with a violent theme skyrocketed with the introduction of home video players, DVDs, cable TV, computer and video games, and so on, so too did teen violence rates. According to a recent analysis of all available scientific data conducted by Brad Bushman and Craig Anderson, watching violence on TV is correlated to aggressive behaviors especially for people with a preexisting tendency toward crime and violence. This conclusion is bolstered by research showing that the more kids watch TV, the more often they get into violent encounters. For example, Jeffrey Johnson

and his associates at Columbia University that found that 14-year-old boys who watched less than 1 hour of TV per day later got into an average of 9 fights resulting in injury. In contrast, adolescent males watching 1 to 3 hours of TV per day got into an average of 28 fights; those watching more than 3 hours of TV got into an average of 42 fights. Of those watching 1 to 3 hours per day, 22.5 percent later engaged in violence, such as assaults or robbery, in their adulthood; 28.8 percent of kids who regularly watched more than 3 hours of TV in a 24-hour period engaged in violent acts as adults.

Medical Technology

Some crime experts believe that the presence and quality of healthcare can have a significant impact on murder rates. According to research conducted by Anthony Harris and his associates, murder rates would be up to five times higher than they are today because of medical breakthroughs in treating victims of violence developed over the past forty years. They estimate that the United States would suffer between 50,000 to 115,000 homicides per year as opposed to the current number, which has fluctuated at around 15,000. Looking back more than forty years, they found that the aggravated assault rate has increased at a far higher pace than the murder rate, a fact they attribute to the decrease in mortality of violence victims in hospital emergency rooms. The big breakthrough occurred in the 1970s when technology developed to treat injured soldiers in Vietnam was applied to trauma care in the nation's hospitals. Since then, fluctuations in the murder rate can be linked to the level and availability of emergency medical services.

Justice Policy

Some law enforcement experts have suggested that a reduction in crime

(continued)

The Criminological Enterprise (continued)

rates may be attributed to adding large numbers of police officers and using them in aggressive police practices that target “quality of life” crimes such as panhandling, graffiti, petty drug dealing, and loitering. By showing that even the smallest infractions will be dealt with seriously, aggressive police departments may be able to discourage potential criminals from committing more serious crimes. For example, Michael White and his associates have recently shown that cities employing aggressive, focused police work may be able to lower homicide rates in the area.

It is also possible that tough laws imposing lengthy prison terms on drug dealers and repeat offenders can affect crime rates. The fear of punishment may inhibit some would-be criminals and place a significant number of potentially high-rate offenders behind bars, lowering crime rates. As the nation’s prison population expanded, the crime rate has fallen.

Crime Opportunities

Crime rates may drop when market conditions change or when an alternative criminal opportunity develops. For example, the decline in the burglary rate over the past decade may be explained in part by the abundance and subsequent decline in price of commonly stolen merchandise such as DVDs and digital cameras. Improving

home and commercial security devices may also discourage would-be burglars, convincing them to turn to other forms of crime such as theft from motor vehicles. These are non-index crimes and do not contribute to the national crime rate.

Critical Thinking

While crime rates have been declining in the United States, they have been increasing in Europe. Is it possible that factors that correlate with crime rate changes in the United States have little utility in predicting changes in other cultures? What other factors may increase or reduce crime rates?

• InfoTrac College Edition Research

Gang activity may have a big impact on crime rates. To read about the effect, see: John M. Hagedorn, Jose Torres, and Greg Giglio, “Cocaine, Kicks, and Strain: Patterns of Substance Use in Milwaukee Gangs,” *Contemporary Drug Problems* 25 (spring 1998): 113–145; Mary E. Pattillo, “Sweet Mothers and Gangbangers: Managing Crime in a Black Middle-Class Neighborhood,” *Social Forces* 76 (March 1998): 747.

Sources: Steven Levitt, “Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six that Do Not,” *Journal of Economic Perspectives* (in press, 2004); Michael White, James Fyfe, Suzanne Campbell, and John Goldkamp, “The Police Role in Preventing

Homicide: Considering the Impact of Problem-Oriented Policing on the Prevalence of Murder,” *Journal of Research in Crime and Delinquency* 40 (2003): 194–226; Jeffrey Johnson, Patricia Cohen, Elizabeth Smailes, Stephanie Kasen, and Judith Brook, “Television Viewing and Aggressive Behavior During Adolescence and Adulthood,” *Science* 295 (2002): 2,468–2,471; Brad Bushman and Craig Anderson, “Media Violence and the American Public,” *American Psychologist* 56 (2001): 477–489; Gary Kleck and Ted Chiricos, “Unemployment and Property Crime: A Target-Specific Assessment of Opportunity and Motivation as Mediating Factors,” *Criminology* 40 (2002): 649–680; Anthony Harris, Stephen Thomas, Gene Fisher, and David Hirsch, “Murder and Medicine: The Lethality of Criminal Assault 1960–1999,” *Homicide Studies* 6 (2002): 128–167; Steven Messner, Lawrence Raffalovich, and Richard McMillan, “Economic Deprivation and Changes in Homicide Arrest Rates for White and Black Youths, 1967–1998: A National Time-Series Analysis,” *Criminology* 39 (2001): 591–614; John Laub, “Review of the Crime Drop in America,” *American Journal of Sociology* 106 (2001): 1820–1822; John J. Donohue III and Steven D. Levitt, “Legalized Abortion and Crime,” (University of Chicago, June 24, 1999, unpublished paper); Donald Green, Dara Strolovitch, and Janelle Wong, “Defended Neighborhoods, Integration, and Racially Motivated Crime,” *American Journal of Sociology* 104 (1998): 372–403; Robert O’Brien, Jean Stockard, and Lynne Isaacson, “The Enduring Effects of Cohort Characteristics on Age-Specific Homicide Rates, 1960–1995,” *American Journal of Sociology* 104 (1999): 1061–1095; Darrell Steffensmeier and Miles Harer, “Making Sense of Recent U.S. Crime Trends, 1980 to 1996/1998: Age Composition Effects and Other Explanations,” *Journal of Research in Crime and Delinquency* 36 (1999): 235–274; Desmond Ellis and Lori Wright, “Estrangement, Interventions, and Male Violence toward Female Partners,” *Violence and Victims* 12 (1997): 51–68; Joseph Sheley and James Wright, *In the Line of Fire: Youth, Guns, and Violence in Urban America* (New York: Aldine de Gruyter, 1995).

Trends in Victimization Data (NCVS Findings)

According to the National Crime Victimization Survey (NCVS), the UCR’s view of a declining crime rate is accurate. In 2003 U.S. residents age 12 or older experienced about 24 million violent and property victimizations. This represents a significant downward trend in reported victimization that began in 1994. The total number of victimizations is now about half of the 1973 figure, when an estimated 44

million victimizations were recorded. Between 1993 and 2003 the violent crime rate has decreased 55 percent, from 50 to 23 victimizations per 1,000 persons age 12 or older, and the property crime rate declined 49 percent (from 319 to 158 crimes per 1,000 households). For example, in 2003 the rate for rape and attempted rape was down 68 percent from 1993 rate; the rate for robbery was down 58 percent. Figure 2.5 shows the recent trends in violent crime, and Figure 2.6 tracks property victimizations.

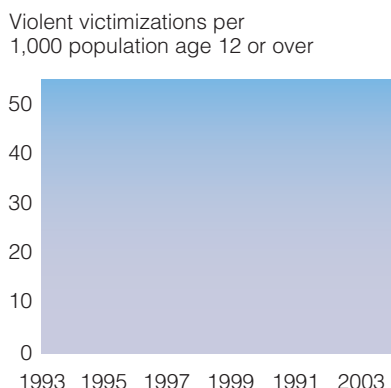
To access the most recent **NCVS data**, go to <http://www.ojp.usdoj.gov/bjs/cvict.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Self-Report Findings

Self-report results appear to be more stable than the UCR. When the results of recent self-report surveys are compared with various studies conducted over a twenty-year period, a uniform pattern emerges: The use of drugs and alcohol increased markedly in the 1970s, leveled off in the 1980s, and then began to increase in the mid-1990s until 1997, when the use of most drugs began to decline. Theft, violence, and damage-related crimes seem more stable. Although a self-reported crime wave has not occurred, neither has there been any visible reduction in self-reported criminality. Table 2.1

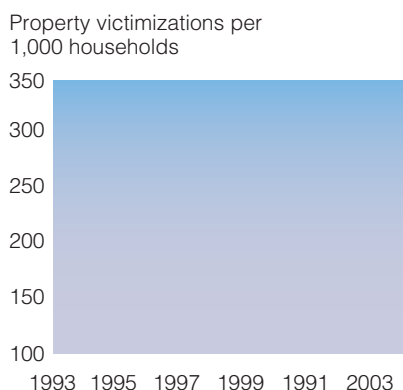
Violent Crime Trends, 1993–2003

Rates have declined significantly between 1993 and 2003.



Source: Shannan Catalano, *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2004). <http://www.ojp.usdoj.gov/bjs/pub/pdf/cv03.pdf>.

Property Crime Victimization Trends, 1993–2003



Source: Shannan Catalano, *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2004). <http://www.ojp.usdoj.gov/bjs/pub/pdf/cv03.pdf>

contains data from the most recent (2003) *Monitoring the Future* survey. A surprising number of these *typical* teenagers reported involvement in serious criminal behavior: About 13 percent reported hurting someone badly enough that the victim needed medical care (7 percent said they did it more than once); about 27 percent reported stealing something worth less than \$50, and another 9 percent stole something worth more than \$50; 28 percent reported shoplifting; 13 percent had damaged school property.

If the MTF data are accurate, the crime problem is much greater than FBI data would lead us to believe. There are approximately 40 million youths between the ages of 10 and 18. Extrapolating from the MTF findings, this group accounts for more than 100 percent of all theft offenses reported in the UCR. More than 4 percent of the students said they used force to steal in a robbery. At this rate, high school students commit 1.6 million robberies per year. In comparison, the UCR tallied about 235,000 robberies for all age groups in 2003. Over the past decade, the MTF surveys indicate that, with a few exceptions, self-reported participation in theft, violence, and damage-related crimes seems to be more stable than the trends reported in the UCR arrest data.

To quiz yourself on this material, go to the Criminology 9e website.

How is the data collected from the *Monitoring the Future* study used in research? Read the following paper: Patrick M. O'Malley and Lloyd D. Johnston, "Unsafe Driving by High School Seniors: National Trends from 1976 to 2001 in Tickets and Accidents after Use of Alcohol, Marijuana, and Other Illegal Drugs," *Journal of Studies on Alcohol* 64 (2003): 305–312.

Survey of Criminal Activity of High School Seniors, 2003

Crime	Total	Percentage Engaging in Offenses	
		Committed Only Once	Committed More than Once
Set fire on purpose	4	2	2
Damaged school property	13	6	7
Damaged work property	7	3	4
Auto theft	5	2	3
Auto part theft	6	3	3
Break and enter	23	10	13
Theft, less than \$50	27	13	14
Theft, more than \$50	9	4	5
Shoplift	28	12	15
Gang fight	19	10	9
Hurt someone bad enough to require medical care	13	6	7
Used force to steal	4	2	2
Hit teacher or supervisor	3	1	2
Gotten into serious fight	14	7	7

Source: *Monitoring the Future*, 2003 (Ann Arbor, MI: Institute for Social Research, 2004).

Comparative Criminology

International Crime Trends

International crime rate comparisons involving two or more countries are often difficult to make because the legal definition of crime varies from country to country. There are also differences in the way crime is measured. For example, in the United States, crime may be measured by counting criminal acts reported to the police or by using victim surveys, while in many European countries the number of cases solved by the police measures crime. Despite these problems, valid comparisons can still be made around the world by using a number of reliable data sources. For example, the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UNCJS) is the best-known source of information on cross-national data. The International Crime Victims Survey (ICVS) is conducted in sixty countries and managed by the Ministry of Justice of the Netherlands, the Home Office of the United Kingdom, and the United Nations Interregional Crime and Justice Research Institute. There is also the United Nations International Study on

the Regulation of Firearms. INTERPOL, the international police agency, collects data in 179 countries. The *European Sourcebook of Crime and Criminal Justice Statistics* provides data from police agencies in thirty-six European nations. What do these various sources tell us about international crime rates?

While crime rates are trending downward in the United States, they seem to be increasing abroad:

- The United States in 1990 clearly led the Western world in overall crime, but a decade later, statistics show a marked decline in U.S. property crime. Overall crime rates for the United States dropped below those of England and Wales, Denmark, and Finland.
- In every part of the world, over a five-year period, two out of three of the inhabitants of big cities are victimized by crime at least once. Risks of being victimized are highest in Latin America and (sub-Saharan) Africa.
- While murder rates are still high in the U.S., other nations, those experiencing social or economic

upheaval have especially high rates. Today, Colombia has about 63 murders per 100,000 people, and South Africa 51, compared to less than 6 in the United States. During the 1990s there were more murders in Brazil than in the United States, Canada, Italy, Japan, Australia, Portugal, Britain, Austria, and Germany combined. Why are crime rates so high in nations like Brazil? Law enforcement officials link the upsurge in violence to drug trafficking, gang feuds, vigilantism, and disputes over trivial matters, in which young, unmarried, uneducated males are involved.

- Until 1990, U.S. rape rates were higher than those of any Western nation, but by 2000, Canada took the lead. The lowest reported rape rates were in Asia and the Middle East. Violence against women is, like most serious crime, related to economic hardship. It is inversely related to the social status of women. Where women are more emancipated, the rates of violence against women are lower.

WHAT THE FUTURE HOLDS

It is risky to speculate about the future of crime trends because current conditions can change rapidly, but some criminologists have tried to predict future patterns. Criminologist James A. Fox predicts a significant increase in teen violence if current trends persist. There are approximately 50 million school-age children in the United States, and many are under age 10; this is a greater number than we have had for decades. Many come from stable homes, but some lack stable families and adequate supervision. These children will soon enter their prime crime years. As a result, Fox predicts, the number of juvenile homicides should begin to grow in the coming years.⁴¹ Such predictions are based on population trends and other factors discussed previously.

Fox's predictions are persuasive, but not all criminologists believe we are in for an age-driven crime wave. Some,

such as Steven Levitt, dispute the fact that the population's age makeup contributes as much to the crime rate as suggested by Fox and others.⁴² Even if teens commit more crime in the future, he finds that their contribution may be offset by the aging of the population, which will produce a large number of senior citizens and elderly, a group with a relatively low crime rate.

Criminologists Darrell Steffensmeier and Miles Harer predict a much more moderate increase in crime than previously believed possible.⁴³ Steffensmeier and Harer agree that the age structure of society is one of the most important determinants of crime rates, but they believe the economy, technological change, and social factors help moderate the crime rate.⁴⁴ For example, they note that American culture is being transformed because baby boomers, now in their late 50s and 60s, are exerting a significant influence on the nation's values and morals. As a result, the narcissistic youth culture that stresses materialism is being replaced by more

■ As of 2000, countries with more reported robberies than the United States included England and Wales, Portugal, and Spain. Countries with fewer reported robberies included Germany, Italy, and France, as well as Middle Eastern and Asian nations.

■ As of 2000, the United States had lower burglary rates than Australia, Denmark, Finland, England and Wales, and Canada. It had higher reported burglary rates than Spain, Korea, and Saudi Arabia.

■ Vehicle theft rates in Australia, England and Wales, Denmark, Norway, Canada, France, and Italy are now higher than in the United States.

■ Contrary to the common assumption that Europeans are virtually unarmed, the fifteen countries of the European Union have an estimated 84 million firearms. Of that, 67 million (80 percent) are in civilian hands. With a total population of 375 million people, this amounts to 17.4 guns for every 100 people.

■ Globally, two in three victims of burglaries report their victimization to the police. Less than one in three female victims of violence do so. Reporting is particularly low in the countries of Asia and Latin America. Only one in five cases of serious violence are ever brought to the attention of the police.

Why are crime rates increasing around the world while leveling off in the United States? In some developing nations, crime rates may be spiraling upward because they are undergoing a rapid change in their social and economic makeup. In eastern Europe, for example, the fall of communism has brought about a transformation of the family, religion, education, and economy. These changes increase social pressures and can result in crime rate increases. Other societies such as China are undergoing rapid industrialization as traditional patterns of behavior are disrupted by urbanization and the shift from agricultural to industrial and service economies. In some areas, such as Asia and the Middle East, political turmoil has resulted in a surge in their crime rates.

Critical Thinking

The United States is well known for employing much tougher penal measures than Europe. Do you believe these tougher measures explain why crime is declining in the United States while increasing abroad?

InfoTrac College Edition Research

To find out what is being done in Europe to combat the latest crime boom, use “international crime” as a key word with InfoTrac College Edition.

Sources: Gene Stephens, “Global Trends in Crime: Crime Varies Greatly around the World, Statistics Show, but New Tactics Have Proved Effective in the United States. To Keep Crime in Check in the Twenty-First Century, We’ll All Need to Get Smarter, not Just Tougher,” *The Futurist* 37 (2003): 40–47; Graeme Newman, *Global Report on Crime and Justice* (New York: Oxford University Press, 1999); Gary Lafree and Kriss Drass, “Counting Crime Booms among Nations: Evidence for Homicide Victimization Rates, 1956–1998,” *Criminology* 40 (2002): 769–801; “The Small Arms Survey, 2003.” <http://www.smallarmssurvey.org/>. Accessed July 10, 2003; Pedro Scuro, *World Factbook of Criminal Justice Systems: Brazil* (Washington, DC: Bureau of Justice Statistics, 2003).

moralistic cultural values.⁴⁵ Positive social values have a “contagion effect”; those held by the baby boomers will have an important influence on the behavior of all citizens, even crime-prone teens. The result may be a moderation in the potential growth of the crime rate.

Such prognostication is reassuring, but there is, of course, no telling what changes are in store that may influence crime rates either up or down. Technological developments such as e-commerce on the Internet have created new classes of crime. Concern about the environment in rural areas may produce a rapid upswing in environmental crimes ranging from vandalism to violence.⁴⁶ Although crime rates have trended downward, it is too early to predict that this trend will continue into the foreseeable future. Even as crime has declined in the United States, it has taken the opposite tack overseas. These trends are discussed in the Comparative Criminology feature “International Crime Trends.”



To quiz yourself on this material, go to the Criminology 9e website.

CRIME PATTERNS

Criminologists look for stable crime rate patterns to gain insight into the nature of crime. If crime rates are consistently higher at certain times, in certain areas, and among certain groups, this knowledge might help explain the onset or cause of crime. For example, if criminal statistics show that crime rates are consistently higher in poor neighborhoods in large urban areas, then crime may be a function of poverty and neighborhood decline. If, in contrast, crime rates are spread evenly across society, this would provide little evidence that crime has an economic basis. Instead, crime might be linked



© AP/Louis Lazane/Wide World Photos

In the future, crime rates may be influenced by new forms of criminal activity that are just beginning to have an impact on American society. The Internet may provide one source of new criminal activity. Philip Cummings, shown here, was a 33-year-old former customer service representative at a Long Island, New York, tech company who helped orchestrate a vast credit card/identity theft fraud scheme that claimed more than 30,000 victims and resulted in losses of between \$50–100 million dollars. Cummings' company provided software and hardware that allowed banks and lending companies to get commercial credit information. He used his position at his company to get access codes that other companies use to check consumer credit and sold them, along with other information such as Social Security numbers and credit card numbers. The buyers then used the information to defraud victims across the country. Cummings pled guilty to fraud charges on September 15, 2004.

to socialization, personality, intelligence, or some other trait unrelated to class position or income. In this section we examine traits and patterns that may influence the crime rate.

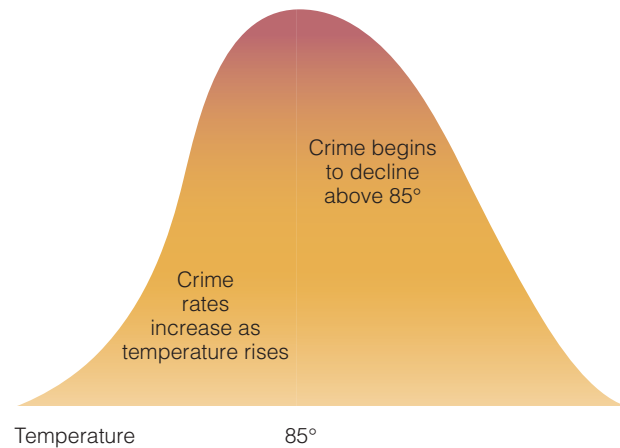
The Ecology of Crime

Patterns in the crime rate seem to be linked to temporal and ecological factors. Some of the most important of these are discussed here.

DAY, SEASON, AND CLIMATE Most reported crimes occur during the warm summer months of July and August. During the summer, teenagers, who usually have the highest crime levels, are out of school and have greater opportunity to commit crime. People spend more time outdoors during warm weather, making themselves easier targets. Similarly, homes are left vacant more often during the summer, making them more vulnerable to property crimes. Two exceptions to this trend are murders and robberies, which occur frequently

The Relationship between Temperature and Crime

Crime rate



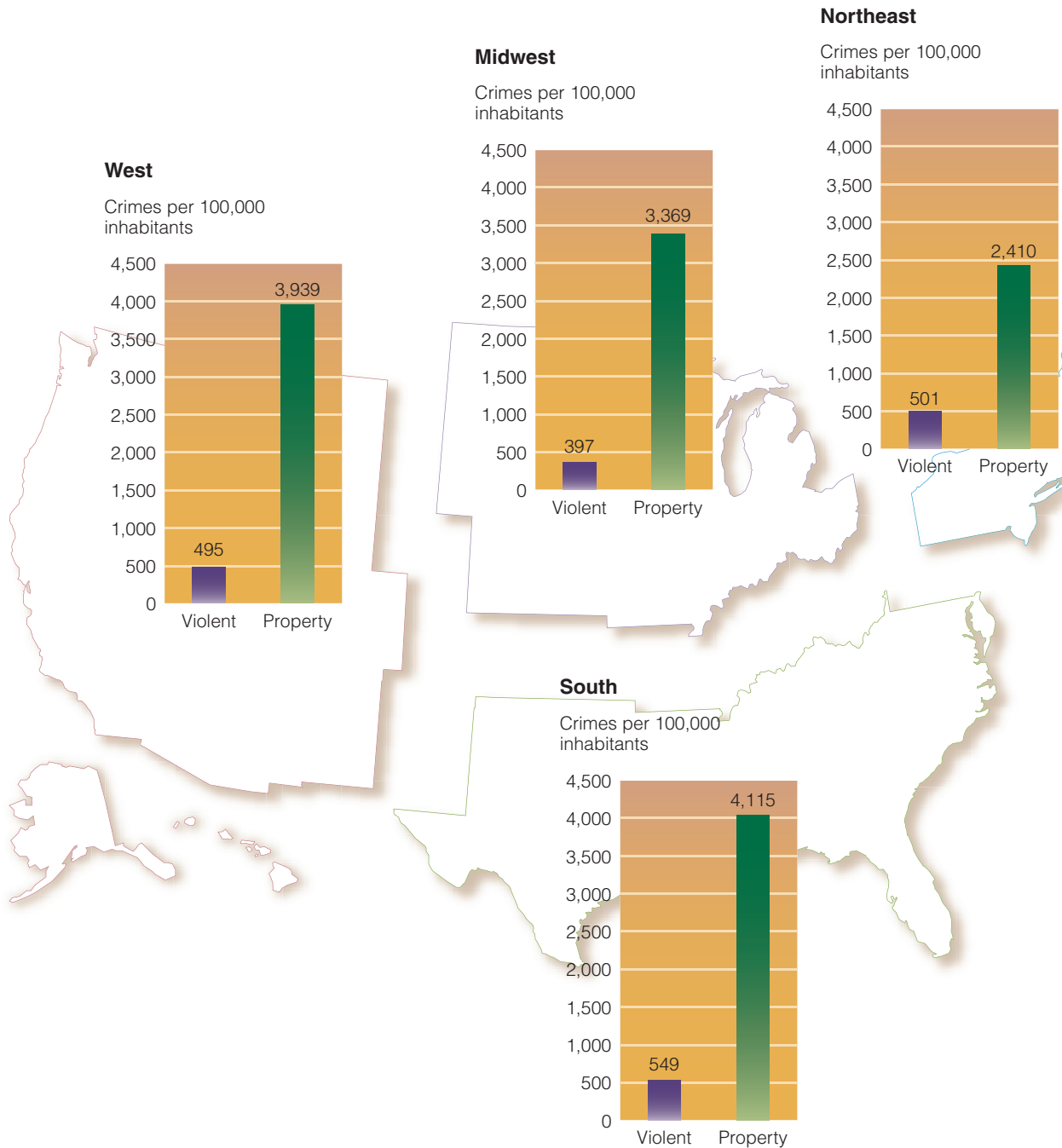
in December and January (although rates are also high during the summer).

Crime rates also may be higher on the first day of the month than at any other time. Government welfare and Social Security checks arrive at this time, and with them come increases in such activities as breaking into mailboxes and accosting recipients on the streets. Also, people may have more disposable income at this time, and the availability of extra money may relate to behaviors associated with crime such as drinking, partying, gambling, and so on.⁴⁷

TEMPERATURE Although weather effects (such as temperature swings) may have an impact on violent crime rates, laboratory studies suggest that the association between temperature and crime resembles an inverted U-shaped curve. Crime rates increase with rising temperatures and then begin to decline at some point (85 degrees) when it may be too hot for any physical exertion⁴⁸ (Figure 2.7). However, field studies indicate that the rates of some crimes (such as domestic assault), but not all of them (for example, rape), continue to increase as temperatures rise.⁴⁹ Research has also shown that a long stretch of highly uncomfortable weather is related to murder rates, indicating that the stress of long-term exposure to extreme temperatures may prove sufficiently unpleasant and increase violence rates.⁵⁰ In their study of the relationship of temperature to assault, criminologists Ellen Cohn and James Rotton found evidence of a highly significant effect, especially during morning and evening hours. They found that a person is four times more likely to be assaulted at midnight when the temperature exceeds 90 degrees than when the temperature is 10 degrees below zero.⁵¹

REGIONAL DIFFERENCES Large urban areas have by far the highest violence rates. Areas with low per capita crime rates tend to be rural. These findings are also supported by victim data. Exceptions to this trend are low population resort areas

Regional Crime Rates, 2002: Violent and Property Crimes per 100,000 Inhabitants



Source: FBI, *Uniform Crime Report*, 2003, p. 59.

with large transient or seasonal populations—such as Atlantic City, New Jersey. Typically, the western and southern states have had consistently higher crime rates than the Midwest and Northeast. These data convinced some criminologists that local culture influenced crime rates and that there was a “southern subculture of violence.” Though this has flipped-flopped in recent years between the South and the West, the latest UCR data, illustrated in Figure 2.8, indicate that southern crime rates once again lead the nation.

CONNECTIONS

The “southern subculture of violence” theory will be discussed in greater detail in Chapter 10. Some criminologists dispute that cultural values produce high crime rates and explain regional differences as due to other factors, such as the economy.

Use of Firearms

Firearms play a dominant role in criminal activity. According to the NCVS, firearms are typically involved in about 20 percent of robberies, 10 percent of assaults, and more than 5 percent of rapes. According to the UCR about two-thirds of all murders involved firearms; most of these weapons were handguns.

There is a raging debate about whether guns should be controlled in order to reduce or eliminate violent crime. International criminologists Franklin Zimring and Gordon Hawkins believe the proliferation of handguns and the high rate of lethal violence they cause is the single most significant factor separating the crime problem in the United States from the rest of the developed world.⁵² Differences between the United States and Europe in nonlethal crimes are only modest at best.⁵³ In contrast, Gary Kleck and Marc Gertz maintain that handguns may be more of an effective deterrent to crime than gun control advocates are ready to admit. Their research indicates that as many as 400,000 people per year use guns in situations in which they later claim that the guns almost “certainly” saved lives. Even if these estimates are off by a factor of 10, it means that armed citizens may save 40,000 lives annually. Although Kleck and Gertz recognize that guns are involved in murders, suicides, and accidents, which claim more than 30,000 lives per year, they believe their benefit as a crime prevention device should not be overlooked.⁵⁴ Because this is so important, the *Policy and Practice in Criminology* feature “Should Guns Be Controlled?” discusses this issue in some detail.

Social Class and Crime

A still unresolved issue in criminological literature is the relationship between social class and crime. Traditionally crime has been thought of as a lower-class phenomenon.

After all, people at the lowest rungs of the social structure have the greatest incentive to commit crimes. Those unable to obtain desired goods and services through conventional means may consequently resort to theft and other illegal activities—such as selling narcotics—to obtain them. These activities are referred to as **instrumental crimes**. Those living in poverty are also believed to engage in disproportionate amounts of **expressive crimes**, such as rape and assault, as a means of expressing their rage, frustration, and anger against society. Alcohol and drug abuse, common in impoverished areas, help fuel violent episodes.⁵⁵

When measured with UCR data, official statistics indicate that crime rates in inner-city, high-poverty areas are generally higher than those in suburban or wealthier areas.⁵⁶ Surveys of prison inmates consistently show that prisoners were members of the lower class and unemployed or underemployed in the years before their incarceration.

An alternative explanation for these findings is that the relationship between official crime and social class is a function of law enforcement practices, not actual criminal behavior patterns. Police may devote more resources to poor areas, and consequently apprehension rates may be higher there. Similarly, police may be more likely to formally arrest and prosecute lower-class citizens than those in the middle and upper classes, which may account for the lower-class’s overrepresentation in official statistics and the prison population.

CLASS AND SELF-REPORTS Self-report data have been used extensively to test the class–crime relationship. If people in all social classes self-report similar crime patterns, but only those in the lower class are formally arrested, that would explain higher crime rates in lower-class neighborhoods. However, if lower-class people report greater criminal activity than their middle- and upper-class peers, it would indicate that official statistics accurately represent the crime problem. Surprisingly, early self-report studies conducted

The debate over gun control may never end. However, the decade-long ban on manufacturing automatic weapons ended in 2004. Here, gun salesman Nathan Palermo (age 19) holds an AR-15 with a retractable stock, a bayonet mount, and a flash suppressor at the Allegheny River Arsenal in Pittsburgh, Pennsylvania. Prior to the September 13, 2004 expiration of the 1994 ban, manufacturing the above features on new guns was illegal. Should the general public be allowed to purchase deadly weapons such as the AR-15? Are they really needed for hunting or self-protection? Or, conversely, does the Second Amendment’s right to bear arms apply to all weapons, even automatic rifles?



© Getty Images

Should Guns Be Controlled?

The 2002 sniper killings in the Washington, DC, area focused a spotlight on a long running policy debate in the United States: Should guns be controlled? According to the 2003 Small Arms Survey, the United States has by far the largest number of publicly owned firearms in the world and is approaching the point where there is one gun for every American, about 280 million firearms. An estimated 50 million of these guns are illegal. Handguns are linked to many violent crimes, including 20 percent of all injury deaths (second to autos) and 60 percent of all murders and suicides. They are also responsible for the deaths of about two-thirds of all police officers killed in the line of duty.

To some critics the deadly sniper attacks that paralyzed the Virginia-Maryland area in October 2002 were a sad result of the widespread availability of deadly rifles and handguns. This perception is supported by research showing a significant association between firearm ownership and crime. For example, cross-national research conducted by Anthony Hoskin found that nations, including the United States, that have high levels of privately owned firearms also have the highest levels of murder. Similarly, Matthew Miller and his associates show that in areas where household firearm ownership rates were high, a disproportionately large number of people died from homicide. And in a recent meta-analysis, Lisa Hepburn and David Hemenway found that (a) households with firearms are at higher risk for homicide, (b) there is no beneficial effect of firearm ownership, (c) both men and women are at higher risk for homicide in nations with high rates of gun ownership, and (d) looking at cities, states, regions, and the United

States as a whole, gun prevalence is related to homicide rates.

The association between guns and crime has spurred many Americans to advocate controlling the sale of handguns and banning the cheap mass-produced handguns known as “Saturday night specials.” In contrast, gun advocates view control as a threat to personal liberty and call for severe punishment of criminals rather than control of handguns. They argue that the Second Amendment of the U.S. Constitution protects the right to bear arms. A 2001 survey by Robert Jiobu and Timothy Curry found that the typical gun owner has a deep mistrust of the federal government; to this individual, a gun is an “icon for democracy and personal empowerment” (p. 87).

Gun Control Efforts

Efforts to control handguns have come from many different sources. States and many local jurisdictions have laws banning or restricting sales or possession of guns; some regulate dealers who sell guns. The Federal Gun Control Act of 1968, which is still in effect, requires that all dealers be licensed, fill out forms detailing each trade, and avoid selling to people prohibited from owning guns such as minors, ex-felons, and drug users. Dealers must record the source and properties of all guns they sell and carefully account for their purchase. Gun buyers must provide identification and sign waivers attesting to their ability to possess guns. Unfortunately, the resources available to enforce this law are meager.

On November 30, 1993, the Brady Handgun Violence Prevention Act was enacted, amending the Gun Control Act of 1968. The bill was named after former Press Secretary James Brady, who was severely wounded in the attempted assassination of President Ronald Reagan by John Hinckley in 1981. The Brady Law

imposes a waiting period of five days before a licensed importer, manufacturer, or dealer may sell, deliver, or transfer a handgun to an unlicensed individual. The waiting period applies only in states without an acceptable alternate system of conducting background checks on handgun purchasers. Beginning November 30, 1998, the Brady Law changed, providing an instant check on whether a prospective buyer is prohibited from purchasing a weapon. Federal law bans gun purchases by people convicted of or under indictment for felony charges, fugitives, the mentally ill, those with dishonorable military discharges, those who have renounced U.S. citizenship, illegal aliens, illegal drug users, and those convicted of domestic violence misdemeanors or who are under domestic violence restraining orders (individual state laws may create other restrictions). The Brady Law now requires background approval not just for handgun buyers but also for those who buy long guns and shotguns. In addition, the Federal Violent Crime Control and Law Enforcement Act of 1994 banned a group of military-style semiautomatic firearms (that is, assault weapons). However, this ban on assault weapons was allowed to lapse in 2004.

Although gun control advocates see this legislation as a good first step, some question whether such measures will ultimately curb gun violence. For example, when Jens Ludwig and Philip Cook compared two sets of states—thirty-two that installed the Brady Law in 1994 and eighteen states plus the District of Columbia, which already had similar types of laws prior to 1994—they found that there was no evidence that implementing the Brady Law contributed to a reduction in homicide.

Another approach is to severely punish people caught with unregistered handguns. The most famous

(continued)

Policy and Practice in Criminology (continued)

attempt to regulate handguns using this method is the Massachusetts Bartley-Fox Law, which provides a mandatory one-year prison term for possessing a handgun (outside the home) without a permit. A detailed analysis of violent crime in Boston after the law's passage found that the use of handguns in robberies and murders did decline substantially (in robberies by 35 percent and in murders by 55 percent in a two-year period). However, these optimistic results must be tempered by two facts: Rates for similar crimes dropped significantly in comparable cities that did not have gun control laws, and the use of other weapons, such as knives, increased in Boston.

Some jurisdictions have tried to reduce gun violence by adding extra punishment, such as a mandatory prison sentence for any crime involving a handgun. California's "10-20-life" law requires an additional ten years in prison for carrying a gun while committing a violent felony, twenty years if the gun is fired, and from twenty-five years to life in prison if someone is injured.

Can Guns Be Outlawed?

Even if outlawed or severely restricted, the government's ability to control guns is problematic. Even if legitimate gun stores were strictly regulated, private citizens could still sell, barter, or trade handguns. Unregulated gun fairs and auctions are common throughout the United States; many gun deals are made

at gun shows with few questions asked. People obtain firearms illegally through a multitude of unauthorized sources including unlicensed dealers, corrupt licensed dealers, and "straw" purchasers (people who buy guns for those who cannot purchase them legally).

If handguns were banned or outlawed, they would become more valuable; illegal importation of guns might increase as it has for other controlled substances (for instance, narcotics). Increasing penalties for gun-related crimes has also met with limited success because judges may be reluctant to alter their sentencing policies to accommodate legislators. Regulating dealers is difficult, and tighter controls on them would only encourage private sales and bartering. Relatively few guns are stolen in burglaries, but many are sold to licensed gun dealers who circumvent the law by ignoring state registration requirements or making unrecorded or mis-recorded sales to individuals and unlicensed dealers. Even a few corrupt dealers can supply tens of thousands of illegal handguns.

Is There a Benefit to Having Guns?

Not all experts are convinced that strict gun control is a good thing. Gary Kleck, a leading advocate of defensive gun use, argues that guns may actually inhibit violence. Along with Marc Gertz, Kleck conducted a national survey that indicates that Americans use guns for defensive

purposes up to 2.5 million times a year. While this figure seems huge, it must be viewed in the context of gun ownership: About 47.6 million households own a gun; more than 90 million, or 49 percent of the adult U.S. population, live in households with guns; and about 59 million adults personally own guns. Considering these numbers it is not implausible that 3 percent of the people (or 2.5 million people) with access to guns could have used one defensively in a given year.

Guns have other uses. In many assaults, Kleck reasons, the aggressor does not wish to kill but only scare the victim. Possessing a gun gives aggressors enough killing power so that they may actually be inhibited from attacking. For example, research by Kleck and Karen McElrath found that during a robbery, guns can control the situation without the need for illegal force. Guns may also enable victims to escape serious injury. Victims may be inhibited from fighting back without losing face; it is socially acceptable to back down from a challenge if the opponent is armed with a gun. Guns then can de-escalate a potentially violent situation. Kleck, along with Michael Hogan, finds that people who own guns are only slightly more likely to commit homicide than nonowners. The benefits of gun ownership, he concludes, outweigh the costs.

Looking at the effectiveness of defensive firearm use from another perspective, John Lott has evaluated

in the 1950s, specifically those conducted by James Short and F. Ivan Nye, did not find a direct relationship between social class and youth crime.⁵⁷ They found that socioeconomic class was related to official processing by police, courts, and correctional agencies but not to the actual commission of crimes. In other words, although lower- and middle-class youth self-reported equal amounts of crime, the lower-class youth had a greater chance of being arrested, convicted, and incarcerated and becoming official

delinquents. In addition, factors generally associated with lower-class membership, such as broken homes, were found to be related to institutionalization but not to admissions of delinquency. Other studies of this period reached similar conclusions.⁵⁸

For more than twenty years after the use of self-reports became widespread, a majority of self-report studies concluded that a class-crime relationship did not exist: If the poor possessed more extensive criminal records than the

the passage of right-to-carry laws across the United States. He, along with David Mustard, found that jurisdictions that allow citizens to carry concealed weapons also have lower violent crime rates. If all states allowed citizens to carry concealed weapons, their analysis indicates that 1,500 murders, 4,000 rapes, 11,000 robberies, and 60,000 aggravated assaults would be avoided yearly. The annual social benefit from each additional concealed handgun permit is as high as \$5,000, saving society more than \$6 billion per year. Lott's findings have been subject to severe criticism, and some have questioned the validity of his work.

Does Defensive Gun Use Really Work?

Support for the use of guns for defensive purposes is mixed at best. Tomislav Kovandzic and Thomas Marvell, for example, examined right-to-carry laws in Florida and found that they have little effect on local crime rates. And while Kleck's research shows that carrying a gun can thwart crimes, other research shows that defensive gun use may be more limited than believed. If it works, it is only sometimes and only for some people. Having a gun in a violent situation is more likely to produce a negative outcome than any other kind of weapon (such as knives or clubs). Even people with a history of violence and mental disease are less likely to kill when they use a knife or other weapon than when

they employ a gun. Do guns kill people or do people kill people? Research indicates that even the most dangerous people are less likely to resort to lethal violence if the gun is taken out of their hands.

Critical Thinking

1. Should the sale and possession of handguns be banned?
2. Which of the gun control methods discussed do you feel would be most effective in deterring crime?

• InfoTrac College Edition Research

One method of reducing gun violence may be to make guns safer. Read more about this plan in: Krista D. Robinson, Stephen P. Teret, Susan DeFrancesco, and Stephen W. Hargarten, "Making Guns Safer," *Issues in Science and Technology* 14 (1998): 37–41.

Sources: Donald Kennedy, "Research Fraud and Public Policy," *Science* 300 (April 18, 2003): 393; Tomislav Kovandzic and Thomas Marvell, "Right-to-Carry Concealed Handguns and Violent Crime: Crime Control through Gun Control?" *Criminology & Public Policy* 2 (2003): 363–396; Lisa Hepburn and David Hemenway, "Firearm Availability and Homicide: A Review of the Literature," *Aggression & Violent Behavior* 9 (2004): 417–440; "The Small Arms Survey, 2003," <http://www.smallarmssurvey.org/>. Accessed July 10, 2003; Matthew Miller, Deborah Azrael, and David Hemenway, "Rates of Household Firearm Ownership and Homicide across US Regions and States, 1988–1997," *American Journal of Public Health* 92 (2002): 1,988–1,993; Stephen Schnebly, "An Examination of the Impact of

Victim, Offender, and Situational Attributes on the Deterrent Effect of Gun Use: A Research Note," *Justice Quarterly* 19 (2002): 377–399; William Wells and Julie Horney, "Weapon Effects and Individual Intent to Do Harm: Influences on the Escalation of Violence," *Criminology* 40 (2002): 265–296; John Lott, Jr., "More Guns, Less Crime: Understanding Crime and Gun-Control Laws," *Studies in Law and Economics*, 2nd ed. (Chicago: University of Chicago Press, 2001); John Lott, Jr., and David Mustard, "Crime, Deterrence, and Right-to-Carry Concealed Handguns," *Journal of Legal Studies* 26 (1997): 1–68; Anthony A. Braga and David M. Kennedy, "The Illicit Acquisition of Firearms by Youth and Juveniles," *Journal of Criminal Justice* 29 (2001): 379–388; Anthony Hoskin, "Armed Americans: The Impact of Firearm Availability on National Homicide Rates," *Justice Quarterly* 18 (2001): 569–592; J. Robert Jobu and Timothy Curry, "Lack of Confidence in the Federal Government and the Ownership of Firearms," *Social Science Quarterly* 82 (2001): 77–87; Jens Ludwig and Philip Cook, "Homicide and Suicide Rates Associated with the Implementation of the Brady Violence Prevention Act," *Journal of the American Medical Association* 284 (2000): 585–591; Julius Wachtel, "Sources of Crime Guns in Los Angeles, California," *Policing* 21 (1998): 220–239; Gary Kleck and Michael Hogan, "National Case-Control Study of Homicide Offending and Gun Ownership," *Social Problems* 46 (1999): 275–293; Garen Wintemute, Mora Wright, Carrie Parham, Christina Drake, and James Beaumont, "Denial of Handgun Purchase: A Description of the Affected Population and a Controlled Study of Their Handgun Preferences," *Journal of Criminal Justice* 27 (1999): 21–31; Shawn Schwaner, L. Allen Furr, Cynthia Negrey, and Rachelle Seger, "Who Wants a Gun License?" *Journal of Criminal Justice* 27 (1999): 1–10; Gary Kleck and Marc Gertz, "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun," *Journal of Criminal Law and Criminology* 86 (1995): 150–187; Colin Loftin, David McDowall, Brian Wiersma, and Talbert Cottey, "Effects of Restrictive Licensing of Handguns on Homicide and Suicide in the District of Columbia," *New England Journal of Medicine* 325 (1991): 1,615–1,620.

wealthy, this difference was attributable to differential law enforcement and not to class-based behavior differences. That is, police may be more likely to arrest lower-class offenders and treat the affluent more leniently.

More than twenty years ago, Charles Tittle, Wayne Villemez, and Douglas Smith published what is still considered the definitive review of the relationship between class and crime.⁵⁹ They concluded that little if any support exists for the contention that crime is primarily a lower-class

phenomenon. Consequently, Tittle and his associates argued that official statistics probably reflect class bias in processing lower-class offenders. In a subsequent article written with Robert Meier, Tittle once again reviewed existing data on the class–crime relationship and found little evidence of a consistent association between class and crime.⁶⁰ More recent self-report studies generally support Tittle's conclusions: There is no direct relationship between social class and crime.⁶¹

Titile's findings have sparked significant debate in the criminological community. Many self-report instruments include trivial offenses such as using a false ID or drinking alcohol, which may invalidate findings. It is possible that affluent youths frequently engage in trivial offenses such as petty larceny, using drugs, and simple assault but rarely escalate their criminal involvement. Those who support a class–crime relationship suggest that if only serious felony offenses are considered, a significant association can be observed.⁶² Some studies find that when only serious crimes, such as burglary and assault, are considered, lower-class youths are significantly more delinquent.⁶³

Why does social class have such a great impact on individual behavior? To find out, go to InfoTrac College Edition and use “social class” as a subject guide.

THE CLASS–CRIME CONTROVERSY The relationship between class and crime is an important one for criminological theory. If crime is related to social class, then it follows that economic and social factors, such as poverty and neighborhood disorganization, cause criminal behavior.

One reason that a true measure of the class–crime relationship has so far eluded criminologists is that the methods now employed to measure social class vary widely. Some widely used measures of social class, such as father's occupation and education, are only weakly related to self-reported crime, but others, such as unemployment or receiving welfare, are more significant predictors of criminality.⁶⁴

It is also possible that the association between class and crime is more complex than a simple linear relationship (that is, the poorer you are, the more crime you commit).⁶⁵ Class may affect some subgroups in the population (for example, women, African Americans) more than it does others (males, whites).⁶⁶ Sally Simpson and Lori Elis found that white females are more likely to be influenced by social class than are minority females. They speculate that white females have had their financial expectations significantly raised because of the women's movement but that the women's movement has had less effect on minority women. Therefore, white females are more likely to turn to crime when their expectations of wealth are not achieved.⁶⁷

In light of these findings, it is not surprising that the true relationship between class and crime is difficult to determine. The effect may be obscured because its impact varies within and between groups.

DOES CLASS MATTER? Like so many other criminological controversies, the debate over the true relationship between class and crime will most likely persist. The weight of recent evidence seems to suggest that serious, official crime is more prevalent among the lower classes, whereas less serious and self-reported crime is spread more evenly throughout the social structure.⁶⁸ Income inequality, poverty, and resource deprivation are all associated with the most serious violent

crimes, including homicide and assault.⁶⁹ Members of the lower class are more likely to suffer psychological abnormality including high rates of anxiety and conduct disorders, conditions that may promote criminality.⁷⁰

Communities that lack economic and social opportunities also produce high levels of frustration; their residents believe they are relatively more deprived than residents in more affluent areas and may then turn to criminal behavior to relieve their frustration.⁷¹ Family life is disrupted, and law-violating youth groups thrive in a climate that undermines adult supervision.⁷² Conversely, when the poor are provided with economic opportunities via welfare and public assistance, crime rates drop.⁷³ The debate is far from over. Although crime rates may be higher in lower-class areas, poverty alone cannot explain why a particular individual becomes a chronic violent criminal; if it could, the crime problem would be much worse than it is now.⁷⁴

||||||| CONNECTIONS |||||

If class and crime are unrelated, then the causes of crime must be found in factors experienced by members of all social classes—psychological impairment, family conflict, peer pressure, school failure, and so on. Theories that view crime as a function of problems experienced by members of all social classes are reviewed in Chapter 7.

Age and Crime

There is general agreement that age is inversely related to criminality. Criminologists Travis Hirschi and Michael Gottfredson state, “Age is everywhere correlated with crime. Its effects on crime do not depend on other demographic correlates of crime.”⁷⁵

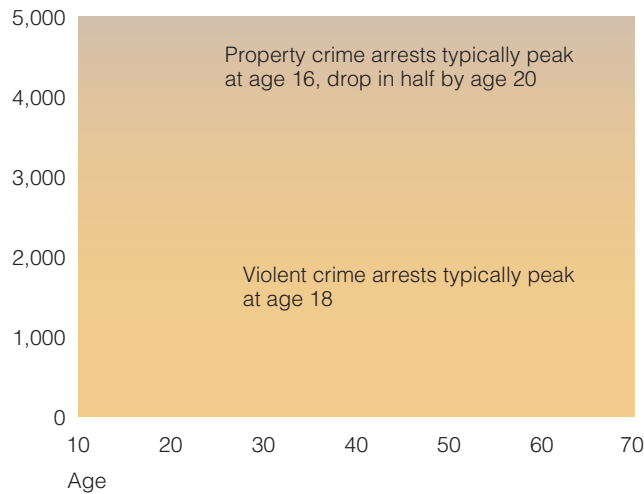
||||||| CONNECTIONS |||||

Hirschi and Gottfredson have used their views on the age–crime relationship as a basis for their general theory of crime. This important theory holds that the factors that produce crime change little after birth and that the association between crime and age is constant. For more on this view, see the section on the general theory of crime in Chapter 9.

Regardless of economic status, marital status, race, sex, and so on, younger people commit crime more often than their older peers; research indicates this relationship has been stable across time periods ranging from 1935 to the present.⁷⁶ Official statistics tell us that young people are arrested at a disproportionate rate to their numbers in the population; victim surveys generate similar findings for crimes in which assailant age can be determined. Whereas youths ages 13 to 17 collectively make up about 6 percent of the total U.S. population, they account for about 25 percent of index crime arrests and 17 percent of arrests for all crimes.

Relationship between Age and Serious Crime Arrests

Arrest rate per 100,000 persons



Source: FBI, *Uniform Crime Report*, 2003, p. 280.

As a general rule, the peak age for property crime is believed to be 16, and for violence 18 (Figure 2.9). In contrast, adults 45 and over, who make up 32 percent of the population, account for only 7 percent of index crime arrests. The elderly are particularly resistant to the temptations of crime; they make up more than 12 percent of the population and less than 1 percent of arrests. Elderly males 65 and over are predominantly arrested for alcohol-related matters (public drunkenness and drunk driving) and elderly females for larceny (shoplifting). The elderly crime rate has remained stable for the past twenty years.⁷⁷

AGING OUT OF CRIME Most criminologists agree that people commit less crime as they age.⁷⁸ Crime peaks in adolescence and then declines rapidly thereafter. According to criminologist Robert Agnew, this peak in criminal activity can be linked to essential features of adolescence in modern, industrial societies. Because adolescents are given most of the privileges and responsibilities of adults in these cultures, they also experience:

- A reduction in supervision
- An increase in social and academic demands
- Participation in a larger, more diverse, peer-oriented social world
- An increased desire for adult privileges
- A reduced ability to cope in a legitimate manner and increased incentive to solve problems in a criminal manner⁷⁹

Adding to these incentives is the fact that young people, especially the indigent and antisocial, tend to discount the future.⁸⁰ They are impatient, and because their future is

uncertain, they are unwilling or unable to delay gratification. As they mature, troubled youths are able to develop a long-term life view and resist the need for immediate gratification.⁸¹ James Q. Wilson and Richard Herrnstein argue that **aging out** is a function of the natural history of the human life cycle.⁸² Deviance in adolescence is fueled by the need for money and sex and reinforced by close relationships with peers who defy conventional morality. At the same time, teenagers are becoming independent from parents and other adults who enforce conventional standards of morality and behavior. They have a new sense of energy and strength and are involved with peers who are similarly vigorous and frustrated. Adults, on the other hand, develop the ability to delay gratification and forgo the immediate gains that law violations bring. They also start wanting to take responsibility for their behavior and to adhere to conventional mores, such as establishing long-term relationships and starting a family.⁸³ Research does show that people who maintain successful marriages are more likely to desist from antisocial behaviors than those whose marriages fail.⁸⁴

CONNECTIONS

Those who oppose the Hirschi and Gottfredson view argue that although most people age out of crime, a small group continues into old age as chronic or persistent offenders. It is possible that the population may contain different sets of criminal offenders: one group whose criminality declines with age; another whose criminal behavior remains constant through maturity. This issue will be discussed in greater detail in Chapter 9.

Gender and Crime

The three data-gathering criminal statistics tools support the theory that male crime rates are much higher than those of females. Victims report that their assailant was male in more than 80 percent of all violent personal crimes. The Uniform Crime Report arrest statistics indicate that the overall male–female arrest ratio is about 3.5 male offenders to 1 female offender; for serious violent crimes, the ratio is almost 5 males to 1 female; murder arrests are 8 males to 1 female. MTF data also show that males commit more serious crimes, such as robbery, assault, and burglary, than females. However, although the patterns in self-reports parallel official data, the ratios are smaller. In other words, males self-report more criminal behavior than females—but not to the degree suggested by official data (Table 2.2).

EXPLAINING GENDER DIFFERENCES: TRAITS AND TEMPERAMENT Early criminologists pointed to emotional, physical, and psychological differences between males and females to explain the differences in crime rates. Cesare Lombroso's 1895 book, *The Female Offender*, argued that a small group of female criminals lacked “typical” female traits of “piety, maternity, undeveloped intelligence, and weakness.”⁸⁵ In physical appearance as well as in their emotional

Percentage of High School Seniors Admitting to at Least One Offense during the Past 12 Months, by Gender

Delinquent Acts	Males	Females
Serious fight	19	9
Gang fight	25	15
Hurt someone badly	19	5
Used a weapon to steal	6	1
Stole less than \$50	34	21
Stole more than \$50	14	5
Shoplift	31	23
Breaking and entering	29	17
Arson	7	1
Damaged school property	20	6

Source: *Monitoring the Future*, 2003.

makeup, delinquent females appeared closer to men than to other women. Lombroso's theory became known as the **masculinity hypothesis**; in essence, a few "masculine" females were responsible for the handful of crimes women commit.

Another early view of female crime focused on the supposed dynamics of sexual relationships. Female criminals were viewed as either sexually controlling or sexually naive, either manipulating men for profit or being manipulated by them. The female's criminality was often masked because criminal justice authorities were reluctant to take action against a woman.⁸⁶ This perspective is known as the **chivalry hypothesis**, which holds that much female criminality is hidden because of the culture's generally protective and benevolent attitude toward women.⁸⁷ In other words, police are less likely to arrest, juries are less likely to convict, and judges are less likely to incarcerate female offenders.

Although these early writings are no longer taken seriously, some criminologists still consider trait differences a key determinant of crime rate differences. For example, some criminologists link antisocial behavior to hormonal influences by arguing that male sex hormones (androgens) account for more aggressive male behavior and that gender-related hormonal differences can also explain the gender gap in the crime rate.⁸⁸

||||||| CONNECTIONS |||||

Gender differences in the crime rate may be a function of androgen levels because these hormones cause areas of the brain to become less sensitive to environmental stimuli, making males more likely to seek high levels of stimulation and to tolerate more pain in the process. Chapter 5 discusses the biosocial causes of crime and reviews this issue in greater detail.

EXPLAINING GENDER DIFFERENCES: SOCIALIZATION AND DEVELOPMENT Another view is that, unlike boys, a majority of young girls are socialized to avoid being violent and aggressive and are supervised more closely by parents. It comes



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Gender differences in the crime rate seem to be narrowing. Women are now committing more serious and sometimes more deadly crimes. Clara Harris sits at the defense table as the punishment phase of her trial began immediately after she was found guilty of murder by a jury in Houston, Texas, February 13, 2003. Harris, a 45-year-old former Colombian beauty queen, ran over her husband with her Mercedes after catching him with his mistress at a hotel. Though she faced up to life in prison for her crime, the jury recommended a twenty-year sentence, finding that she was driven by "sudden passion." The case is currently under appeal.

as no surprise when research shows that most girls develop moral values that strongly discourage antisocial behavior.⁸⁹ The few female criminals are troubled individuals, alienated at home, who pursue crime as a means of compensating for their disrupted personal lives.⁹⁰ The streets are a "second home" to girls whose physical and emotional adjustment was hampered by a strained home life marked by such conditions as absent fathers, overly competitive mothers, and so on.

For example, a study of delinquent girls sent to adult prisons conducted by Emily Gaarder and Joanne Belknap found that many of these young women had troubled lives that set them on a criminal career path.⁹¹ One girl told them how her father had attacked her yet her mother shortly let him return home:

I told her I'd leave if he came back, but she let him anyway. I was thinking, you know, she should be worrying about me. I left and went to my cousin's house. Nobody even called me. Mom didn't talk to me for two weeks, and Dad said to me "Don't call." It was like they didn't care. I started smoking weed a lot then, drinking, skip-

Race, Culture, Gender, and Criminology

Gender Differences in Development and Crime

Why are male crime rates consistently higher than female crime rates? It seems unlikely that socioeconomic factors are sufficient to explain the difference, because both males and females reside in the same neighborhoods, go to the same schools, and are influenced by the same environmental stimuli. A more plausible explanation resides in developmental differences between males and females. These may become apparent as early as infancy, when boys are able to express positive and negative emotions at higher rates. Infant girls have greater self-control over their emotions while infant boys, more easily agitated, depend more on input from their mother. As they develop, gender-based cognitive differences, coupled with elements of socialization, may produce demonstrable differences in criminal behaviors.

Cognitive Differences

Psychologists note significant cognitive differences between boys and girls. Girls have been found to be superior to

boys in verbal ability, while boys test higher in visual-spatial performance. Girls acquire language faster, learning to speak earlier and faster with better pronunciation. Girls are far less likely to have reading problems than boys, while boys do much better on standardized math tests. This difference is attributed by some experts to boys receiving more attention from math teachers. In most cases these cognitive differences are small, narrowing, and usually attributed to cultural expectations. When given training, girls demonstrate an ability to increase their visual-spatial skills to the point that their abilities become indistinguishable from the ability of boys.

However, adolescent females use different knowledge than males and have different ways of interpreting their lives and interactions with others. These gender differences in achieving self-understanding may later have an impact on self-esteem and self-concept. Research shows that as adolescents develop through the life course, males continually raise their self-esteem and self-concept whereas females' self-confidence is lowered. Despite their generally lower level of self-esteem,

females display more self-control than males, a factor that has been related to criminality.

Girls are often stereotyped as talkative, but research shows that males in many situations spend more time talking than females. Males are more likely to introduce new topics and interrupt conversations, while females are more willing to reveal their feelings and are more likely than boys to express concern for the well-being of others. Moreover, even at an early age, girls are found to be more empathic than boys, that is, more capable of understanding and relating to the feelings of others. Empathy for others may help shield girls from antisocial acts because they are more likely to understand a victim's suffering. Girls are more concerned with relationship and feeling issues, and they are less interested than boys are in competing for material success.

Socialization Differences

The significant differences in the ways females and males are socialized, coupled with cognitive differences, may affect their development. Psychologists believe that males learn to place

(continued)


ping school, and shoplifting. . . . I had no [delinquency] record before this happened.

Some experts explain these differences in socialization by pointing to gender-based differences in human development that help shape behavior choices. Girls are believed to have cognitive traits that shield them from criminal behaviors. The *Race, Culture, Gender, and Criminology* feature "Gender Differences in Development and Crime" explores these relationships in greater detail.

EXPLAINING GENDER DIFFERENCES: FEMINIST VIEWS

In the 1970s **liberal feminist theory** focused attention on the social and economic role of women in society and its relationship to female crime rates.⁹² This view suggested that the traditionally lower crime rate for women could be explained by their "second-class" economic and social position. As women's social roles changed and their lifestyles be-

came more like men's, it was believed that their crime rates would converge.

 To read about the history and nature of the women's movement in the United States, go to InfoTrac College Edition and use "liberal feminism" as a subject guide.

Criminologists, responding to this research, began to refer to the "new female criminal." The rapid increase in the female crime rate during the 1960s and 1970s, especially in what had traditionally been male-oriented crimes (such as burglary and larceny), supported the liberal feminist view. In addition, self-report studies seem to indicate that (1) the pattern of female criminality, if not its frequency, is quite similar to that of male criminality; and (2) the factors that predispose male criminals to crime have an equal impact on female criminals.⁹³ Criminologists began to assess the association among economic issues, gender roles, and criminality.

Race, Culture, Gender, and Criminology (continued)

relatively more emphasis on separation and independence, whereas females are more likely to see themselves as woven into family and community structures.

Although there are few gender-based differences in aggression during the first few years of life, girls are socialized to be less aggressive than boys and are supervised more closely by parents. Differences in aggression become noticeable between ages 3 and 6 when children are first socialized into organized peer groups such as the day-care center or school. Males are more likely then to display physical aggression while girls display relational aggression—excluding disliked peers from play groups, gossiping, and interfering with social relationships.

Girls are usually taught—directly or indirectly—to respond to provocation by feeling anxious and depressed, whereas boys are encouraged to retaliate. Overall, when they are provoked, females are much more likely to feel distressed than males—experiencing sadness, anxiety, and uneasiness. Although females may get angry as often as males, many have been taught to blame themselves for harboring such negative feelings. Females are therefore much more likely than males to respond to anger with feelings of depression, anxiety, fear, and shame. Although females are socialized to fear that their anger will harm valued relationships, males react with “moral

outrage,” looking to blame others for their discomfort.

Females are also more likely than males to be the target of sexual and physical abuse than males. Female victims have been shown to suffer more seriously from these attacks, sustaining long-term damage to self-image; victims of sexual abuse find it difficult to build autonomy and life skills.

Gender Schema Theory

According to psychologist Sandra Bem, our society, like most societies, has different expectations for males and females. Bem calls these expectations “gender schemas.” She believes that U.S. culture polarizes males and females by providing them with mutually exclusive gender roles or scripts. Girls are expected to be “feminine” and admire such traits as being tender, sympathetic, understanding, and gentle. In contrast, boys are expected to be “masculine”: assertive, forceful, competitive, and dominant. Children internalize these scripts without being consciously aware of doing so, and their self-esteem becomes wrapped up in how closely their behavior conforms to the proper gender-role stereotype. When children begin to perceive themselves as boys or girls, which tends to begin at about age 2, they actively search for information, which helps them define their respective roles. They seek to determine what behavior is appropriate for their sex

and what is not. Girls are expected to behave according to the appropriate script and seek approval of their behavior: Are they acting as a girl should at that age? Masculine behavior is to be avoided. In contrast, males look for cues to define their masculinity from their peers; aggressive behavior may be rewarded with peer approval whereas sensitivity is viewed as nonmasculine.

Gender Differences and Crime

Can these observed gender differences in socialization and cognition help us understand differences in crime? Males seem more aggressive and assertive and less likely to form attachments to others—factors that might increase their crime rates. They often view their aggression as a gender-appropriate means to gain status and power, especially within deviant subcultures or within the constrained aggressive formats they find on the football field. During adolescence, boys are more likely than girls to seek the approval of peers through aggressive behavior. In deviant subcultures, they may seek high positions in gangs. Even in the middle-class suburbs, they may seek approval by knocking down or running through peers on the playing field, while females literally cheer them on. The male search for social approval through aggressive behavior may make them more susceptible to criminality, especially when the chosen form of ag-

||||||| CONNECTIONS |||||

Critical criminologists view gender inequality as stemming from the unequal power of men and women in a capitalist society and the exploitation of females by fathers and husbands. This perspective is considered more fully in Chapter 8.

IS CONVERGENCE LIKELY? Will the gender differences in the crime rate eventually dissolve? Some criminologists find that gender-based crime rate differences remain significant and argue that the emancipation of women has had relatively

little influence on female crime rates.⁹⁴ They dispute the theory that increases in the female arrest rate reflect economic or social change brought about by the women's movement. For one thing, many female criminals come from the socioeconomic class least affected by the women's movement; their crimes seem more a function of economic inequality than women's rights. For another, the offense patterns of women are still quite different from those of men, who still commit a disproportionate share of serious crimes such as robbery, burglary, murder, and assault.⁹⁵ This view is supported by recent research showing that women who are living in poverty are much more likely than their more affluent sisters to

gression is antisocial or illegal. Recent research by Jean Bottcher found that young boys perceive their roles as being more dominant than young girls. Male perceptions of power, their ability to have freedom and hang with their friends, helped explain the gender differences in crime and delinquency.

In contrast, girls are encouraged to care about other people and avoid harming them; their need for sensitivity and understanding may help counterbalance the effects of poverty and family problems. And because they are more verbally proficient, many females may develop social skills that help them deal with conflict without resorting to violence. Females are taught to be less aggressive and to view belligerence as a lack of self-control—a conclusion that is unlikely to be reached by a male.

Cognitive and personality differences are magnified when, at an early age, children begin to internalize gender-specific behaviors. Boys who are not tough and aggressive are labeled sissies and cry babies. In contrast, girls are given different messages; they are expected to form closer bonds with their friends and share feelings.

Why, then, do some girls commit crime? According to this developmental view, some girls may be socialized to identify with masculine traits, such as dominance and forcefulness, and consequently more likely to engage in

criminal behavior than those whose development has proceeded along a more normative path. But remember that crime for girls is often defined in terms of substance abuse and promiscuous sexuality; crime for boys is more often connected with aggression—even if the boys are also as promiscuous, or more promiscuous, than the girls.

Critical Thinking

Although there is still a gender gap in crime, the crime rate of females is increasing at a faster pace than that of males. Is it possible that changes in female socialization patterns are now being reflected in the female crime rate? As gender-role socialization becomes more uniform, is it possible that gender differences in the crime rate may finally converge? Or conversely, do you believe that, because males are physically stronger and more aggressive than females, their relative crime rates will always be unequal?

InfoTrac College Edition Research

Use “sex differences” as a subject guide with InfoTrac College Edition to learn more about male–female differences in socialization.

Sources: Lisa Broidy, Elizabeth Cauffman, and Dorothy Espelage, “Sex Differences in Empathy and Its Relation to Juvenile Offending,” *Violence and Victims* 18 (2003): 503–516; Jean Bottcher,

“Social Practices of Gender: How Gender Relates to Delinquency in the Everyday Lives of High-Risk Youths,” *Criminology* 39 (2001): 893–932; Kristen Kling, Janet Shibley Hyde, Carolin Showers, and Brenda Buswell, “Gender Differences in Self-Esteem: A Meta Analysis,” *Psychological Bulletin* 125 (1999): 470–500; Daniel Mears, Matthew Ploeger, and Mark Warr, “Explaining the Gender Gap in Delinquency: Peer Influence and Moral Evaluations of Behavior,” *Journal of Research in Crime and Delinquency* 35 (1998): 251–266; Rolf Loeber and Dale Hay, “Key Issues in the Development of Aggression and Violence from Childhood to Early Adulthood,” *Annual Review of Psychology* 48 (1997): 371–410; Darcy Miller, Catherine Trapani, Kathy Fejes-Mendoza, Carolyn Eggleston, and Donna Dwiggin, “Adolescent Female Offenders: Unique Considerations,” *Adolescence* 30 (1995): 429–435; John Mirowsky and Catherine Ross, “Sex Differences in Distress: Real or Artifact?” *American Sociological Review* 60 (1995): 449–468; Anne Campbell, *Men, Women and Aggression* (New York: Basic Books, 1993); Ann Beutel and Margaret Mooney Marini, “Gender and Values,” *American Sociological Review* 60 (1995): 436–448; John Gibbs, Dennis Giever, and Jamie Martin, “Parental Management and Self-Control: An Empirical Test of Gottfredson and Hirschi’s General Theory,” *Journal of Research in Crime and Delinquency* 35 (1998): 40–70; Velmer Burton, Francis Cullen, T. David Evans, Leanne Fiftal Alarid, and R. Gregory Dunaway, “Gender, Self-Control, and Crime,” *Journal of Research in Crime and Delinquency* 35 (1998): 123–147; David Rowe, Alexander Vazsonyi, and Daniel Flannery, “Sex Differences in Crime: Do Means and Within-Sex Variation Have Similar Causes?” *Journal of Research in Crime and Delinquency* 32 (1995): 84–100; Sandra Bem, *The Lenses of Gender* (New Haven: Yale University Press, 1993); James Messerschmidt, *Masculinities and Crime: Critique and Reconceptualization of Theory* (Lanham, MD: Rowan & Littlefield, 1993); D. J. Pepler and W. M. Craig, “A Peek behind the Fence: Naturalistic Observations of Aggressive Children with Remote Audiovisual Recording,” *Developmental Psychology* 31 (1995): 548–553.

get involved in assaults and engage in petty property crime such as fraudulently claiming welfare benefits, credit card fraud, and public order crimes such as prostitution.⁹⁶

Perhaps it is too soon for criminologists to write off “the new female criminal.” Although male arrest rates are still considerably higher than female rates, female arrest rates seem to be increasing at a faster pace. For example, between 1993 and 2003 the male arrest rate actually declined by about 6 percent while the female rate increased by about 14 percent. One reason for this convergence is the increasing female participation in crimes that traditionally have been a male enterprise. For example, although at one time a rare

occurrence, women are getting involved in serious violent crimes and the patterns of their aggression seem similar to that of violent men.⁹⁷ Females are now joining teen gangs in record numbers. Recent national surveys indicate that about 8 percent of females report gang membership (compared with 14 percent of males); the male–female gang membership ratio is now less than 2 to 1.⁹⁸

Race and Crime

Official crime data indicate that minority group members are involved in a disproportionate share of criminal activity.

African Americans make up about 12 percent of the general population, yet they account for about 38 percent of Part I violent crime arrests and 30 percent of property crime arrests. They also are responsible for a disproportionate number of Part II arrests (except for alcohol-related arrests, which detain primarily white offenders).

It is possible that these data reflect racial differences in the crime rate, but it is also possible that they reflect police bias in the arrest process. We can evaluate this issue by comparing racial differences in self-report data with those found in official delinquency records. Charges of racial discrimination in the arrest process would be substantiated if whites and blacks self-reported equal numbers of crimes, but minorities were arrested far more often.

Early efforts by noted criminologists Leroy Gould in Seattle, Harwin Voss in Honolulu, and Ronald Akers in seven midwestern states found virtually no relationship between race and self-reported delinquency.⁹⁹ These research efforts supported a case for police bias in the arrest decision. Other, more recent self-report studies that use large national samples of youths have also found little evidence of racial disparity in crimes committed. For example, one effort conducted by the Institute for Social Research at the University of Michigan found that, if anything, black youths self-report less delinquent behavior and substance abuse than whites.¹⁰⁰ Another nationwide study of youth, conducted by social scientists at the Behavioral Science Institute at Boulder, Colorado, found few interracial differences in crime rates, although black youths were much more likely to be arrested and taken into custody.¹⁰¹ These and other self-report studies seem to indicate that the delinquent behavior rates of black and white teenagers are generally similar and that differences in arrest statistics may indicate a differential selection policy by police.¹⁰²

Racial differences in the crime rate remain an extremely sensitive issue. Although official arrest records indicate that African Americans are arrested at a higher rate than members of other racial groups, some question whether this is a function of crime rate differences, racism by police, or faulty data collection.¹⁰³ Research shows that suspects who are poor, minority, and male are more likely to be formally arrested than suspects who are white, affluent, and female.¹⁰⁴ Some critics charge that police officers routinely use “racial profiling” to stop African Americans and search their cars without probable cause or reasonable suspicion. Findings from a recent national survey of driving practices show that young black and Latino males are more likely to be stopped by police and suffer citations, searches, and arrests, as well as be the target of force even though they are no more likely to be in the possession of illegal contraband than white drivers.¹⁰⁵

Some cynics have gone so far as to suggest that police officers have created a new form of traffic offense called DWB, “driving while black.”¹⁰⁶ Although the UCR may reflect discriminatory police practices, African Americans are arrested for a disproportionate amount of violent crime, such as robbery and murder, and it is improbable that police discretion alone could account for these proportions. It is doubtful that

police routinely ignore white killers, robbers, and rapists while arresting violent black offenders.¹⁰⁷ How can these racial differences be explained?

RACISM AND DISCRIMINATION Most criminologists focus on the impact of economic deprivation and the legacy of racism and discrimination on personality and behavior.¹⁰⁸ The fact that U.S. culture influences African American crime rates is underscored by the fact that black violence rates are much lower in other nations—both those that are predominantly white, such as Canada, and those that are predominantly black, such as Nigeria.¹⁰⁹

Some criminologists view black crime as a function of socialization in a society where the black family was torn apart and black culture destroyed in such a way that recovery has proven impossible. Early experiences, beginning with slavery, have left a wound that has been deepened by racism and lack of opportunity.¹¹⁰ Children of the slave society were thrust into a system of forced dependency and ambivalence and antagonism toward one’s self and group.

In an important work, *All God’s Children: The Bosket Family and the American Tradition of Violence*, crime reporter Fox Butterfield chronicles the history of the Boskets, a black family, through five generations.¹¹¹ He focuses on Willie Bosket, who is charming, captivating, and brilliant. He is also one of the worst criminals in the New York State penal system. By the time he was in his teens, he had committed more than 200 armed robberies and twenty-five stabbings. Butterfield shows how early struggles in the South, with its violent slave culture, led directly to Willie Bosket’s rage and violence on the streets of New York City. Beginning in South Carolina in the 1700s, the southern slave society was a place where white notions of honor demanded immediate retaliation for the smallest slight. According to Butterfield, contemporary black violence is a tradition inherited from white southern violence. The need for respect has turned into a cultural mandate that can provoke retaliation at the slightest hint of insult.

INSTITUTIONAL RACISM Racism is still an element of daily life in the African American community, a factor that undermines faith in social and political institutions and weakens confidence in the justice system. Such fears are supported by empirical evidence that, at least in some jurisdictions, young African American males are treated more harshly by the criminal and juvenile justice systems than are members of any other group.¹¹² There is evidence that African Americans, especially those who are indigent or unemployed, receive longer prison sentences than whites with the same employment status. It is possible that judges impose harsher punishments on unemployed African Americans because they view them as “social dynamite,” considering them more dangerous and more likely to recidivate than white offenders.¹¹³ Yet when African Americans are victims of crime, their predicaments receive less public concern and media attention than that afforded white victims.¹¹⁴

In his book *Search and Destroy*, correctional reformer Jerome Miller spells out how millions of young African



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Empirical evidence shows that, in at least some jurisdictions, young African American males are treated more harshly by the criminal and juvenile justice systems than are members of any other group. Elements of institutional racism have become so endemic that terms such as “DWB” (Driving While Black) are now part of the vernacular, used to signify the fact that young African American motorists are routinely stopped by police.

Americans acquire a criminal record each year because police officers abuse their authority. Conservative politicians complain about providing welfare because they believe government should stay out of people’s lives, but they do not mind the traumatic intrusion to the black community being made by agents of the criminal justice system who seem bent on “identifying and managing unruly groups.”¹¹⁵ Differential enforcement practices take their toll on the black community. For example, a national survey found that more than 13 percent of all African American males have lost the right to vote, that in seven states 25 percent have been disenfranchised, and in two states, Florida and Alabama, 33 percent of black males have lost their voting privileges.¹¹⁶ It is not surprising then that African Americans of all social classes hold negative attitudes toward the justice system and view it as an arbitrary and unfair institution.¹¹⁷

ECONOMIC AND SOCIAL DISPARITY Racial differentials in crime rates may also be tied to economic disparity. Blacks and whites face different economic and social realities.

African Americans typically have higher unemployment rates and lower incomes than whites. They face a greater degree of social isolation and economic deprivation, a condition that has been linked by empirical research to high murder rates.¹¹⁸ Not helping the situation is the fact that during tough economic times, blacks and whites may find themselves competing for shrinking job opportunities. As economic competition between the races grows, interracial homicides do likewise; economic and political rivalries lead to greater levels of interracial violence.¹¹⁹

Even during times of economic growth, lower-class African Americans are left out of the economic mainstream, a fact that meets with a growing sense of frustration and failure.¹²⁰ As a result of being shut out of educational and economic opportunities enjoyed by the rest of society, this population may be prone, some believe, to the lure of illegitimate gain and criminality. Young African American males in the inner city often are resigned to a lifetime of little if any social and economic opportunity. Even when economic data say they are doing better, news accounts of “protests, riots, and acts of civil disobedience” tell them otherwise.¹²¹ African Americans living in lower-class inner-city areas may be disproportionately violent because they are exposed to more violence in their daily lives than other racial and economic groups. This exposure is a significant risk factor for violent behavior.¹²²

||||| CONNECTIONS |||||

The concept of relative deprivation refers to the fact that people compare their success to those with whom they are in immediate contact. Even if conditions improve, they still may feel as if they are falling behind. A sense of relative deprivation, discussed in Chapter 6, may lead to criminal activity.

FAMILY DISSOLUTION Family dissolution in the minority community is tied to low employment rates among African American males, which places a strain on marriages. The relatively large number of single, female-headed households in these communities may be tied to the high mortality rate among African American males due in part to their increased risk of early death by disease and violence.¹²³ When families are weakened or disrupted, their social control is compromised. It is not surprising, then, that divorce and separation rates are significantly associated with homicide rates in the African American community.¹²⁴

||||| CONNECTIONS |||||

According to some criminologists, racism has created isolated subcultures that espouse violence as a way of coping with conflict situations. Exasperation and frustration among minority group members who feel powerless to fit into middle-class society are manifested in aggression. This view is discussed further in Chapter 10, which reviews the subculture of violence theory.

IS CONVERGENCE POSSIBLE? Considering these overwhelming social problems, is it possible that racial crime rates will soon converge? One argument is that if economic conditions improve in the minority community, then differences in crime rates will eventually disappear.¹²⁵ A trend toward residential integration, underway since 1980, may also help reduce crime rate differentials.¹²⁶ Despite economic disparity, there are actually few racial differences in attitudes toward crime and justice today. Convergence in crime rates will occur if economic and social obstacles can be removed.

In sum, the weight of the evidence shows that although there is little difference in the self-reported crime rates of racial groups, African Americans are more likely to be arrested for serious violent crimes. The causes of minority crime have been linked to poverty, racism, hopelessness, lack of opportunity, and urban problems experienced by all too many African American citizens.

Criminal Careers

Crime data show that most offenders commit a single criminal act and upon arrest discontinue their antisocial activity. Others commit a few less serious crimes. A small group of criminal offenders, however, account for a majority of all criminal offenses. These persistent offenders are referred to as **career criminals** or **chronic offenders**. The concept of the chronic or career offender is most closely associated with the research efforts of Marvin Wolfgang, Robert Figlio, and Thorsten Sellin.¹²⁷ In their landmark 1972 study, *Delinquency in a Birth Cohort*, they used official records to follow the criminal careers of a cohort of 9,945 boys born in Philadelphia in 1945 from the time of their birth until they reached 18 years of age in 1963. Official police records were used to identify delinquents. About one-third of the boys (3,475) had some police contact. The remaining two-thirds (6,470) had none. Each delinquent was given a seriousness weight score for every delinquent act.¹²⁸ The weighting of delinquent acts allowed the researchers to differentiate, for example, between a simple assault requiring no medical attention for the victim and serious battery in which the victim needed hospitalization. The best-known discovery of Wolfgang and his associates was that of the so-called chronic offender. The cohort data indicated that 54 percent (1,862) of the sample's delinquent youths were repeat offenders, whereas the remaining 46 percent (1,613) were one-time offenders. The repeaters could be further categorized as nonchronic recidivists and chronic recidivists. The former consisted of 1,235 youths who had been arrested more than once but fewer than five times and who made up 35.6 percent of all delinquents. The latter were a group of 627 boys arrested five times or more, who accounted for 18 percent of the delinquents and 6 percent of the total sample of 9,945.

The chronic offenders (known today as “the chronic 6 percent”) were involved in the most dramatic amounts of delinquent behavior: They were responsible for 5,305 offenses, or 51.9 percent of all the offenses committed by the

cohort. Even more striking was the involvement of chronic offenders in serious criminal acts. Of the entire sample, they committed 71 percent of the homicides, 73 percent of the rapes, 82 percent of the robberies, and 69 percent of the aggravated assaults.

Wolfgang and his associates found that arrests and court experience did little to deter the chronic offender. In fact, punishment was inversely related to chronic offending: the more stringent the sanction chronic offenders received, the more likely they would be to engage in repeated criminal behavior.

In a second cohort study, Wolfgang and his associates selected a new, larger birth cohort, born in Philadelphia in 1958, which contained both male and female subjects.¹²⁹ Although the proportion of delinquent youths was about the same as that in the 1945 cohort, they again found a similar pattern of chronic offending. Chronic female delinquency was relatively rare—only 1 percent of the females in the survey were chronic offenders. Wolfgang's pioneering effort to identify the chronic career offender has been replicated by a number of other researchers in a variety of locations in the United States.¹³⁰ The chronic offender has also been found abroad.¹³¹

As might be expected, kids who have been exposed to a variety of personal and social problems at an early age are the most at risk to repeat offending, a concept referred to as **early onset**. One important study of delinquent offenders in Orange County, California, conducted by Michael Schumacher and Gwen Kurz, found several factors (see Exhibit 2.2) that characterized the chronic offender, including problems in the home and at school.¹³² Other research studies have found that involvement in criminal activity (for example, getting arrested before age 15), relatively low intellectual development, and parental drug involvement were key predictive factors for chronicity.¹³³

||||||| CONNECTIONS |||||

It is evident that chronic offenders suffer from a profusion of social problems. Some criminologists believe that accumulating a significant variety of these social deficits is the key to understanding criminal development. For more on this topic, see the discussion on problem behavior syndrome in Chapter 9.

PERSISTENCE: THE CONTINUITY OF CRIME One of the most important findings from the cohort studies is that persistent juvenile offenders are the ones most likely to continue their criminal careers into adulthood.¹³⁴ In one important study, Paul Tracy and Kimberly Kempf-Leonard followed up all subjects in the second 1958 cohort and found that two-thirds of delinquent offenders desisted from crime, but those who started their delinquent careers early and who committed serious violent crimes throughout adolescence were the most likely to persist as adults.¹³⁵ This phenomenon is referred to as **persistence** or the **continuity of crime**.¹³⁶

Children who are found to be disruptive and antisocial as early as age 5 or 6 are the most likely to exhibit stable,

Characteristics that Predict Chronic Offending

School Behavior/Performance Factor

- Attendance problems (truancy or a pattern of skipping school)
- Behavior problems (recent suspensions or expulsion)
- Poor grades (failing two or more classes)

Family Problem Factor

- Poor parental supervision and control
- Significant family problems (illness, substance abuse, discord)
- Criminal family members
- Documented child abuse, neglect, or family violence

Substance Abuse Factor

- Alcohol or drug use (by minors in any way but experimentation)

Delinquency Factor

- Stealing pattern of behavior
- Runaway pattern of behavior
- Gang member or associate

Source: Michael Schumacher and Gwen Kurz, *The 8% Solution: Preventing Serious Repeat Juvenile Crime* (Thousand Oaks, CA: Sage, 1999).

long-term patterns of disruptive behavior throughout adolescence.¹³⁷ They have measurable behavior problems in areas such as learning and motor skills, cognitive abilities, family relations, and other areas of social, psychological, and physical functioning.¹³⁸ Youthful offenders who persist are more likely to abuse alcohol, get into trouble while in military service, become economically dependent, have lower aspirations, get divorced or separated, and have a weak employment record.¹³⁹ They do not specialize in one type of crime; rather, they engage in a variety of criminal acts, including theft, use of drugs, and violent offenses.

Apprehension and punishment seem to have little effect on the offending behavior of these youths. A recent study that followed the offending careers of nearly 2,000 serious,

chronic youthful offenders for ten years after their release from the California Youth Authority found they were arrested on 24,615 occasions over the following decade, an average of twenty-two arrests each. More than 90 percent had been re-arrested during the following decade, and their arrests were for an average of nine property crimes, four violent offenses, three drug crimes, and six other types of crimes.¹⁴⁰ This recent research suggests the axiom, “The best predictor of future behavior is past behavior.”

IMPLICATIONS OF THE CHRONIC OFFENDER CONCEPT

The findings of the cohort studies and the discovery of the chronic offender have revitalized criminological theory. If relatively few offenders become chronic, persistent criminals, then perhaps they possess some individual trait that is responsible for their behavior. Most people exposed to troublesome social conditions, such as poverty, do not become chronic offenders, so it is unlikely that social conditions alone can cause chronic offending. Traditional theories of criminal behavior have failed to distinguish between chronic and occasional offenders. They concentrate more on explaining why people begin to commit crime and pay scant attention to why people stop offending. The discovery of the chronic offender thirty years ago forced criminologists to consider such issues as persistence and desistance in their explanations of crime; more recent theories account for not only the onset of criminality but also its termination.

The chronic offender has become a central focus of crime control policy. Concern about repeat offenders has been translated into programs at various stages of the justice process. For example, police departments and district attorneys’ offices around the nation have set up programs to focus resources on capturing and prosecuting dangerous or repeat offenders.¹⁴¹ Legal jurisdictions are developing sentencing policies designed to incapacitate chronic offenders for long periods of time without hope of probation or parole. Among the policies spurred by the chronic offender concept are mandatory sentences for violent or drug-related crimes and “three strikes” policies, which require people convicted of a third felony offense to serve a mandatory life sentence. Whether such policies can reduce crime rates or are merely “get tough” measures designed to placate conservative voters remains to be seen.

SUMMARY

■ Criminologists use various research methods to gather information that will shed light on criminal behavior. These include surveys, cohort studies, official record studies, experiments, observations, and meta-analysis/systematic reviews.

■ The FBI’s Uniform Crime Report is an annual tally of crime reported to local police departments. It is the nation’s official crime database.

■ The National Crime Victimization Survey (NCVS) samples more than 50,000 people annually in order

to estimate the total number of criminal incidents, including those not reported to police.

■ Self-report surveys ask respondents about their own criminal activity. They are useful in measuring crimes rarely reported to police, such as drug usage.

- Each data source has its strengths and weaknesses, and although different from one another, they actually agree on the nature of criminal behavior.
- Crime rates peaked in the early 1990s and have been in sharp decline ever since. The murder rate has undergone a particularly steep decline.
- A number of factors are believed to influence the crime rate, including the economy, drug use, gun availability, and crime control policies like adding police and putting more criminals in prison.
- It is difficult to gauge future trends. Some experts forecast an increase in crime, while others foresee a long-term decline in the crime rate.
- The data sources show stable patterns in the crime rate.
- Ecological patterns show that some areas of the country are more crime prone than others, that there are seasons and times for crime, and that these patterns are quite stable.
- There is also evidence of gender and age gaps in the crime rate: Men commit more crime than women, and young people commit more crime than the elderly. Crime data show that people commit less crime as they age, but the significance and cause of this pattern is not completely understood.
- Similarly, racial and class patterns appear in the crime rate. However, it is unclear whether these are true differences or a function of discriminatory law enforcement. Some criminologists suggest that institutional racism, such as police profiling, accounts for the racial differences in the crime rate. Others believe that high African American crime rates are a function of living in a racially segregated society.
- One of the most important findings in the crime statistics is the existence of the chronic offender, a repeat criminal responsible for a significant amount of all law violations. Chronic offenders begin their careers early in life and, rather than aging out of crime, persistently offend into adulthood. The discovery of the chronic offender has led to the study of developmental criminology—why people persist, desist, terminate, or escalate their deviant behavior.

Thinking Like a Criminologist

The planning director for the State Department of Juvenile Justice has asked for your advice on how to reduce the threat of chronic offenders. Some of the more conservative members of her staff seem to believe that these kids need a strict dose of rough justice if they are to be turned away from a life of crime. They believe juvenile delinquents who are punished harshly are less likely to recidivate than youths who receive lesser punishments, such as community corrections

or probation. In addition, they believe that hardcore, violent offenders deserve to be punished; excessive concern for offenders and not their acts ignores the rights of victims and society in general.

The planning director is unsure whether such an approach can reduce the threat of chronic offending. Can tough punishment produce deviant identities that lock kids into a criminal way of life? She is concerned that a strategy stressing punishment will have relatively

little impact on chronic offenders and, if anything, may cause escalation in serious criminal behaviors.

She has asked you for your professional advice. On one hand, the system must be sensitive to the adverse effects of stigma and labeling. On the other hand, the need for control and deterrence must not be ignored. Is it possible to reconcile these two opposing views?

Doing Research on the Web

To help formulate your answer to the question above, you might want to review some of these web-based resources: Eric B. Schnurer and Charles R. Lyons, “Turning Chronic Juvenile Offenders into Productive Citizens: Comprehensive

Model Emerging”: <http://www.cnponline.org/Issue%20Briefs/Statelines/statelin0101.htm>.

For an international view, see “Juvenile Offending: Predicting Persistence and Determining the Cost-Effectiveness

of Intervention”: <http://www.lawlink.nsw.gov.au/bocsar1.nsf/pages/r33textsection1>.

Also, go to InfoTrac College Edition and use “chronic offender” in a key word search.

KEY TERMS

- | | | |
|---------------------------------|---|------------------------------|
| self-report survey (30) | index crimes (33) | aging out (53) |
| victimization survey (30) | Part I crimes (33) | masculinity hypothesis (54) |
| sampling (30) | Part II crimes (33) | chivalry hypothesis (54) |
| population (30) | cleared crimes (33) | liberal feminist theory (54) |
| cross-sectional survey (30) | National Incident-Based Reporting System (NIBRS) (35) | career criminal (60) |
| cohort (30) | National Crime Victimization Survey (NCVS) (36) | chronic offender (60) |
| retrospective cohort study (31) | instrumental crimes (48) | early onset (60) |
| Uniform Crime Report (UCR) (31) | expressive crimes (48) | persistence (60) |
| meta-analysis (32) | | continuity of crime (60) |
| systematic review (32) | | three strikes (61) |

CRITICAL THINKING QUESTIONS

1. Would you answer honestly if a national crime survey asked you about your criminal behavior, including drinking and drug use? If not, why not? If you would not answer honestly, do you question the accuracy of self-report surveys?
2. How would you explain gender differences in the crime rate? Why do you think males are more violent than females?
3. Assuming that males are more violent than females, does that mean crime has a biological rather than a social basis (because males and females share a similar environment)?
4. The UCR reports that crime rates are higher in large cities than in small towns. What does that tell us about the effects of TV, films, and music on teenage behavior?
5. What social and environmental factors do you believe influence the crime rate? For example, do you think a national emergency would increase or decrease crime rates?

NOTES

1. Information on the Rudolph case can be obtained at <http://www.cnn.com/2003/US/05/31/rudolph.arrest/> <http://www.belleville.com/mld/newsdemocrat/6027216.htm>.
2. Michael Gottfredson and Travis Hirschi, "The Methodological Adequacy of Longitudinal Research on Crime," *Criminology* 25 (1987): 581–614.
3. See, generally, David Farrington, Lloyd Ohlin, and James Q. Wilson, *Understanding and Controlling Crime* (New York: Springer-Verlag, 1986), pp. 11–18.
4. The most recent version available at the time of this writing is *Federal Bureau of Investigation, Crime in the United States, 2003* (Washington, DC: U.S. Government Printing Office, 2004).
5. Claire Sterk-Elifson, "Just for Fun? Cocaine Use among Middle-Class Women," *Journal of Drug Issues* 26 (1996): 63–76.
6. Ibid., p. 63.
7. William F. Whyte, *Street Corner Society* (Chicago: University of Chicago Press, 1955).
8. Herman Schwendinger and Julia Schwendinger, *Adolescent Subcultures and Delinquency* (New York: Praeger, 1985).
9. For a review of these studies, see L. Rowell Huesmann and Neil Malamuth, eds., "Media Violence and Antisocial Behavior," *Journal of Social Issues* 42 (1986): 31–53.
10. David Farrington and Brandon Welsh, "Improved Street Lighting and Crime Prevention," *Justice Quarterly* 19 (2002): 313–343.
11. Federal Bureau of Investigation, *Crime in the United States, 2002* (Washington, DC: U.S. Government Printing Office, 2003). Herein cited in notes as FBI, Uniform Crime Report, and referred to in text as Uniform Crime Report or UCR. When possible, data has been updated with preliminary 2003 results.
12. Richard Felson, Steven Messner, Anthony Hoskin, and Glenn Deane, "Reasons for Reporting and Not Reporting Domestic Violence to the Police," *Criminology* 40 (2002): 617–648.
13. Shannan Catalano, *Criminal Victimization 2003*: (Washington, DC: Bureau of Justice Statistics, 2004). Herein cited as NCVS, 2003.
14. Paul Tappan, *Crime, Justice, and Corrections* (New York: McGraw-Hill, 1960).
15. Daniel Bell, *The End of Ideology* (New York: Free Press, 1967), p. 152.
16. Duncan Chappell, Gilbert Geis, Stephen Schafer, and Larry Siegel, "Forcible Rape: A Comparative Study of Offenses Known to the Police in Boston and Los Angeles," in *Studies in the Sociology of Sex*, ed. James Henslin (New York: Appleton Century Crofts, 1971), pp. 169–193.

17. Patrick Jackson, "Assessing the Validity of Official Data on Arson," *Criminology* 26 (1988): 181–195.
18. Lawrence Sherman and Barry Glick, "The Quality of Arrest Statistics," *Police Foundation Reports* 2 (1984): 1–8.
19. David Seidman and Michael Couzens, "Getting the Crime Rate Down: Political Pressure and Crime Reporting," *Law and Society Review* 8 (1974): 457.
20. Ariel Hart, "Report Finds Atlanta Police Cut Figures on Crimes," *New York Times*, 21 February 2004 p. A3.
21. Robert Davis and Bruce Taylor, "A Proactive Response to Family Violence: The Results of a Randomized Experiment," *Criminology* 35 (1997): 307–333.
22. Robert O'Brien, "Police Productivity and Crime Rates: 1973–1992," *Criminology* 34 (1996): 183–207.
23. Leonard Savitz, "Official Statistics," in *Contemporary Criminology*, eds. Leonard Savitz and Norman Johnston (New York: Wiley, 1982), pp. 3–15.
24. FBI, *UCR Handbook* (Washington, DC: U.S. Government Printing Office, 1998), p. 33.
25. *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2003). Data in this section come from this report.
26. L. Edward Wells and Joseph Rankin, "Juvenile Victimization: Convergent Validation of Alternative Measurements," *Journal of Research in Crime and Delinquency* 32 (1995): 287–307.
27. A pioneering effort in self-report research is A. L. Porterfield, *Youth in Trouble* (Fort Worth, TX: Leo Potishman Foundation, 1946); for a review, see Robert Hardt and George Bodine, *Development of Self-Report Instruments in Delinquency Research: A Conference Report* (Syracuse, NY: Syracuse University Youth Development Center, 1965). See also Fred Murphy, Mary Shirley, and Helen Witner, "The Incidence of Hidden Delinquency," *American Journal of Orthopsychology* 16 (1946): 686–696.
28. See, for example, John Paul Wright and Francis Cullen, "Juvenile Involvement in Occupational Delinquency," *Criminology* 38 (2000): 863–896.
29. Lloyd Johnston, Patrick O'Malley, and Jerald Bachman, *Monitoring the Future*, 1990 (Ann Arbor, MI: Institute for Social Research, 1991); Timothy Flanagan and Kathleen Maguire, *Sourcebook of Criminal Justice Statistics*, 1989 (Washington, DC: U.S. Government Printing Office, 1990), pp. 290–291.
30. D. Wayne Osgood, Lloyd Johnston, Patrick O'Malley, and Jerald Bachman, "The Generality of Deviance in Late Adolescence and Early Adulthood," *American Sociological Review* 53 (1988): 81–93.
31. See, for example, Spencer Rathus and Larry Siegel, "Crime and Personality Revisited: Effects of MMPI Sets on Self-Report Studies," *Criminology* 18 (1980): 245–251; John Clark and Larry Tiftt, "Polygraph and Interview Validation of Self-Reported Deviant Behavior," *American Sociological Review* 31 (1966): 516–523.
32. Mallie Paschall, Miriam Ornstein, and Robert Flewelling, "African-American Male Adolescents' Involvement in the Criminal Justice System: The Criterion Validity of Self-Report Measures in Prospective Study," *Journal of Research in Crime and Delinquency* 38 (2001): 174–187.
33. Leonore Simon, "Validity and Reliability of Violent Juveniles: A Comparison of Juvenile Self-Reports with Adult Self-Reports Incarcerated in Adult Prisons," paper presented at the annual meeting of the American Society of Criminology, Boston, November 1995, p. 26.
34. Stephen Cernkovich, Peggy Giordano, and Meredith Pugh, "Chronic Offenders: The Missing Cases in Self-Report Delinquency Research," *Journal of Criminal Law and Criminology* 76 (1985): 705–732.
35. Terence Thornberry, Beth Bjerregaard, and William Miles, "The Consequences of Respondent Attrition in Panel Studies: A Simulation Based on the Rochester Youth Development Study," *Journal of Quantitative Criminology* 9 (1993): 127–158.
36. Julia Yun Soo Kim, Michael Fendrich, and Joseph S. Wislar, "The Validity of Juvenile Arrestees' Drug Use Reporting: A Gender Comparison," *Journal of Research in Crime and Delinquency* 37 (2000): 419–432.
37. Barbara Warner and Brandi Wilson Coomer, "Neighborhood Drug Arrest Rates: Are They a Meaningful Indicator of Drug Activity? A Research Note," *Journal of Research in Crime and Delinquency* 40 (2003): 123–139.
38. Alfred Blumstein, Jacqueline Cohen, and Richard Rosenfeld, "Trend and Deviation in Crime Rates: A Comparison of UCR and NCVS Data for Burglary and Robbery," *Criminology* 29 (1991): 237–248. See also Michael Hindelang, Travis Hirschi, and Joseph Weis, *Measuring Delinquency* (Beverly Hills: Sage, 1981).
39. Clarence Schrag, *Crime and Justice: American Style* (Washington, DC: U.S. Government Printing Office, 1971), p. 17.
40. Thomas Bernard, "Juvenile Crime and the Transformation of Juvenile Justice: Is There a Juvenile Crime Wave?" *Justice Quarterly* 16 (1999): 336–356.
41. James A. Fox, *Trends in Juvenile Violence: A Report to the United States Attorney General on Current and Future Rates of Juvenile Offending* (Boston: Northeastern University, 1996).
42. Steven Levitt, "The Limited Role of Changing Age Structure in Explaining Aggregate Crime Rates," *Criminology* 37 (1999): 581–599.
43. Darrell Steffensmeier and Miles Harer, "Did Crime Rise or Fall During the Reagan Presidency? The Effects of an 'Aging' U.S. Population on the Nation's Crime Rate," *Journal of Research in Crime and Delinquency* 28 (1991): 330–339.
44. Darrell Steffensmeier and Miles Harer, "Making Sense of Recent U.S. Crime Trends, 1980 to 1996/1998: Age Composition Effects and Other Explanations," *Journal of Research in Crime and Delinquency* 36 (1999): 235–274.
45. *Ibid.*, p. 265.
46. Ralph Weisheit and L. Edward Wells, "The Future of Crime in Rural America," *Journal of Crime and Justice* 22 (1999): 1–22.
47. Ellen Cohn, "The Effect of Weather and Temporal Variations on Calls for Police Service," *American Journal of Police* 15 (1996): 23–43.
48. R. A. Baron, "Aggression as a Function of Ambient Temperature and Prior Anger Arousal," *Journal of Personality and Social Psychology* 21 (1972): 183–189.
49. Ellen Cohn, "The Prediction of Police Calls for Service: The Influence of Weather and Temporal Variables on Rape and Domestic Violence," *Journal of Environmental Psychology* 13 (1993): 71–83.

50. Derral Cheatwood, "The Effects of Weather on Homicide," *Journal of Quantitative Criminology* 11 (1995): 51–70.
51. Ellen Cohn and James Rotton, "Assault as a Function of Time and Temperature: A Moderator-Variable Time-Series Analysis." Paper presented at the annual meeting of the American Society of Criminology, Chicago, November 1996, p. 23.
52. See generally Franklin Zimring and Gordon Hawkins, *Crime Is Not the Problem: Lethal Violence in America* (New York: Oxford University Press, 1997).
53. *Ibid.*, p. 36.
54. Gary Kleck and Marc Gertz, "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun," *Journal of Criminal Law and Criminology* 86 (1995): 219–249.
55. Robert Nash Parker, "Bringing 'Booze' Back In: The Relationship between Alcohol and Homicide," *Journal of Research in Crime and Delinquency* 32 (1995): 3–38.
56. Victoria Brewer and M. Dwayne Smith, "Gender Inequality and Rates of Female Homicide Victimization across U.S. Cities," *Journal of Research in Crime and Delinquency* 32 (1995): 175–190.
57. James Short and F. Ivan Nye, "Extent of Unrecorded Juvenile Delinquency, Tentative Conclusions," *Journal of Criminal Law, Criminology, and Police Science* 49 (1958): 296–302.
58. Ivan Nye, James Short, and Virgil Olsen, "Socio-Economic Status and Delinquent Behavior," *American Journal of Sociology* 63 (1958): 381–389; Robert Dentler and Lawrence Monroe, "Social Correlates of Early Adolescent Theft," *American Sociological Review* 63 (1961): 733–743. See also Terence Thornberry and Margaret Farnworth, "Social Correlates of Criminal Involvement: Further Evidence of the Relationship between Social Status and Criminal Behavior," *American Sociological Review* 47 (1982): 505–518.
59. Charles Tittle, Wayne Villemez, and Douglas Smith, "The Myth of Social Class and Criminality: An Empirical Assessment of the Empirical Evidence," *American Sociological Review* 43 (1978): 643–656.
60. Charles Tittle and Robert Meier, "Specifying the SES/Delinquency Relationship," *Criminology* 28 (1990): 271–301.
61. R. Gregory Dunaway, Francis Cullen, Velmer Burton, and T. David Evans, "The Myth of Social Class and Crime Revisited: An Examination of Class and Adult Criminality," *Criminology* 38 (2000): 589–632.
62. Delbert Elliott and Suzanne Ageton, "Reconciling Race and Class Differences in Self-Reported and Official Estimates of Delinquency," *American Sociological Review* 45 (1980): 95–110.
63. See also Delbert Elliott and David Huizinga, "Social Class and Delinquent Behavior in a National Youth Panel: 1976–1980," *Criminology* 21 (1983): 149–177. For a similar view, see John Braithwaite, "The Myth of Social Class and Criminality Reconsidered," *American Sociological Review* 46 (1981): 35–58; Hindelang, Hirschi, and Weis, *Measuring Delinquency*, p. 196.
64. David Brownfield, "Social Class and Violent Behavior," *Criminology* 24 (1986): 421–439.
65. Douglas Smith and Laura Davidson, "Interfacing Indicators and Constructs in Criminological Research: A Note on the Comparability of Self-Report Violence Data for Race and Sex Groups," *Criminology* 24 (1986): 473–488.
66. Dunaway, Cullen, Burton, and Evans, "The Myth of Social Class and Crime Revisited."
67. Sally Simpson and Lori Elis, "Doing Gender: Sorting Out the Case and Crime Conundrum," *Criminology* 33 (1995): 47–81.
68. Judith Blau and Peter Blau, "The Cost of Inequality: Metropolitan Structure and Violent Crime," *American Sociological Review* 47 (1982): 114–129; Richard Block, "Community Environment and Violent Crime," *Criminology* 17 (1979): 46–57; Robert Sampson, "Structural Sources of Variation in Race-Age-Specific Rates of Offending across Major U.S. Cities," *Criminology* 23 (1985): 647–673.
69. Chin-Chi Hsieh and M. D. Pugh, "Poverty, Income Inequality, and Violent Crime: A Meta-Analysis of Recent Aggregate Data Studies," *Criminal Justice Review* 18 (1993): 182–199.
70. Richard Miech, Avshalom Caspi, Terrie Moffitt, Bradley Entner Wright, and Phil Silva, "Low Socioeconomic Status and Mental Disorders: A Longitudinal Study of Selection and Causation during Young Adulthood," *American Journal of Sociology* 104 (1999): 1096–1131; Marvin Krohn, Alan Lizotte, and Cynthia Perez, "The Interrelationship between Substance Use and Precocious Transitions to Adult Sexuality," *Journal of Health and Social Behavior* 38 (1997): 87–103, at 88; Richard Jessor, "Risk Behavior in Adolescence: A Psychosocial Framework for Understanding and Action," in *Adolescents at Risk: Medical and Social Perspectives*, eds. D. E. Rogers and E. Ginzburg (Boulder, CO: Westview, 1992).
71. Robert Agnew, "A General Strain Theory of Community Differences in Crime Rates," *Journal of Research in Crime and Delinquency* 36 (1999): 123–155.
72. Bonita Veysey and Steven Messner, "Further Testing of Social Disorganization Theory: An Elaboration of Sampson and Groves's Community Structure and Crime," *Journal of Research in Crime and Delinquency* 36 (1999): 156–174.
73. Lance Hannon and James DeFronzo, "Welfare and Property Crime," *Justice Quarterly* 15 (1998): 273–288.
74. Alan Lizotte, Terence Thornberry, Marvin Krohn, Deborah Chard-Wierschem, and David McDowall, "Neighborhood Context and Delinquency: A Longitudinal Analysis," in *Cross National Longitudinal Research on Human Development and Criminal Behavior*, eds. E. M. Weitekamp and H. J. Kerner (Stavernstr, Netherlands: Kluwer, 1994), pp. 217–227.
75. Travis Hirschi and Michael Gottfredson, "Age and the Explanation of Crime," *American Journal of Sociology* 89 (1983): 552–584, at 581.
76. Darrell Steffensmeier and Cathy Streifel, "Age, Gender, and Crime across Three Historical Periods: 1935, 1960 and 1985," *Social Forces* 69 (1991): 869–894.
77. For a comprehensive review of crime and the elderly, see Kyle Kercher, "Causes and Correlates of Crime Committed by the Elderly," in *Critical Issues in Aging Policy*, eds. E. Borgatta and R. Montgomery (Beverly Hills: Sage, 1987), pp. 254–306; Darrell Steffensmeier, "The Invention of the 'New' Senior Citizen Criminal," *Research on Aging* 9 (1987): 281–311.
78. Hirschi and Gottfredson, "Age and the Explanation of Crime."

79. Robert Agnew, "An Integrated Theory of the Adolescent Peak in Offending," *Youth & Society* 34 (2003): 263–302.
80. Margo Wilson and Martin Daly, "Life Expectancy, Economic Inequality, Homicide, and Reproductive Timing in Chicago Neighbourhoods," *British Journal of Medicine* 314 (1997): 1271–1274.
81. Edward Mulvey and John LaRosa, "Delinquency Cessation and Adolescent Development: Preliminary Data," *American Journal of Orthopsychiatry* 56 (1986): 212–224.
82. James Q. Wilson and Richard Herrnstein, *Crime and Human Nature* (New York: Simon & Schuster, 1985): 126–147.
83. *Ibid.*, p. 219.
84. Erich Labouvie, "Maturing Out of Substance Use: Selection and Self-Correction," *Journal of Drug Issues* 26 (1996): 457–474.
85. Cesare Lombroso, *The Female Offender* (New York: Appleton, 1920), p. 122.
86. Otto Pollack, *The Criminality of Women* (Philadelphia: University of Pennsylvania, 1950).
87. For a review of this issue, see Darrell Steffensmeier, "Assessing the Impact of the Women's Movement on Sex-Based Differences in the Handling of Adult Criminal Defendants," *Crime and Delinquency* 26 (1980): 344–357.
88. Alan Booth and D. Wayne Osgood, "The Influence of Testosterone on Deviance in Adulthood: Assessing and Explaining the Relationship," *Criminology* 31 (1993): 93–118.
89. Daniel Mears, Matthew Ploeger, and Mark Warr, "Explaining the Gender Gap in Delinquency: Peer Influence and Moral Evaluations of Behavior," *Journal of Research in Crime and Delinquency* 35 (1998): 251–266.
90. Gisela Konopka, *The Adolescent Girl in Conflict* (Englewood Cliffs, N.: Prentice-Hall, 1966); Clyde Vedder and Dora Somerville, *The Delinquent Girl* (Springfield, IL: Charles C Thomas, 1970).
91. Emily Gaarder and Joanne Belknap, "Tenuous Borders: Girls Transferred to Adult Court," *Criminology* 40 (2002): 481–517.
92. Freda Adler, *Sisters in Crime* (New York: McGraw-Hill, 1975); Rita James Simon, *The Contemporary Woman and Crime* (Washington, DC: U.S. Government Printing Office, 1975).
93. David Rowe, Alexander Vazsonyi, and Daniel Flannery, "Sex Differences in Crime: Do Mean and Within-Sex Variation Have Similar Causes?" *Journal of Research in Crime and Delinquency* 32 (1995): 84–100; Michael Hindelang, "Age, Sex, and the Versatility of Delinquency Involvements," *Social Forces* 14 (1971): 525–534; Martin Gold, *Delinquent Behavior in an American City* (Belmont, CA: Brooks/Cole, 1970); Gary Jensen and Raymond Eve, "Sex Differences in Delinquency: An Examination of Popular Sociological Explanations," *Criminology* 13 (1976): 427–448.
94. Darrell Steffensmeier and Renee Hoffman Steffensmeier, "Trends in Female Delinquency," *Criminology* 18 (1980): 62–85; see also Darrell Steffensmeier and Renee Hoffman Steffensmeier, "Crime and the Contemporary Woman: An Analysis of Changing Levels of Female Property Crime, 1960–1975," *Social Forces* 57 (1978): 566–584; Joseph Weis, "Liberation and Crime: The Invention of the New Female Criminal," *Crime and Social Justice* 1 (1976): 17–27; Carol Smart, "The New Female Offender: Reality or Myth," *British Journal of Criminology* 19 (1979): 50–59; Steven Box and Chris Hale, "Liberation/Emancipation, Economic Marginalization or Less Chivalry," *Criminology* 22 (1984): 473–478.
95. Meda Chesney-Lind, "Female Offenders: Paternalism Reexamined," in *Women, the Courts, and Equality*, eds. Laura Crites and Winifred Hepperle (Newbury Park, CA: Sage, 1987), pp. 114–139, at 115.
96. Anne Campbell, Steven Muncer, and Daniel Bibbel, "Female–Female Criminal Assault: An Evolutionary Perspective," *Journal of Research in Crime and Delinquency* 35 (1998): 413–428.
97. Knut Steen and Steinar Hunskaar, "Gender and Physical Violence," *Social Science & Medicine* 59 (2004): 567–571.
98. Finn-Aage Esbensen and Elizabeth Piper Deschenes, "A Multisite Examination of Youth Gang Membership: Does Gender Matter?" *Criminology* 36 (1998): 799–828.
99. Leroy Gould, "Who Defines Delinquency: A Comparison of Self-Report and Officially Reported Indices of Delinquency for Three Racial Groups," *Social Problems* 16 (1969): 325–336; Harwin Voss, "Ethnic Differentials in Delinquency in Honolulu," *Journal of Criminal Law, Criminology, and Police Science* 54 (1963): 322–327; Ronald Akers, Marvin Krohn, Marcia Radosevich, and Lonn Lanza-Kaduce, "Social Characteristics and Self-Reported Delinquency," in *Sociology of Delinquency*, ed. Gary Jensen (Beverly Hills: Sage, 1981), pp. 48–62.
100. Institute for Social Research, *Monitoring the Future* (Ann Arbor, MI: Author, 2001).
101. David Huizinga and Delbert Elliott, "Juvenile Offenders: Prevalence, Offender Incidence, and Arrest Rates by Race," *Crime and Delinquency* 33 (1987): 206–223. See also Dale Dannefer and Russell Schutt, "Race and Juvenile Justice Processing in Court and Police Agencies," *American Journal of Sociology* 87 (1982): 1113–1132.
102. Paul Tracy, "Race and Class Differences in Official and Self-Reported Delinquency," in *From Boy to Man, from Delinquency to Crime*, eds. Marvin Wolfgang, Terence Thornberry, and Robert Figlio (Chicago: University of Chicago Press, 1987), p. 120.
103. Philippe Rushton, "Race and Crime: An International Dilemma," *Society* 32 (1995): 37–42; for a rebuttal, see Jerome Neapolitan, "Cross-National Variation in Homicides: Is Race a Factor?" *Criminology* 36 (1998): 139–156.
104. Miriam Sealock and Sally Simpson, "Unraveling Bias in Arrest Decisions: The Role of Juvenile Offender Type-Scripts," *Justice Quarterly* 15 (1998): 427–457.
105. Robin Shepard Engel and Jennifer Calnon, "Examining the Influence of Drivers' Characteristics during Traffic Stops with Police: Results from a National Survey," *Justice Quarterly* 21 (2004): 49–90.
106. "Law Enforcement Seeks Answers to 'Racial Profiling' Complaints," *Criminal Justice Newsletter* 29 (1998): 5.
107. Daniel Georges-Abeyie, "Definitional Issues: Race, Ethnicity and Official Crime/Victimization Rates," in *The Criminal Justice System and Blacks*, ed. D. Georges-Abeyie (New York: Clark Boardman, 1984), p. 12; Robert Sampson, "Race and Criminal Violence: A Demographically Disaggregated Analysis of Urban Homicide," *Crime and Delinquency* 31 (1985): 47–82.

108. Barry Sample and Michael Philip, "Perspectives on Race and Crime in Research and Planning," in *The Criminal Justice System and Blacks*, ed. Georges-Abeyie, pp. 21–36.
109. Candace Kruttschnitt, "Violence by and against Women: A Comparative and Cross-National Analysis," *Violence and Victims* 8 (1994): 4.
110. James Comer, "Black Violence and Public Policy," in *American Violence and Public Policy*, ed. Lynn Curtis (New Haven: Yale University Press, 1985), pp. 63–86.
111. Fox Butterfield, *All God's Children: The Bosket Family and the American Tradition of Violence* (New York: Avon, 1996).
112. Michael Leiber and Jayne Stairs, "Race, Contexts and the Use of Intake Diversion," *Journal of Research in Crime and Delinquency* 36 (1999): 56–86; Darrell Steffensmeier, Jeffery Ulmer, and John Kramer, "The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male," *Criminology* 36 (1998): 763–798.
113. Tracy Nobiling, Cassia Spohn, and Miriam DeLone, "A Tale of Two Counties: Unemployment and Sentence Severity," *Justice Quarterly* 15 (1998): 459–486.
114. Alexander Weiss and Steven Chermak, "The News Value of African-American Victims: An Examination of the Media's Presentation of Homicide," *Journal of Crime and Justice* 21 (1998): 71–84.
115. Jerome Miller, *Search and Destroy: African American Males in the Criminal Justice System* (New York: Cambridge University Press, 1996), p. 226.
116. *The Sentencing Project, Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States* (Washington, DC: Sentencing Project, 1998).
117. Ronald Weitzer and Steven Tuch, "Race, Class, and Perceptions of Discrimination by the Police," *Crime and Delinquency* 45 (1999): 494–507.
118. Karen Parker and Patricia McCall, "Structural Conditions and Racial Homicide Patterns: A Look at the Multiple Disadvantages in Urban Areas," *Criminology* 37 (1999): 447–469.
119. David Jacobs and Katherine Woods, "Interracial Conflict and Interracial Homicide: Do Political and Economic Rivalries Explain White Killings of Blacks or Black Killings of Whites?" *American Journal of Sociology* 105 (1999): 157–190.
120. Melvin Thomas, "Race, Class and Personal Income: An Empirical Test of the Declining Significance of Race Thesis, 1968–1988," *Social Problems* 40 (1993): 328–339.
121. Gary LaFree, Kriss Drass, and Patrick O'Day, "Race and Crime in Postwar America: Determinants of African-American and White Rates, 1957–1988," *Criminology* 30 (1992): 157–188.
122. Mallie Paschall, Robert Flewelling, and Susan Ennett, "Racial Differences in Violent Behavior among Young Adults: Moderating and Confounding Effects," *Journal of Research in Crime and Delinquency* 35 (1998): 148–165.
123. R. Kelly Raley, "A Shortage of Marriageable Men? A Note on the Role of Cohabitation in Black-White Differences in Marriage Rates," *American Sociological Review* 61 (1996): 973–983.
124. Julie Phillips, "Variation in African-American Homicide Rates: An Assessment of Potential Explanations," *Criminology* 35 (1997): 527–559.
125. Roy Austin, "Progress toward Racial Equality and Reduction of Black Criminal Violence," *Journal of Criminal Justice* 15 (1987): 437–459.
126. Reynolds Farley and William Frey, "Changes in the Segregation of Whites from Blacks during the 1980s: Small Steps toward a More Integrated Society," *American Sociological Review* 59 (1994): 23–45.
127. Marvin Wolfgang, Robert Figlio, and Thorsten Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972).
128. See Thorsten Sellin and Marvin Wolfgang, *The Measurement of Delinquency* (New York: Wiley, 1964), p. 120.
129. Paul Tracy and Robert Figlio, "Chronic Recidivism in the 1958 Birth Cohort." Paper presented at the American Society of Criminology meeting, Toronto, October 1982; Marvin Wolfgang, "Delinquency in Two Birth Cohorts," in *Perspective Studies of Crime and Delinquency*, eds. Katherine Teilmann Van Dusen and Sarnoff Mednick (Boston: Kluwer-Nijhoff, 1983), pp. 7–17. The following sections rely heavily on these sources.
130. Lyle Shannon, *Criminal Career Opportunity* (New York: Human Sciences Press, 1988).
131. D. J. West and David P. Farrington, *The Delinquent Way of Life* (London: Hienemann, 1977).
132. Michael Schumacher and Gwen Kurz, *The 8% Solution: Preventing Serious Repeat Juvenile Crime* (Thousand Oaks, CA: Sage, 1999).
133. Peter Jones, Philip Harris, James Fader, and Lori Grubstein, "Identifying Chronic Juvenile Offenders," *Justice Quarterly* 18 (2001): 478–507.
134. See, generally, Wolfgang, Thornberry, and Figlio, eds., *From Boy to Man, from Delinquency to Crime*.
135. Paul Tracy and Kimberly Kempf-Leonard, *Continuity and Discontinuity in Criminal Careers* (New York: Plenum Press, 1996).
136. Kimberly Kempf-Leonard, Paul Tracy, and James Howell, "Serious, Violent, and Chronic Juvenile Offenders: The Relationship of Delinquency Career Types to Adult Criminality," *Justice Quarterly* 18 (2001): 449–478.
137. R. Tremblay, R. Loeber, C. Gagnon, P. Charlebois, S. Larivee, and M. LeBlanc, "Disruptive Boys with Stable and Unstable High Fighting Behavior Patterns during Junior Elementary School," *Journal of Abnormal Child Psychology* 19 (1991): 285–300.
138. Jennifer White, Terrie Moffitt, Felton Earls, Lee Robins, and Phil Silva, "How Early Can We Tell? Predictors of Childhood Conduct Disorder and Adolescent Delinquency," *Criminology* 28 (1990): 507–535.
139. John Laub and Robert Sampson, "Unemployment, Marital Discord, and Deviant Behavior: The Long-Term Correlates of Childhood Misbehavior." Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990; rev. version.
140. Michael Ezell and Amy D'Unger, "Offense Specialization among Serious Youthful Offenders: A Longitudinal Analysis of a California Youth Authority Sample" (Durham, NC: Duke University, 1998, unpublished report).
141. Susan Martin, "Policing Career Criminals: An Examination of an Innovative Crime Control Program," *Journal of Criminal Law and Criminology* 77 (1986): 1159–1182.

CHAPTER 3



In 2001, the state of Connecticut was rocked when Waterbury Mayor Philip Giordano, a married father of three, was arrested for engaging in sexual relations with minors as young as 9 years old. Giordano was a highly respected officeholder who had been the Republican candidate for the U.S. Senate in the 2000 campaign (he lost to incumbent Joseph Lieberman). During an FBI investigation into city corruption, a 17-year-old girl came forward and charged that Giordano had paid her to have sex with him in

his private law office and to watch him have sex with her aunt, known in the case as “Jane Doe.” The teenager told state officials that from the time she was 12, Jane Doe arranged for her to have paid sexual encounters with men (including the mayor); Doe’s own daughter, only 8 years old, was also involved.¹ On March 25, 2003, a federal jury convicted Giordano of violating the civil rights of the two young girls. He was also found guilty of conspiracy and of using an interstate device—a cell phone—to arrange the meetings with the girls and received a sentence of thirty-seven years in federal prison.²

The Giordano case is shocking because it involves a high public official. And although it is unusual for its sordidness, it is not unique or uncommon. A recent multinational survey concluded that each year in the United States 325,000 children are subjected to some form of sexual exploitation, which includes sexual abuse, prostitution, use in pornography, and molestation by adults.³

View the CNN video clip of the story and answer related critical thinking questions on your Criminology 9e CD.

VICTIMS AND VICTIMIZATION

CHAPTER OUTLINE

Problems of Crime Victims

Economic Loss
System Abuse
Long-Term Stress

The Criminological Enterprise: Adolescent Victims of Violence

Fear
Antisocial Behavior

The Nature of Victimization

The Social Ecology of Victimization
The Victim's Household
Victim Characteristics
Victims and Their Criminals

Theories of Victimization

Victim Precipitation Theory
Lifestyle Theory

The Criminological Enterprise: Rape on Campus: Lifestyle and Risk

Deviant Place Theory
Routine Activities Theory

The Criminological Enterprise: Crime and Everyday Life

Caring for the Victim

The Government's Response
Victim Service Programs
Victims' Rights

Comparative Criminology: Victims' Rights in Europe

Victim Advocacy
Self-Protection
Community Organization

CHAPTER OBJECTIVES


1. Be familiar with the concept of victimization
2. Be familiar with the costs of victimization
3. Be able to discuss the problems of crime victims
4. Know the nature of victimization
5. Recognize that there are age, gender, and racial patterns in the victimization data
6. Be familiar with the term "victim precipitation"
7. Be able to discuss the association between lifestyle and victimization
8. List the routine activities associated with victimization risk
9. Be able to discuss the various victim assistance programs


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These incidents illustrate the importance of understanding the victim's role in the crime process. Criminologists who focus their attention on crime victims refer to themselves as **victimologists**. This chapter examines victims and their relationship to the criminal process. First, using available victim data, we analyze the nature and extent of victimization. We then discuss the relationship between victims and criminal offenders. During this discussion, we look at the various theories of victimization that attempt to explain the victim's role in the crime problem. Finally, we examine how society has responded to the needs of victims and discuss the special problems they still face.

PROBLEMS OF CRIME VICTIMS

The National Crime Victimization Survey (NCVS) indicates that the annual number of victimizations in the United States is about 24 million.⁴ Being the target or victim of a rape, robbery, or assault is a terrible burden that can have considerable long-term consequences.⁵ The costs of victimization can include such things as damaged property, pain and suffering to victims, and the involvement of the police and other agencies of the justice system. In this section we explore some of the effects of these incidents.

 The mission of the **National Center for Victims of Crime** is to help victims of crime rebuild their lives: "We are dedicated to serving individuals, families, and communities harmed by crime." Visit their website at <http://www.ncvc.org/ncvc/Main.aspx>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

 Use InfoTrac College Edition to read: Julie Brienza, "Crime Victim Laws Sometimes Ignored," *Trial* 35 (May 1999): 103.

Economic Loss

When the costs of goods taken during property crimes is added to productivity losses caused by injury, pain, and emotional trauma, the cost of victimization is estimated to be in the hundreds of billions of dollars.

SYSTEM COSTS Part of the economic loss due to victimization is the cost to American taxpayers of maintaining the justice system. For example, violent crime by juveniles alone costs the United States \$158 billion each year.⁶ This estimate includes some of the costs incurred by federal, state, and local governments to assist victims of juvenile violence, such as medical treatment for injuries and services for victims, which amounts to about \$30 billion. The remaining \$128 billion is due to losses suffered by victims, such as lost wages, pain,

suffering, and reduced quality of life. Not included in these figures are the costs incurred trying to reduce juvenile violence, which include early prevention programs, services for juveniles, and the juvenile justice system.

Juvenile violence is only one part of the crime picture. If the cost of the justice system, legal costs, treatment costs, and so on are included, the total loss due to crime amounts to \$450 billion annually, or about \$1,800 per U.S. citizen. Crime produces social costs that must be paid by nonvictims as well. For example, each heroin addict is estimated to cost society more than \$135,000 per year; an estimated half-million addicts cost society about \$68 billion per year.⁷

INDIVIDUAL COSTS In addition to these societal costs, victims may suffer long-term losses in earnings and occupational attainment. Victim costs resulting from an assault are as high as \$9,400, and costs are even higher for rape and arson; the average murder costs around \$3 million.⁸ Research by Ross Macmillan shows that Americans who suffer a violent victimization during adolescence earn about \$82,000 less than nonvictims; Canadian victims earn \$237,000 less. Macmillan reasons that victims bear psychological and physical ills that inhibit first their academic achievement and later their economic and professional success.⁹

System Abuse

The suffering endured by crime victims does not end when their attacker leaves the scene of the crime. They may suffer more **victimization** by the justice system.

While the crime is still fresh in their minds, victims may find that the police interrogation following the crime is handled callously, with innuendos or insinuations that they were somehow at fault. Victims have difficulty learning what is going on in the case; property is often kept for a long time as evidence and may never be returned. Some rape victims report that the treatment they receive from legal, medical, and mental health services is so destructive that they cannot help feeling "re-raped."¹⁰ Victims may also suffer economic hardship because of wages lost while they testify in court and find that authorities are indifferent to their fear of retaliation if they cooperate in the offenders' prosecution.¹¹

Long-Term Stress

Victims may suffer stress and anxiety long after the incident is over and the justice process has been forgotten. Experiencing abuse is particularly traumatic for adolescents who often suffer hostility and posttraumatic stress disorders.¹² For example, girls who were psychologically, sexually, or physically abused as children are more likely to have lower self-esteem and be more suicidal as adults than those who were not abused.¹³ They are also placed at greater risk to be re-abused as adults than those who escaped childhood victimization.¹⁴ Children who are victimized in the home are more likely to run away to escape their environment,

which puts them at risk for juvenile arrest and involvement with the justice system.¹⁵ Many who undergo traumatic sexual experiences later suffer psychological deficits such as eating disorders and mental illness and social problems such as homelessness and repeat victimization.¹⁶ For example, a recent study of homeless women found that they were much more likely than other women to report childhood physical abuse, childhood sexual abuse, adult physical assault, previous sexual assault in adulthood, and a history of mental health problems.¹⁷

Stress does not end in childhood. Spousal abuse victims suffer a high prevalence of depression, **posttraumatic stress disorder (PTSD)**—an emotional disturbance following exposure to stresses outside the range of normal human experience), anxiety disorder, and **obsessive-compulsive disorder** (an extreme preoccupation with certain thoughts and compulsive performance of certain behaviors).¹⁸ One reason may be that abusive spouses are as likely to abuse their victims psychologically with threats and intimidation as they are to use physical force; psychological abuse can lead to depression and other long-term disabilities.¹⁹

Some victims are physically disabled as a result of serious wounds sustained during episodes of random violence, including a growing number who suffer paralyzing spinal cord injuries. And if victims have no insurance, the long-term effects of the crime may have devastating financial as well as emotional and physical consequences.²⁰ The Criminological Enterprise feature discusses the long-term effects violence has on adolescent victims.

I Did you know that Australia, the United States, and other developed countries offer elementary school programs that heighten children's awareness about the possibility of abduction? To read about these and other programs on InfoTrac College Edition, use "crime victims" as a subject guide and look for the subcategory "youth-crimes against."

Fear

Many people fear crime, especially the elderly, the poor, and minority group members.²¹ However, people who have suffered crime victimization remain fearful long after their wounds have healed. Even if they have escaped attack themselves, hearing about another's victimization may make people timid and cautious. For example, a recent effort to reduce gang crime and drug dealing in some of Chicago's most troubled housing projects failed to meet its objectives because residents feared retaliation from gang boys and possible loss of relationships; joining an effort to organize against crime placed them at extreme risk.²²

Victims of violent crime are the most deeply affected, fearing a repeat of their attack. There may be a spillover effect in which victims become fearful of other forms of crime they have not yet experienced; people who have been assaulted develop fears that their house will be burglarized.²³



Victims experience fear and suffer psychological pain long after their physical injuries have healed. Teacher Jose Rodriguez reads T-shirts designed by survivors of sexual abuse at the Denim Day in L.A. Speak-out and Rally on April 21, 2004, at the Civic Center in Los Angeles, California. The event, part of Sexual Assault Awareness Month, encourages sexual assault victims to break their silence and speak out about their experiences. Do you believe that going public about a sexual assault can assist the healing process?

Many go through a fundamental life change, viewing the world more suspiciously and as a less safe, controllable, and meaningful place. These people are more likely to suffer psychological stress for extended periods of time.²⁴ Crime can have devastating effects on its victims, who may take years to recover from the incident. In a moving book, *Aftermath: Violence and the Remaking of a Self*, rape victim Susan Brison recounts the difficult time she had recovering from her ordeal. The trauma disrupted her memory, cutting off events that happened before the rape from those that occurred afterward, and eliminated her ability to conceive of a happy or productive future. Although sympathizers encouraged her to forget the past, she found that confronting it could be therapeutic.²⁵

Adolescent Victims of Violence

How many adolescents experience extreme physical and sexual violence, and what effect does the experience have on their lives? To answer these critical questions, Dean Kilpatrick, Benjamin Saunders, and Daniel Smith conducted interviews with 4,023 adolescents ages 12 to 17 to obtain information on their substance use, abuse, delinquency, and posttraumatic stress disorder (PTSD), as well as their experiences with sexual assault, physical assault, physically abusive punishment, and witnessing acts of violence.

Kilpatrick and his colleagues found that rates of interpersonal violence and victimization among adolescents in the United States are extremely high. Approximately 1.8 million adolescents age 12 to 17 have been sexually assaulted, and 3.9 million have been severely physically assaulted. Another 2.1 million have been punished by physical abuse. The most common form of youth victimization was witnessing violence, with approximately 8.8 million youths indicating that they had seen someone else being shot, stabbed, sexually assaulted, physically assaulted, or threatened with a weapon.

There were distinct racial and ethnic patterns in youth victimization. There is a much higher incidence of all types of victimization among black and Native American adolescents; more than half of black, Latino, and Native American adolescents had witnessed violence in their lifetime. Native American adolescents had the largest rate for sexual assault victimizations; whites and Asians reported the lowest. Native Americans, blacks, and Latinos also reported the highest rate of physical assault victimization—20 to 25 percent of each group reported experiencing at least one physical assault.

Gender also played a role in increasing the exposure to violence.

Girls were at greater risk of sexual assault than boys (13.0 percent versus 3.4 percent). Boys were at significantly greater risk of physical assault than girls (21.3 percent versus 13.4 percent). A substantial number of all adolescents (43.6 percent of boys and 35 percent of girls) reported having witnessed violence. Physically abusive punishment was similar for boys (8.5 percent) and girls (10.2 percent).

What Are the Outcomes of Abuse and Violence?

The research discovered a clear relationship between youth victimization and mental health problems and delinquent behavior. For example:

- Negative outcomes in victims of sexual assault were three to five times the rates observed in nonvictims.
- The lifetime prevalence of posttraumatic stress disorder is 8.1 percent, indicating that approximately 1.8 million adolescents had met the criteria for PTSD at some point during their lifetime.
- Girls were significantly more likely than boys to have lifetime PTSD (10.1 percent versus 6.2 percent).
- Among boys who had experienced sexual assault, 28.2 percent had PTSD at some point in their lives. The rate of lifetime PTSD among boys who had not been sexually assaulted was 5.4 percent.
- Sexually assaulted girls had a lifetime PTSD rate of 29.8 percent, compared with 7.1 percent of girls with no sexual assault history.
- Experiencing either a physical assault or physically abusive punishment was associated with a lifetime PTSD rate of 15.2 percent for boys. The rate of lifetime PTSD in boys who had not been physically assaulted or abusively punished was 3.1 percent.

- Approximately 25 percent of physically assaulted or abused adolescents reported lifetime substance abuse or dependence. Rates of substance problems among non-physically assaulted or abused adolescents were roughly 6 percent.
- The percentage of boys who were physically assaulted and had committed an index offense was 46.7 percent, compared with 9.8 percent of boys who were not assaulted. Similarly, 29.4 percent of physically assaulted girls reported having engaged in serious delinquent acts at some point in their lives, compared with 3.2 percent of nonassaulted girls.

The Kilpatrick research shows that youth between 12 and 17 are at the greatest risk of victimization by violent acts and that those who experience violent victimizations suffer significant social problems. Protecting adolescents must become a significant national priority.

Critical Thinking

1. Should people who abuse or harm adolescent children be punished more severely than those who harm adults?
2. Would you advocate the death penalty for someone who rapes an adolescent female?

• InfoTrac College Edition Research

To read more about this topic, go to InfoTrac College Edition and read the following article: Arthur H. Green, "Child Sexual Abuse: Immediate and Long-Term Effects and Intervention," *Journal of the American Academy of Child and Adolescent Psychiatry* 32 (1993): 890–902.

Source: Dean Kilpatrick, Benjamin Saunders, and Daniel Smith, *Youth Victimization: Prevalence and Implications* (Washington, DC: National Institute of Justice, 2003).

Antisocial Behavior

There is growing evidence that crime victims are more likely to commit crimes themselves. Being abused or neglected as a child increases the odds of being arrested, both as a juvenile and as an adult.²⁶ People, especially young males, who were physically or sexually abused are much more likely to smoke, drink, and take drugs than are nonabused youth. Incarcerated offenders report significant amounts of post-traumatic stress disorder as a result of prior victimization, which may in part explain their violent and criminal behaviors.²⁷

The abuse–crime phenomenon is referred to as the **cycle of violence**.²⁸ Research shows that both boys and girls are more likely to engage in violent behavior if they were the target of physical abuse and were exposed to violent behavior among adults they know or live with or were exposed to weapons.²⁹



To quiz yourself on this material, go to the Criminology 9e website.

THE NATURE OF VICTIMIZATION

How many crime victims are there in the United States, and what are the trends and patterns in victimization? According to the NCVS, an estimated 24 million criminal events occurred during 2003.³⁰

CONNECTIONS

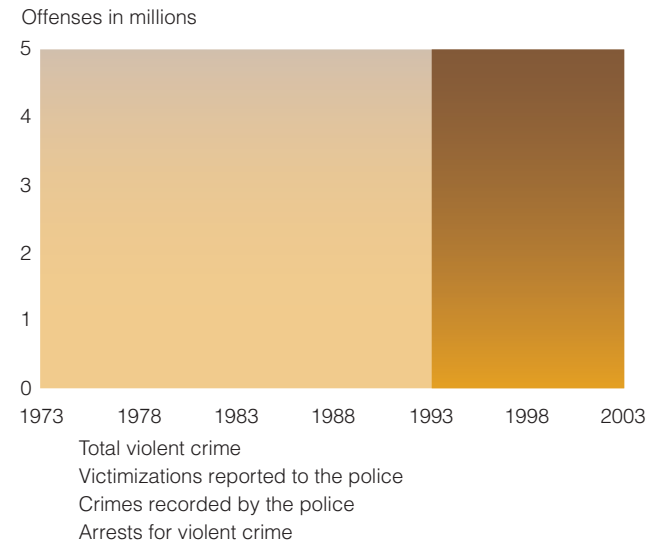
As discussed in Chapter 2, the NCVS is currently the leading source of information about the nature and extent of victimization. It employs a highly sophisticated and complex sampling methodology to collect data annually from thousands of citizens. Statistical techniques then estimate victimization rates, trends, and patterns that occur in the entire U.S. population.

The National Crime Victimization Survey (NCVS), like the Uniform Crime Report, shows that crime rates have been declining (Figure 3.1). All told, between 1993 and 2003 the violent crime victimization rate decreased 55 percent (from 50 to about 23 personal victimizations per 1,000 persons age 12 or older), and the property crime victimization rate declined 50 percent (from 319 to 163 crimes per 1,000 households). Figure 3.2 and Figure 3.3 show these decreases.

Patterns in the victimization survey findings are stable and repetitive, suggesting that victimization is not random but is a function of personal and ecological factors. The stability of these patterns allows us to make judgments about the nature of victimization; policies can then be created in an effort to reduce the victimization rate. Who are victims? Where does victimization take place? What is the

Declining Crime Rates, 1973–2003

On four measures of serious violent crime, the NCVS data show declines that are similar to the UCR data.

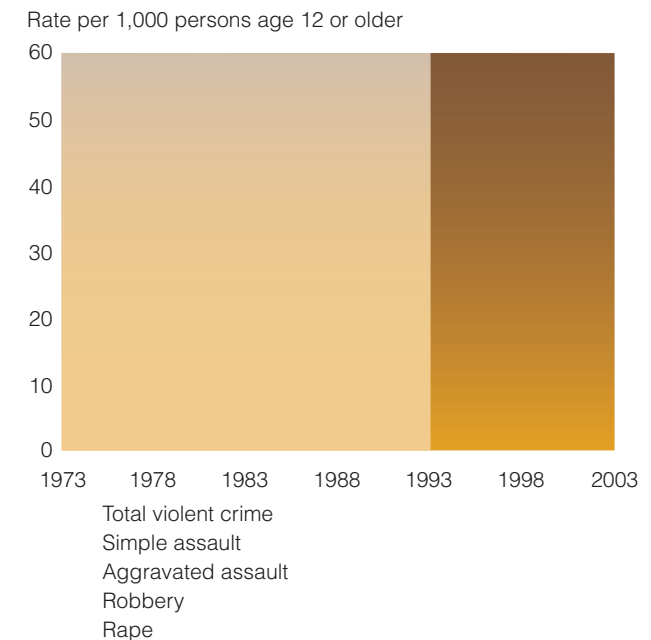


Note: The NCVS redesign was implemented in 1993; the area with the lighter shading is before the redesign and the darker area after the redesign.

Source: Shannan Catalano, *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2004).

Violent Crime Victimization Rates, 1973–2003

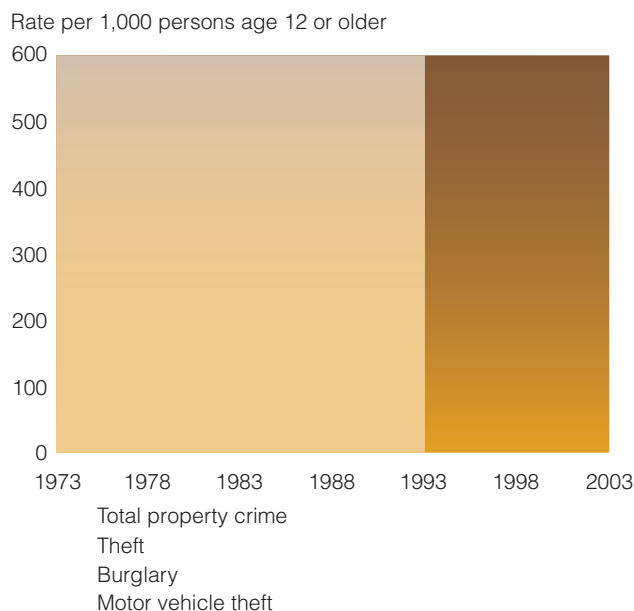
The NCVS reveals long-term declines in victimization to the lowest per capita rates in thirty years.



Note: The violent crimes included are rape, robbery, aggravated and simple assault, and homicide. The NCVS redesign was implemented in 1993; the area with the lighter shading is before the redesign and the darker area after the redesign.

Source: Shannan Catalano, *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2004).

Property Crime Victimization Rates, 1973–2003



Note: Property crimes include burglary, theft, and motor vehicle theft. The NCVS redesign was implemented in 1993; the area with the lighter shading is before the redesign and the darker area after the redesign.

Source: Shannan Catalano, *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2004).

relationship between victims and criminals? The following sections discuss some of the most important victimization patterns and trends.

The Social Ecology of Victimization

The NCVS shows that violent crimes are slightly more likely to take place in an open, public area—such as a street, a park, or a field); in a school building; or at a commercial establishment such as a tavern during the daytime or early evening hours than in a private home during the morning or late evening hours. The more serious violent crimes, such as rape and aggravated assault, typically take place after 6 P.M. Approximately two-thirds of rapes and sexual assaults occur at night—6 P.M. to 6 A.M. Less serious forms of violence, such as unarmed robberies and personal larcenies like purse snatching, are more likely to occur during the daytime.

Did you know that a great deal of victimization occurs in school buildings? Although school violence may be declining, about one-third of all students are injured in a physical altercation each year. To learn more about this phenomenon, use InfoTrac College Edition to read: “Violence Decreasing in U.S. High Schools,” *The Brown University Child and Adolescent Behavior Letter* 15 (December 1999): 3.

Neighborhood characteristics affect the chances of victimization. Those living in the central city have significantly higher rates of theft and violence than suburbanites; people

living in rural areas have a victimization rate almost half that of city dwellers. The risk of murder for both men and women is significantly higher in disorganized inner-city areas where gangs flourish and drug trafficking is commonplace.

The Victim’s Household

The NCVS tells us that within the United States, larger, African American, western, and urban homes are the most vulnerable to crime. In contrast, rural, white homes in the Northeast are the least likely to contain crime victims or be the target of theft offenses, such as burglary or larceny. People who own their homes are less vulnerable than renters.

Recent population movement and changes may account for decreases in crime victimization. U.S. residents have become extremely mobile, moving from urban areas to suburban and rural areas. In addition, family size has been reduced; more people than ever before are living in single-person homes (about 26 percent of households). It is possible that the decline in household victimization rates during the past decades can be explained by the fact that smaller households in less populated areas have a lower victimization risk.

Victim Characteristics

Social and demographic characteristics also distinguish victims and nonvictims. The most important of these factors are gender, age, social status, and race.

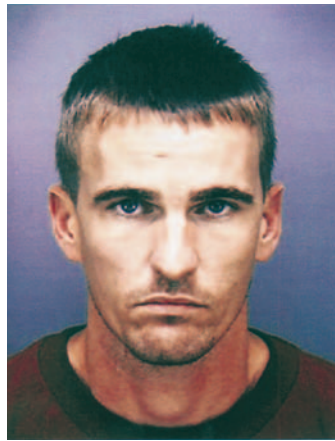
GENDER Gender affects victimization risk. Males are more likely than females to be the victims of violent crime. Men are almost twice as likely as women to experience robbery and 50 percent more likely to be the victim of assault; women are much more likely than men to be victims of rape or sexual assault. For all crimes, males are more likely to be victimized than females.

However, the gender differences in the victimization rate appear to be narrowing.

Females are most often victimized by someone they know, whereas males are more likely to be victimized by a stranger. Of those offenders victimizing females, about two-thirds are described as someone the victim knows or is related to. In contrast, only about half of male victims are attacked by a friend, relative, or acquaintance.

AGE Victim data reveal that young people face a much greater victimization risk than do older people. As Figure 3.4 shows, victim risk diminishes rapidly after age 25.

The elderly, who are thought of as the helpless targets of predatory criminals, are actually much safer than their grandchildren. People over 65, who make up about 15 percent of the population, account for only 1 percent of violent victimizations; teens 12 to 19, who also make up 15 percent of the population, typically account for more than 30 percent of victimizations. For example, teens 16 to 19 suffer more than 50 personal victimizations per 1,000, whereas people over 65 experience only 2.



© AP/Wide World Photos

PINELLAS COUNTY
SHERIFF'S OFFICE

SUSPECT DATABASE

Name: **CARR JASON**

DOB: **12 / 30 / 74**

Race: **MALE**

Sex: **WHITE**

Hgt/Wgt: **6' 02" 160 lbs.**

Eyes: **BLUE** Hair: **BROWN**

Image#: **1070245**

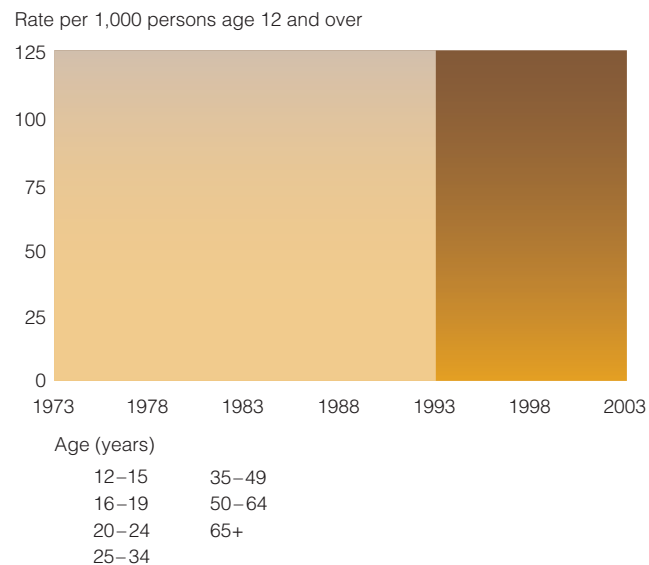
Type: **BOOKING RECORD**

Picture Date/Time: **10 / 10 / 00 20:05**

Men are typically attacked by strangers, but about two-thirds of all attacks against women are committed by a husband, boyfriend, family member, or an acquaintance. Jason Carr, shown here in his booking photograph in Pinellas County, Florida, was placed under house arrest after his tenth felony conviction. He was then arrested and charged with domestic violence and child abuse—committed while serving his sentence at home!

Violent Crime Rates by Age of Victim

Young people are much more likely to become victims than are the elderly.



Note: Violent crimes included are homicide, rape, robbery, and both simple and aggravated assault. The NCVS redesign was implemented in 1993; the area with the lighter shading is before the redesign and the darker area after the redesign.

Source: Shannan Catalano, *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2004).

Although the elderly are less likely to become crime victims than the young, they are most often the victims of a narrow band of criminal activities from which the young are more immune. Frauds and scams, purse snatching, pocket picking, stealing checks from the mail, and crimes committed

in long-term care settings claim predominantly elderly victims. The elderly are especially susceptible to fraud schemes because they have insurance, pension plans, proceeds from the sale of homes, and money from Social Security and savings that make them attractive financial targets. Because many elderly live by themselves and are lonely, they remain more susceptible to telephone and mail fraud. Unfortunately, once victimized the elderly have less opportunity to either recover their lost money or to earn enough to replace it.³¹ Elder abuse is a particularly important issue because of shifts in the U.S. population; the Bureau of the Census predicts that by 2030 the population over age 65 will nearly triple to more than 70 million people, and older people will make up more than 20 percent of the population (up from 12.3 percent in 1990). The saliency of **elder abuse** is underscored by reports from the National Center on Elder Abuse, which show an increase of 150 percent in reported cases of elder abuse nationwide since 1986.³²

CONNECTIONS

The association between age and victimization is undoubtedly tied to lifestyle: Adolescents often stay out late at night, go to public places, and hang out with other kids who have a high risk of criminal involvement. Teens also face a high victimization risk because they spend a great deal of time in the most dangerous building in the community—the local school. As Chapter 2 indicated, adolescents have the highest crime rates. It is not surprising that people who associate with these high-crime-rate individuals (other adolescents) have the greatest victimization risk.

SOCIAL STATUS The poorest Americans are also the most likely victims of violent and property crime. This association occurs across all gender, age, and racial groups. Although the poor are more likely to suffer violent crimes, the wealthy are more likely targets of personal theft crimes such as pocket picking and purse snatching. Perhaps the affluent—sporting more expensive attire and driving better cars—attract the attention of thieves.

MARITAL STATUS Marital status also influences victimization risk. Never-married males and females are victimized more often than married people. Widows and widowers have the lowest victimization risk. This association between marital status and victimization is probably influenced by age, gender, and lifestyle:

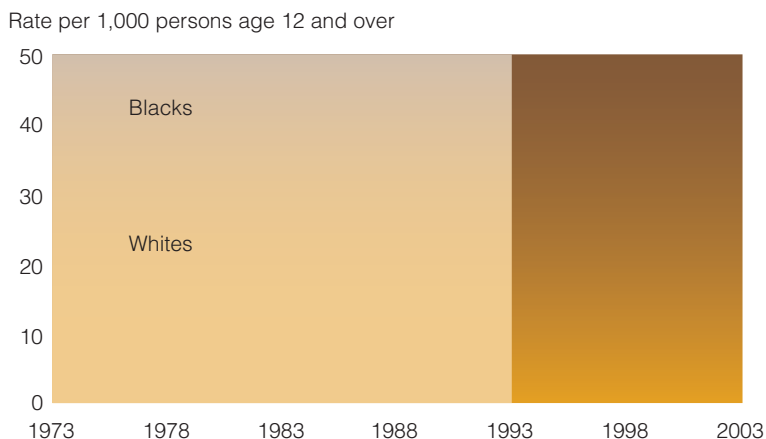
- Many young people, who have the highest victimization risk, are too young to have been married.
- Young single people go out in public more often and sometimes interact with high-risk peers, increasing their exposure to victimization.
- Widows and widowers suffer much lower victimization rates because they are older, interact with older people, and are more likely to stay home at night and to avoid public places.

Violent Crime Rates by Race of Victim

Blacks are more likely than whites to be victims of violent crime.

Note: Serious violent crimes included are homicide, rape, robbery, and aggravated and simple assault. The NCVS redesign was implemented in 1993; the area with the lighter shading is before the redesign and the darker area after the redesign.

Source: Shannan Catalano, *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2004).



RACE AND ETHNICITY As Figure 3.5 shows, blacks are more likely than whites to be victims of violent crime, and serious violent crime rates declined in recent years for both blacks and whites.

Why do these discrepancies exist? Because of income inequality, racial and minority group members are often forced to live in deteriorated urban areas beset by alcohol and drug abuse, poverty, racial discrimination, and violence. Consequently, their lifestyle places them in the most at-risk population group. However, as Figure 3.5 shows, the rate of black victimization has been in steep decline, and the racial gap seems to be narrowing.

REPEAT VICTIMIZATION Does prior victimization enhance or reduce the chances of future victimization? Individuals who have been crime victims have a significantly higher chance of future victimization than people who have not been victims.³³ Households that have experienced victimization in the past are the ones most likely to experience it again in the future.³⁴

What factors predict **chronic victimization**? Most repeat victimizations occur soon after a previous crime has occurred, suggesting that repeat victims share some personal characteristic that makes them a magnet for predators.³⁵ For example, children who are shy, physically weak, or socially isolated may be prone to being bullied in the schoolyard.³⁶ David Finkelhor and Nancy Asigian have found that three specific types of characteristics increase the potential for victimization:

1. **Target vulnerability:** The victims' physical weakness or psychological distress renders them incapable of resisting or deterring crime and makes them easy targets.
2. **Target gratifiability:** Some victims have some quality, possession, skill, or attribute that an offender wants to obtain, use, have access to, or manipulate. Having attractive possessions such as a leather coat may make one vulnerable to predatory crime.
3. **Target antagonism:** Some characteristics increase risk because they arouse anger, jealousy, or destructive

impulses in potential offenders. Being gay or effeminate, for example, may bring on undeserved attacks in the street; being argumentative and alcoholic may provoke barroom assaults.³⁷

Repeat victimization may occur when the victim does not take defensive action. For example, if an abusive husband finds out that his battered wife will not call the police, he repeatedly victimizes her; or if a hate crime is committed and the police do not respond to reported offenses, the perpetrators learn they have little to fear from the law.³⁸

Victims and Their Criminals

The victim data also tell us something about the relationship between victims and criminals. Males are more likely to be violently victimized by a stranger, and females are more likely to be victimized by a friend, an acquaintance, or an intimate.

Victims report that most crimes are committed by a single offender over age 20. Crime tends to be intraracial: Black offenders victimize blacks, and whites victimize whites. However, because the country's population is predominantly white, it stands to reason that criminals of all races will be more likely to target white victims. Victims report that substance abuse is involved in about one-third of violent crime incidents.³⁹

On April 15, 2002, the body of Jackson Carr, a 6-year-old boy, was found buried in mud in Lewisville, Texas; he had been stabbed to death. Later that day, Jackson's 15-year-old sister and 10-year-old brother confessed to the crime and were charged with murder.⁴⁰ (Sibling homicide is called **siblicide**.) Although many violent crimes are committed by strangers, a surprising number of violent crimes are committed by relatives or acquaintances of the victims. In fact, more than half of all nonfatal personal crimes are committed by people who are described as being known to the victim. Women are especially vulnerable to people they know. More than six in ten rape or sexual assault victims state the offender was an intimate, a relative, a friend, or an acquaintance. Women are more likely than men to be robbed by a friend or acquaintance; 74 percent of males and 43 per-

cent of females state the individuals who robbed them were strangers.



To quiz yourself on this material, go to the Criminology 9e website.

THEORIES OF VICTIMIZATION

For many years criminological theory focused on the actions of the criminal offender; the role of the victim was virtually ignored. But more than fifty years ago scholars began to realize that the victim is not a passive target in crime but someone whose behavior can influence his or her own fate, someone who “shapes and molds the criminal.”⁴¹ These early works helped focus attention on the role of the victim in the crime problem and led to further research efforts that have sharpened the image of the crime victim. Today a number of different theories attempt to explain the cause of victimization; the most important are discussed here.

Victim Precipitation Theory

According to **victim precipitation theory**, some people may actually initiate the confrontation that eventually leads to their injury or death. Victim precipitation can be either active or passive.

Active precipitation occurs when victims act provocatively, use threats or fighting words, or even attack first.⁴² In 1971, Menachem Amir suggested female victims often contribute to their attacks by dressing provocatively or pursuing a relationship with the rapist.⁴³ Although Amir’s findings are controversial, courts have continued to return not-guilty verdicts in rape cases if a victim’s actions can in any way be construed as consenting to sexual intimacy.⁴⁴

In contrast, **passive precipitation** occurs when the victim exhibits some personal characteristic that unknowingly either threatens or encourages the attacker. The crime can occur because of personal conflict—for example, when two people compete over a job, promotion, love interest, or some other scarce and coveted commodity. A woman may become the target of intimate violence when she increases her job status, and her success results in a backlash from a jealous spouse or partner.⁴⁵ Although the victim may never have met the attacker or even know of his or her existence, the attacker feels menaced and acts accordingly.⁴⁶

Passive precipitation may also occur when the victim belongs to a group whose mere presence threatens the attacker’s reputation, status, or economic well-being. For example, hate crime violence may be precipitated by immigrant group members arriving in the community to compete for jobs and housing. Research indicates that passive precipitation is related to power: If the target group can establish themselves economically or gain political power in the community, their vulnerability will diminish. They are still a potential threat,

but they become too formidable a target to attack; they are no longer passive precipitators.⁴⁷ By implication, economic power reduces victimization risk.

Lifestyle Theory

Some criminologists believe people may become crime victims because their lifestyle increases their exposure to criminal offenders. Victimization risk is increased by such behaviors as associating with young men, going out in public places late at night, and living in an urban area. Conversely, one’s chances of victimization can be reduced by staying home at night, moving to a rural area, staying out of public places, earning more money, and getting married. The basis of **lifestyle theory** is that crime is not a random occurrence but rather a function of the victim’s lifestyle.

HIGH-RISK LIFESTYLES People who have high-risk lifestyles—drinking, taking drugs, getting involved in crime—maintain a much greater chance of victimization.⁴⁸ For example, young runaways are at high risk for victimization; the more time they are exposed to street life, the greater their risk of becoming crime victims.⁴⁹ Teenage males have



© Chuck Savage/Corbis

Victimization is not a random event. People can increase or decrease their chances of becoming a crime victim by virtue of their own risk-taking behaviors. Having a high-risk lifestyle—going out at night, drinking, hanging with young males—creates a high risk for criminal victimization. Conversely, staying home in a safe area, and avoiding alcohol reduces victimization risk.

Rape on Campus: Lifestyle and Risk

Due to their lifestyle and demographic makeup, college campuses contain large concentrations of young women who may be at greater risk for rape and other forms of sexual assault than women in the general population. How common is campus rape? Who are its victims? And what actions do they take after they are assaulted?

To answer these important questions, Bonnie Fisher and her colleagues conducted a telephone survey of a randomly selected, national sample of 4,446 women who were attending a two- or four-year college or university during the fall of 1996.

Based on their findings, they estimated that a college with 10,000 female students could experience more than 350 rapes a year. At first glance, the fact that “only” about 1 in 36 college women (2.8 percent) experience a completed rape or attempted rape in an academic year does not signify that campus rape has reached epidemic proportions. However, the results must be interpreted with caution. When

compared with the FBI estimate that about 6 women per 10,000 in the population and the NCVS estimate that about 20 women per 10,000 are rape victims each year, the college rape statistics are startling. Also, the college “year” is only about seven months long. In addition, many women experience other forms of sexual coercion on campus, including unwanted or uninvited sexual contacts; more than one-third of the sample reported incidents like these.

College rape is a serious social problem, but it remains below the radar because few incidents of sexual victimization are reported to law enforcement officials; fewer than 5 percent of completed and attempted rapes are reported. In about two-thirds of the rape incidents, the victim did tell another person. However, most often this person was a friend, not a family member or a college official.

When/Where Does Sexual Victimization Occur and Who Is the Perpetrator?

Fisher and her colleagues found that most (90 percent) of the victims knew

the person who sexually victimized them. Most often this was a boyfriend, ex-boyfriend, classmate, friend, acquaintance, or coworker; college professors were not identified as committing any rapes or sexual coercions.

The vast majority of sexual victimizations occurred in the evening (after 6 P.M.), typically (60 percent) in the students’ living quarters. Other common crime scenes were other living quarters on campus and fraternity houses (about 10 percent). Off-campus sexual victimizations, especially rapes, also occurred in residences. Incidents where women were threatened or touched also took place in settings such as bars, dance clubs or nightclubs, and work settings. Though a majority of incidents took place off campus, most involved a victim who was engaged in an activity connected to her life as a student at the college she attended, for example, attending a student party.

Fighting Back

For nearly all forms of sexual victimization, the majority of female students reported attempting to

an extremely high victimization risk because their lifestyle places them at risk both at school and once they leave the school grounds.⁵⁰ They spend a great deal of time hanging out with friends and pursuing recreational fun.⁵¹ Their friends may give them a false ID so they can go drinking in the neighborhood bar; or they may hang out in taverns at night, which places them at risk because many fights and assaults occur in places that serve liquor. Those who have histories of engaging in serious delinquency, getting involved in gangs, carrying guns, and selling drugs have an increased chance of being shot and killed themselves.⁵²

Lifestyle risks continue into young adulthood. College students who spend several nights each week partying and who take recreational drugs are much more likely to suffer violent crime than those who avoid such risky academic lifestyles.⁵³ As adults, those who commit crimes increase their chances of becoming the victims of homicide.⁵⁴ The Criminological Enterprise feature, “Rape on Campus: Lifestyle

and Risk,” explores the relationship between lifestyle and victimization risk.

VICTIMS AND CRIMINALS One element of lifestyle that may place people at risk for victimization is ongoing involvement in a criminal career. Analysis of data from the Rochester and Pittsburgh Youth Studies—two ongoing longitudinal surveys tracking thousands of at-risk youth—indicates that kids who became victims of serious crime were more likely than nonvictims to have participated in such criminal activities as gang/group fights, serious assaults, and drug dealing. They are also more likely to carry a weapon and associate with delinquent peers. An adolescent characterized by any one of these risk factors was generally two to four times more likely to become a crime victim than a noncriminal youth. For example, between 24 and 40 percent of males involved in gang/group fights had themselves been seriously injured; among females, 27 percent of those involved in gang/group

take protective actions during the incident. Fisher found that those women who fought back were less likely to experience successful attacks, a finding that suggests the intended victim's willingness or ability to take protective action might be one reason attempts to rape or coerce sex failed.

The most common protective action was using physical force against the assailant. Nearly 70 percent of victims of attempted rape used this response—again, a possible reason many of these acts were not completed. Other common physical responses included removing the offender's hand, running away, and trying to avoid the offender. Verbal responses also were common, including pleading with the offender to stop, screaming, and trying to negotiate with the offender.

Who Gets Victimized?

Is lifestyle connected to victimization? Fisher and her colleagues found that four main factors consistently increased the risk of sexual

victimization: (1) frequently drinking enough to get drunk, (2) being unmarried, (3) having been a victim of a sexual assault before the start of the current school year, and (4) living on campus (for on-campus victimization only).

Fisher also found that many women do not believe their sexual victimizations were a crime—some because they blame themselves for their sexual assault. Others did not clearly understand the legal definition of rape, or they did not want to define someone they knew who victimized them as a rapist.

The Fisher research reinforces the lifestyle theory of victimization. Young college women are at greater risk than other women because of their lifestyle: They are more likely to associate with dangerous peers; that is, young men who are more likely to drink and live alone.

Critical Thinking

1. Considering Fisher's findings, would you advise a female high school senior to attend an all girls'

school in order to be safe? Would you propose another course of action?

2. There have been a number of sexual assault cases at the nation's service academies (West Point, Air Force Academy, Naval Academy). Do you believe women who attend these schools are at greater risk than those who attend traditional colleges and universities?

InfoTrac College Edition Research

To learn more about sexual victimization by acquaintances on college campuses and elsewhere, use "date rape" and "acquaintance rape" as subject guides with InfoTrac College Edition.

Source: Bonnie Fisher, Francis Cullen, and Michael Turner, *The Sexual Victimization of College Women* (Washington, DC: National Institute of Justice, 2001).

fight had been seriously injured. Carrying a weapon was another surefire way to become a crime victim. Males who carried weapons were approximately three times more likely to be victimized than those who did not carry weapons—between 27 and 33 percent of the weapon carriers became victims, as opposed to only 10 percent of those who did not carry weapons.⁵⁵ These data indicate that criminals and victims may not be two separate and distinct groups. Rather, the risk of victimization is directly linked to the high-risk lifestyle of young, weapon-toting gang boys.

Deviant Place Theory

According to **deviant place theory**, victims do not encourage crime but are victim prone because they reside in socially disorganized high-crime areas where they have the greatest risk of coming into contact with criminal offenders, irrespective of their own behavior or lifestyle.⁵⁶ The more often victims visit

dangerous places, the more likely they will be exposed to crime and violence.⁵⁷ Neighborhood crime levels, then, may be more important for determining the chances of victimization than individual characteristics. Consequently, there may be little reason for residents in lower-class areas to alter their lifestyle or take safety precautions because personal behavior choices do not influence the likelihood of victimization.⁵⁸

Deviant places are poor, densely populated, highly transient neighborhoods in which commercial and residential property exist side by side.⁵⁹ The commercial property provides criminals with easy targets for theft crimes, such as shoplifting and larceny. Successful people stay out of these stigmatized areas; they are homes for "demoralized kinds of people" who are easy targets for crime: the homeless, the addicted, the retarded, and the elderly poor.⁶⁰ People who live in more affluent areas and take safety precautions significantly lower their chances of becoming crime victims; the effect of safety precautions is less pronounced in poor areas. Residents

of poor areas have a much greater risk of becoming victims because they live in areas with many motivated offenders; to protect themselves, they have to try harder to be safe than the more affluent.⁶¹

Sociologist William Julius Wilson has described how people who can afford to leave dangerous areas do so. He suggests that affluent people realize that criminal victimization can be avoided by moving to an area with greater law enforcement and lower crime rates. Because there are significant interracial income differences, white residents are able to flee inner-city high-crime areas, leaving members of racial minorities behind to suffer high victimization rates.⁶²

Routine Activities Theory

Routine activities theory was first articulated in a series of papers by Lawrence Cohen and Marcus Felson.⁶³ They concluded that the volume and distribution of predatory crime (violent crimes against a person and crimes in which an offender attempts to steal an object directly) are closely related to the interaction of three variables that reflect the routine activities of the typical American lifestyle (see Figure 3.6):

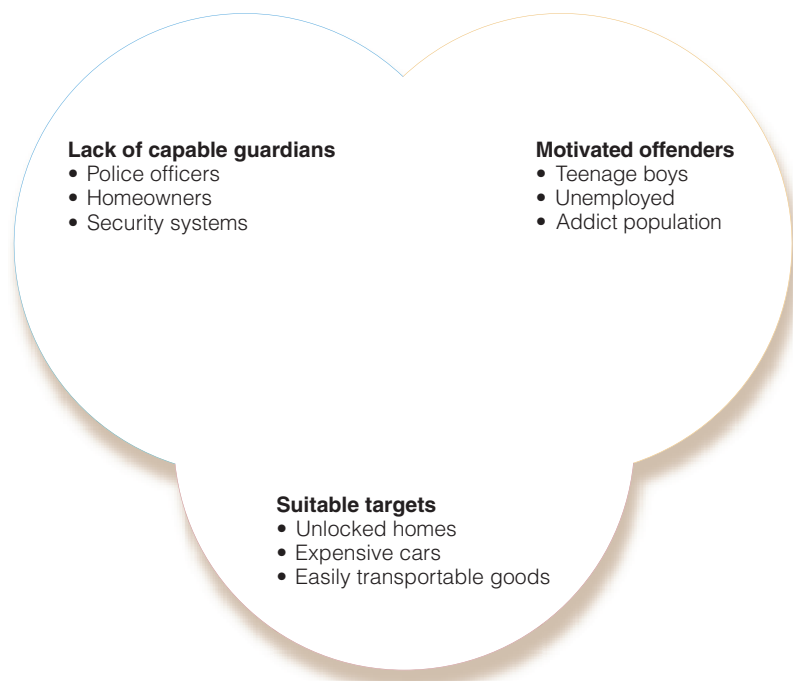
- The availability of **suitable targets**, such as homes containing easily salable goods
- The absence of **capable guardians**, such as police, homeowners, neighbors, friends, and relatives
- The presence of **motivated offenders**, such as a large number of unemployed teenagers

The presence of each of these components increases the likelihood that a predatory crime will take place. Targets are more likely to be victimized if they engage in risky behaviors,

are poorly guarded, and are exposed to a large group of motivated offenders such as substance-abusing young men.⁶⁴ For example, young women who drink to excess in bars and frat houses may elevate their risk of **date rape** because (1) they are perceived as easy targets, and (2) their attackers can rationalize the attack because they view intoxication as a sign of immorality (“She’s loose, so I didn’t think she’d care.”).⁶⁵ Conversely, people can reduce their chances of victimization if they adopt a lifestyle that limits their exposure to danger: for example, by getting married, having children, and moving to a small town.⁶⁶

HOT SPOTS Motivated people—such as teenage males, drug users, and unemployed adults—are the ones most likely to commit crime. If they congregate in a particular neighborhood, it becomes a “hot spot” for crime and violence. People who live in these hot spots elevate their chances of victimization. For example, people who live in public housing projects may have high victimization rates because their fellow residents, mostly indigent, are extremely motivated to commit crime.⁶⁷ Yet motivated criminals must have the opportunity to find suitable undefended targets before they commit crime. Even the most desperate criminal might hesitate to attack a well-defended target, whereas a group of teens might rip off an unoccupied home on the spur of the moment.⁶⁸ In hot spots for crime, therefore, an undefended yet attractive target becomes an irresistible objective for motivated criminals. Given these principles, it is not surprising that (a) people who live in high-crime areas and (b) go out late at night (c) carrying valuables such as an expensive watch and (d) engage in risky behavior such as drinking alcohol, (e) without friends or family to watch or help them, have a significant chance of becoming crime victims.⁶⁹

Routine Activities Theory: The Interaction of Three Factors



MORAL GUARDIANSHIP Some criminologists believe moral beliefs and socialization may influence the routine activities that produce crime. Even in the presence of criminal opportunities, people may refrain from crime if they are bonded and or attached to conventional peers and have been socialized to hold conventional attitudes. The strength of social bonds may serve as a buffer, a form of moral guardianship, sufficient to counteract the lure of criminal opportunities.⁷⁰

When Martin Schwartz and his associates studied date rape on college campuses, they found that men whose peer group supported emotional and physical violence against women were the ones most likely to engage in date rape (especially if they drank on a weekly basis). Those who believed their peers would reject and disapprove of their behavior were deterred from victimizing women. Peer rejection and disapproval may be a form of moral guardianship that can deter even motivated offenders from engaging in law-violating behavior.⁷¹

LIFESTYLE, OPPORTUNITY, AND ROUTINE ACTIVITIES

Routine activities theory is bound up in opportunity and lifestyle. A person's living arrangements can affect victim risk; people who live in unguarded areas are at the mercy of motivated offenders. Lifestyle affects the opportunity for crime because it controls a person's proximity to criminals, time of exposure to criminals, attractiveness as a target, and ability to be protected.⁷²

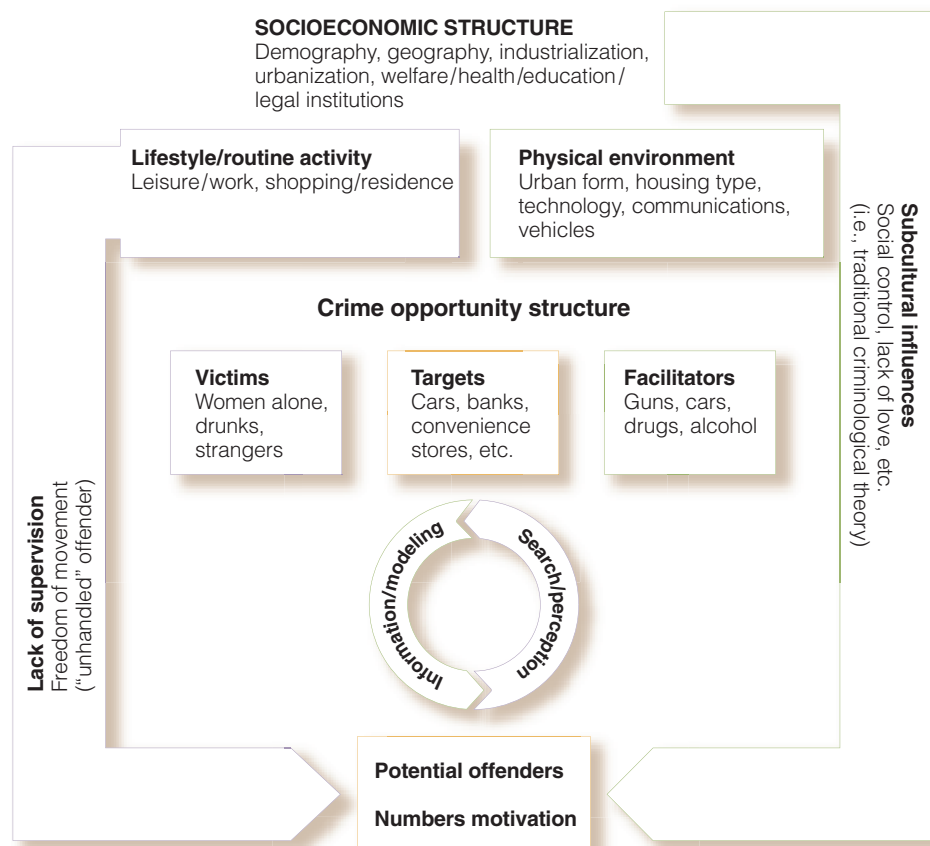
Ronald Clarke shows the relationship among opportunity, routine activities, and environmental factors in Figure 3.7. Criminal opportunities (like suitable victims and targets) abound in urban environments where facilitators (such as guns and drugs) are also readily found. Environmental factors, such as physical layout and cultural style, may either facilitate or restrict criminal opportunity. Motivated offenders living in these urban hot spots continually learn about criminal opportunities from peers, the media, and their own perceptions; such information may either escalate their criminal motivation or warn them of its danger.⁷³

EMPIRICAL SUPPORT Cohen and Felson argue that crime rates increased between 1960 and 1980 because the number of adult caretakers at home during the day (guardians) had decreased as a result of increased female participation in the workforce. While mothers are at work and children in day-care, homes are left unguarded. A recent study by Steven Messner and his associates found that between the years of 1967 and 1998, as unemployment rates increased, juvenile homicide arrest rates decreased, a finding that supports the effects of adult supervision on juvenile crime predicted by routine activities theory.⁷⁴

Similarly, with the growth of suburbia during the 1960s, traditional urban neighborhoods were in transition and/or decline, and the number of such familiar guardians as family, neighbors, and friends had diminished. At the same time,

The Opportunity Structure of Crime

Source: Ronald Clarke, "Situational Crime Prevention," in *Building a Safer Society: Strategic Approaches to Crime Prevention*, vol. 19 of *Crime and Justice: A Review of Research*, eds. Michael Tonry and David Farrington (Chicago: University of Chicago Press, 1995), p. 103. Reprinted with permission.



Crime and Everyday Life

A core premise of routine activities theory is that all things being equal, the greater the opportunity to commit crime, the higher the crime and victimization rate. This thesis is cogently presented by Marcus Felson in *Crime and Everyday Life*. Using a routine activities perspective, Felson shows why he believes U.S. crime rates are so high and why U.S. citizens suffer such high rates of victimization.

According to Felson, there are always impulsive, motivated offenders who are willing to take the chance, if conditions are right, of committing crime for profit. Therefore, crime rates are a function of changing social conditions. Crime in the United States grew as the country changed from a nation of small villages and towns to one of large urban environments. In a village, not only could a thief be easily recognized, but the commodities stolen could be identified long after the crime occurred. Cities provided the critical population mass, which allowed predatory criminals to hide and evade apprehension. After the crime, criminals could blend into the crowd, disperse their loot, and make a quick escape using the public transportation system.

The modern-day equivalent of the urban center is the shopping mall. Here, strangers converge in large numbers and youths “hang out.” The interior is filled with people, so drug deals can be concealed in the pedestrian flow. Stores have attractively displayed goods, which encourage shoplifting and employee pilferage. Substantial numbers of cars are parked in areas that make larceny and car theft virtually undetectable. Cars that carry away stolen merchandise have an undistinguished appearance. Who notices people placing items in a car in a shopping mall lot? Also, shoppers can be at-

tacked in parking lots as people go in isolation to and from their cars.

Why did crime and delinquency rates increase dramatically between 1960 and 1990? According to Felson, structural changes in American society were the stimulus for increasing crime rates. During this period, suburbs grew in importance, and the divergent metropolis was created. Labor and family life began to be scattered away from the household, decreasing guardianship (see Exhibit 3-A). The convenience of microwave ovens, automatic dishwashers, and increased emphasis on fast-food offerings now free adolescents from common household chores. Rather than help prepare the family

How Development of the Divergent Metropolis Has Increased Crime Levels

1. It has become more difficult to protect people from criminal entry because homes have been dispersed over larger areas, huge parking lots have been created, and building heights lowered.
2. There are fewer people in each household and consequently less intrapersonal and intrafamily supervision.
3. By spreading people and vehicles over larger areas as they travel and park, people are more exposed to attack.
4. As shopping, work, and socializing are spread further from home, people are forced to leave their immediate neighborhood, and, as strangers, they become more vulnerable to attack.
5. By spreading vast quantities of retail goods throughout huge stores and malls, with fewer employees to watch over them, the divergent metropolis creates a retail environment that invites people of all ages to shoplift.
6. Commuting to the inner city for work requires that millions of dollars' worth of vehicles be left in parking lots without supervision.

dinner and wash dishes afterward, adolescents have the freedom to meet with their peers and avoid parental controls. As car ownership increases, teens have greater access to transportation outside of parental control. Greater mobility and access to transportation make it impossible for neighbors to know if a teen belongs in an area or is an intruder planning to commit a crime. As schools become larger and more complex, they provide ideal sites for crime. The many hallways and corridors prevent teachers from knowing who belongs where; spacious school grounds reduce teacher supervision.

Felson believes these changes in the structure and function of society have been responsible for changes in the crime rates. He concludes that rather than change people, crime prevention strategies must be established to reduce the opportunity to commit crime.

Critical Thinking

1. What technological changes influence crime rates? The Internet? Video and computer games? Cell phones? ATM machines?
2. Would increased family contact decrease adolescent crime rates, or would it increase the opportunity for child abuse?

InfoTrac College Edition Research

To see how the routine activities approach is used to explain violent victimizations, see: Thoroddur Bjarnason, Thordis J. Sigurdardottir, and Thorolfur Thorlindsson. “Human Agency, Capable Guardians, and Structural Constraints: A Lifestyle Approach to the Study of Violent Victimization,” *Journal of Youth and Adolescence* 28 (February 1999): 105.

Source: Marcus Felson, *Crime and Everyday Life, Insights and Implications for Society* (Thousand Oaks, CA: Pine Forge Press, 1994; 3rd ed., 2002), Exhibit A at pp. 57–59.

Victimization Theories

Victim Precipitation

- The major premise of victim precipitation theory is that victims trigger criminal acts by their provocative behavior.
- Active precipitation involves fighting words or gestures.
- Passive precipitation occurs when victims unknowingly threaten their attacker.
- The strength of the theory is that it explains multiple victimizations: If people precipitate crime, it follows that they will become repeat victims if their behavior persists over time.
- The research focuses of the theory are the victim's role, crime provocation, and the victim–offender relationship.

Lifestyle

- The major premise of lifestyle theory is that victimization risk is increased when people have a high-risk lifestyle. Placing oneself at risk by going out to dangerous places results in increased victimization.
- The strength of the theory is that it explains victimization patterns in the social structure. Males, young people, and the poor have high victimization rates because they have a higher-risk lifestyle than females, the elderly, and the affluent.
- The research focuses of the theory are personal activities, peer relations, place of crime, and type of crime.

Deviant Place

- The major premise of deviant place theory is that victims do not encourage crime but are victim prone because they reside in socially disorganized high-crime areas where they have the greatest risk of coming into contact with criminal offenders, irrespective of their own behavior or lifestyle.
- The strength of the theory is that it shows why people with conventional lifestyles become crime victims.
- The research focus of the theory is victimization in high-crime, disorganized neighborhoods.

Routine Activities

- The major premise of routine activities theory is that crime rates can be explained by the availability of suitable targets, the absence of capable guardians, and the presence of motivated offenders.
- The strengths of the theory are that it can explain crime rates and trends; it shows how victim behavior can influence criminal opportunity; and it suggests that victimization risk can be reduced by increasing guardianship and/or reducing target vulnerability.
- The research focuses of the theory are opportunity to commit crime, effect of police and guardians, population shifts, and crime rates.

the volume of easily transportable wealth increased, creating a greater number of available targets.⁷⁵ These structural changes in society led to thirty years of increasing crime rates. To counteract these forces, some communities became better organized, restricted traffic, changed street patterns,

and limited neighborhood entrances to control the opportunity to commit crime and reduce the chances of residents' victimization.⁷⁶

Skyrocketing drug use in the 1980s created an excess of motivated offenders, and the rates of some crimes, such as robbery, increased dramatically. Crime rates may have fallen in the 1990s because a robust economy decreased the pool of motivated offenders, and the growing number of police officers increased guardianship.⁷⁷ If crime is rational, criminal motivation should be reduced if potential offenders perceive alternatives to crime; in contrast, the perception of opportunities for crime should increase criminal motivation. The Criminological Enterprise feature on crime in everyday life shows how these relationships can be influenced by cultural and structural change.

The various theories of victimization are summarized in Concept Summary 3.1.



To quiz yourself on this material, go to the Criminology 9e website.

CARING FOR THE VICTIM

National victim surveys indicate that almost every American age 12 and over will one day become the victim of a common-law crime, such as larceny or burglary, and in the aftermath suffer financial problems, mental stress, and physical hardship.⁷⁸ Surveys show that more than 75 percent of the general public has been victimized by crime at least once in their life; as many as 25 percent of the victims develop posttraumatic stress syndrome, and their symptoms last for more than a decade after the crime occurred.⁷⁹ The long-term effects of sexual victimization can include years of problem avoidance, social withdrawal, and self-criticism.⁸⁰

Helping the victim to cope is the responsibility of all of society. Law enforcement agencies, courts, and correctional and human service systems have come to realize that due process and human rights exist for both the defendant and the victim of criminal behavior.

The Government's Response

Because of public concern over violent personal crime, President Ronald Reagan created a Task Force on Victims of Crime in 1982.⁸¹ This group suggested that a balance be achieved between recognizing the victim's rights and providing the defendant with due process. Recommendations included providing witnesses and victims with protection from intimidation, requiring restitution in criminal cases, developing guidelines for fair treatment of crime victims and witnesses, and expanding programs of victim compensation.⁸² Consequently, the Omnibus Victim and Witness Protection Act was passed, which required the use of victim impact statements at sentencing in federal criminal cases,

greater protection for witnesses, more stringent bail laws, and the use of restitution in criminal cases.

It is the mission of the **Crime Victims Board of New York** to provide compensation to innocent victims of crime in a timely, efficient, and compassionate manner; to fund direct services to crime victims via a network of community-based programs; and to advocate for the rights and benefits of all innocent victims of crime. You can learn more about this program at <http://www.cvb.state.ny.us/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

In 1984 the Comprehensive Crime Control Act and the Victims of Crime Act authorized federal funding for state victim compensation and assistance projects.⁸³ With these acts, the federal government began to aid the plight of the victim and make victim assistance an even greater concern of the public and the justice system.

The **Office for Victims of Crime (OVC)** was established by the 1984 Victims of Crime Act (VOCA) to oversee diverse programs that benefit victims of crime. OVC provides substantial funding to state victim assistance and compensation programs and supports training designed to educate criminal justice and allied professionals regarding the rights and needs of crime victims. For more information on this topic, go to <http://www.ojp.usdoj.gov/ovc/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Victim Service Programs

An estimated 2,000 **victim-witness assistance programs** have developed around the United States.⁸⁴ Victim-witness assistance programs are organized on a variety of governmental levels and serve a variety of clients. We will look at

the most prominent forms of victim services operating in the United States.⁸⁵

VICTIM COMPENSATION One of the primary goals of victim advocates has been to lobby for legislation creating crime **victim compensation** programs.⁸⁶ As a result of such legislation, the victim ordinarily receives compensation from the state to pay for damages associated with the crime. Rarely are two compensation schemes alike, however, and many state programs suffer from lack of both adequate funding and proper organization within the criminal justice system. Compensation may be made for medical bills, loss of wages, loss of future earnings, and counseling. In the case of death, the victim's survivors can receive burial expenses and aid for loss of support.⁸⁷ Awards are typically in the \$100 to \$15,000 range. Occasionally programs will provide emergency assistance to indigent victims until compensation is available. Emergency assistance may come in the form of food vouchers or replacement of prescription medicines.

In 1984, the federal government created the Victim of Crime Act (VOCA), which grants money to state compensation boards derived from fines and penalties imposed on federal offenders. The money is distributed each year to the states to fund both their crime victim compensation programs and their victim assistance programs, such as rape crisis centers and domestic violence shelters. VOCA payments have increased by more than \$200 million (or 82.5 percent) in the past five years. Victims of child abuse comprised 23 percent of the recipients of crime victim compensation, while domestic violence victims were 26 percent of all adult victims compensated. What did the payments go for? Medical expenses were 41 percent of all payments; economic support for lost wages and lost support in homicides comprised 26 percent of the total; and 15 percent went toward mental health counseling. Victims of violent crime will receive an estimated \$625 million in fiscal year 2004.⁸⁸

Patti Stafford, of Benton, Arkansas, holds a picture of her murdered daughter, Sarah, during a Parents of Murdered Children rally on July 27, 2004, in Little Rock, Arkansas. Stafford urged the state's governor to consider victims' rights when deciding whether to grant clemency to convicted murderers. A national organization, Parents of Murdered Children is dedicated to providing emotional support for parents and other survivors, facilitating the reconstruction of a "new life," and helping parents not only to deal with their acute grief, but also with the criminal justice system.



© AP Photo/Mike Wintrath/Wide World



To read about how **healthcare providers can help the victims of domestic violence**, read this article by Nancy E. Isaac and V. Pualani Enos, "Documenting Domestic Violence: How Health Care Providers Can Help Victims" at <http://www.ncjrs.org/pdffiles1/nij/188564.pdf>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

COURT SERVICES A common victim service helps victims deal with the criminal justice system. One approach is to prepare victims and witnesses by explaining court procedures: how to be a witness, how bail works, and what to do if the defendant makes a threat. Lack of such knowledge can cause confusion and fear, making some victims reluctant to testify in court proceedings. Many victim programs also provide transportation to and from court and counselors, who remain in the courtroom during hearings to explain procedures and provide support. Court escorts are particularly important for elderly and disabled victims, victims of child abuse and assault, and victims who have been intimidated by friends or relatives of the defendant. These types of services may be having a positive effect since recent research (2004) shows that victims may be now less traumatized by a court hearing with their attacker present than previously believed.⁸⁹

PUBLIC EDUCATION More than half of all victim programs include public education programs that help familiarize the general public with their services and with other agencies that assist crime victims. In some instances, these are primary education programs, which teach methods of dealing with conflict without resorting to violence. For example, school-based programs present information on spousal and dating abuse followed by discussions of how to reduce violent incidents.⁹⁰

CRISIS INTERVENTION Most victim programs refer victims to specific services to help them recover from their ordeal. Clients are commonly referred to the local network of public and private social service agencies that can provide emergency and long-term assistance with transportation, medical care, shelter, food, and clothing. In addition, more than half of victim programs provide **crisis intervention** to victims, many of whom feel isolated, vulnerable, and in need of immediate services. Some programs counsel at their offices, and others visit victims' homes, the crime scene, or a hospital.

VICTIM-OFFENDER RECONCILIATION PROGRAMS Victim-offender reconciliation programs (VORPs) use mediators to facilitate face-to-face encounters between victims and their attackers. The aim is to engage in direct negotiations that lead to **restitution agreements** and, possibly, reconciliation between the two parties involved.⁹¹ More than 120 reconciliation programs are currently in operation, and they handle an estimated 16,000 cases per year. Designed at first to address routine misdemeanors such as petty theft and vandalism, programs now commonly hammer out restitution

agreements in more serious incidents such as residential burglary and even attempted murder.

||||| CONNECTIONS |||||

Reconciliation programs are based on the concept of restorative justice, which rejects punitive correctional measures in favor of viewing crimes of violence and theft as interpersonal conflicts that need to be settled in the community through noncoercive means. See Chapter 8 for more on this approach.

VICTIM IMPACT STATEMENTS Most jurisdictions allow victims to make an impact statement before the sentencing judge. This gives the victim an opportunity to tell of his or her experiences and describe the ordeal; in the case of a murder trial, the surviving family can recount the effect the crime has had on their lives and well-being.⁹² The effect of victim/witness statements on sentencing has been the topic of some debate. Some research finds that victim statements result in a higher rate of incarceration, but others find that the statements are insignificant.⁹³ Those who favor the use of impact statements argue that because the victim is harmed by the crime, the victim has a right to influence the outcome of the case. After all, the public prosecutor is allowed to make sentencing recommendations because the public has been harmed by the crime. Logically the harm suffered by the victim legitimizes his or her right to make sentencing recommendations.⁹⁴



The **National Organization for Victim Assistance** is a private, nonprofit organization of victim and witness assistance programs and practitioners, criminal justice agencies and professionals, mental health professionals, researchers, former victims and survivors, and others committed to the recognition and implementation of victim rights and services. To learn more about these services, go to <http://www.try-nova.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Victims' Rights

More than twenty years ago, legal scholar Frank Carrington suggests that crime victims have legal rights that should assure them of basic services from the government.⁹⁵ According to Carrington, just as the defendant has the right to counsel and a fair trial, society is also obliged to ensure basic rights for law-abiding citizens. These rights range from adequate protection from violent crimes to victim compensation and assistance from the criminal justice system.

Because of the influence of victims' rights advocates, every state now has some form of legal rights for crime victims in its code of laws, often called a victims' Bill of Rights; thirty-three states have added victims' rights amendments to their state constitutions.⁹⁶ A national constitutional

Victims' Rights in Europe

While the United States has taken steps to improve the rights of victims, the European Union has also moved toward increasing the role of victims in the justice process. The Council of the European Union has been at the forefront of this effort. The Council is the main decision-making body of the European Union. Its duties include:

- Passing laws, usually legislating jointly with the European Parliament
- Co-ordinating the broad economic policies of the member states
- Defining and implementing the EU's common foreign and security policy, based on guidelines set by the European Council
- Concluding, on behalf of the Community and the Union, international agreements between the EU and one or more states or international organizations

- Coordinating the actions of member states and adopting measures in the area of police and judicial cooperation in criminal matters
- With the Council and the European Parliament, constituting the budgetary authority that adopts the Community's budget.

Recently, the Council agreed to implement the Framework Decision on the standing of victims in criminal proceedings. The Framework Decision is groundbreaking in that it sets out minimum standards for the treatment of victims of crime (and their families) and that it applies throughout the European Union. The Framework Decision is binding on EU Member States. It highlights issues of concern, sets out principles that must be taken into consideration, and then lists a series of rights to which victims of crime are entitled in the course of criminal proceedings. European states are expected to modify their laws to conform to the Framework Decision.

Framework Principles

The Framework Decision stipulates that minimum standards must be drawn up for the protection of victims of crime—in particular, to secure access to justice and to compensate for damages, including legal costs. A series of principles underpinning these entitlements state that:

- Victims of crime are entitled to a high level of protection.
- The laws and regulations of Member States should be approximated [brought closer] to achieve the main rights set out in the Framework Decision.
- The needs of crime victims should be addressed in a comprehensive and coordinated manner to avoid secondary victimization; thus provisions are not confined to criminal proceedings.
- Cooperation between Member States should be strengthened through networks of victims' organizations.

amendment to enhance the rights of victims has been debated for years but has not passed Congress. In 2004 the Senate passed a bill to provide new rights to victims of federal crimes that does not require changing the Constitution (S. 2329). A House version of the bill is now in committee. The elements of this legislation are shown in Exhibit 3.1. The United States is not alone in mandating victim's rights. As the Comparative Criminology feature describes, this is also a priority of the European Union.

Victim Advocacy

Assuring victims' rights can involve an eclectic group of advocacy groups, some independent, others government sponsored, and some self-help. Advocates can be especially helpful when victims need to interact with the agencies of justice. For example, advocates can lobby police departments to keep investigations open as well as request the return of recovered stolen property. They can demand from prosecutors

Crime Victims' Bill of Rights

1. The right to be reasonably protected from the accused
2. The right to reasonable, accurate, and timely notice of any public proceeding involving the crime or of any release or escape of the accused
3. The right not to be excluded from any such public proceeding
4. The right to be reasonably heard at any public proceeding involving release, plea, or sentencing
5. The 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
8. The right to be treated with fairness and with respect for the victim's dignity and privacy

Source: S.2329, a Senate bill to protect crime victims' rights, introduced April 21, 2004.

- Suitable and adequate training should be given to people who come into contact with victims of crime.

Framework Provisions: Minimum Standards of Treatment

All victims of crime should:

- Be treated with respect
- Have their entitlement to a real and appropriate role in criminal proceedings recognized
- Have their right to be heard during proceedings, and to supply evidence, safeguarded
- Receive information on: the type of support available; where and how to report an offense; criminal proceedings and their role in them; access to protection and advice; entitlement to compensation; and, if they wish, the outcomes of their complaints including sentencing and release of the offender
- Have communication safeguards: that is, Member States should take

measures to minimize communication difficulties in criminal proceedings

- Have access to free legal advice concerning their role in the proceedings and, where appropriate, legal aid
- Receive payment of expenses incurred as a result of participation in criminal proceedings
- Receive reasonable protection, including protection of privacy
- Receive compensation in the course of criminal proceedings
- Receive penal mediation in the course of criminal proceedings where appropriate
- Benefit from various measures to minimize the difficulties faced where victims are resident in another Member State, especially when organizing criminal proceedings

In addition, cooperation between Member States is to be encouraged; specialist services and victims' organizations should be promoted; training

for personnel who come into contact with victims should be encouraged; and steps should be taken to prevent secondary victimization and to avoid placing victims under unnecessary pressure.

In addition to the Framework Decision, on April 29, 2004, the EU Council adopted another directive which mandates that by July 1, 2005, each Member State has a national scheme in place that guarantees fair and appropriate compensation to victims of crime. The directive ensures that compensation is easily accessible in practice regardless of where in the EU a person becomes the victim of a crime. All Member States are required to guarantee fair and appropriate compensation to victims.

Sources: Council Framework Decision of 15 March 15, 2001, on the standing of victims in criminal proceedings: http://europa.eu.int/eurlex/pri/en/oj/dat/2001/L_082/L_08220010322en00010004.pdf; Proposal for a Council Directive on compensation to crime victims: http://europa.eu.int/eur-lex/en/com/pdf/2002/com2002_0562en01.pdf.

and judges protection from harassment and reprisals by, for example, making "no contact" a condition of bail. They can help victims make statements during sentencing hearings as well as probation and parole revocation procedures. Victim advocates can also interact with news media, making sure that reporting is accurate and that victim privacy is not violated. Victim advocates can be part of an independent agency similar to a legal aid society. If successful, top-notch advocates may eventually open private offices, similar to attorneys, private investigators, or jury consultants.⁹⁷

Self-Protection

Although the general public mostly approves of the police, fear of crime and concern about community safety have prompted some to become their own "police force," taking an active role in community protection and citizen crime control groups.⁹⁸ The more crime in an area, the greater the amount of fear and the more likely residents will be to engage in self-protective measures.⁹⁹

Research indicates that a significant number of crimes may not be reported to police simply because victims prefer to take matters into their own hands.¹⁰⁰ One manifestation of this trend is the concept of **target hardening**, or making one's home and business crime proof through locks, bars, alarms, and other devices.¹⁰¹ Other commonly used crime prevention techniques include a fence or barricade at the entrance; a doorkeeper, guard, or receptionist in an apartment building; an intercom or phone to gain access to the building; surveillance cameras; window bars; warning signs; and dogs chosen for their ability to guard the house. The use of these measures is inversely proportional to perception of neighborhood safety: People who feared crime are more likely to use crime prevention techniques. Although the true relationship is still unclear, there is mounting evidence that people who protect their homes are less likely to be victimized by property crimes.¹⁰² One study conducted in the Philadelphia area found that people who install burglar alarms are less likely to suffer burglary than those who forgo similar preventive measures.¹⁰³

Some people take self-protection to its ultimate end by preparing to fight back when criminals attack them. How successful are victims when they resist? Research indicates that victims who fight back often frustrate their attackers but also face increased odds of being physically harmed during the attack.¹⁰⁴ In some cases, fighting back decreases the odds of a crime being completed but increases the victim's chances of injury.¹⁰⁵ Resistance may draw the attention of bystanders and make a violent crime physically difficult to complete, but it can also cause offenders to escalate their violence.¹⁰⁶

What about the use of firearms? Each year, 2.5 million times, victims use guns for defensive purposes, a number that is not surprising considering that about one-third of U.S. households contain guns.¹⁰⁷ Gary Kleck has estimated that armed victims kill between 1,500 and 2,800 potential felons each year and wound between 8,700 and 16,000. Kleck's research shows, ironically, that by fighting back victims kill far more criminals than the estimated 250 to 1,000 killed annually by police.¹⁰⁸ Kleck has found that the risk of collateral injury is relatively rare and that potential victims should be encouraged to fight back.¹⁰⁹ According to Kleck, empirical research studies unanimously show that defensive gun use is associated with both lower rates of crime completion and lower rates of injury to the victim.¹¹⁰

Community Organization

Not everyone is capable of buying a handgun or semiautomatic weapon and doing battle with predatory criminals. An alternative approach has been for communities to organize on the neighborhood level against crime. Citizens have been working independently and in cooperation with local police agencies in neighborhood patrol and block watch programs. These programs organize local citizens in urban areas to patrol neighborhoods, watch for suspicious people, help secure the neighborhood, lobby for improvements (such as increased lighting), report crime to police, put out community newsletters, conduct home security surveys, and serve as a source for crime information or tips.¹¹¹ Although such programs are welcome additions to police services, there is little evidence that they appreciably affect the crime rate. There is also concern that their effectiveness is spottier in low-income, high-crime areas, which need the most crime pre-



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vention assistance.¹¹² Block watches and neighborhood patrols seem more successful when they are part of general-purpose or multi-issue community groups rather than when they focus directly on crime problems.¹¹³

vention assistance.¹¹² Block watches and neighborhood patrols seem more successful when they are part of general-purpose or multi-issue community groups rather than when they focus directly on crime problems.¹¹³



To quiz yourself on this material, go to the Criminology 9e website.

SUMMARY

- Criminologists now consider victims and victimization a major focus of study. About 24 million U.S. citizens are victims of crime each year. Like the crime rate, the victimization rate has been in sharp decline.
- The social and economic costs of crime are in the billions of dollars.

Victims suffer long-term consequences such as experiencing fear and posttraumatic stress disorder.

- Research shows that victims are more likely to engage in antisocial behavior than nonvictims.
- Like crime, victimization has stable patterns and trends. Violent crime

victims tend to be young, poor, single males living in large cities, although victims come in all ages, sizes, races, and genders.

- Females are more likely to be victimized by someone they know than are males.

- Adolescents maintain a high risk of being physically and sexually victimized. Their victimization has been linked to a multitude of subsequent social problems.
- Many victimizations occur in the home, and many victims are the target of relatives and loved ones.
- Victim precipitation theory holds that victims provoke criminals, either through active or passive precipitation.
- Lifestyle theory suggests that victims put themselves in danger by engaging in high-risk activities, such as going out late at night, living in a high-crime area, and associating with high-risk peers.
- Deviant place theory argues that victimization risk is related to neighborhood crime rates.
- The routine activities theory maintains that a pool of motivated offenders exists and that these offenders will take advantage of unguarded, suitable targets.
- Numerous programs help victims by providing court services, economic compensation, public education, and crisis intervention. Most states have created a victims' Bill of Rights.
- Rather than depend on the justice system, some victims have attempted to help themselves through community organization for self-protection.



Thinking Like a Criminologist

The director of the state's department of human services has asked you to evaluate a self-report survey of adolescents ages 10 to 18. She has provided you with the following information on physical abuse:

Adolescents experiencing abuse or violence are at high risk of immediate and lasting negative effects on health and well-being. Of the high school students surveyed, an alarming one in five (21 percent) said they had been physically abused.

Of the older students, ages 15 to 18, 29 percent said they had been physically abused. Younger students also reported significant rates of abuse: 17 percent responded "yes" when asked whether they had been physically abused. Although girls were far less likely to report abuse than boys, 12 percent said they had been physically abused. Most abuse occurs at home, occurs more than once, and the abuser is usually a family member. More than half of those

physically abused had tried alcohol and drugs, and 60 percent had admitted to a violent act. Nonabused children were significantly less likely to abuse substances, and only 30 percent indicated they had committed a violent act.

How would you interpret these data? What factors might influence their validity? What is your interpretation of the association between abuse and delinquency?

Doing Research on the Web

The National Council on Child Abuse and Family Violence (NCCAFV) maintains a website with links to documents on child abuse and violence: <http://www.nccafv.org/>.

In Canada, the National Clearinghouse on Family Violence maintains

information on abuse and violence: http://www.hc-sc.gc.ca/hppb/familyviolence/nfntsnegl_e.html. Read the following article on InfoTrac College Edition to learn more about the effects of abuse and harsh parenting on antisocial behavior: Kimberly Becker,

Jeffrey Stuewig, Veronica Herrera, and Laura McCloskey, "A Study of Firesetting and Animal Cruelty in Children: Family Influences and Adolescent Outcomes," *Journal of the American Academy of Child and Adolescent Psychiatry* 43 (2004): 905–912.



KEY TERMS

victimologists (70)
 victimization (70)
 posttraumatic stress disorder (PTSD) (72)
 obsessive-compulsive disorder (72)
 cycle of violence (73)
 elder abuse (75)
 chronic victimization (76)
 siblicide (76)

victim precipitation theory (77)
 active precipitation (77)
 passive precipitation (77)
 lifestyle theory (77)
 deviant place theory (79)
 routine activities theory (80)
 suitable targets (80)
 capable guardians (80)
 motivated offenders (80)

date rape (80)
 victim-witness assistance programs (84)
 victim compensation (84)
 crisis intervention (85)
 restitution agreements (85)
 target hardening (87)

CRITICAL THINKING QUESTIONS

1. Considering what we learned in this chapter about crime victimization, what measures can you take to better protect yourself from crime?
2. Do you agree with the assessment that schools are some of the most dangerous locations in the community? Did you find your high school to be a dangerous environment?
3. Does a person bear some of the responsibility for his or her victimization if the person maintains a lifestyle that contributes to the chances of becoming a crime victim? That is, should we “blame the victim”?
4. Have you ever experienced someone “precipitating” crime? If so, did you do anything to help the situation?

NOTES

1. Mark Pazniokas, “Mayor Again Denied Bail, Giordano Remains Flight Risk, Judge Says,” *Hartford Courant*, 9 November 2001, p. A1; Associated Press, “Waterbury Mayor Paid Teenager for Sex, Reports Say,” *New York Times*, 16 August 2001, p. 1.
2. Associated Press, “Giordano Guilty in Federal Trial Involving Child Sex Abuse,” *Hartford Courant*, 25 March 2003, p. 1.
3. Richard Estes and Neil Alan Weiner, *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico* (Philadelphia: University of Pennsylvania Press, 2001).
4. Shannan Catalano, *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2004).
5. Arthur Lurigio, “Are All Victims Alike? The Adverse, Generalized, and Differential Impact of Crime,” *Crime and Delinquency* 33 (1987): 452–467.
6. Children’s Safety Network Economics and Insurance Resource Center, “State Costs of Violence Perpetrated by Youth.” <http://www.csneirc.org/pubs/tables/youth-viol.htm>. Accessed July 12, 2000.
7. George Rengert, *The Geography of Illegal Drugs* (Boulder, CO: Westview, 1996), p. 5.
8. Ted R. Miller, Mark A. Cohen, and Brian Wiersema, *Victim Costs and Consequences: A New Look* (Washington, DC: National Institute of Justice, 1996), p. 9, table 2.
9. Ross Macmillan, “Adolescent Victimization and Income Deficits in Adulthood: Rethinking the Costs of Criminal Violence from a Life-Course Perspective,” *Criminology* 38 (2000): 553–588.
10. Rebecca Campbell and Sheela Raja, “Secondary Victimization of Rape Victims: Insights from Mental Health Professionals Who Treat Survivors of Violence,” *Violence and Victims* 14 (1999): 261–274.
11. Peter Finn, *Victims* (Washington, DC: Bureau of Justice Statistics, 1988), p. 1.
12. Catherine Grus, “Child Abuse: Correlations with Hostile Attributions,” *Journal of Developmental & Behavioral Pediatrics* 24 (2003): 296–298.
13. Michael Wiederman, Randy Sansone, and Lori Sansone, “History of Trauma and Attempted Suicide among Women in a Primary Care Setting,” *Violence and Victims* 13 (1998): 3–11; Susan Leslie Bryant and Lillian Range, “Suicidality in College Women Who Were Sexually and Physically Abused and Physically Punished by Parents,” *Violence and Victims* 10 (1995): 195–215; William Downs and Brenda Miller, “Relationships between Experiences of Parental Violence During Childhood and Women’s Self-Esteem,” *Violence and Victims* 13 (1998): 63–78; Sally Davies-Netley, Michael Hurlburt, and Richard Hough, “Childhood Abuse as a Precursor to Homelessness for Homeless Women with Severe Mental Illness,” *Violence and Victims* 11 (1996): 129–142.
14. Jane Siegel and Linda Williams, “Risk Factors for Sexual Victimization of Women,” *Violence Against Women* 9 (2003): 902–930.
15. Jeanne Kaufman and Cathy Spatz Widom, “Childhood Victimization, Running Away, and Delinquency,” *Journal of Research in Crime and Delinquency* 36 (1999): 347–370.
16. Kim Logio, “Gender, Race, Childhood Abuse, and Body Image among Adolescents,” *Violence Against Women* 9 (2003): 931–955.
17. Lana Stermac and Emily Paradis, “Homeless Women and Victimization: Abuse and Mental Health History among Homeless Rape Survivors,” *Resources for Feminist Research* 28 (2001): 65–81.
18. Dina Vivian and Jean Malone, “Relationship Factors and Depressive Symptomology Associated with Mild and Severe Husband-to-Wife Physical Aggression,” *Violence and Victims* 12 (1997): 19–37; Walter Gleason, “Mental Disorders in Battered Women,” *Violence and Victims* 8 (1993): 53–66; Daniel Saunders, “Posttraumatic Stress Symptom Profiles of Battered Women: A Comparison of Survivors in Two Settings,” *Violence and Victims* 9 (1994): 31–43.
19. K. Daniel O’Leary, “Psychological Abuse: A Variable Deserving Critical Attention in Domestic Violence,” *Violence and Victims* 14 (1999): 1–21.
20. James Anderson, Terry Grandison, and Laronistine Dyson, “Victims of Random Violence and the Public Health Implication: A Health Care of Criminal Justice Issue,” *Journal of Criminal Justice* 24 (1996): 379–393.
21. Ron Acierno, Alyssa Rheingold, Heidi Resnick, and Dean Kilpatrick, “Predictors of Fear of Crime in Older Adults,” *Journal of Anxiety Disorders* 18 (2004): 385–396.
22. Susan Popkin, Victoria Gwlasda, Dennis Rosenbaum, Jean Amendolla, Wendell Johnson, and Lynn Olson, “Combating Crime in Public Housing: A Qualitative and Quantitative Longitudinal Analysis

- of the Chicago Housing Authority's Anti-Drug Initiative," *Justice Quarterly* 16 (1999): 519–557.
23. Pamela Wilcox Rountree, "A Reexamination of the Crime–Fear Linkage," *Journal of Research in Crime and Delinquency* 35 (1998): 341–372.
 24. Robert Davis, Bruce Taylor, and Arthur Lurigio, "Adjusting to Criminal Victimization: The Correlates of Postcrime Distress," *Violence and Victimization* 11 (1996): 21–34.
 25. Susan Brison, *Aftermath: Violence and the Remaking of a Self* (Princeton, NJ: Princeton University Press, 2001).
 26. Timothy Ireland and Cathy Spatz Widom, *Childhood Victimization and Risk for Alcohol and Drug Arrests* (Washington, DC: National Institute of Justice, 1995).
 27. Brigitte Erwin, Elana Newman, Robert McMackin, Carlo Morrissey, and Danny Kaloupek, "PTSD, Malevolent Environment, and Criminality among Criminally Involved Male Adolescents," *Criminal Justice and Behavior* 27 (2000): 196–215.
 28. Cathy Spatz Widom, *The Cycle of Violence* (Washington, DC: National Institute of Justice, 1992), p. 1.
 29. Steve Spaccarelli, J. Douglas Coatsworth, and Blake Sperry Bowden, "Exposure to Serious Family Violence among Incarcerated Boys: Its Association with Violent Offending and Potential Mediating Variables," *Violence and Victims* 10 (1995): 163–180; Jerome Kolbo, "Risk and Resilience among Children Exposed to Family Violence," *Violence and Victims* 11 (1996): 113–127.
 30. Victim data used in these sections are from Catalano, *Criminal Victimization* 2003.
 31. Lamar Jordan, "Law Enforcement and the Elderly: A Concern for the 21st Century," *FBI Law Enforcement Bulletin* 71 (2002): 20–24.
 32. Robert C. Davis and Juanjo Medina-Ariza, *Results from an Elder Abuse Prevention Experiment in New York* (Washington, DC: National Institute of Justice, September 2001).
 33. Karin Wittebrood and Paul Nieuwbeerta, "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 (2000): 91–122; Janet Lauritsen and Kenna Davis Quinet, "Repeat Victimizations among Adolescents and Young Adults," *Journal of Quantitative Criminology* 11 (1995): 143–163.
 34. Denise Osborn, Dan Ellingworth, Tim Hope, and Alan Trickett, "Are Repeatedly Victimized Households Different?" *Journal of Quantitative Criminology* 12 (1996): 223–245.
 35. Graham Farrell, "Predicting and Preventing Revictimization," in *Crime and Justice: An Annual Review of Research*, eds. Michael Tonry and David Farrington, vol. 20 (Chicago: University of Chicago Press, 1995), pp. 61–126.
 36. *Ibid.*, p. 61.
 37. David Finkelhor and Nancy Asigian, "Risk Factors for Youth Victimization: Beyond a Lifestyles/Routine Activities Theory Approach," *Violence and Victimization* 11 (1996): 3–19.
 38. Graham Farrell, Coretta Phillips, and Ken Pease, "Like Taking Candy: Why Does Repeat Victimization Occur?" *British Journal of Criminology* 35 (1995): 384–399.
 39. Christopher Innes and Lawrence Greenfield, *Violent State Prisoners and Their Victims* (Washington, DC: Bureau of Justice Statistics, 1990).
 40. Associated Press, "Texas Siblings Accused of Killing 6-Year-Old Brother," *New York Times*, 16 April 2002.
 41. Hans Von Hentig, *The Criminal and His Victim: Studies in the Sociobiology of Crime* (New Haven: Yale University Press, 1948), p. 384.
 42. Marvin Wolfgang, *Patterns of Criminal Homicide* (Philadelphia: University of Pennsylvania Press, 1958).
 43. Menachem Amir, *Patterns in Forcible Rape* (Chicago: University of Chicago Press, 1971).
 44. Susan Estrich, *Real Rape* (Cambridge, MA: Harvard University Press, 1987).
 45. Edem Avakame, "Female's Labor Force Participation and Intimate Femicide: An Empirical Assessment of the Backlash Hypothesis," *Violence and Victims* 14 (1999): 277–283.
 46. Martin Daly and Margo Wilson, *Homicide* (New York: Aldine de Gruyter, 1988).
 47. Rosemary Gartner and Bill McCarthy, "The Social Distribution of Femicide in Urban Canada, 1921–1988," *Law and Society Review* 25 (1991): 287–311.
 48. Lening Zhang, John W. Welte, and William F. Wieczorek, "Deviant Lifestyle and Crime Victimization," *Journal of Criminal Justice* 29 (2001): 133–143.
 49. Dan Hoyt, Kimberly Ryan, and Mari Cauce, "Personal Victimization in a High-Risk Environment: Homeless and Runaway Adolescents," *Journal of Research in Crime and Delinquency* 36 (1999): 371–392.
 50. See, generally, Gary Gottfredson and Denise Gottfredson, *Victimization in Schools* (New York: Plenum Press, 1985).
 51. Gary Jensen and David Brownfield, "Gender, Lifestyles, and Victimization: Beyond Routine Activity Theory," *Violence and Victims* 1 (1986): 85–99.
 52. Rolf Loeber, Mary DeLamatre, George Tita, Jacqueline Cohen, Magda Stouthamer-Loeber, and David Farrington, "Gun Injury and Mortality: The Delinquent Backgrounds of Juvenile Offenders," *Violence and Victims* 14 (1999): 339–351.
 53. Bonnie Fisher, John Sloan, Francis Cullen, and Chunmeng Lu, "Crime in the Ivory Tower: The Level and Sources of Student Victimization," *Criminology* 36 (1998): 671–710.
 54. Adam Dobrin, "The Risk of Offending on Homicide Victimization: A Case Control Study," *Journal of Research in Crime and Delinquency* 38 (2001): 154–173.
 55. Rolf Loeber, Larry Kalb, and David Huizinga, *Juvenile Delinquency and Serious Injury Victimization* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2001).
 56. James Garofalo, "Reassessing the Lifestyle Model of Criminal Victimization," in *Positive Criminology*, eds. Michael Gottfredson and Travis Hirschi (Newbury Park, CA: Sage, 1987), pp. 23–42.
 57. Maryse Richards, Reed Larson, and Bobbi-Viegas Miller, "Risky and Protective Contexts and Exposure to Violence in Urban African American Young Adolescents," *Journal of Clinical Child and Adolescent Psychology* 33 (2004): 138–148.
 58. Terance Miethe and David McDowall, "Contextual Effects in Models of Criminal Victimization," *Social Forces* 71 (1993): 741–759.
 59. Rodney Stark, "Deviant Places: A Theory of the Ecology of Crime," *Criminology* 25 (1987): 893–911.

60. Ibid., p. 902.
61. Pamela Wilcox Rountree, Kenneth Land, and Terance Miethe, "Macro-Micro Integration in the Study of Victimization: A Hierarchical Logistic Model Analysis across Seattle Neighborhoods." Paper presented at the annual meeting of the American Society of Criminology, Phoenix, November 1993.
62. William Julius Wilson, *The Truly Disadvantaged* (Chicago: University of Chicago Press, 1990); see also, Allen Liska and Paul Bellair, "Violent-Crime Rates and Racial Composition: Convergence over Time," *American Journal of Sociology* 101 (1995): 578–610.
63. Lawrence Cohen and Marcus Felson, "Social Change and Crime Rate Trends: A Routine Activities Approach," *American Sociological Review* 44 (1979): 588–608.
64. Teresa LaGrange, "The Impact of Neighborhoods, Schools, and Malls on the Spatial Distribution of Property Damage," *Journal of Research in Crime and Delinquency* 36 (1999): 393–422.
65. Georgina Hammock and Deborah Richardson, "Perceptions of Rape: The Influence of Closeness of Relationship, Intoxication, and Sex of Participant," *Violence and Victimization* 12 (1997): 237–247.
66. Wittebrood and Nieuwbeerta, "Criminal Victimization during One's Life Course," pp. 112–113.
67. Don Weatherburn, Bronwyn Lind, and Simon Ku, "Hotbeds of Crime? Crime and Public Housing in Urban Sydney," *Crime and Delinquency* 45 (1999): 256–271.
68. Andy Hochstetler, "Opportunities and Decisions: Interactional Dynamics in Robbery and Burglary Groups," *Criminology* 39 (2001): 737–763.
69. Richard Felson, "Routine Activities and Involvement in Violence as Actor, Witness, or Target," *Violence and Victimization* 12 (1997): 209–223.
70. Jon Gunnar Bernburg and Thorolfur Thorlindsson, "Routine Activities in Social Context: A Closer Look at the Role of Opportunity in Deviant Behavior," *Justice Quarterly* 18 (2001): 543–568.
71. Martin Schwartz, Walter DeKeseredy, David Tait, and Shahid Alvi, "Male Peer Support and a Feminist Routine Activities Theory: Understanding Sexual Assault on the College Campus," *Justice Quarterly* 18 (2001): 623–650.
72. Terance Miethe and Robert Meier, *Crime and Its Social Context: Toward an Integrated Theory of Offenders, Victims, and Situations* (Albany: State University of New York Press, 1994).
73. Ronald Clarke, "Situational Crime Prevention," in *Building a Safer Society, Strategic Approaches to Crime Prevention*, vol. 19 of *Crime and Justice, A Review of Research*, eds. Michael Tonry and David Farrington (Chicago: University of Chicago Press, 1995), pp. 91–151.
74. Steven Messner, Lawrence Raffalovich and Richard McMillan, "Economic Deprivation and Changes in Homicide Arrest Rates for White and Black Youths, 1967–1998: A National Time-Series Analysis," *Criminology* 39 (2001): 591–614.
75. Lawrence Cohen, Marcus Felson, and Kenneth Land, "Property Crime Rates in the United States: A Macrodynamic Analysis, 1947–1977, with Ex-Ante Forecasts for the Mid-1980s," *American Journal of Sociology* 86 (1980): 90–118.
76. Patrick Donnelly and Charles Kimble, "Community Organizing, Environmental Change, and Neighborhood Crime," *Crime and Delinquency* 43 (1997): 493–511.
77. Simha Landau and Daniel Fridman, "The Seasonality of Violent Crime: The Case of Robbery and Homicide in Israel," *Journal of Research in Crime and Delinquency* 30 (1993): 163–191.
78. Patricia Resnick, "Psychological Effects of Victimization: Implications for the Criminal Justice System," *Crime and Delinquency* 33 (1987): 468–478.
79. Dean Kilpatrick, Benjamin Saunders, Lois Veronen, Connie Best, and Judith Von, "Criminal Victimization: Lifetime Prevalence, Reporting to Police, and Psychological Impact," *Crime and Delinquency* 33 (1987): 479–489.
80. Mark Santello and Harold Leitenberg, "Sexual Aggression by an Acquaintance: Methods of Coping and Later Psychological Adjustment," *Violence and Victims* 8 (1993): 91–103.
81. U.S. Department of Justice, *Report of the President's Task Force on Victims of Crime* (Washington, DC: U.S. Government Printing Office, 1983).
82. Ibid., pp. 2–10; and "Review on Victims—Witnesses of Crime," *Massachusetts Lawyers Weekly*, 25 April 1983, p. 26.
83. Robert Davis, *Crime Victims: Learning How to Help Them* (Washington, DC: National Institute of Justice, 1987).
84. Peter Finn and Beverly Lee, *Establishing a Victim-Witness Assistance Program* (Washington, DC: U.S. Government Printing Office, 1988).
85. This section leans heavily on Albert Roberts, "Delivery of Services to Crime Victims: A National Survey," *American Journal of Orthopsychiatry* 6 (1991): 128–137; see also Albert Roberts, *Helping Crime Victims: Research, Policy, and Practice* (Newbury Park, CA: Sage, 1990).
86. Randall Schmidt, "Crime Victim Compensation Legislation: A Comparative Study," *Victimology* 5 (1980): 428–437.
87. Ibid.
88. National Association of Crime Victim Compensation Boards. <http://nacvcb.org/>. Accessed September 24, 2003.
89. Ulrich Orth and Andreas Maercker, "Do Trials of Perpetrators Retraumatize Crime Victims?" *Journal of Interpersonal Violence* 19 (2004): 212–228.
90. Pater Jaffe, Marlies Sudermann, Deborah Reitzel, and Steve Killip, "An Evaluation of a Secondary School Primary Prevention Program on Violence in Intimate Relationships," *Violence and Victims* 7 (1992): 129–145.
91. Andrew Karmen, "Victim–Offender Reconciliation Programs: Pro and Con," *Perspectives of the American Probation and Parole Association* 20 (1996): 11–14.
92. Rachele Hong, "Nothing to Fear: Establishing an Equality of Rights for Crime Victims through the Victims' Rights Amendment," *Notre Dame Journal of Legal Ethics and Public Policy* (2002): 207–225; see also, *Payne v. Tennessee*, 111 S.Ct. 2597, 115 L.Ed.2d 720 (1991).
93. Robert Davis and Barbara Smith, "The Effects of Victim Impact Statements on Sentencing Decisions: A Test in an Urban Setting," *Justice Quarterly* 11 (1994): 453–469; Edna Erez and Pamela Tontodonato, "The Effect of Victim Participation in Sentencing on Sentence Outcome," *Criminology* 28 (1990): 451–474.

94. Douglas E. Beloof, "Constitutional Implications of Crime Victims as Participants," *Cornell Law Review* 88 (2003): 282–305.
95. See Frank Carrington, "Victim's Rights Litigation: A Wave of the Future," in *Perspectives on Crime Victims*, eds. Burt Galaway and Joe Hudson (St. Louis: Mosby, 1981).
96. National Center for Victims of Crime. <http://www.ncvc.org/policy/issues/rights/>. Accessed September 24, 2003.
97. *Ibid.*, pp. 9–10.
98. Sara Flaherty and Austin Flaherty, *Victims and Victims' Risk* (New York: Chelsea House, 1998).
99. Pamela Wilcox Rountree and Kenneth Land, "Burglary Victimization, Perceptions of Crime Risk, and Routine Activities: A Multilevel Analysis across Seattle Neighborhoods and Census Tracts," *Journal of Research in Crime and Delinquency* 33 (1996): 1,147–1,180.
100. Leslie Kennedy, "Going It Alone: Unreported Crime and Individual Self-Help," *Journal of Criminal Justice* 16 (1988): 403–413.
101. Ronald Clarke, "Situational Crime Prevention: Its Theoretical Basis and Practical Scope," in *Annual Review of Criminal Justice Research*, eds. Michael Tonry and Norval Morris (Chicago: University of Chicago Press, 1983).
102. See generally, Dennis P. Rosenbaum, Arthur J. Lurigio, and Robert C. Davis, *The Prevention of Crime: Social and Situational Strategies* (Belmont, CA: Wadsworth, 1998).
103. Andrew Buck, Simon Hakim, and George Rengert, "Burglar Alarms and the Choice Behavior of Burglars," *Journal of Criminal Justice* 21 (1993): 497–507; for an opposing view, see James Lynch and David Cantor, "Ecological and Behavioral Influences on Property Victimization at Home: Implications for Opportunity Theory," *Journal of Research in Crime and Delinquency* 29 (1992): 335–362.
104. Alan Lizotte, "Determinants of Completing Rape and Assault," *Journal of Quantitative Criminology* 2 (1986): 213–217.
105. Polly Marchbanks, Kung-Jong Lui, and James Mercy, "Risk of Injury from Resisting Rape," *American Journal of Epidemiology* 132 (1990): 540–549.
106. Caroline Wolf Harlow, *Robbery Victims* (Washington, DC: Bureau of Justice Statistics, 1987).
107. Gary Kleck, "Guns and Violence: An Interpretive Review of the Field," *Social Pathology* 1 (1995): 12–45, at 17.
108. *Ibid.*
109. Gary Kleck, "Rape and Resistance," *Social Problems* 37 (1990): 149–162.
110. Personal communication with Gary Kleck, January 10, 1997; see also Kleck, "Guns and Violence: An Interpretive Review of the Field."
111. James Garofalo and Maureen McLeod, *Improving the Use and Effectiveness of Neighborhood Watch Programs* (Washington, DC: National Institute of Justice, 1988).
112. Peter Finn, *Block Watches Help Crime Victims in Philadelphia* (Washington, DC: National Institute of Justice, 1986).
113. *Ibid.*

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THEORIES OF CRIME CAUSATION



*An important goal of the criminological enterprise is to create valid and accurate theories of crime causation. A theory can be defined as an abstract statement that explains why certain things do (or do not) happen. To be called a theory, this statement must have empirical (observable) implications—that is, it must make predictions that something observable will (or will not) happen under certain specified circumstances.**

Criminologists have sought to collect vital facts about crime and interpret them in a scientifically meaningful fashion. By developing empirically verifiable statements, or hypotheses, and organizing them into theories of crime causation, they hope to identify the causes of crime.

Since the late nineteenth century, criminological theory has pointed to various underlying causes of crime. The earliest theories generally attributed crime to a single underlying cause: atypical body build, genetic abnormality, insanity, physical anomalies, or poverty. Later theories attributed crime causation to multiple factors: poverty, peer influence, school problems, and family dysfunction.

In this section, theories of crime causation are grouped into six chapters. Chapters 4 and 5 focus on theories that view crime as based on individual traits. They hold that crime is either a free will choice made by an individual, a function of personal psychological or biological abnormality, or both. Chapters 6, 7, and 8 investigate theories based in sociology and political economy. These theories portray crime as a function of the structure, process, and conflicts of social living. Chapter 9 is devoted to theories that combine or integrate these various concepts into a cohesive, complex, developmental view of crime.

CHAPTER 4**Choice Theories****CHAPTER 5****Trait Theories****CHAPTER 6****Social Structure Theories****CHAPTER 7****Social Process Theories****CHAPTER 8****Social Conflict Theories: Critical Criminology and Restorative Justice****CHAPTER 9****Developmental Theories: Life Course and Latent Trait**

* Rodney Stark, *Sociology*, 8th ed. (Belmont, CA: Wadsworth, 2001), p. 2.

CHAPTER 4



In California, under the three strikes law, a judge may impose a sentence of twenty-five years to life for any felony conviction if the criminal was previously convicted of two serious or violent felonies.¹ This draconian punishment was approved in 1994 amid public furor over the kidnapping and murder of 12-year-old Polly Klaas by Richard Allen Davis, a repeat offender who was out on parole at the time of the murder. In 1995 a career criminal named Leandro Andrade

was convicted of stuffing videotapes down his pants at two southern California Kmart stores. Andrade had previous burglary convictions, making him eligible for extra punishment under California's three strikes law. His sentence meant that Andrade would be eligible for parole in 2046 when he will be 87. He argued that the sentence violated the constitutional ban on cruel and unusual punishment, but the Supreme Court disagreed and upheld the sentence. While the Supreme Court has upheld the three strikes law, there is some question whether it (a) has the deterrent power that its creators envisioned and (b) targets predatory criminals. All too often it is used to punish petty repeat offenders who are convicted of shoplifting or possession of small amounts of narcotics; relatively few are Richard Allen Davis types, the true "menace to society" that the law was created to control. The law creates overcrowded prisons but does it really convince people to stop committing crimes? Though many Californians are unhappy with the law, an effort to have it overturned or eliminated (Proposition 66) was defeated at the polls in November 2004 after Governor Arnold Schwarzenegger warned voters that "child molesters, rapists, and killers would go free."

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

CHOICE THEORIES

CHAPTER OUTLINE

The Development of Rational Choice Theory

The Classical Theory of Crime
Choice Theory Emerges

The Concepts of Rational Choice

Offense- and Offender-Specific Crimes
Structuring Criminality
Structuring Crime

Is Crime Rational?

Is Theft Rational?
Is Drug Use Rational?
Is Violence Rational?

The Criminological Enterprise: Hector Vega: A Life in the Drug Trade

Eliminating Crime

Situational Crime Prevention

Comparative Criminology: CCTV or Not CCTV? Comparing Situational Crime Prevention Efforts in Great Britain and the United States

General Deterrence

The Criminological Enterprise: Does Capital Punishment Deter Murder?

Specific Deterrence

Race, Culture, Gender, and Criminology: Deterring Domestic Violence

Incapacitation

Public Policy Implications of Choice Theory

Just Desert

CHAPTER OBJECTIVES

1. Be familiar with the concept of rational choice
2. Know the work of Beccaria
3. Be familiar with the concept of offense-specific crime
4. Be familiar with the concept of offender-specific crime
5. Be able to discuss why violent and drug crimes are rational
6. Know the various techniques of situational crime prevention
7. Be able to discuss the association between punishment and crime
8. Be familiar with the concepts of certainty, severity, and speed of punishment
9. Know what is meant by specific deterrence
10. Be able to discuss the issues involving the use of incapacitation
11. Understand the concept of just desert

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Three strikes and other tough legal measures are based on the assumption that criminals choose to commit crime, and they can be convinced not to do so if they understand that when caught they will be punished severely. Implementing such tough measures assumes that the decision to commit crime involves rational and detailed planning and decision making, designed to maximize personal gain and avoid capture. If criminals did not carefully consider things like capture and punishment, such “get tough” measures would be futile.

While we can easily assume that international drug dealers, white-collar criminals, and organized crime figures use planning, organization, and rational decision making to commit their crimes, can we also assume that such common crimes as theft, fraud, and even murder are a function of detailed planning and decision making? Are these random senseless acts or a matter of personal choice, designed to maximize gain and minimize loss?

The view that crime is a matter of **rational choice** is held by a number of criminologists who believe the decision to violate any law—commit a robbery, sell drugs, attack a rival, fill out a false tax return—is made for a variety of personal reasons, including greed, revenge, need, anger, lust, jealousy, thrill-seeking, or vanity. Regardless of the motive, criminal actions occur only after individuals carefully weigh the potential benefits and consequences of crime. The jealous suitor, for example, concludes that the risk of punishment is worth the satisfaction of punching a rival. The greedy shopper considers the chance of apprehension by store detectives so small that she takes a “five-finger discount” on a new sweater. The drug dealer concludes that the huge profit from a single shipment of cocaine far outweighs the possible costs of apprehension.

This chapter reviews the philosophical underpinnings of choice theory, tracing it back to the classical school of criminology. We then turn to more recent theoretical models that flow from the concept of choice. These models hold that because criminals are rational, their behavior can be controlled or deterred by the fear of punishment; desistance can then be explained by a growing and intense fear of criminal sanctions. These views include situational crime control, general deterrence theory, specific deterrence theory, and incapacitation. Finally, the chapter briefly reviews how choice theory has influenced criminal justice policy.

THE DEVELOPMENT OF RATIONAL CHOICE THEORY

Rational choice theory has its roots in the classical school of criminology developed by the Italian social thinker Cesare Beccaria.² In keeping with his utilitarian views, Beccaria called for fair and certain punishment to deter crime. He believed people are egotistical and self-centered, and therefore they must be motivated by the fear of punishment, which provides a tangible motive for them to obey the law and suppress the “despotic spirit” that resides in every person.³



To read about **Beccaria's life history and the formulation of his ideas**, go to <http://www.criminology.fsu.edu/crimtheory/beccaria.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

|||||| CONNECTIONS ||||||

As you may recall from Chapter 1, classical criminology is based on the work of Cesare Beccaria and other utilitarian philosophers. Its core concepts are that (1) people choose all behavior, including criminal behavior; (2) their choices can be controlled by fear of punishment; and (3) the more severe, certain, and swift the punishment, the greater its ability to control criminal behavior.

To deter people from committing more serious offenses, Beccaria believed crime and punishment must be proportional; if not, people would be encouraged to commit more serious offenses. For example, if robbery, rape, and murder were all punished by death, robbers or rapists would have little reason to refrain from killing their victims to eliminate them as witnesses to the crime. Today, this is referred to as the concept of **marginal deterrence**—if petty offenses were subject to the same punishment as more serious crimes, offenders would choose the worse crime because the resulting punishment would be about the same.⁴



To learn more about the influence of Beccaria's views, go to InfoTrac College Edition and read: Richard Bellamy, “Crime and Punishment,” *History Review* (September 1997): 24.

The Classical Theory of Crime

Beccaria's ideas and writings inspired social thinkers to believe that criminals choose to commit crime and that crime can be controlled by judicious punishment. His vision was widely accepted throughout Europe and the United States.⁵

In Britain, philosopher Jeremy Bentham (1748–1833) helped popularize Beccaria's views in his writings on utilitarianism. Bentham believed that people choose actions on the basis of whether they produce pleasure and happiness and help them avoid pain or unhappiness.⁶ The purpose of law is to produce and support the total happiness of the community it serves. Because punishment is in itself harmful, its existence is justified only if it promises to prevent greater evil than it creates. Punishment, therefore, has four main objectives:

1. To prevent all criminal offenses
2. When it cannot prevent a crime, to convince the offender to commit a less serious crime
3. To ensure that a criminal uses no more force than is necessary
4. To prevent crime as cheaply as possible⁷



To read more about the life of **Jeremy Bentham**, go to <http://www.blupete.com/Literature/Biographies/Philosophy/Bentham.htm>. For an up-to-date list of web-links, go to http://cj.wadsworth.com/siegel_crim_9e.

This vision was embraced by France's postrevolutionary Constituent Assembly (1789) in its Declaration of the Rights of Man:

[T]he law has the right to prohibit only actions harmful to society. . . . The law shall inflict only such punishments as are strictly and clearly necessary . . . no person shall be punished except by virtue of a law enacted and promulgated previous to the crime and applicable to its terms.

Similarly, a prohibition against cruel and unusual punishment was incorporated in the Eighth Amendment to the U.S. Constitution.

Beccaria's writings have been credited as the basis of the elimination of torture and severe punishment in the nineteenth century. The practice of incarcerating criminals and structuring prison sentences to fit the severity of crime was a reflection of his classical criminology.

By the end of the nineteenth century, the popularity of the classical approach began to decline, and by the middle of the twentieth century, this perspective was neglected by mainstream criminologists. During this period, positivist criminologists focused on internal and external factors—poverty, IQ, education, home life—which were believed to be the true causes of criminality. Because these conditions could not be easily manipulated, the concept of punishing people for behaviors beyond their control seemed both foolish and cruel. Although classical principles still controlled the way police, courts, and correctional agencies operate, most criminologists rejected classical criminology as an explanation of criminal behavior.

||||| CONNECTIONS |||||

The rise of positivist criminology is discussed in Chapter 1. Positivist theories of criminology, which stress that people are influenced by internal and external forces beyond their control, are analyzed in Chapters 4 through Chapter 9.

Choice Theory Emerges

Beginning in the mid-1970s, the classical approach began to enjoy resurging popularity. First, the rehabilitation of known criminals—considered a cornerstone of positivist policy—came under attack. According to positivist criminology, if crime was caused by some social or psychological problem, such as poverty, then crime rates could be reduced by providing good jobs and economic opportunities. Despite some notable efforts to provide such opportunities, a number of national surveys (the best known being Robert Martinson's "What Works?") failed to find examples of rehabilitation programs that prevented future criminal activity.⁸ A well-publicized book, *Beyond Probation*, by Charles Murray and

Louis Cox, went as far as suggesting that punishment-oriented programs could suppress future criminality much more effectively than those that relied on rehabilitation and treatment efforts.⁹



Was Martinson right? To find out more about the effectiveness of correctional treatment, use "correctional treatment" as a subject guide with InfoTrac College Edition.

A significant increase in the reported crime rate, as well as serious disturbances in the nation's prisons, frightened the general public. The media depicted criminals as callous and dangerous rather than as needy people deserving of public sympathy. Some criminologists began to suggest that it made more sense to frighten these cold calculators with severe punishments than to waste public funds by futilely trying to improve entrenched social conditions linked to crime such as poverty.¹⁰

THINKING ABOUT CRIME Beginning in the late 1970s, a number of criminologists began producing books and monographs expounding the theme that criminals are rational actors who plan their crimes, fear punishment, and deserve to be penalized for their misdeeds. In a 1975 book that came to symbolize renewed interest in classical views, *Thinking about Crime*, political scientist James Q. Wilson debunked the positivist view that crime was a function of external forces, such as poverty, that could be altered by government programs. Instead, he argued, efforts should be made to reduce criminal opportunity by deterring would-be offenders and incarcerating known criminals. People who are likely to commit crime, he maintained, lack inhibition against misconduct, value the excitement and thrills of breaking the law, have a low stake in conformity, and are willing to take greater chances than the average person. If they could be convinced that their actions will bring severe punishment, only the totally irrational would be willing to engage in crime.¹¹ Wilson made this famous observation:

Wicked people exist. Nothing avails except to set them apart from innocent people. And many people, neither wicked nor innocent, but watchful, dissembling, and calculating of their chances, ponder our reaction to wickedness as a clue to what they might profitably do.¹²

Here Wilson is saying that unless we react forcefully to crime, those "sitting on the fence" will get a clear message—crime pays.



To read a famous talk given by **James Wilson**, "Two Nations," the 1997 Francis Boyer lecture delivered at the annual dinner of the American Enterprise Institute, go to <http://www.aei.org/boyer/jwilson.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

IMPACT ON CRIME CONTROL Coinciding with the publication of Wilson's book was a conservative shift in U.S. public

policy, which resulted in Ronald Reagan's election to the presidency in 1980. Political decision makers embraced Wilson's ideas as a means to bring the crime rate down. Tough new laws were passed, creating mandatory prison sentences for drug offenders; the nation's prison population skyrocketed. Critics decried the disproportionate number of young minority men being locked up for drug law violations.¹³ Despite liberal anguish, conservative views of crime control have helped shape criminal justice policy for the past two decades.¹⁴ Many Americans, some of whom are passionate opponents of abortion on the grounds that it takes human life, became, ironically, ardent supporters of the death penalty!¹⁵ This "get tough" attitude was supported by the fact that while the prison population has grown to new heights, the crime rate has been in a steep decline.

Even if the **death penalty** were an effective deterrent, some critics believe it presents ethical problems that make its use morally dubious. Read what the American Civil Liberties Union has to say at <http://www.aclu.org/death-penalty/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

From these roots, a more contemporary version of classical theory evolved that is based on intelligent thought processes and criminal decision making; today this is referred to as the *rational choice* approach to crime causation.¹⁶

To quiz yourself on this material, go to the Criminology 9e website.

THE CONCEPTS OF RATIONAL CHOICE

According to the rational choice approach, law-violating behavior occurs when an offender decides to risk breaking the law after considering both personal factors (such as the need for money, revenge, thrills, and entertainment) and situational factors (how well a target is protected and the efficiency of the local police force). Before choosing to commit a crime, the **reasoning criminal** evaluates the risk of apprehension, the seriousness of expected punishment, the potential value of the criminal enterprise, and his or her immediate need for criminal gain. Conversely, the decision to forgo crime may be based on the criminal's perception that the economic benefits are no longer there or that the risk of apprehension is too great.¹⁷

Criminals then are people who share the same ambitions as conventional citizens but have decided to cut corners and use illegal means to achieve their goals. Many criminal offenders retain conventional American values of striving for success, material attainment, and hard work.¹⁸ When Philippe Bourgois studied crack dealers in East Harlem in New York City, he found that their motivations were not dissimilar from the "average citizen": They were upwardly mobile, scrambling around to obtain their "piece of the pie."¹⁹



© AP/Wide World Photos

According to choice theory, crime occurs when an individual believes he or she will successfully profit from an act even if it results in a law violation. Shown here is Susan Almgren, a first-grade teacher, after she pled guilty in a Lexington, Kentucky, court to charges of prostitution and running an illegal escort service. Almgren, a first-time offender, was fined \$300. Could greed alone cause an educated woman such as Almgren to engage in such a risky scheme as running a shady escort service?

If they commit crime, it is because they have chosen an illegal path to obtain the goals that might otherwise have been out of reach.

|||||| CONNECTIONS |||

Lack of conventional opportunity is a persistent theme in sociological theories of crime. The frustration caused by a perceived lack of opportunity explains the high crime rates in lower-class areas. Chapter 6 discusses strain and cultural deviance theories, which provide alternative explanations of how lack of opportunity is associated with crime.

Offense- and Offender-Specific Crimes

Rational choice theorists view crime as both offense and offender specific.²⁰ An **offense-specific crime** means that offenders will react selectively to the characteristics of particular offenses. The decision of whether to commit burglary, for example, might involve evaluating the target's likely cash yield, the availability of resources such as a getaway car, and the probability of capture by police.²¹ An **offender-specific crime** means that criminals are not simply automatons who,

for one reason or another, engage in random acts of antisocial behavior. Before deciding to commit crime, individuals must decide whether they have the prerequisites to commit a successful criminal act, including the proper skills, motives, needs, and fears. Criminal acts might be ruled out if potential offenders perceive that they can reach a desired personal goal through legitimate means or if they are too afraid of getting caught.²²

Note the distinction made here between crime and **criminality**.²³ *Crime* is an event; *criminality* is a personal trait. Professional criminals do not commit crime all the time, and even ordinary citizens may, on occasion, violate the law. Some people considered “high risk” because they are indigent or disturbed may never violate the law, whereas others who are seemingly affluent and well adjusted may risk criminal behavior given enough provocation and/or opportunity. What conditions promote crime and enhance criminality?

Structuring Criminality

A number of personal factors condition people to choose crime. Among the more important factors are economic opportunity, learning and experience, and knowledge of criminal techniques.

ECONOMIC OPPORTUNITY In the August 2004 issue of *Boston Magazine*, a university lecturer with a master’s degree from Yale and a doctorate in cultural anthropology wrote a first-person account of how she took another job to pay the bills: call girl.²⁴ Rather than living on the meager teaching salary she was offered, she *chose* to take the tax-free \$140 per hour for her services (she charged \$200, handing over \$60 to the escort service that arranged her dates). She left the “business” when she became financially self-sufficient.

The Ivy League hooker is not alone. Perceptions of economic opportunity influence the decision to commit crime. Increases in criminal activity may flow from economic necessity. For example, Christopher Uggen and Melissa Thompson found that people who begin taking hard drugs also increase their involvement in crime, illegally taking in from \$500 to \$700 per month. Once they become cocaine and heroin users, the benefits of criminal enterprise become overwhelmingly attractive.²⁵

Crime also becomes attractive when an individual becomes convinced that it will result in excessive profits with few costs. Research shows that criminals may be motivated to commit crime when they know others who have made “big scores” and are quite successful at crime. Although the prevailing wisdom is that crime does not pay, a small but significant subset of criminals actually enjoy earnings of close to \$50,000 per year from crime, and their success may help motivate other would-be offenders.²⁶ However, offenders are likely to desist from crime if they believe that their future criminal earnings will be relatively low and that attractive and legal opportunities to generate income are available.²⁷ In this sense, rational choice is a function of a person’s perception of conventional alternatives and opportunities.

|||||| CONNECTIONS |||

The role of economic needs in the motivation of white-collar criminals is discussed in Chapter 12. Research shows that even consistently law-abiding people may turn to criminal solutions when faced with overwhelming economic needs. They make the rational decision to commit crimes to solve some economic crisis.

LEARNING AND EXPERIENCE Learning and experience may be important elements in structuring the choice of crime.²⁸ Career criminals may learn the limitations of their powers; they know when to take a chance and when to be cautious. Experienced criminals may turn from a life of crime when they develop a belief that the risk of crime is greater than its potential profit.²⁹ Patricia Morgan and Karen Ann Joe’s three-city study (San Francisco, San Diego, and Honolulu) of female drug abusers found that experience helped dealers avoid detection. One dealer, earning \$50,000 per year, explained her strategy this way:

I stayed within my goals, basically . . . I don’t go around doing stupid things. I don’t walk around telling people I have drugs for sale. I don’t have people sitting out in front of my house. I don’t have traffic in and out of my house . . . I control the people I sell to.³⁰

Morgan and Joe found that these female dealers consider drug distribution a positive experience that gives them economic independence, self-esteem, increased ability to function, professional pride, and the ability to maintain control over their lives. These women often seemed more like yuppies opening a boutique than out-of-control addicts:

I’m a good dealer. I don’t cut my drugs, I have high-quality drugs insofar as it’s possible to get high-quality drugs. I want to be known as somebody who sells good drugs, but doesn’t always have them, as opposed to someone who always has them and sometimes the drugs are good.³¹

Here we see how experience in the profession shapes criminal decision making.

KNOWLEDGE OF CRIMINAL TECHNIQUES Criminals report learning techniques that help them avoid detection, a sure sign of rational thinking and planning. In his studies of drug dealers, criminologist Bruce Jacobs found that crack dealers learn how to stash crack cocaine in some undisclosed location so that they are not forced to carry large amounts of product on their persons. Dealers carefully evaluate the security of their sales area before setting up shop.³² Most consider the middle of a long block the best place for drug deals because they can see everything in both directions; police raids can be spotted before they develop.³³ If a buyer seems dangerous or unreliable, the dealer would require that they do business in spaces between apartment buildings or in back lots. Although dealers lose the tactical edge of being on a public street, they gain a measure of protection because their associates can watch over the deal and come to the rescue if

Female Crack Dealers' Arrest-Avoidance Techniques

Projected Self-Image

Female crack dealers learn the art of conveying a sense of normalcy and ordinariness in their demeanor and physical appearance to avoid attention. Female crack dealers avoid typical male behavior. They refuse to dress provocatively or to wear flashy jewelry; instead, they dress down, wearing blue jeans and sweat pants, to look like a "resident." Some affected the attire of crack users, figuring that the police would not think them worth the trouble of an arrest.

Stashing

Dealers learn how to hide drugs on their person, in the street, or at home. One dealer told how she hid drugs in the empty shaft of a curtain rod; another wore hollow earmuffs to hide crack. Because a female officer is required to conduct body cavity searches, the dealers had time to get rid of their drugs before they got to the station house. Dealers are aware of legal definitions of possession. One said she stashed her drugs 250 feet from her home because that was beyond the distance (150 feet) police considered a person legally to be in "constructive possession" of drugs.

Selling Hours

The women were aware of the danger of dealing at the wrong time of day. For example, it would be impossible to tell police you were out shopping at 3 A.M. If liquor stores were open, a plausible story could be concocted: I was out buying beer for a party. Dealers who sold from their homes cultivated positive relations with neighbors who might otherwise be tempted to tip off police. Some had barbecues and even sent over plates of ribs and pork to those who did not show up for dinner.

Routine Activities/Staged Performances

Dealers camouflaged their activities within the bustle of their daily lives. They would sell crack while hanging out in a park or shooting hoops at a playground. They would meet their customers in a lounge and try to act normal, having a good time, anything not to draw attention to themselves and their business. They used props to disguise drug deals.

Source: Bruce Jacobs and Jody Miller, "Crack Dealing, Gender, and Arrest Avoidance," *Social Problems* 45 (1998): 550–566.

the buyer tries to "pull something."³⁴ Similar detection avoidance schemes were found by Gordon Knowles in his study of crack dealers in Honolulu, Hawaii. Knowles found that drug dealers often use pornographic film houses as their base of operations because they offer both privacy and convenience.³⁵

When Jacobs, along with Jody Miller, studied female crack dealers, they discovered a variety of defensive moves used by the dealers to avoid detection; these are set out in Exhibit 4.1.³⁶

Criminals who learn the proper techniques may be able to prolong their criminal careers. Jacobs found that these offenders use specific techniques to avoid being apprehended by police. They play what they call the "peep game" before dealing drugs, scoping out the territory to make sure the turf is free from anything out of place that could be a potential

threat (such as police officers or rival gang members).³⁷ One crack dealer told Jacobs:

There was this red Pontiac sittin' on the corner one day with two white guys inside. They was just sittin' there for an hour, not doin' nothin'. Another day, diff'rent people be walkin' up and down the street you don't really recognize. You think they might be kin of someone but then you be askin' around and they [neighbors] ain't never seen them before neither. When ya' see strange things like that, you think somethin' be goin' on [and you don't deal].³⁸

Drug dealers told Jacobs that they also carefully consider whether they should deal alone or in groups; large groups draw more attention from police but can offer more protection. Drug-dealing gangs and groups can help divert the attention of police: If their drug dealing is noticed by detectives, a dealer can slyly walk away or dispose of evidence while confederates distract the cops.³⁹

Do drug dealers make rational decisions? Use "drug dealing" as a subject guide on InfoTrac College Edition to find out.

CONNECTIONS

Rational choice theory dovetails with routine activities theory, which you learned about in Chapter 3. Although not identical, these approaches both claim that crime rates are a normal product of criminal opportunity. Both suggest that criminals consider such elements as guardianship and target attractiveness before they decide to commit crimes.

The routine activities and rational choice views also agree that criminal opportunity is a key element in the criminal process. The overlap between these two viewpoints may help criminologists suggest means for effective crime control.

Structuring Crime

Not only do criminals structure their careers, but they rationally choose where and when to commit crime and whom to target. According to the rational choice approach, the decision to commit crime is structured by analysis of (1) the type of crime, (2) the time and place of crime, and (3) the target of crime.

CHOOSING THE TYPE OF CRIME Some criminals are specialists, for example, professional car thieves. Others are generalists who sell drugs one day and commit burglaries the next. Their choice of crime may be dictated by a rational analysis of market conditions. For example, they may rob the elderly on the first of the month when they know that Social Security checks have been cashed.

Sometimes the choice of crime is structured by the immediacy of the need for funds. Eric Baumer and his associates

found that cities with greater levels of crack cocaine often experience an increase in robbery and a corresponding decrease in burglary rates. Baumer reasons that crack users need a quick influx of cash to purchase drugs and are in no position to plan a burglary and take the time to sell their loot; street robberies are designed to provide a quick influx of cash that meets their lifestyle needs.⁴⁰

CHOOSING THE TIME AND PLACE OF CRIME There is evidence of rationality in the way criminals choose the time and place of their crimes. Burglars seem to prefer “working” between 9 A.M. and 11 A.M. and in mid-afternoon, when parents are either working or dropping off or picking up kids at school.⁴¹ Burglars avoid Saturdays because most families are at home; Sunday morning during church hours is considered a prime time for weekend burglaries.⁴² Some find out which families have star high school athletes because those that do are sure to be at the weekend game, leaving their houses unguarded.⁴³

Evidence of rational choice may also be found in the way criminals choose target locations. Thieves seem to avoid free-standing buildings because they can more easily be surrounded by police; they like to select targets that are known to do a primarily cash business, such as bars, supermarkets, and restaurants.⁴⁴ Burglars appear to monitor car and pedestrian traffic and avoid selecting targets on heavily traveled streets.⁴⁵ Corner homes, usually near traffic lights or stop signs, are the ones most likely to be burglarized: Stop signs give criminals a legitimate reason to stop their cars and look for an attractive target.⁴⁶ Secluded homes, such as those at the end of a cul-de-sac or surrounded by wooded areas, make suitable targets.⁴⁷ Thieves also report being concerned about target convenience. They are more apt to choose familiar burglary sites that are located in easily accessible and open areas.⁴⁸

Because criminals often go on foot or use public transportation, they are unlikely to travel long distances to commit crimes and are more likely to drift toward the center of a city than move toward outlying areas.⁴⁹ Some may occasionally commute to distant locations to commit crimes, but most prefer to stay in their own neighborhood where they are familiar with the terrain. They will only travel to unfamiliar areas if they believe the new location contains a worthy target and lax law enforcement. They may be encouraged to travel when the police are cracking down in their own neighborhood and the “heat is on.”⁵⁰ Evidence is accumulating that predatory criminals are in fact aware of law enforcement capabilities and consider them closely before deciding to commit crimes. Communities with the reputation of employing aggressive “crime-fighting” cops are less likely to attract potential offenders than areas perceived to have passive law enforcers.⁵¹

CHOOSING THE TARGET OF CRIME Criminals may also be well aware of target vulnerability. For example, there is evidence that people engaging in deviant or antisocial behaviors



© Reuters/Corbis

It is not difficult to spot the sophisticated planning, preparation, and design in some crimes. Here Christopher Harn is led into Federal Court in White Plains, New York, on November 12, 2002. Harn, who worked for the bet-taking company Autotote, and two of his former college classmates, Derrick Davis and Glen DaSilva, were charged with wire fraud and conspiracy in a plot to rig bets for a million-dollar payout at the Breeders Cup in Arlington Park near Chicago. The men placed bets, then hacked into a computer system that tracked the wagers to change them after the races were completed. Harn placed the bets through an off-track betting parlor using the accounts of Davis and DaSilva. He then altered the tickets to make them winners using the touch-tone betting system that he himself designed. He also printed fake tickets with the serial numbers of uncashed tickets that he found in the Autotote system and gave them to Davis and DaSilva to cash at various race tracks. The winning amounts were small enough to not require IRS reporting but together amounted to thousands of dollars. Harn pled guilty to conspiracy to commit fraud and conspiracy to launder money (and agreed to testify against his friends!).

are also the most likely to become crime victims.⁵² Perhaps predatory criminals sense that people with “dirty hands” make suitable targets because they are unlikely to want to call police or get entangled with the law.

Criminals tend to shy away from victims who are perceived to be armed and potentially dangerous.⁵³ In a series of interviews with career property offenders, Kenneth Tunnell found that burglars avoid targets if they feel there are police in the area or if “nosy neighbors” might be suspicious and cause trouble.⁵⁴



To quiz yourself on this material, go to the Criminology 9e website.

IS CRIME RATIONAL?

It is relatively easy to show that some crimes are the product of rational, objective thought, especially when they involve an ongoing criminal conspiracy centered on economic gain. When prominent bankers in the savings and loan industry were indicted for criminal fraud, their elaborate financial schemes not only exhibited signs of rationality but brilliant, though flawed, financial expertise.⁵⁵ The stock market manipulations of executives at Enron and Worldcom, the drug dealings of international cartels, and the gambling operations of organized crime bosses all demonstrate a reasoned analysis of market conditions, interests, and risks. Even small-time wheeler-dealers, such as the female drug dealers discussed earlier in the chapter, are guided by their rational assessment of the likelihood of apprehension and take pains to avoid detection. But what about common crimes of theft and violence? Are these rational acts or unplanned, haphazard, and spontaneous?

Is Theft Rational?

Common theft-related crimes—burglaries, larcenies, shoplifting, purse snatchings—seem more likely to be random acts of criminal opportunity than well-thought-out conspiracies. However, there is evidence that even these seemingly unplanned events may be the product of careful risk assessment, including environmental, social, and structural factors. For example, there are professional shoplifters, referred to as **boosters**, who use complex methods in order to avoid detection. They steal with the intention of reselling stolen merchandise to professional fences, another group of criminals who use cunning and rational decision making in their daily activities.

Burglars also seem to use skill and knowledge when choosing targets. Experienced burglars report having to learn detection avoidance techniques. Some check to make sure that no one is home, either by calling ahead or ringing the doorbell, preparing to claim they had the wrong address if someone answers. Others seek unlocked doors and avoid the ones with deadbolts; houses with dogs are usually considered off limits.⁵⁶ Most burglars prefer to commit crimes in **permeable neighborhoods** with a greater than usual number of access streets from traffic arteries into the neighborhood.⁵⁷ These areas are chosen for theft and break-ins because they are familiar and well traveled, they appear more open and vulnerable, and they offer more potential escape routes.⁵⁸

American burglars are not alone in using rational choice. English authorities report that carefully planned burglaries seem to be on the decline presumably because goods that were the target a few years back—video recorders and DVD players—are now so cheap that they are not worth stealing; in English terms, they are barely worth nicking. Televisions may be valuable but those that are the most

valuable have become so large that they are impractical to steal.⁵⁹ As a result, the planned professional burglary is on a decline in Britain at the same time that street muggings are on the rise.

Is Drug Use Rational?

Did actor Robert Downey, Jr., make an objective, rational choice to abuse drugs and potentially sabotage his career? Did comedian Chris Farley make a rational choice when he abused alcohol and other drugs to the point that it killed him? Is it possible that drug users and dealers, a group not usually associated with clear thinking, make rational choices? Research does in fact show that from its onset drug use is controlled by rational decision making. Users report that they begin taking drugs when they believe that the benefits of substance abuse outweigh its costs (for example, they believe that drugs will provide a fun, exciting, thrilling experience). Their entry into substance abuse is facilitated by their perception that valued friends and family members endorse and encourage drug use and abuse substances themselves.⁶⁰

In adulthood, heavy drug users and dealers show signs of rationality and cunning in their daily activity, approaching drug dealing as a business proposition. Research conducted by Leanne Fiftal Alarid and her partners provides a good illustration of this phenomenon because it focused on how women drawn into dealing drugs learn the trade in a businesslike manner. One young dealer told them how she learned the techniques of the trade from an older male partner:

He taught me how to “recon” [reconstitute] cocaine, cutting and repacking a brick from 91 proof to 50 proof, just like a business. He treats me like an equal partner, and many of the friends are business associates. I am a catalyst. . . . I even get guys turned on to drugs.⁶¹

Note the business terminology used. This coke dealer could be talking about taking a computer training course at a major corporation! If criminal acts are treated as business decisions, in which profit and loss potential must be carefully calculated, then crime must indeed be a rational event. The Criminological Enterprise feature, “Hector Vega: A Life in the Drug Trade,” discusses the rational aspects of drug dealing.

Is Violence Rational?

In 1998, Brandon Wilson, 21, slashed the throat of Matthew Cecchi, a 9-year-old California boy, then stabbed him in the back and left him to bleed to death. After his conviction on murder charges, Wilson told the jury that he would “do it again in a second if I had the chance.” When the jury later

The Criminological Enterprise

Hector Vega: A Life in the Drug Trade

In summer 2004, a dramatic murder trial took place in New York City that aptly illustrates the concept of rational choice. Two Bronx men, Alan Quiñones and Diego Rodriguez, were accused of heroin trafficking and killing a police informant. The trial hinged on the testimony of one of their confederates—Hector Vega, a key government witness who had previously pleaded guilty to taking part in the murder. He described in vivid detail how he watched the defendants beat the victim, Edwin Santiago, as he lay handcuffed on the floor of a Bronx apartment. He told the jury how the defendants Quiñones and Rodriguez spit in Santiago's face to show what they thought of police informants. Santiago's body was found mutilated and burned beyond recognition on June 28, 1999.

During the trial, Vega gave the jury a detailed lesson in retail drug operations. In the Bronx, beatings, slashings, and shootings are routinely used to enforce what he called "the drug law": "If people deserved it, I beat them up." He showed them a tattoo on his upper right arm that meant "Money, Power, Respect." Vega, 31, also told the jury that he headed a group of heroin vendors who did business from his "spot," his sales area, between Daly and Honeywell Avenues in the Bronx. He said he had learned the trade from a stepfather, a building superintendent who he said had a second job as a narcotics entrepreneur: "I always knew about the drug business. I was raised around it."

As a mid-level drug dealer, Vega received heroin on consignment from big-time drug wholesalers and turned it over in \$100 packages to people he called his "managers," who in turn found "runners" to sell it on the street. His job was to "make sure everybody is working, and I will make sure everything is running correctly." Vega received a "commission" of about 35 percent of all sales in his organization; he estimated that he made a total of at least \$500,000 in the five years before his arrest.

Vega told how he used strict rules to run his organization. He did not sell between 1 and 3 P.M. because of "school hours." He did not allow anyone to sell at his spot without his approval, or steal drugs from him, or pass him a counterfeit bill, or taint the quality of drugs sold under his name. If that happened, he said, "I'd be looking like a fool. The drug spot will go down." When Manny, one of his workers, stole one package of heroin, Vega slashed his face with a box cutter. When the wound did not immediately bleed, "I didn't see nothing cut, I didn't see anything I did, so I did it a second time," he said, until he saw blood. Angered by a counterfeit bill he received from a crack addict, "I punched him in the face, I kicked him, I threw him on the floor and kicked him again." He disciplined one stranger who cheated him by hitting the man in the back of the head with a three-foot tree branch. Police informants were given special treatment. "In the drug world, in the drug law, we say that snitches get stitches," he said. "In jail you cut their face. In the street, you beat them. You kill them."

Vega testified that the defendants Quiñones and Rodriguez were heroin wholesalers and that he began buying drugs from them a few months before Santiago's death. After he learned that Quiñones suspected Santiago of working undercover for the police, he helped him lure Santiago to the apartment of a girlfriend where the beatings and murder took place. For his cooperation, Vega faced a fifteen-year sentence rather than the death penalty.

The Vega case illustrates the concept that rational choice is a key element in crime. Drug dealing is a business with rules that have to be obeyed and roles that must be faithfully carried out. Drug deals are not spontaneous acts motivated by rage, mental illness, or economic desperation but rational albeit illegal business enterprise engaged in by highly motivated players. Those who violate corporate policy are dealt with ruthlessly.

Critical Thinking

Do you agree that drug dealing is a business in the traditional sense, or are dealers forced into a life of crime by social forces beyond their control? Can an analogy be made between drug dealing and legitimate business enterprise?

InfoTrac College Edition Research

Is drug dealing and smuggling a type of business enterprise? Use InfoTrac College Edition to read: Terrance G. Lichtenwald, "Drug Smuggling Behavior: A Development Smuggling Model (Part 2)," *The Forensic Examiner* 13 (2004): 14–23.

Source: Julia Preston, "Witness Gives Details of Life as Drug Dealer," *New York Times*, 12 July 2004.

met to consider the death penalty, Wilson told them, "My whole purpose in life is to help destroy your society. You people are here as representatives of that society. As such, you should do everything in your power to rid the world of me, execute me." Granting his wish, the jury foreman told

reporters, "If there was ever a case that deserved the death penalty, this one fits."⁶²

Though seemingly a demented child killer, Brandon Wilson's statements indicate that he is a rational and calculating killer who may have carefully chosen his victim. Is it

possible that violent acts, through which the offender gains little material benefit, are the product of reasoned decision making?

RATIONAL ROBBERS Street robbers also are likely to choose victims who are vulnerable, have low coercive power, and do not pose any threat.⁶³ In their survey of violent felons, James Wright and Peter Rossi found that robbers avoid victims who may be armed and dangerous. About three-fifths of all felons interviewed were more afraid of armed victims than police; about two-fifths had avoided a victim because they believed the victim was armed; and almost one-third reported that they had been scared off, wounded, or captured by armed victims.⁶⁴ It comes as no surprise that cities with higher than average gun-carrying rates generally have lower rates of unarmed robbery.⁶⁵

Robbers also tend to pick the time and day of crimes carefully. When they rob a commercial establishment, they choose the time when there is the most cash on hand to increase their take from the crime. For example, robbery rates increase in the winter partly because the Christmas shopping season means more money in the cash registers of potential targets.⁶⁶ Targets are generally found close to robbers' homes or in areas in which they routinely travel. Familiarity with the area gives them ready knowledge of escape routes; this is referred to as their "awareness space."⁶⁷ Robbers may be wary of people who are watching the community for signs of trouble: Research by Paul Bellair shows that robbery levels are relatively low in neighborhoods where residents keep a watchful eye on their neighbors' property.⁶⁸ Robbers avoid buildings that can be easily surrounded by police; they also prefer to rob businesses that deal primarily with cash.⁶⁹ Their activities show clear signs of rational choice.

RATIONAL KILLERS? Hollywood likes to portray deranged people killing innocent victims at random, but people who carry guns and are ready to use them typically do so for more rational reasons. They may perceive that they live in a dangerous environment and carry a weapon for self-protection.⁷⁰ Some are involved in dangerous illegal activities such as drug dealing and carry weapons as part of the job.⁷¹ Even in apparently senseless killings among strangers, the conscious motive is typically revenge for a prior dispute or disagreement among the parties involved or their families.⁷² Many homicides are motivated by offenders' desire to avoid retaliation from a victim they assaulted or to avoid future prosecutions by getting rid of witnesses.⁷³ Although some killings are the result of anger and aggression, others are the result of rational planning.

Even serial murderers, outwardly the most irrational of all offenders, tend to pick their targets with care. Most choose victims who are either defenseless or who cannot count on police protection: prostitutes, gay men, hitchhikers, children, hospital patients, the elderly, and the homeless. Rarely do serial killers target weightlifters, martial arts experts, or any other potentially powerful group.⁷⁴



© Getty Images

Even killers can be rational, educated people. Harvard University graduate student Alexander Pring-Wilson, 25, stands during his arraignment in the stabbing death of Michael Colono, 18, April 14, 2003, in Cambridge, Massachusetts. Pring-Wilson and Colono got into an altercation the night of April 12, 2004, that resulted in Colono's death. Pring-Wilson claimed he acted in self-defense but a Massachusetts jury found him guilty of manslaughter because he stabbed Colono five times, which seemed excessive considering the fact that the victim was unarmed.

RATIONAL RAPISTS? Serial rapists also show rationality in their choice of targets. They travel, on average, 3 miles from their homes to commit their crimes. This indicates that they are careful, for the most part, to avoid victims who might recognize them later.

The desire to avoid detection supersedes the wish to obtain a victim with little effort. Older, more experienced rapists who have extensive criminal histories are willing to travel further; younger rapists who have less experience committing crimes travel less and are therefore more at risk of detection.⁷⁵

ATTRACTION OF CRIME For many people, then, crime is attractive; it brings rewards, excitement, prestige, or other desirable outcomes without lengthy work or effort.⁷⁶ Whether it is violent or profit oriented, crime has an allure that some people cannot resist. Crime may produce a natural high and other positive sensations that are instrumental in maintaining and reinforcing criminal behavior.⁷⁷ Some law violators describe the adrenaline rush that comes from successfully

executing illegal activities in dangerous situations. This has been described as **edgework**, the “exhilarating, momentary integration of danger, risk, and skill” that motivates people to try a variety of dangerous criminal and noncriminal behaviors.⁷⁸ Crime is not some random act but a means that can provide both pleasure and solutions to vexing personal problems.



To quiz yourself on this material, go to the Criminology 9e website.

ELIMINATING CRIME

If crime is rational and people choose to commit crime, then it follows that crime can be controlled or eradicated by convincing potential offenders that crime is a poor choice that will not bring them rewards but pain, hardship, and deprivation instead. Evidence shows that jurisdictions with relatively low incarceration rates also experience the highest crime rates.⁷⁹ As we have seen, according to rational choice theory, street-smart offenders know which areas offer the least threat and plan their crimes accordingly. Strategies for crime control based on this premise are illustrated in Concept Summary 4.1. The following sections discuss each of these crime reduction or control strategies.

Situational Crime Prevention

Because criminal activity is offense specific, rational choice theory suggests that crime prevention, or at least crime reduction, should be achieved through policies that convince potential criminals to desist from criminal activities, delay their actions, or avoid a particular target. Criminal acts will be avoided if (1) potential targets are guarded securely, (2) the means to commit crime are controlled, and (3) potential offenders are carefully monitored. Desperate people may contemplate crime, but only the truly irrational would attack a well-defended, inaccessible target and risk strict punishment. Crime prevention can be achieved by reducing the opportunities people have to commit particular crimes, a practice known as **situational crime prevention**.

Situational crime prevention was first popularized in the United States in the early 1970s by Oscar Newman, who coined the term **defensible space**. This term signifies that crime can be prevented or displaced through the use of residential architectural designs that reduce criminal opportunity, such as well-lit housing projects that maximize surveillance.⁸⁰ C. Ray Jeffery wrote *Crime Prevention through Environmental Design*, which extended Newman's concepts and applied them to nonresidential areas, such as schools and factories.⁸¹ According to this view, mechanisms such as security systems, deadbolt locks, high-intensity street lighting, and neighborhood watch patrols should reduce criminal

Crime Control Strategies Based on Rational Choice

Situational Crime Prevention

- This strategy is aimed at convincing would-be criminals to avoid specific targets. It relies on the doctrine that crime can be avoided if motivated offenders are denied access to suitable targets.
- Operationalizations of this strategy are home security systems or guards, which broadcast the message that guardianship is great here, stay away; the potential reward is not worth the risk of apprehension.
- Problems with the strategy are the extinction of the effect and displacement of crime.

General Deterrence Strategies

- These strategies are aimed at making potential criminals fear the consequences of crime. The threat of punishment is meant to convince rational criminals that crime does not pay.
- Operationalizations of these strategies are the death penalty, mandatory sentences, and aggressive policing.
- Problems with these strategies are that criminals do not fear punishment and the certainty of arrest and punishment is low.

Specific Deterrence Strategy

- This strategy refers to punishing known criminals so severely that they will never be tempted to repeat their offenses. If crime is rational, then painful punishment should reduce its future allure.
- Operationalizations of this strategy are harsh prisons and stiff fines.
- A problem of this strategy is that punishment may increase re-offending rates rather than deter crime.

Incapacitation Strategies

- These strategies attempt to reduce crime rates by denying motivated offenders the opportunity to commit crime. If, despite the threat of law and punishment, some people still find crime attractive, then the only way to control their behavior is to incarcerate them for extended periods.
- Operationalizations of these strategies are long prison sentences, placing more people behind bars.
- Problems of these strategies are people are kept in prison beyond the years they may commit crime. Minor, nondangerous offenders are locked up; and this is a very costly strategy.

opportunity.⁸² The subway system in Washington, DC, has used some of these environmental crime reduction techniques to control crime since it began operations in 1976. Some of these strategies are set out in Exhibit 4.2.

In 1992 Ronald Clarke published *Situational Crime Prevention*, which compiled the best-known strategies and

Using Environmental Design to Control Crime in the Washington, DC, Subway System

- High, arched ceilings not only are architecturally sound and aesthetically pleasing but also create a feeling of openness that reduces passenger fears and provides an open view of the station. Long, winding corridors and corners were avoided to reduce shadows and nooks that criminals and panhandlers could occupy.
- Passengers buy multiple-use fare cards in any dollar amount, reducing the time money is exposed to pickpockets and robbers. Fare cards also must be used on entry and exit from the system, reducing the likelihood of fare evasion.
- Metro trains are equipped with graffiti- and vandal-resistant materials to discourage potential offenders. When graffiti artists or vandals do cause damage, maintenance workers clean and repair damaged property promptly.
- No public restrooms, lockers, or excess seats allow potential offenders to loiter. Fast-food establishments are prohibited because customers generate litter, and they provide victims for robbers and pickpockets.
- Rules prohibiting “quality of life” violations, such as smoking or eating on trains, are enforced, and all vandalism and graffiti are promptly reported to maintenance personnel to ensure a safe and clean environment.
- Entrance kiosks are continuously staffed while Metro is open. Station attendants are aided by closed-circuit televisions at all unattended entrances, tunnels, and platforms, and they carry two-way radios to report crime and maintenance problems.

Source: Nancy LaVigne, *Visibility and Vigilance: Metro's Situational Approach to Preventing Subway Crime* (Washington, DC: National Institute of Justice, 1997).

tactics to reduce criminal incidents.⁸³ Criminologists have suggested using a number of situational crime prevention efforts that might reduce crime rates. One approach is not to target a specific crime but to create an environment that can reduce the overall crime rate by limiting the access to tempting targets for a highly motivated offender group (such as high school students). Notice that this approach is designed not to eliminate a specific crime but to reduce the overall crime rate. Such a strategy might include some or all of the elements contained in Exhibit 4.3.⁸⁴

TARGETING SPECIFIC CRIMES Situational crime prevention can also involve developing tactics to reduce or eliminate a specific crime problem (such as shoplifting in an urban mall or street-level drug dealing). According to criminologists Ronald Clarke and Ross Homel, crime prevention tactics used today generally fall in one of four categories:

- Increase the effort needed to commit crime
- Increase the risks of committing crime
- Reduce the rewards for committing crime
- Induce guilt or shame for committing crime

A Total Community Situational Crime Prevention Model

- Schedule school release uniformly so that there is no doubt when kids belong in school and when they are truant.
- Control truancy.
- Organize after-school activities to keep kids under adult supervision.
- Organize weekend activities with adult supervision.
- Offer school lunches to keep kids in school and away from shopping areas.
- Prohibit cash in schools to reduce kids' opportunity either to be a target or to consume drugs or alcohol.
- Keep shopping areas and schools separate.
- Construct housing to maximize guardianship and minimize illegal behavior.
- Encourage neighborhood stability so that residents will be acquainted with one another.
- Encourage privatization of parks and recreation facilities so that people will be responsible for their area's security.

Source: Marcus Felson, “Routine Activities and Crime Prevention,” in *National Council for Crime Prevention, Studies on Crime and Crime Prevention, Annual Review*, vol. 1 (Stockholm: Scandinavian University Press, 1992), pp. 30–34.

Exhibit 4.4 lists sixteen strategies to limit opportunities for crime based on these categories of prevention.

INCREASE EFFORTS Some of the tactics to increase efforts include target-hardening techniques such as putting unbreakable glass on storefronts, locking gates, and fencing yards. Technological advances can make it more difficult to commit crimes; for example, having an owner's photo on credit cards should reduce the use of stolen cards. The development of new products, such as steering locks on cars, can make it more difficult to commit crimes. Empirical evidence indicates that steering locks have helped reduce car theft in the United States, Britain, and Germany.⁸⁵ Installing a locking device on cars that prevents inebriated drivers from starting the vehicle significantly reduces drunk-driving rates.⁸⁶ Similarly, installing a locking device on cars that prevents drunk drivers from starting the vehicle (breath-analyzed ignition interlock device) significantly reduces drunk-driving rates among people with a history of driving while intoxicated.⁸⁷ Removing signs from store windows, installing brighter lights, and instituting a pay-first policy can help reduce thefts from gas stations and convenience stores.⁸⁸

Another way to increase effort is to reduce opportunities for criminal activity. For example, many cities have established curfew laws in an effort to limit the opportunity juveniles have to engage in antisocial behavior. In some jurisdictions, such as Dallas, Texas, these laws have limited criminal

Sixteen Situational Prevention Techniques

Increasing Perceived Effort

1. *Target hardening*
Slug rejector devices
Steering locks
Bandit screens
2. *Access control*
Parking lot barriers
Fenced yards
Entry phones
3. *Deflecting offenders*
Bus stop placement
Tavern location
Street closures
4. *Controlling facilitators*
Credit card photo
Caller ID
Gun controls

Increasing Perceived Risks

5. *Entry/exit screening*
Automatic ticket gates
Baggage screening
Merchandise tags
6. *Formal surveillance*
Burglar alarms
Speed cameras
Security guards
7. *Surveillance by employees*
Pay phone location
Park attendants
CCTV systems
8. *Natural surveillance*
Defensible space
Street lighting
Cab driver ID

Reducing Anticipated Rewards


9. *Target removal*
Removable car radio
Women's refuges
Phone card
10. *Identifying property*
Property marking
Vehicle licensing
Cattle branding
11. *Reducing temptation*
Gender-neutral phone lists
Off-street parking
12. *Denying benefits*
Ink merchandise tags
PIN for car radios
Graffiti cleaning

Inducing Guilt or Shame

13. *Rule setting*
Harassment codes
Customs declaration
Hotel registrations
14. *Strengthening moral condemnation*
"Shoplifting is stealing"
Roadside speedometers
"Bloody idiots drink and drive"
15. *Controlling disinhibitors*
Drinking age laws
Ignition interlock
Server intervention
16. *Facilitating compliance*
Improved library checkout
Public lavatories
Trash bins

Source: Ronald Clarke and Ross Homel, "A Revised Classification of Situation Crime Prevention Techniques," in *Crime Prevention at a Crossroads*, ed. Steven Lab (Cincinnati: Anderson, 1997), p. 4.

activity including violent gang crimes.⁸⁹ However, curfew laws have not met with universal success. In a comprehensive systematic review of the existing literature on curfews, criminologist Ken Adams found little evidence that juvenile crime and victimization were influenced in any way by the implementation of curfew laws.⁹⁰ Similarly, efforts to reduce DWI cases by instituting a countywide ban on the sale of alcohol have not proven successful.⁹¹

 **Environmental design** is a branch of situational crime prevention that has as its basic premise that the physical environment can be changed or managed to produce behavioral effects that will reduce the incidence and fear of crime. To read more about the concept, go to <http://www.cpted.com.au/>. For an up-to-date list of web-links, go to http://cj.wadsworth.com/siegel_crim9e.

REDUCE REWARDS Target reduction strategies are designed to reduce the value of crime to the potential criminal. These include making car radios removable so they can be kept

in the home at night, marking property so that it is more difficult to sell when stolen, and having gender-neutral phone listings to discourage obscene phone calls. Tracking systems, such as those made by the Lojack Corporation, help police locate and return stolen vehicles.

INCREASE RISK If criminals believe that committing crime is very risky, only the most foolhardy would attempt to commit criminal acts. Managing crime falls into the hands of people Marcus Felson calls **crime discouragers**.⁹² These guardians can be grouped into three categories: guardians, who monitor targets (such as store security guards); handlers, who monitor potential offenders (such as parole officers and parents); and managers, who monitor places (such as homeowners and doorway attendants). If they do their job correctly, the potential criminal will be convinced that the risk of crime outweighs any potential gains.⁹³

Crime discouragers have different levels of responsibility, ranging from highly personal involvement, such as the

Crime discouragers are people whose actions directly influence crime prevention. Here, School Resource Officer (SRO) Joe Hoffer adjusts the controls of a television monitor that displays images from several security cameras placed at Atwater High School in Atwater, California, June 14, 2001. Following the 1999 shootings at Colorado's Columbine High School, the legislature passed a law aimed at limiting school violence by providing additional funds for safety-related items, such as security cameras, and for police officers on campus, known as school resource officers. Hoffer is supervisor of the SROs for the Merced Union High School District.



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Crime Discouragers

Types of Supervisors and Objects of Supervision

Level of Responsibility	Guardians (monitoring suitable targets)	Handlers (monitoring likely offenders)	Managers (monitoring amenable places)
Personal (owners, family, friends)	Student keeps eye on own bookbag	Parent makes sure child gets home	Homeowner monitors area near home
Assigned (employees with specific assignment)	Store clerk monitors jewelry	Principal sends kids back to school	Doorman protects building
Diffuse (employees with general assignment)	Accountant notes shoplifting	School clerk discourages truancy	Hotel maid impairs trespasser
General (strangers, other citizens)	Bystander inhibits shoplifting	Stranger questions boys at mall	Customer observes parking structure

Source: Marcus Felson, "Those Who Discourage Crime," in John Eck and David Weisburd, *Crime and Place* (Monsey, NY: Criminal Justice Press, 1995), p. 59. Reprinted by permission.

homeowner protecting her house and the parent controlling his children, to the most impersonal general involvement, such as a stranger who stops someone from shoplifting in the mall (Table 4.1).

Research indicates that crime discouragers can have an impact on crime rates. An evaluation of a police initiative in Oakland, California, found that an active working partnership with residents and businesspeople who have a stake in maintaining order in their places of work or residences can reduce levels of drug dealing while at the same time increasing civil behavior. Collective action and cooperation in solving problems were effective in controlling crime,

whereas individual action (such as calling 911) seemed to have little effect.⁹⁴

In addition to crime discouragers, it may be possible to raise the risks of committing crime by creating mechanical devices that increase the likelihood that a criminal will be observed and captured. The Comparative Criminology feature, "CCTV or Not CCTV?" discusses a recent evaluation of such methods in Great Britain and the United States.

INCREASE GUILT Inducing guilt or shame might include such techniques as setting strict rules to embarrass offenders. For example, publishing "John lists" in the newspaper punishes those arrested for soliciting prostitutes. Facilitating compliance by providing trash bins might shame chronic litterers into using them. Ronald Clarke shows how caller ID in New Jersey resulted in significant reductions in the number of obscene phone calls. Caller ID displays the telephone number of the party placing the call; the threat of exposure had a deterrent effect on the number of obscene calls reported to police.⁹⁵

SITUATIONAL CRIME PREVENTION: COSTS AND BENEFITS

Some attempts at situational crime prevention have proven highly successful while others have not met their goals. However, it is now apparent that the approach brings with it certain nontransparent or hidden costs and benefits that can either increase effectiveness or undermine success. Before the overall success of this approach can be evaluated, these costs and benefits must be considered.

Among the hidden benefits of situational crime prevention are those that arise from not targeting a specific crime. For example, **diffusion** occurs when efforts to prevent one crime unintentionally prevent another and when crime control efforts in one locale reduce crime in other nontarget areas.⁹⁶ Diffusion may be produced by two independent effects. Crime control efforts may deter criminals by causing them to fear apprehension. For example, video cameras set

CCTV or Not CCTV? Comparing Situational Crime Prevention Efforts in Great Britain and the United States

As you may recall from Chapter 2, international criminologists Brandon Welsh and David Farrington have been using systematic review and meta-analysis as a technique to assess the comparative effectiveness of situational crime prevention techniques. In their most recent study (2004), they evaluated the effectiveness of closed-circuit television (CCTV) surveillance cameras and improved street lighting, techniques that are currently being used both in England and the United States.

Welsh and Farrington found significant differences in the use of these methods in the United States and Great Britain. For example, CCTV is quite popular in Great Britain where it is the single most heavily funded crime prevention measure: Between 1999 to 2001, the British government spent approximately \$320 million for CCTV schemes in town and city centers, parking lots, crime hot spots, and residential areas; CCTV accounted for more than three-quarters of total spending on crime prevention by the British Home Office; there are more than 40,000 surveillance cameras currently in use! In contrast, CCTV is less popular in America, perhaps because it raises the specter of a Big Brother society that is constantly watching (and recording) every person's behavior and activities.

There are also cross-national differences in the use of street lighting

to prevent criminal activity. Improving street lighting to reduce crime is not a popular crime control mechanism in Great Britain. In contrast, many U.S. towns and cities have embarked upon major street lighting programs as a means of reducing crime.

After an exhaustive search of the existing research Welsh and Farrington found thirty-two relevant studies that met their standards for inclusion (nineteen for CCTV and thirteen for street lighting). Of the nineteen CCTV studies, fourteen were from England, and the other five were from North America (four from the United States and one from Canada). Of the thirteen improved street-lighting evaluations, eight were from the United States, and the other five were from England. All of these evaluations were carried out in one of four settings: city center, residential or public housing, parking lots, or public transportation.

Based on their analysis of the existing data, they concluded that CCTV and street lighting are equally effective in reducing crime: Improved street lighting seemed to be a more effective method of reducing crime in city centers; both techniques were more effective in reducing property crimes than violent crimes; and there were additional benefits when both techniques were used together.

Welsh and Farrington also found that both measures were far more effective in reducing crime in Great Britain than in America. Though there may be a number of possible reasons for this puzzling cross-national difference, Welsh and Farrington suspect there may be a cultural explanation: In Great Britain, there is a high level of

public support for the use of CCTV cameras in public settings to prevent crime, while the American public seems more wary of sophisticated surveillance technology. Public resistance can sometimes take a legal form, resulting in lawsuits charging that surveillance undermines the U.S. Constitution's Fourth Amendment prohibition against unreasonable searches and seizures. While the British Home Office embraces CCTV, American caution has resulted in cuts in program funding, the police assigning lower priority to the schemes, and attempts to discourage desirable media coverage. In contrast, improving street lighting has engendered little public enmity in the United States. Nonetheless, while Americans may be cautious about the installation of CCTV, the terrorist attack of September 11, 2001, has resulted in increased use of CCTV surveillance cameras around the nation.

Critical Thinking

Would you be willing to have a surveillance camera set up in your home or dorm in order to prevent crime, knowing that your every move was being watched and recorded?

InfoTrac College Edition Research

Use "situational crime prevention" as a subject search on InfoTrac College Edition.

Source: Brandon Welsh and David Farrington, "Surveillance for Crime Prevention in Public Space: Results and Policy Choices in Britain and America," *Criminology and Public Policy* 3 (2004): 701–730.

up in a mall to reduce shoplifting can also reduce property damage because would-be vandals fear they will be caught on camera. One recent police program targeting drugs in areas of Jersey City, New Jersey, also reduced public morals crimes.⁹⁷

Discouragement occurs when crime control efforts targeting a particular locale help reduce crime in surrounding areas and populations. In her study of the effects of the SMART program (a drug enforcement program in Oakland, California, that enforces municipal codes and nuisance

abatement laws), criminologist Lorraine Green found that not only did drug dealing decrease in targeted areas but improvement was found in adjacent areas as well. She suggests that the program most likely discouraged buyers and sellers who saw familiar hangouts closed. This sign that drug dealing would not be tolerated probably decreased the total number of people involved in drug activity even though they did not operate in the targeted areas.⁹⁸

Another example of this effect can be found in evaluations of the Lojack auto protection system. Lojack uses a hidden radio transmitter to track stolen cars. As the number of Lojack installations rises, police notice that the sale of stolen auto parts declines. It appears that people in the illegal auto parts business (that is, chop shops) close down because they fear that the stolen cars they buy might contain Lojack.⁹⁹ A device designed to protect cars from theft also has the benefit of disrupting the sale of stolen car parts.

Although situational crime prevention appears to work in some situations, there are also hidden problems that limit its success. One primary issue is **crime displacement**: A program that seems successful because it helps lower crime rates at specific locations or neighborhoods may simply be re-directing offenders to alternative targets; crime is not prevented but deflected or displaced.¹⁰⁰ For example, beefed-up police patrols in one area may shift crimes to a more vulnerable neighborhood.¹⁰¹ Although crime displacement undercuts the effectiveness of situational crime prevention, under some circumstances deflection seems to reduce the frequency of crime and may produce less serious offense patterns.¹⁰²

Extinction refers to the phenomenon in which crime reduction programs may produce a short-term positive effect, but benefits dissipate as criminals adjust to new conditions. They learn to dismantle alarms or avoid patrols; they may try new offenses they had previously avoided. For example, if every residence in a neighborhood has a foolproof burglar alarm system, motivated offenders may turn to armed robbery, a riskier and more violent crime.

Before the effectiveness of situational crime prevention can be accepted, these hidden costs and benefits must be weighed and balanced.

General Deterrence

According to the rational choice view, motivated, rational people will violate the law if left free and unrestricted. The concept of **general deterrence** holds that crime rates are influenced and controlled by the threat of criminal punishment. If people fear being apprehended and punished, they will not risk breaking the law. An inverse relationship should then exist between crime rates and the *severity*, *certainty*, and *speed* of legal sanctions. If, for example, the punishment for a crime is increased and the effectiveness and efficiency of the criminal justice system are improved, then the number of people engaging in that crime should decline. The factors of severity, certainty, and speed of punishment may also influence one another. For example, if a crime—say,

robbery—is punished severely, but few robbers are ever caught or punished, the severity of punishment for robbery will probably not deter people from robbing. However, if the certainty of apprehension and conviction is increased by modern technology, more efficient police work, or some other factor, then even minor punishment might deter the potential robber.

Deterrence theorists tend to believe that the certainty of punishment seems to have a greater impact than its severity or speed. In other words, people will more likely be deterred from crime if they believe that they will get caught; what happens to them after apprehension seems to have less impact.¹⁰³ Nonetheless, all three elements of the deterrence equation are important, and it would be a mistake to emphasize one at the expense of the others. For example, if all resources were given to police agencies to increase the probability of arrest, crime rates might increase because there were insufficient funds for swift prosecution and effective correction.¹⁰⁴

Do these factors actually affect the decision to commit crime and, consequently, general crime rates?

CERTAINTY OF PUNISHMENT According to **deterrence theory**, if the probability of arrest, conviction, and sanctioning could be increased, crime rates should decline. As criminals become more certain they will be punished, they may desist from crime because they realize that the risks of crime outweigh its rewards.¹⁰⁵ If people believe that their criminal transgressions will result in apprehension and punishment, then only the truly irrational will commit crime.¹⁰⁶

Certainty of punishment is often linked to a concept referred to as the “tipping point”: The certainty of punishment will only have a deterrent effect if the likelihood of getting caught reaches a critical level. For example, research shows that the crime rate would significantly decline if police could increase their effectiveness and make an arrest in at least 30 percent of all reported crimes.¹⁰⁷ Crime persists because we have not reached the tipping point, and most criminals believe (a) that there is only a small chance they will be arrested for committing a particular crime, (b) that police officers are sometimes reluctant to make arrests even when they are aware of crime, and (c) that even if apprehended there is a good chance of receiving a lenient punishment.¹⁰⁸ The likelihood of being arrested or imprisoned will have little effect on crime rates if criminals believe that they have only a small chance of suffering apprehension and punishment.¹⁰⁹ A central theme of deterrence theory is that people who believe they will be punished for future crimes will avoid doing those crimes.¹¹⁰ Crime may occur, despite the threat of punishment, because seasoned criminals act impulsively and are indifferent to the threat of future punishment. Yet, research shows that experienced criminals are in fact the ones most likely to fear the deterrent power of the law.¹¹¹ Perhaps if punishment levels reach a yet-undetermined tipping point, those who are most crime prone will be the first to be deterred.

DOES INCREASING POLICE ACTIVITY DETER CRIME? If certainty of apprehension and punishment deters criminal behavior, then increasing the number of police officers on the street should cut the crime rate. Moreover, if these police officers are active, aggressive crime fighters, would-be criminals should be convinced that the risk of apprehension outweighs the benefits they can gain from crime.¹¹²

In the past, criminologists questioned whether simply increasing the number of police officers in a community could lower crime rates. There was little evidence that adding additional officers could produce a deterrent effect.¹¹³ One problem is that as crime rates increase, communities add police officers. Consequently, the number of officers increases along with the crime rate, making it appear that adding police actually increases crime rates rather than lowering them. However, recent research using sophisticated methodological tools has found evidence that increasing levels of crime only cause small increases in the number of police officers, whereas increased police levels cause substantial reductions in crime over time.¹¹⁴ It is therefore possible that the presence of police officers does in fact have a substantial deterrent effect.

Some police departments have conducted experiments to determine whether increasing police activities or allocation of services can influence crime rates. Perhaps the most famous experiment was conducted by the Kansas City, Missouri, police department.¹¹⁵ To evaluate the effectiveness of police patrols, fifteen independent police beats or districts were divided into three groups: The first retained a normal police patrol; the second (proactive) was supplied with two to three times the normal amount of patrol forces; the third (reactive) eliminated its preventive patrol entirely, and police officers responded only when summoned by citizens to the scene of a crime.

Surprisingly, these variations in patrol techniques had little effect on the crime patterns. The presence or absence of patrol forces did not seem to affect residential or business burglaries, auto thefts, larcenies involving auto accessories, robberies, vandalism, or other criminal behavior. Variations in police patrol techniques appeared to have little effect on citizens' attitudes toward the police, their satisfaction with police, or their fear of future criminal behavior. It is possible that as people traveled around the city they noticed a large number of police officers in one area and relatively few in another; the two effects may have cancelled each other out!

The Kansas City study convinced criminologists that the mere presence of patrol officers on the street did not have a deterrent effect. But what if the officers were engaging in aggressive, focused crime fighting initiatives, targeting specific crimes such as murder and/or robbery? Would such activities result in more arrests and a greater deterrent effect?¹¹⁶ For example, the UCR data show that murder is the index crime most often cleared by arrest. There is evidence that the visibility of homicide in the media and the importance police agencies place on homicide clearances cause homicide detectives to work aggressively to clear all homicides regardless of where they occur or the personal characteristics of homicide victims.¹¹⁷ It is possible that this aggressive approach to

solving crime spurred on by media attention to high-profile cases has helped lower the homicide rate.

To lower crime rates and increase the certainty of punishment, some police departments have instituted **crackdowns**—sudden changes in police activity designed to increase the communicated threat or actual certainty of punishment. For example, a police task force might target street-level narcotics dealers by using undercover agents and surveillance cameras in known drug-dealing locales. Crackdown efforts have met with mixed reviews.¹¹⁸ In one well-known study Lawrence Sherman found that while crackdowns initially deterred crime, crime rates returned to earlier levels once the crackdown ended.¹¹⁹ A more recent study by Jacqueline Cohen and her colleagues found that drug dealing in bars and taverns could be suppressed and controlled by significant levels of police intervention—that is, drug raids—and that the longer the duration of the intervention, the greater the impact on crime. However, Cohen also found that the initial effect of the crackdown soon wore off after high intensity police activity ended.¹²⁰

Although these results are troubling, there is some evidence that when police combine crackdowns with the use of aggressive problem-solving and community improvement techniques, such as increasing lighting and cleaning vacant lots, crackdowns may be successful in reducing some forms of crime.¹²¹ For example, a recent initiative by the Dallas Police Department to aggressively pursue truancy and curfew enforcement resulted in lower rates of gang violence.¹²² A month-long crackdown and cleanup initiative in Richmond, Virginia, in seven city neighborhoods found that crime rates declined by 92 percent; the effects persisted up to 6 months after the crackdown ended, and no displacement was observed.¹²³ Police seem to have more luck deterring crime when they use more focused approaches, such as aggressive problem-solving and community improvement techniques.¹²⁴ Merely saturating an area with police may not deter crime, but focusing efforts at a particular problem area may have a deterrent effect.

Another form of crackdown occurs when a particular crime becomes the focus of public concern, and the government acts swiftly to pass legislation designed to reduce or eliminate the hazardous behavior. For example, when the teenage drunk-driving death rate became a national concern, the minimum legal drinking age (MLDA) was established in most jurisdictions as well as a zero tolerance (0.02% blood alcohol concentration) limit for drivers younger than 21. Analysis of these legal crackdowns finds they were in fact effective at reducing the proportion of fatal crashes involving teens who drink and drive.¹²⁵

SEVERITY OF PUNISHMENT AND DETERRENCE According to deterrence theory, the severity of punishment is inversely proportional to the level of crime rates. Increasing punishments should lower crime rates. Some studies have in fact found that increasing sanction levels can control common criminal behaviors. For example, the National Center for Policy Analysis uncovered evidence of a direct correlation

A newspaper ad sponsored by the Motion Picture Association of America gives a chilling reminder of the consequences for illegally downloading copyrighted material such as films or DVDs. According to deterrence theory, severe punishments should convince would-be law violators to think twice before committing crimes. Would you download copyrighted music after viewing this ad? I didn't think so!

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If you think you can get away with illegally swapping movies, you're wrong. Illegally trafficking in movies is not just a dirty little secret between you and your computer. **You leave a trail.** The message is simple: if you are downloading copyrighted movies without proper authorization, you are breaking the law. You face serious consequences if you illegally swap movies. The only way not to get caught is to stop.

Pursuant to the Copyright Act (17 U.S.C. Section 504(c)), statutory damages can be as much as \$30,000 per motion picture, and up to \$150,000 per motion picture if the infringement is willful.

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between the probability of imprisonment for a particular crime and a subsequent decline in the rate of that crime.¹²⁶ The probability of going to prison for murder increased 17 percent between 1993 and 1997, and the murder rate dropped 23 percent during that time period; robbery declined 21 percent as the probability of prison increased 14 percent.

These data seem persuasive, but there is little consensus that the severity of criminal sanctions alone can reduce criminal activities.¹²⁷ While there is some evidence that the severity of punishment may have the effect hypothesized by deterrence theorists, other data seem to contradict its importance in the deterrence equation.¹²⁸ One way to evaluate this is to determine which factor potential offenders fear most—severity or certainty—and then calculate whether their fear prevents them from committing crime. When criminologist Greg Pogarsky used this technique with college students, he found that some people are more “deterable” than others and that those who are seem to respond to the severity of sanctions more than previously thought possible.¹²⁹

Another method of testing the effect of sanction severity is to evaluate the impact increasing criminal penalties have on crime rates. Recent research out of Australia shows that the rate of road accidents per 100,000 vehicles actually increased after the statutory penalties for drunk-driving offenses were doubled in New South Wales, Australia.¹³⁰

These contradictory findings illustrate how difficult it is for criminologists to identify the factors that produce a deterrent effect. Because the likelihood of getting caught for some crimes is relatively low, the impact of deterrent measures is negligible over the long term.¹³¹ Thus, it becomes difficult to determine whether severity and/or certainty of punishment have the effect assumed by deterrence theories. In summary, it has not been proven that just increasing the punishment for specific crimes can reduce their occurrence.

CAPITAL PUNISHMENT It stands to reason that if severity of punishment can deter crime, then fear of the death penalty, the ultimate legal deterrent, should significantly reduce murder rates. Because no one denies its emotional impact, failure of the death penalty to deter violent crime would jeopardize the validity of the entire deterrence concept. Because this topic is so important, it is featured in *The Criminological Enterprise*.

||||| CONNECTIONS |||||

Even if capital punishment proves to be a deterrent, many experts still question its morality, fairness, and legality. Chapters 14 and 16 provide further discussion that can help you decide whether the death penalty is an appropriate response to murder.

INFORMAL SANCTIONS Evidence is mounting that the fear of **informal sanctions** may have a greater crime-reducing impact than the fear of formal legal punishment.¹³² Informal sanctions occur when significant others—such as parents, peers, neighbors, and teachers—direct their disapproval, stigma, anger, and indignation toward an offender. If this happens, law violators run the risk of feeling shame, being embarrassed, and suffering a loss of respect.¹³³ Can the fear of public humiliation deter crime?

Research efforts have in fact established that the threat of informal sanctions can be a more effective deterrent than the threat of formal sanctions.¹³⁴ The reason for this is that social control is influenced by the way people perceive negative reactions from interpersonal acquaintances. Legal sanctions may act as a supplement to informal control processes. In other words, a combination of informal and formal social control may have a greater impact on the decision to commit crime than either deterrent measure alone.¹³⁵ Other studies have found that people who are committed to conventional moral values or believe crime to be sinful are unlikely to violate the law.¹³⁶ For example, British efforts to control drunk driving by shaming offenders produced a moral climate that helped reduce its incidence.¹³⁷

SHAME AND HUMILIATION Fear of shame and embarrassment can be a powerful deterrent to crime. Those who fear being rejected by family and peers are reluctant to engage in deviant behavior.¹³⁸ These factors manifest themselves in two ways: (1) personal shame over violating the law and (2) the fear of public humiliation if the deviant behavior becomes public knowledge. People who say that their involvement in crime will cause them to feel ashamed are less likely to commit theft, fraud, motor vehicular, and other offenses than people who report they will not feel ashamed.¹³⁹

Anticrime campaigns have been designed to play on this fear of shame; they are most effective when they convince the general public that being accused of crime will make them feel ashamed or embarrassed.¹⁴⁰ For example, spouse abusers report they are more afraid of the social costs of crime (like loss of friends and family disapproval) than they are of legal punishment (such as going to jail). Women are more likely to fear shame and embarrassment than men, a finding that may help explain gender differences in the crime rate.¹⁴¹

The effect of informal sanctions may vary according to the cohesiveness of community structure and the type of crime. Informal sanctions may be most effective in highly unified areas where everyone knows one another and the crime cannot be hidden from public view. The threat of informal sanctions seems to have the greatest influence on instrumental crimes, which involve planning, and not on impulsive or expressive criminal behaviors or those associated with substance abuse.¹⁴²

CRITIQUE OF GENERAL DETERRENCE Some experts believe that the purpose of the law and justice system is to create a “threat system.”¹⁴³ That is, the threat of legal punishment should, on the face of it, deter lawbreakers through

fear. Nonetheless, as we have already discussed, the relationship between crime rates and deterrent measures is far less clear than choice theorists might expect. Despite efforts to punish criminals and make them fear crime, there is little evidence that the fear of apprehension and punishment can reduce crime rates. How can this discrepancy be explained?

1. *Rationality*: Deterrence theory assumes a rational offender who weighs the costs and benefits of a criminal act before deciding on a course of action. In many instances, criminals are desperate people who suffer from personality disorders that impair their judgment and render them incapable of making truly rational decisions. As we saw in Chapter 3, a relatively small group of chronic offenders commits a significant percentage of all serious crimes. Some psychologists believe this select group suffers from an innate or inherited emotional state that renders them both incapable of fearing punishment and less likely to appreciate the consequences of crime.¹⁴⁴ For example, people who are easily aroused sexually also say that they will be more likely to act in a sexually aggressive fashion and not consider the legal consequences of their actions.¹⁴⁵ Their heightened emotional state negates the deterrent effect of the law.
2. *Need*: Many offenders are members of what is referred to as the underclass—people cut off from society, lacking the education and skills they need to be in demand in the modern economy.¹⁴⁶ Such desperate people may not be deterred from crime by fear of punishment because, in reality, they perceive few other options for success. Among poor, high-risk groups, such as teens living in economically depressed neighborhoods, the threat of formal sanctions is irrelevant.¹⁴⁷ Young people in these areas have less to lose because their opportunities are few, and they have little attachment to social institutions such as school or family. In their environment, they see many people who appear relatively well-off (the neighborhood drug dealer) committing crimes without getting caught or punished.¹⁴⁸
3. *Greed*: Some may be immune to deterrent effects because they believe the profits from crime are worth the risk of punishment; it may be their only significant chance for gain and profit. When criminologists Alex Piquero and George Rengert studied active burglars, they found that the lure of criminal profits outweighed their fears of capture and subsequent punishment. Perceived risk of punishment may deter some potential and active criminal offenders, but only if they doubt that they can make a “big score” from committing a crime.¹⁴⁹
4. *Severity and speed*: As Beccaria’s famous equation tells us, the threat of punishment involves not only its severity but its certainty and speed. Our legal system

Does Capital Punishment Deter Murder?

According to deterrence theory, the death penalty—the ultimate deterrent—should deter murder—the ultimate crime. Most Americans approve of the death penalty, including, as Norma Wilcox and Tracey Steele found, convicted criminals who are currently behind bars. But is the public's approval warranted? Does the death penalty actually deter murder?

Empirical research on the association between capital punishment and murder can be divided into three types: immediate impact studies, comparative research, and time-series analysis.

Immediate Impact

If capital punishment is a deterrent, the reasoning goes, then its impact should be greatest after a well-publicized execution. Robert Dann began testing this assumption in 1935 when he chose five highly publicized executions of convicted murderers in different years and determined the number of homicides in the 60 days before and after each execution. Each 120-day period had approximately the same number of homicides, as well as the same number of days on which

homicides occurred. Dann's study revealed that an average of 4.4 more homicides occurred during the 60 days following an execution than during those preceding it, suggesting that the overall impact of executions might actually be an increase in the incidence of homicide.

Recently (2004), Lisa Stolzenberg and Stewart D'Alessio examined the effect of the death penalty on the murder rate in Houston, Texas. They found that even when executions were highly publicized in the local press, an execution had little influence on the murder rate.

Comparative Research

Another type of research compares the murder rates in jurisdictions that have abolished the death penalty with the rates of those that employ the death penalty. Studies using this approach have found little difference in the murder rates of adjacent states, regardless of their use of the death penalty; capital punishment did not appear to influence the reported rate of homicide. Research conducted in fourteen nations around the world found little evidence that countries with a death penalty have lower violence rates than those without; homicide rates actually decline after capital punishment is abolished, a direct contradiction to its supposed deterrent effect.

Time-Series Studies

Time-series studies look at the long-term association between capital sentencing and murder. If capital punishment is a deterrent, then periods that have an upswing in executions should also experience a downturn in violent crime and murder. Most research efforts have failed to show such a relationship. For example, a recent test of the deterrent effect of the death penalty in Texas by Jon Sorenson and his colleagues found no association between the frequency of execution during the years 1984 to 1997 and murder rates.

These findings seem to indicate that the threat and/or reality of execution has relatively little influence on murder rates. Although it is still uncertain why the threat of capital punishment fails as a deterrent, the cause may lie in the nature of homicide itself. Murder is often an expressive "crime of passion" involving people who know each other and who may be under the influence of drugs and alcohol. Those who choose to take a life may be less influenced by the threat of punishment, even death, than those who commit crime for economic gain.

Rethinking the Deterrent Effect of Capital Punishment

Despite this lack of empirical verification, some recent studies have

is not very effective. Only 10 percent of all serious offenses result in apprehension (half go unreported, and police make arrests in about 20 percent of reported crimes). Police routinely do not arrest suspects in personal disputes even when they lead to violence.¹⁵⁰ As apprehended offenders are processed through all the stages of the criminal justice system, the odds of their receiving serious punishment diminish. As a result, some offenders believe they will not be severely punished for their acts and consequently have little regard for the law's deterrent power.

Criminologist Raymond Paternoster found that adolescents, a group responsible for a disproportionate amount of

crime, may be well aware that the juvenile court is generally lenient about imposing meaningful sanctions on even the most serious juvenile offenders.¹⁵¹ Even those accused of murder are often convicted of lesser offenses and spend relatively short amounts of time behind bars.¹⁵² In making their "rational choice," offenders may be aware that the deterrent effect of the law is minimal.

Specific Deterrence

The general deterrence model focuses on future or potential criminals. In contrast, the theory of **specific deterrence** (also called *special* or *particular deterrence*) holds that criminal sanctions should be so powerful that known criminals

concluded that executing criminals may, in fact, bring the murder rate down. Those who still maintain that an association exists between capital punishment and murder rate believe that the relationship has been masked or obscured by faulty research methods. Newer studies, using sophisticated data analysis, have been able to uncover a more significant association. For example, criminologist Steven Stack has conducted a number of research studies that show that the immediate impact of a well-publicized execution can lower the murder rate during the following month. James Yunker, using a national data set, has found evidence that there is a deterrent effect of capital punishment now that the pace of executions has accelerated. Economists Hashem Dezhbakhsh, Paul H. Rubin, and Joanna M. Shepherd performed an advanced statistical analysis on county-level homicide data in order to calculate the effect of each execution on the number of homicides that would otherwise have occurred. Using a variety of models (for example, the effect of an execution conducted today on reducing homicides in five years, and so on), they found that each execution leads to an average of eighteen fewer murders.

These efforts contradict findings that capital punishment fails as a deterrent. They instead suggest that

now that the death penalty is being used more frequently, it is possible that the *tipping point* has been reached, after which it may become an effective deterrent measure. After years of study, the death penalty remains a topic of considerable criminological debate.

Critical Thinking

Even if effective, there is no question the death penalty still carries with it tremendous baggage. For example, when Geoffrey Rapp studied the effect of the death penalty on the safety of police officers, he found that the introduction of capital punishment actually created an extremely dangerous environment for law enforcement officers. Because the death penalty does not have a deterrent effect, criminals are more likely to kill police officers when the death penalty is in place. Tragically, the death penalty may lull officers into a false sense of security, causing them to let down their guard—killing fewer citizens but getting killed more often themselves. Given Rapp's findings, should we still maintain the death penalty?

• InfoTrac College Edition Research

Use “capital punishment” and the “death penalty” as subject searches on InfoTrac College Edition.

Sources: Lisa Stolzenberg and Stewart D'Alessio, “Capital Punishment, Execution Publicity, and Murder in Houston, Texas,” *Journal of Criminal Law & Criminology* 94 (2004): 351–380; Geoffrey Rapp “The Economics of Shootouts: Does the Passage of Capital Punishment Laws Protect or Endanger Police Officers?” *Albany Law Review* 65 (2002): 1051–1084; Robert Dann, “The Deterrent Effect of Capital Punishment,” *Friends Social Service Series* 29 (1935); Thorsten Sellin, *The Death Penalty* (Philadelphia: American Law Institute, 1959); Walter Reckless, “Use of the Death Penalty,” *Crime and Delinquency* 15 (1969): 43–51; Dane Archer, Rosemary Gartner, and Marc Beittel, “Homicide and the Death Penalty: A Cross-National Test of a Deterrence Hypothesis,” *Journal of Criminal Law and Criminology* 74 (1983): 991–1014; Jon Sorenson, Robert Wrinkle, Victoria Brewer, and James Marquart, “Capital Punishment and Deterrence: Examining the Effect of Executions on Murder in Texas,” *Crime and Delinquency* 45 (1999): 481–931; Norma Wilcox and Tracey Steele, “Just the Facts: A Descriptive Analysis of Inmate Attitudes toward Capital Punishment,” *Prison Journal* 83 (2003): 464–483; Zhiqiang Liu, “Capital Punishment and the Deterrence Hypothesis: Some New Insights and Empirical Evidence,” *Eastern Economic Journal* (in press); Steven Stack, “The Effect of Well-Publicized Executions on Homicide in California,” *Journal of Crime and Justice* 21 (1998): 1–12; James Yunker, “A New Statistical Analysis of Capital Punishment Incorporating U.S. Postmoratorium Data,” *Social Science Quarterly* 82 (2001): 297–312; Hashem Dezhbakhsh, Paul H. Rubin, and Joanna M. Shepherd, “Does Capital Punishment Have a Deterrent Effect? New Evidence from Postmoratorium Panel Data,” *American Law and Economics Review* 5(2003): 344–376.

will never repeat their criminal acts. For example, the drunk driver whose sentence is a substantial fine and a week in the county jail should, according to this theory, be convinced that the price to be paid for drinking and driving is too great to consider future violations. Similarly, burglars who spend five years in a tough maximum security prison should find their enthusiasm for theft dampened.¹⁵³ In principle, punishment works if a connection can be established between the planned action and memories of its consequence; if these recollections are adequately intense, the action will be unlikely to occur again.¹⁵⁴

At first glance, specific deterrence does not seem to work because a majority of known criminals are not deterred by their punishment. As you have already seen, arrest and

punishment seem to have little effect on experienced criminals and may even increase the likelihood that first-time offenders will commit new crimes.¹⁵⁵ A sentence to a juvenile justice facility does little to deter a persistent delinquent from becoming an adult criminal.¹⁵⁶ Most prison inmates had prior records of arrest and conviction before their current offenses.¹⁵⁷ About two-thirds of all convicted felons are rearrested within three years of their release from prison, and those who have been punished in the past are the most likely to recidivate.¹⁵⁸ Incarceration may sometimes slow down or delay recidivism in the short term, but the overall probability of re-arrest does not change following incarceration.¹⁵⁹

According to the theory of specific deterrence, the harsher the punishment, the less likely the chances of

Detering Domestic Violence

Is it possible to use a specific deterrence strategy to control domestic violence? Would the memory of a formal police arrest reduce the incidence of spousal abuse? Despite the fact that domestic violence is a prevalent, serious crime, police departments have been accused of rarely arresting suspected perpetrators. Lack of forceful action may contribute to chronic episodes of violence, which obviously is of great concern to women's advocacy groups. Is it possible that prompt, formal action by police agencies might prevent the reoccurrence of this serious crime that threatens and even kills so many women?

In the famous Minneapolis domestic violence study, Lawrence Sherman and Richard Berk had police officers randomly assign treatments to the domestic assault cases they encountered on their beats. One approach was to give some sort of advice and mediation; another was to send the assailant from the home for a period of 8 hours; and the third was to arrest the assailant. They found that when police took formal action (arrest), the chance of recidivism was substantially less than with less punitive measures, such as warning offenders or ordering offenders out of the house for a cooling-off period.

A 6-month followup found that only 10 percent of those who were arrested repeated their violent behavior, while 19 percent of those advised and 24 percent of those sent away repeated their offenses. Sherman and Berk's interviews of 205 victims demonstrated that arrests were somewhat effective in controlling domestic assaults: 19 percent of the women whose attackers had been arrested reported their mates had assaulted them again; in contrast, 37 percent of those whose mates were advised and 33 percent of those whose mates were sent away reported further assaults. Sherman and Berk concluded that a formal arrest was the most effective means of controlling domestic violence, regardless of what happened to the offender in court.

The Minneapolis experiment deeply affected police operations around the nation. Atlanta, Chicago, Dallas, Denver, Detroit, New York, Miami, San Francisco, and Seattle, among other large cities, adopted policies encouraging arrests in domestic violence cases. A number of states adopted legislation mandating that police either take formal action in domestic abuse cases or explain in writing their failure to act.

Although the findings of the Minneapolis experiment received quick acceptance, government-funded research replicating the experimental

design in five other locales—including Omaha, Nebraska, and Charlotte, North Carolina—failed to duplicate the original results. In these locales, formal arrest was not a greater deterrent to domestic abuse than warning or advising the assailant. Christopher Maxwell and his associates recently pooled the findings from all the replication cites in order to provide an overall picture of the arrest–deterrence relationship. While positive, the effect of arrest on re-offending was at best modest. What seemed more important predictors of repeat offending were the batterers' prior criminal record and/or his age.

Why Is the Deterrent Effect Minimal?

There are a number of reasons why arrest does not deter domestic violence. Sherman and his associates found that in some instances the effect of arrest quickly decays and, in the long run, may escalate the frequency of repeat domestic violence.

Explaining why the initial deterrent effect of arrest decays over time is difficult. It is possible that offenders who are arrested initially fear punishment but eventually replace fear with anger and violent intent toward their mates when their cases do not result in severe punishment. Many repeat abusers do not fear arrest, believing

recidivism. But research shows that this is not always the case. Offenders sentenced to prison do not have lower rates of recidivism than those receiving more lenient community sentences for similar crimes. For example, white-collar offenders who receive prison sentences are as likely to recidivate as a matched group of offenders who receive community-based sanctions.¹⁶⁰ Rather than reducing the frequency of crime, some research efforts have shown that severe punishments may actually increase re-offending rates.¹⁶¹ Punishment may bring defiance rather than deterrence, or perhaps the stigma of apprehension may help lock offenders into a criminal career instead of convincing them to avoid one. In fact, some research efforts have shown

that, rather than reducing the frequency of crime, severe punishment may backfire and actually increase re-offending rates.¹⁶² For example, even the criminals who receive probation are less likely to recidivate than those who are sent to prison for committing similar crimes; specific deterrence theory would predict that those punished severely (prison sentences) should have lower recidivism rates than those treated leniently (probation).¹⁶³ It is possible that punishment may bring defiance rather than deterrence, while the stigma of apprehension may help lock offenders into a criminal career. Criminals who are punished may also believe that the likelihood of getting caught twice for the same type of crime is remote: "Lightning never strikes

that formal police action will not cause them harm. They may be aware that police are reluctant to make arrests in domestic violence cases unless there is a significant chance of injury to the victim—for example, when a weapon is used.

It is also possible that the threat of future punishment may have little impact on repeat offenders who have already become involved in the justice system. For example, when they surveyed men in an abuse prevention program, D. Alex Heckert and Edward Gondolf found that while the subjects were aware of potential punishment, it was unlikely they were sufficiently harsh to deter their spousal abuse. Similarly, Robert Davis and his associates also found little association between severity of punishment for past spousal abuse and re-arrest on subsequent charges. Men were just as likely to recidivate if their case was dismissed, if they were given probation, or even if they were sent to jail. It is possible that people who have already experienced arrest and been punished on spouse abuse charges perceive the law as less severe than they had imagined, encouraging rather than deterring future violations.

These studies indicate that there is little reason to believe that domestic violence can be controlled through the administration of harsh punishments.

Treating offenders within a rehabilitative setting using counseling and other techniques may be more effective methods, especially if, as Jill Gordon and Laura Moriarty found, the abuser takes the program seriously and completes all treatment sessions.

Critical Thinking

1. Why do arrests seem to have little effect on future domestic violence? Could it be that getting arrested increases feelings of strain and hostility and does little to reduce the problems that led to domestic conflict in the first place? Explain how you think this works.
2. What policies would you suggest to reduce the reoccurrence of domestic violence?

InfoTrac College Edition Research

Would police be more efficient in combating domestic violence if they feared lawsuits from victims? To find out, read: Lisa Gelhaus, “Civil Suits against Police Change Domestic Violence Response,” *Trial* 35 (September 1999): 103.

Sources: Jill Gordon and Laura Moriarty, “The Effects of Domestic Violence Batterer Treatment on Domestic Violence Recidivism: The Chesterfield County Experience,” *Criminal Justice and Behavior* 30 (2003): 118–135; Christopher Maxwell, Joel H. Garner, and Jeffrey A. Fagan,

The Effects of Arrest in Intimate Partner Violence: New Evidence from the Spouse Assault Replication Program (Washington, DC: National Institute of Justice, 2001); D. Alex Heckert and Edward Gondolf, “The Effect of Perceptions of Sanctions on Batterer Program Outcomes,” *Journal of Research in Crime and Delinquency* 37 (2000): 369–391; Robert Kane, “Patterns of Arrest in Domestic Violence Encounters: Identifying a Police Decision-Making Model,” *Journal of Criminal Justice* 27 (1999): 65–79; Dana Jones and Joanne Belknap, “Police Responses to Battering in a Progressive Pro-Arrest Jurisdiction,” *Justice Quarterly* 16 (1999): 249–273; Robert Davis, Barbara Smith, and Laura Nickles, “The Deterrent Effect of Prosecuting Domestic Violence Misdemeanors,” *Crime and Delinquency* 44 (1998): 434–442; Amy Thistlethwaite, John Wooldredge, and David Gibbs, “Severity of Dispositions and Domestic Violence Recidivism,” *Crime and Delinquency* 44 (1998): 388–398; J. David Hirschel, Ira Hutchison, and Charles Dean, “The Failure of Arrest to Deter Spouse Abuse,” *Journal of Research in Crime and Delinquency* 29 (1992): 7–33; Franklyn Dunford, David Huizinga, and Delbert Elliott, “The Role of Arrest in Domestic Assault: The Omaha Experiment,” *Criminology* 28 (1990): 183–206; Lawrence Sherman, Janell Schmidt, Dennis Rogan, Patrick Gartin, Ellen Cohn, Dean Collins, and Anthony Bacich, “From Initial Deterrence to Long-Term Escalation: Short-Custody Arrest for Domestic Violence,” *Criminology* 29 (1991): 821–850; Lawrence Sherman and Richard Berk, “The Specific Deterrent Effects of Arrest for Domestic Assault,” *American Sociological Review* 49 (1984): 261–272; Michael Steinman, “Lowering Recidivism among Men Who Batter Women,” *Journal of Police Science and Administration* 17 (1990): 124–131; and Susan Miller and Leeann Iovanni, “Determinants of Perceived Risk of Formal Sanction for Courtship Violence,” *Justice Quarterly* 11 (1994): 282–312.

twice in the same spot,” they may reason; no one is that unlucky.¹⁶⁴

While these results are not encouraging, there are research studies that show that arrest and conviction may under some circumstances lower the frequency of re-offending, a finding that supports specific deterrence.¹⁶⁵

A few empirical research studies indicate that some offenders who receive harsh punishments will be less likely to recidivate, or if they do commit crimes again, they may do so less frequently. But the consensus is that the association between crime and specific deterrent measures remains uncertain at best.¹⁶⁶ Only the most severe, draconian punishments seem to influence experienced criminals.¹⁶⁷ The

effects of specific deterrence on preventing domestic violence are discussed in the Race, Culture, Gender, and Criminology feature “Deterring Domestic Violence.”

CONNECTIONS

Theoretically, experiencing punishment should deter future crime. However, punishment stigmatizes people and spoils their identity, a turn of events that may encourage antisocial behavior. The two factors may cancel each other out, helping to explain why punishment does not substantially reduce future criminality. The effects of stigma and negative labels are discussed further in Chapter 7.

Incapacitation

It stands to reason that if more criminals are sent to prison, the crime rate should go down. Because most people age out of crime, the duration of a criminal career is limited. Placing offenders behind bars during their prime crime years should lessen their lifetime opportunity to commit crime. The shorter the span of opportunity, the fewer offenses they can commit during their lives; hence crime is reduced. This theory, known as the **incapacitation effect**, seems logical, but does it work? The past twenty years have witnessed significant growth in the number and percentage of the population held in prison and jails; today more than 2 million Americans are incarcerated. Advocates of incapacitation suggest that this effort has been responsible for the long decline in the crime rate that began in 1993.

This argument is persuasive, but not all criminologists buy into the incapacitation effect. Michael Lynch, for one,

shows that as the prison population expanded during another period of time, 1972 to 1993, there was little if any drop in crime rates.¹⁶⁸ Other criminologists believe the association is illusory and that a stable crime rate is actually controlled by factors such as these:

- The size of the teenage population
- The threat of tough new mandatory sentences
- A healthy economy
- Tougher gun laws
- The end of the crack epidemic
- The implementation of tough, aggressive policing strategies in large cities such as New York¹⁶⁹

CAN INCAPACITATION REDUCE CRIME? Research on the direct benefits of incapacitation has been inconclusive. A number of studies have set out to measure the precise effect of incarceration rates on crime rates, and the results have not supported a strict incarceration policy.¹⁷⁰ If the prison population were cut in half, it has been estimated that the crime rate would most likely go up only 4 percent; if prisons were entirely eliminated, crime might increase 8 percent.¹⁷¹ Looking at this relationship from another perspective, if the average prison sentence were increased 50 percent, the crime rate might be reduced only 4 percent.¹⁷²

A few criminologists, however, have found an inverse relationship between incarceration rates and crime rates. In a frequently cited study, Reuel Shinnar and Shlomo Shinnar's research on incapacitation in New York led them to conclude that mandatory prison sentences of five years for violent crime and three for property offenses could reduce the reported crime rate by a factor of four or five.¹⁷³ In a more recent analysis of incarceration effects, Steven Levitt found that a one-prisoner reduction in the correctional population is associated with an increase of fifteen index crimes per year. Although calculations of the costs of crime are inherently uncertain, Levitt concludes that it appears that the social benefits associated with crime reduction equal or exceed the social costs of incarceration for the marginal prisoner.¹⁷⁴



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Simply put, if dangerous criminals were incapacitated, they would never have the opportunity to prey upon others. One of the most dramatic examples of the utility of incapacitation is the case of Lawrence Singleton, who in 1978 raped a young California girl, Mary Vincent, and then chopped off her arms with an axe. He served eight years in prison for this vile crime. Upon his release, he moved to Florida, where in 1997 he killed a woman, Roxanne Hayes. Vincent is shown here as she testifies at the penalty phase of Singleton's trial; he was sentenced to death. Should a dangerous predator such as Singleton ever be released from incapacitation? Is rehabilitation even a remote possibility?

||||| CONNECTIONS |||||

Chapter 2 discussed the factors that control crime rates. What appears to be an incapacitation effect may actually reflect the effect of some other legal phenomena and not the incarceration of so many criminals. If, for example, the crime rate drops as more people are sent to prison, it would appear that incapacitation works. However, crime rates may really be dropping because potential criminals now fear punishment and are being deterred from crime. What appears to be an incapacitation effect may actually be an effect of general deterrence. Similarly, people may be willing to build new prisons because the economy is robust. If the crime rate drops, it may be because of economic effects and not because of prison construction.

THE LOGIC BEHIND INCARCERATION Incarceration as a crime control strategy should work, considering that the criminals who commit crimes are unable to continue from prison or jail. For example, a recent study of 201 heroin abusers in New York City found that if these abusers were incarcerated for one year, they would not have been able to commit their yearly haul of crimes: 1,000 robberies, 4,000 burglaries, 10,000 shopliftings, and more than 3,000 other property crimes.¹⁷⁵

Nonetheless, evaluations of incarceration strategies reveal that their impact may be less than expected. For one thing, there is little evidence that incapacitating criminals will deter them from future criminality and even more reason to believe they may be more inclined to commit crimes upon release. In fact, the more prior incarceration experiences inmates have, the more likely they are to recidivate (and return to prison) within 12 months of their release.¹⁷⁶

By its nature, the prison experience exposes young, first-time offenders to higher-risk, more experienced inmates who can influence their lifestyle and help shape their attitudes. Novice inmates also run an increased risk of becoming infected with AIDS and other health hazards, and that exposure reduces their life chances after release.¹⁷⁷ The short-term crime reduction effect of incapacitating criminals is negated if the prison experience has the long-term effect of escalating frequency of criminal behavior upon release. Furthermore, the economics of crime suggest that if money can be made from criminal activity, there will always be someone to take the place of the incarcerated offender. New criminals will be recruited and trained, offsetting any benefit accrued by incarceration. Imprisoning established offenders may likewise open new opportunities for competitors who were suppressed by more experienced criminals. For example, incarcerating organized crime members may open drug markets to new gangs; the flow of narcotics into the country may increase after organized crime leaders are imprisoned.

Another reason incarceration may not work is that most criminal offenses are committed by teens and very young adult offenders who are unlikely to be sent to prison for a single felony conviction. In addition, incarcerated criminals, aging behind bars, are already past the age when they are likely to commit crime. As a result, a strict incarceration policy may keep people in prison beyond the time they are a threat to society while a new cohort of high-risk adolescents is on the street. It is possible that the most serious criminals are already behind bars and that adding more to the population will have little appreciable effect while adding tremendous costs to the correctional system.¹⁷⁸

An incapacitation strategy is also terribly expensive. The prison system costs billions of dollars each year. Even if incarceration could reduce the crime rate, the costs would be enormous. Are U.S. taxpayers willing to spend billions more on new prison construction and annual maintenance fees? A strict incarceration policy would result in a growing

number of elderly inmates whose maintenance costs, estimated at \$69,000 per year, are three times higher than those of younger inmates. Estimates are that in 2005 about 16 percent of the prison population is over age 50.¹⁷⁹

Finally, relying on incapacitation as a crime control mechanism has resulted in an ever-expanding prison population. Eventually most inmates return to society in a process referred to as re-entry. In most states, prison inmates, especially those convicted of drug crimes, have come from comparatively few urban inner-city areas. Their return may contribute to family disruption, undermine social institutions, and create community disorganization. Rather than act as a crime suppressant, incarceration may have the long-term effect of accelerating crime rates.¹⁸⁰

||||||| CONNECTIONS |||||

The problems of inmate re-entry are discussed in detail in Chapter 17. As millions of former inmates re-enter their old neighborhoods, they may become a destabilizing force, driving up crime rates.

SELECTIVE INCAPACITATION A more efficient incapacitation model has been suggested that is based on identifying chronic career criminals. The premise for this model is that if a small number of people account for a relatively large percentage of the nation's crime, then an effort to incapacitate these few troublemakers might have a significant payoff. In an often-cited work, Peter Greenwood of the Rand Corporation suggests that **selective incapacitation** could be an effective crime reduction strategy.¹⁸¹ In his study of more than 2,000 inmates serving time for theft in California, Michigan, and Texas, he found that selective incapacitation of chronic offenders could reduce the rate of robbery offenses by 15 percent and the inmate population by 5 percent. According to Greenwood's model, chronic offenders can be distinguished on the basis of their offending patterns and lifestyle (for example, their employment record and history of substance abuse). Once identified, high-risk offenders would be eligible for sentencing enhancements that would substantially increase the time they serve in prison.

Another concept receiving widespread attention is the "three strikes and you're out" policy of giving people convicted of three violent offenses a mandatory life term without parole. Many states already employ habitual offender laws that provide long (or life) sentences for repeat offenders. Criminologists retort that although such strategies are politically compelling, they will not work for these reasons:

- Most three-time losers are at the verge of aging out of crime anyway.
- Current sentences for violent crimes are already severe.

- An expanding prison population will drive up already high prison costs.
- There would be racial disparity in sentencing.
- Police would be in danger because two-time offenders would violently resist a third arrest knowing they face a life sentence.¹⁸²
- The prison population probably already contains the highest-frequency criminals.

Those who support a selective incapacitation strategy argue that criminals who are already in prison (high-rate offenders) commit significantly more crimes each year than the average criminal who is on the outside (low-rate offenders). They point to the success of a three strikes policy to bring the crime rate down: Three strikes supporters credit the law for the 46 percent drop in California's crime rate, among the sharpest decline in any state from 1992 to 2002. At least 2 million fewer criminal incidents have occurred, including 6,700 fewer homicides, since the state's three strikes law took effect.¹⁸³

Critics counter that if a broad policy of incarceration were employed—requiring mandatory prison sentences for all those convicted of crimes—more low-rate criminals would be placed behind bars.¹⁸⁴ It would be both costly and nonproductive to incarcerate large groups of people who commit relatively few crimes. It makes more economic sense to focus incarceration efforts on known high-rate

offenders by lengthening their sentences. Even in California, where most three strikes sentences originate, citizens are becoming weary of their use. At the time of this writing, three strikes laws are rapidly losing popularity in California for being too harsh and overly punitive, and efforts are underway to curb or limit their application.¹⁸⁵ Concept Summary 4.2 outlines the various methods of crime control and their effects.



To quiz yourself on this material, go to the Criminology 9e website.

PUBLIC POLICY IMPLICATIONS OF CHOICE THEORY

From the origins of classical theory to the development of modern rational choice views, the belief that criminals choose to commit crime has influenced the relationship among law, punishment, and crime. Although research on the core principles of choice theory and deterrence theories produces mixed results, these models have had an important impact on crime prevention strategies.

When police patrol in well-marked cars, it is assumed that their presence will deter would-be criminals. When the harsh realities of prison life are portrayed in movies and TV shows, the lesson is not lost on potential criminals. Nowhere is the idea that the threat of punishment can control crime more evident than in the implementation of tough mandatory criminal sentences to control violent crime and drug trafficking.

Despite its questionable deterrent effect, some advocates argue that the death penalty can effectively restrict criminality; at least it ensures that convicted criminals never again get the opportunity to kill. Many observers are dismayed because people who are convicted of murder sometimes kill again when released on parole. One study of 52,000 incarcerated murderers found that 810 had been previously convicted of murder and had killed 821 people following their previous release from prison.¹⁸⁶ About 9 percent of all inmates on death row have had prior convictions for homicide. Death penalty advocates argue that if these criminals had been executed for their first offenses, hundreds of people would be alive today.¹⁸⁷

Just Desert

The concept of criminal choice has also prompted the creation of justice policies referred to as **just desert**. The just desert position has been most clearly spelled out by criminologist Andrew Von Hirsch in his book *Doing Justice*.¹⁸⁸

Crime Control Methods

Situational Crime Prevention

- The core concept is that it reduces the payoff of crime.
- Some methods seem to reduce particular crimes.

General Deterrence

- The core concept is that it scares would-be criminals.
- Is it successful? The certainty of punishment is more effective than severity of punishment.

Specific Deterrence

- The core concept is that it scares known criminals.
- Is it successful? It has limited effectiveness underscored by high recidivism rates.

Incapacitation

- The core concept is that it reduces criminal opportunity.
- Is it successful? As prison rates have increased, the crime rate has declined.

Choice Theory Concepts

Rational Choice

- The major premise of the theory is that law-violating behavior occurs after offenders weigh information on their personal needs and the situational factors involved in the difficulty and risk of committing a crime.
- The strengths of the theory are that it explains why high-risk youths do not constantly engage in delinquency; it relates to delinquency control policy; and it is not limited by class or other social variables.
- The research focus of the theory is offense patterns—where, when, and how crime takes place.

Situational Crime Prevention

- The major premise of the theory is that crime rates will decline if the risk, reward, and effort to commit specific crimes are increased.
- The major strength of the theory is that it explains how to reduce the incidence of specific crimes in specific locations without the need for significant policy changes.
- The research focus of the theory is showing the effectiveness and efficiency of crime reduction techniques.

General Deterrence

- The major premise of the theory is that people will commit crime and delinquency if they perceive that the benefits outweigh the risks. Crime is a function of the severity, certainty, and speed of punishment.
- The strengths of the theory are that it shows the relationship between crime and punishment, and it suggests a real solution to crime.
- The research focuses of the theory are the perception of punishment, the effect of legal sanctions, the probability of punishment, and crime rates.

Specific Deterrence

- The major premise of the theory is that if punishment is severe enough, criminals will not repeat their illegal acts.
- The strength of the theory is that it provides a strategy to reduce crime.
- The research focuses of the theory are recidivism, repeat offending, and punishment type and crime.

Incapacitation

- The major premise of the theory is that keeping known criminals out of circulation will reduce crime rates.
- The strengths of the theory are that it recognizes the role that opportunity plays in criminal behavior, and it provides a solution to chronic offending.
- The research focuses of the theory are prison population and crime rates and sentence length and crime.

Von Hirsch suggests the concept of desert as a theoretical model to guide justice policy. This utilitarian view purports that punishment is needed to preserve the social equity disturbed by crime. Nonetheless, he claims that the severity of punishment should be commensurate with the seriousness of the crime.¹⁸⁹ Von Hirsch's views can be summarized in these three statements:

1. Those who violate others' rights deserve to be punished.
2. We should not deliberately add to human suffering; punishment makes those punished suffer.
3. However, punishment may prevent more misery than it inflicts; this conclusion re-establishes the need for desert-based punishment.¹⁹⁰

Desert theory is also concerned with the rights of the accused. It alleges that the rights of the person being punished should not be unduly sacrificed for the good of others (as with deterrence). The offender should not be treated as more (or less) blameworthy than is warranted by the character of his or her offense. For example, Von Hirsch asks the following question: If two crimes, A and B, are equally serious, but if severe penalties are shown to have a deterrent effect only with respect to A, would it be fair to punish the person who has committed crime A more harshly simply to deter others from committing the crime? Conversely, imposing a light sentence for a serious crime would be unfair because it would treat the offender as less blameworthy than he or she is.

In sum, the just desert model suggests that retribution justifies punishment because people deserve what they get for past deeds. Punishment based on deterrence or incapacitation is wrong because it involves an offender's future actions, which cannot accurately be predicted. Punishment should be the same for all people who commit the same crime. Criminal sentences based on individual needs or characteristics are inherently unfair because all people are equally blameworthy for their misdeeds. The influence of Von Hirsch's views can be seen in sentencing models that give the same punishment to all people who commit the same type of crime.

Concept Summary 4.3 outlines the major premises, strengths, and research focus of various choice theory concepts.

SUMMARY

- Choice theories assume that criminals carefully choose whether to commit criminal acts. Choice theories include rational choice, situational crime prevention, general deterrence, specific deterrence, and incapacitation.
- People are influenced by their fear of the criminal penalties associated with being caught and convicted for law violations.
- The choice approach is rooted in the classical criminology of Cesare Beccaria, who argued that punishment should be certain, swift, and severe enough to deter crime.
- Today, choice theorists identify offense-specific and offender-specific crimes. Offense specific means that the characteristics of the crime determine whether it occurs. For example, carefully protecting a home means that it will be less likely to be a target of crime. Offender specific refers to the personal characteristics of potential criminals. People with specific skills and needs may be more likely to commit crime than others.
- Research shows that offenders consider their targets carefully before deciding on a course of action. Even violent criminals and drug addicts show signs of rationality.
- By implication, crime can be prevented or displaced by convincing potential criminals that the risks of violating the law exceed the benefits. Situational crime prevention is the application of security and protective devices that make it more difficult to commit crime or that reduce criminal rewards.
- Deterrence theory holds that if criminals are indeed rational, an inverse relationship should exist between punishment and crime. The certainty of punishment seems to deter crime. If people do not believe they will be caught, even harsh punishment may not deter crime.
- Deterrence theory has been criticized on the grounds that it wrongfully assumes that criminals make a rational choice before committing crimes, it ignores the intricacies of the criminal justice system, and it does not take into account the social and psychological factors that may influence criminality. Research does not validate that the death penalty reduces the murder rate.
- Specific deterrence theory holds that the crime rate can be reduced if known offenders are punished so severely that they never commit crimes again. There is little evidence that harsh punishment actually reduces the crime rate. Most prison inmates recidivate.
- Incapacitation theory maintains that if deterrence does not work, the best course of action is to incarcerate known offenders for long periods so that they lack criminal opportunity. Research has not proved that increasing the number of people in prison—and increasing prison sentences—will reduce crime rates.
- Choice theory has been influential in shaping public policy. Criminal law is designed to deter potential criminals and fairly punish those who have been caught in illegal acts. Some courts have changed sentencing policies to adapt to classical principles, and the U.S. correctional system seems to be aimed at incapacitation and specific deterrence.
- The just desert view is that criminal sanctions should be geared precisely to the seriousness of the crime. People should be punished on the basis of whether they deserve to be punished for what they did and not because punishment may affect or deter their future behavior. The just desert concept argues that the use of punishment to deter or control crime is morally correct because criminals deserve to be punished for their misdeeds.

Thinking Like a Criminologist

The attorney general has recently funded a national survey of state sentencing practices. The table provided here shows the most important findings from the survey.

The attorney general wants you to make some recommendations about criminal punishment. Is it possible, she

asks, that both the length of criminal sentences and the way they are served can have an impact on crime rates? What could be gained by either increasing punishment or requiring inmates to spend more time behind bars before their release? Are we being too lenient or too punitive? As someone who has

studied choice theory, how would you interpret these data, and what do they tell you about sentencing patterns? How might crime rates be affected if the way we punished offenders was radically changed?

Type of Offense	Average Sentence	Average Sentence Served before Release	Average Percentage of Sentence Served
All violent	89 months	43 months	48%
Homicide	149 months	71 months	48%
Rape	117 months	65 months	56%
Kidnapping	104 months	52 months	50%
Robbery	95 months	44 months	6%
Sexual assault	72 months	35 months	49%
Assault	61 months	29 months	48%
Other	60 months	28 months	47%

Doing Research on the Web

The Bureau of Justice Statistics sponsors surveys that track cases for up to one year to provide a complete overview of the processing of felony defendants. To access the findings, go to <http://www.ojp.usdoj.gov/bjs/abstract/fdluc00.htm>.

There is also documentation on the development and use of

truth-in-sentencing (TIS) laws that require convicted criminals to serve a longer amount of their sentence behind bars: <http://www.ojp.usdoj.gov/bjs/abstract/tssp.htm>.

To see how these laws influence sentencing, go to http://www.urban.org/UploadedPDF/410470_FINALTISrpt.pdf.

Read Morgan Reynold's *Crime and Punishment in America* to learn more about the association between crime and expected punishment: <http://www.ncpa.org/studies/s193/s193.html>.

KEY TERMS

rational choice (98)
marginal deterrence (98)
reasoning criminal (100)
offense-specific crime (100)
offender-specific crime (100)
criminality (101)
boosters (104)
permeable neighborhood (104)

edgework (107)
situational crime prevention (107)
defensible space (107)
crime discouragers (109)
diffusion (110)
discouragement (111)
crime displacement (112)
extinction (112)

general deterrence (112)
deterrence theory (112)
crackdowns (113)
informal sanctions (115)
specific deterrence (116)
incapacitation effect (120)
selective incapacitation (121)
just desert (122)

CRITICAL THINKING QUESTIONS

- Are criminals rational decision makers, or are they motivated by uncontrollable psychological and emotional drives?
- Would you want to live in a society where crime rates are low because criminals are subjected to extremely harsh punishments, such as flogging or vandalism?
- If you were caught by the police while shoplifting, which would you be more afraid of: receiving criminal punishment or having to face your friends or relatives?
- Is it possible to create a method of capital punishment that would actually deter murder, for example, by televising executions? What might be some of the negative consequences of such a policy?

NOTES

- Lockyer v. Andrade* 01-1127. March 5, 2003.
- Francis Edward Devine, "Cesare Beccaria and the Theoretical Foundations of Modern Penal Jurisprudence," *New England Journal on Prison Law* 7 (1982): 8–21.
- Ibid.*
- George J. Stigler, "The Optimum Enforcement of Laws," *Journal of Political Economy*. 78 (1970): 526–528.

5. Bob Roshier, *Controlling Crime* (Chicago: Lyceum Books, 1989), p. 10.
6. Jeremy Bentham, *A Fragment on Government and an Introduction to the Principle of Morals and Legislation*, ed. Wilfred Harrison (Oxford: Basil Blackwell, 1967).
7. *Ibid.*, p. xi.
8. Robert Martinson, "What Works?—Questions and Answers about Prison Reform," *Public Interest* 35 (1974): 22–54.
9. Charles Murray and Louis Cox, *Beyond Probation* (Beverly Hills: Sage, 1979).
10. Ronald Bayer, "Crime, Punishment, and the Decline of Liberal Optimism," *Crime and Delinquency* 27 (1981): 190.
11. James Q. Wilson, *Thinking about Crime*, rev. ed. (New York: Vintage Books, 1983), p. 260.
12. *Ibid.*, p. 128.
13. Michael Tonry, *Malign Neglect: Race, Crime and Punishment in America* (New York: Oxford University Press, 1995).
14. John Irwin and James Austin, *It's about Time: America's Imprisonment Binge* (Belmont, CA: Wadsworth, 1997).
15. Kimberly Cook, "A Passion to Punish: Abortion Opponents Who Favor the Death Penalty," *Justice Quarterly* 15 (1998): 329–346.
16. See, generally, Derek Cornish and Ronald Clarke, eds., *The Reasoning Criminal: Rational Choice Perspectives on Offending* (New York: Springer Verlag, 1986); Philip Cook, "The Demand and Supply of Criminal Opportunities," in *Crime and Justice*, vol. 7, eds. Michael Tonry and Norval Morris (Chicago: University of Chicago Press, 1986), pp. 1–28; Ronald Clarke and Derek Cornish, "Modeling Offender's Decisions: A Framework for Research and Policy," in *Crime and Justice*, vol. 6, eds. Michael Tonry and Norval Morris (Chicago: University of Chicago Press, 1985), pp. 147–187; and Morgan Reynolds, *Crime by Choice: An Economic Analysis* (Dallas: Fisher Institute, 1985).
17. George Rengert and John Wasilchick, *Suburban Burglary: A Time and Place for Everything* (Springfield, IL: Charles C Thomas, 1985).
18. Christopher Uggen and Melissa Thompson, "The Socioeconomic Determinants of Ill-Gotten Gains: Within-Person Changes in Drug Use and Illegal Earnings," *American Journal of Sociology* 109 (2003): 146–187.
19. Philippe Bourgois, *In Search of Respect: Selling Crack in El Barrio* (Cambridge: Cambridge University Press, 1995), p. 326.
20. Derek Cornish and Ronald Clarke, "Understanding Crime Displacement: An Application of Rational Choice Theory," *Criminology* 25 (1987): 933–947.
21. Lloyd Phillips and Harold Votey, "The Influence of Police Interventions and Alternative Income Sources on the Dynamic Process of Choosing Crime as a Career," *Journal of Quantitative Criminology* 3 (1987): 251–274.
22. *Ibid.*
23. Michael Gottfredson and Travis Hirschi, *A General Theory of Crime* (Stanford, CA: Stanford University Press, 1990).
24. Jeannette Angell, "Confessions of an Ivy League Hooker," *Boston Magazine*, August 2004, pp. 120–134.
25. Uggen and Thompson, "The Socioeconomic Determinants of Ill-Gotten Gains."
26. Pierre Tremblay and Carlo Morselli, "Patterns in Criminal Achievement: Wilson and Abrahams Revisited," *Criminology* 38 (2000): 633–660.
27. Liliana Pezzin, "Earnings Prospects, Matching Effects, and the Decision to Terminate a Criminal Career," *Journal of Quantitative Criminology* 11 (1995): 29–50.
28. Ronald Akers, "Rational Choice, Deterrence, and Social Learning Theory in Criminology: The Path Not Taken," *Journal of Criminal Law and Criminology* 81 (1990): 653–676.
29. Neal Shover, *Aging Criminals* (Beverly Hills: Sage, 1985).
30. Patricia Morgan and Karen Ann Joe, "Citizens and Outlaws: The Private Lives and Public Lifestyles of Women in the Illicit Drug Economy," *Journal of Drug Issues* 26 (1996): 125–142, at 132.
31. *Ibid.*, p. 136.
32. Bruce Jacobs, "Crack Dealers' Apprehension Avoidance Techniques: A Case of Restrictive Deterrence," *Justice Quarterly* 13 (1996): 359–381.
33. *Ibid.*, p. 367.
34. *Ibid.*, p. 372.
35. Gordon Knowles, "Deception, Detection, and Evasion: A Trade Craft Analysis of Honolulu, Hawaii's Street Crack Cocaine Traffickers," *Journal of Criminal Justice* 27 (1999): 443–455.
36. Bruce Jacobs and Jody Miller, "Crack Dealing, Gender, and Arrest Avoidance," *Social Problems* 45 (1998): 550–566.
37. Jacobs, "Crack Dealers' Apprehension Avoidance Techniques."
38. *Ibid.*, p. 367.
39. *Ibid.*, p. 368.
40. Eric Baumer, Janet Lauritsen, Richard Rosenfeld, and Richard Wright, "The Influence of Crack Cocaine on Robbery, Burglary, and Homicide Rates: A Cross-City, Longitudinal Analysis," *Journal of Research in Crime and Delinquency* 35 (1998): 316–340.
41. George Rengert and John Wasilchick, *Space, Time, and Crime: Ethnographic Insights into Residential Burglary* (Washington, DC: National Institute of Justice, 1989); see also Rengert and Wasilchick, *Suburban Burglary*.
42. Paul Cromwell, James Olson, and D'Aunn Wester Avary, *Breaking and Entering, an Ethnographic Analysis of Burglary* (Newbury Park, CA: Sage, 1989), pp. 30–32.
43. *Ibid.*, p. 24.
44. John Gibbs and Peggy Shelly, "Life in the Fast Lane: A Retrospective View by Commercial Thieves," *Journal of Research in Crime and Delinquency* 19 (1982): 229–230.
45. Matthew Robinson, "Lifestyles, Routine Activities, and Residential Burglary Victimization," *Journal of Criminal Justice* 22 (1999): 27–52.
46. Cromwell, Olson, and Avary, *Breaking and Entering*.
47. Andrew Buck, Simon Hakim, and George Rengert, "Burglar Alarms and the Choice Behavior of Burglars: A Suburban Phenomenon," *Journal of Criminal Justice* 21 (1993): 497–507.
48. Ralph Taylor and Stephen Gottfredson, "Environmental Design, Crime, and Prevention: An Examination of Community Dynamics," in *Communities and Crime*, eds. Albert Reiss and Michael Tonry (Chicago: University of Chicago Press, 1986), pp. 387–416.

49. Michael Costanzo, William Halperin, and Nathan Gale, "Criminal Mobility and the Directional Component in Journeys to Crime," in *Metropolitan Crime Patterns*, eds. Robert Figlio, Simon Hakim, and George Rengert (Monsey, NY: Criminal Justice Press, 1986), pp. 73–95.
50. Joseph Deutsch and Gil Epstein, "Changing a Decision Taken under Uncertainty: The Case of the Criminal's Location Choice," *Urban Studies* 35 (1998): 1335–1344.
51. Robert Sampson and Jacqueline Cohen, "Deterrent Effects of the Police on Crime: A Replication and Theoretical Extension," *Law and Society Review* 22 (1988): 163–88.
52. Elizabeth Ehrhardt Mustaine and Richard Tewksbury, "Predicting Risks of Larceny Theft Victimization: A Routine Activity Analysis Using Refined Lifestyle Measures," *Criminology* 36 (1998): 829–858.
53. Gary Kleck and Don Kates, *Armed: New Perspectives on Guns* (Amherst, NY: Prometheus Books, 2001).
54. Kenneth Tunnell, *Choosing Crime* (Chicago: Nelson-Hall, 1992), p. 105.
55. Associated Press, "Thrift Hearings Resume Today in Senate," *Boston Globe*, 2 January 1991, p. 10.
56. Cromwell, Olson, and Avary, *Breaking and Entering*.
57. Garland White, "Neighborhood Permeability and Burglary Rates," *Justice Quarterly* 7 (1990): 57–67.
58. Ibid., p. 65.
59. "The Decline of the English Burglary," *The Economist* 371 (May 29, 2004): 59.
60. John Petraitis, Brian Flay, and Todd Miller, "Reviewing Theories of Adolescent Substance Use: Organizing Pieces in the Puzzle," *Psychological Bulletin* 117 (1995): 67–86.
61. Leanne Fiftal Alarid, James Marquart, Velmer Burton, Francis Cullen, and Steven Cuvelier, "Women's Roles in Serious Offenses: A Study of Adult Felons," *Justice Quarterly* 13 (1996): 431–454, at 448.
62. Ben Fox, "Jury Recommends Death for Convicted Child Killer," *Boston Globe*, 6 October 1999, p. 3.
63. Richard Felson and Steven Messner, "To Kill or Not to Kill? Lethal Outcomes in Injurious Attacks," *Criminology* 34 (1996): 519–545, at 541.
64. James Wright and Peter Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms* (Hawthorne, NY: Aldine De Gruyter, 1983), pp. 141–159.
65. Gary Kleck and Marc Gertz, "Carry Guns for Protection: Results from the National Self-Defense Survey," *Journal of Research in Crime and Delinquency* 35 (1998): 193–224.
66. Peter Van Koppen and Robert Jansen, "The Time to Rob: Variations in Time and Number of Commercial Robberies," *Journal of Research in Crime and Delinquency* 36 (1999): 7–29.
67. William Smith, Sharon Glave Frazee, and Elizabeth Davison, "Furthering the Integration of Routine Activity and Social Disorganization Theories: Small Units of Analysis and the Study of Street Robbery as a Diffusion Process," *Criminology* 38 (2000): 489–521.
68. Paul Bellair, "Informal Surveillance and Street Crime: A Complex Relationship," *Criminology* 38 (2000): 137–167.
69. Gibbs and Shelly, "Life in the Fast Lane."
70. Alan Lizotte, James Tesoriero, Terence Thornberry, and Marvin Krohn, "Patterns of Adolescent Firearms Ownership and Use," *Justice Quarterly* 11 (1994): 51–74.
71. Alan Lizotte, Marvin Krohn, James Howell, Kimberly Tobin, and Gregory Howard, "Factors Influencing Gun Carrying among Young Urban Males over the Adolescent–Young Adult Life Course," *Criminology* 38 (2000): 811–834.
72. Scott Decker, "Deviant Homicide: A New Look at the Role of Motives and Victim–Offender Relationships," *Journal of Research in Crime and Delinquency* 33 (1996): 427–449.
73. Felson and Messner, "To Kill or Not to Kill?"
74. Eric Hickey, *Serial Murderers and Their Victims* (Pacific Grove, CA: Brooks/Cole, 1991), p. 84.
75. Janet Warren, Roland Reboussin, Robert Hazlewood, Andrea Cummings, Natalie Gibbs, and Susan Trumbetta, "Crime Scene and Distance Correlates of Serial Rape," *Journal of Quantitative Criminology* 14 (1998): 35–58.
76. Christopher Birkbeck and Gary LaFree, "The Situational Analysis of Crime and Deviance," *American Review of Sociology* 19 (1993): 113–137; Karen Heimer and Ross Matsueda, "Role-Taking, Role Commitment, and Delinquency: A Theory of Differential Social Control," *American Sociological Review* 59 (1994): 400–437.
77. Peter Wood, Walter Gove, James Wilson, and John Cochran, "Nonsocial Reinforcement and Habitual Criminal Conduct: An Extension of Learning," *Criminology* 35 (1997): 335–366.
78. Jeff Ferrell, "Criminological Verstehen: Inside the Immediacy of Crime," *Justice Quarterly* 14 (1997): 3–23, at 12.
79. George Rengert, "Spatial Justice and Criminal Victimization," *Justice Quarterly* 6 (1989): 543–564.
80. Oscar Newman, *Defensible Space: Crime Prevention through Urban Design* (New York: Macmillan, 1973).
81. C. Ray Jeffery, *Crime Prevention through Environmental Design* (Beverly Hills: Sage, 1971).
82. See also Pochara Theerathorn, "Architectural Style, Aesthetic Landscaping, Home Value, and Crime Prevention," *International Journal of Comparative and Applied Criminal Justice* 12 (1988): 269–277.
83. Ronald Clarke, *Situational Crime Prevention: Successful Case Studies* (Albany, NY: Harrow and Heston, 1992).
84. Marcus Felson, "Routine Activities and Crime Prevention," in *National Council for Crime Prevention, Studies on Crime and Crime Prevention, Annual Review*, vol. 1 (Stockholm: Scandinavian University Press, 1992), pp. 30–34.
85. Barry Webb, "Steering Column Locks and Motor Vehicle Theft: Evaluations for Three Countries," in *Crime Prevention Studies*, ed. Ronald Clarke (Monsey, NY: Criminal Justice Press, 1994), pp. 71–89.
86. Barbara Morse and Delbert Elliott, "Effects of Ignition Interlock Devices on DUI Recidivism: Findings from a Longitudinal Study in Hamilton County, Ohio," *Crime and Delinquency* 38 (1992): 131–157.
87. Andrew Fulkerson, "Blow and Go: The Breath-Analyzed Ignition Interlock Device as a Technological Response to

- DWI," *American Journal of Drug and Alcohol Abuse* 29 (2003): 219–235.
88. Nancy LaVigne, "Gasoline Drive-Offs: Designing a Less Convenient Environment," in *Crime Prevention Studies*, vol. 2, ed. Ronald Clarke (New York: Criminal Justice Press, 1994), pp. 91–114.
89. Eric Fritsch, Tory Caeti, and Robert Taylor, "Gang Suppression through Saturation Patrol, Aggressive Curfew, and Truancy Enforcement: A Quasi-Experimental Test of the Dallas Anti-Gang Initiative," *Crime and Delinquency* 45 (1999): 122–139.
90. Kenneth Adams, "The Effectiveness of Juvenile Curfews at Crime Prevention," *The Annals of the American Academy of Political and Social Science* 587 (May 2003): 136–159.
91. Edward Powers and Janet Wilson, "Access Denied: The Relationship between Alcohol Prohibition and Driving under the Influence," *Sociological Inquiry* 74 (2004): 318–327.
92. Marcus Felson, "Those Who Discourage Crime," in *Crime and Place, Crime Prevention Studies*, vol. 4, eds. John Eck and David Weisburd (New York: Criminal Justice Press, 1995), pp. 53–66; John Eck, "Drug Markets and Drug Places: A Case-Control Study of the Spatial Structure of Illicit Drug Dealing," Ph.D. diss., University of Maryland, College Park, 1994.
93. Eck, "Drug Markets and Drug Places," p. 29.
94. Lorraine Green Mazerolle, Colleen Kadleck, and Jan Roehl, "Controlling Drug and Disorder Problems: The Role of Place Managers," *Criminology* 36 (1998): 371–404.
95. Ronald Clarke, "Deterring Obscene Phone Callers: The New Jersey Experience," *Situational Crime Prevention*, ed. Ronald Clarke (Albany, NY: Harrow and Heston, 1992), pp. 124–132.
96. Ronald Clarke and David Weisburd, "Diffusion of Crime Control Benefits: Observations of the Reverse of Displacement," in *Crime Prevention Studies*, vol. 2, ed. Ronald Clarke (New York: Criminal Justice Press, 1994).
97. David Weisburd and Lorraine Green, "Policing Drug Hot Spots: The Jersey City Drug Market Analysis Experiment," *Justice Quarterly* 12 (1995): 711–734.
98. Lorraine Green, "Cleaning Up Drug Hot Spots in Oakland, California: The Displacement and Diffusion Effects," *Justice Quarterly* 12 (1995): 737–754.
99. Ian Ayres and Steven D. Levitt, "Measuring Positive Externalities from Unobservable Victim Precaution: An Empirical Analysis of Lojack," *Quarterly Journal of Economics* 113 (1998): 43–78.
100. Robert Barr and Ken Pease, "Crime Placement, Displacement, and Deflection," in *Crime and Justice, A Review of Research*, vol. 12, eds. Michael Tonry and Norval Morris (Chicago: University of Chicago Press, 1990), pp. 277–319.
101. Clarke, *Situational Crime Prevention*, p. 27.
102. *Ibid.*, p. 35.
103. Daniel Nagin and Greg Pogarsky, "An Experimental Investigation of Deterrence: Cheating, Self-Serving Bias, and Impulsivity," *Criminology* 41 (2003): 167–195.
104. Silvia Mendes, "Certainty, Severity, and Their Relative Deterrent Effects: Questioning the Implications of the Role of Risk in Criminal Deterrence Policy," *Policy Studies Journal* 32 (2004): 59–74.
105. R. Steven Daniels, Lorin Baumhover, William Formby, and Carolyn Clark-Daniels, "Police Discretion and Elder Mistreatment: A Nested Model of Observation, Reporting, and Satisfaction," *Journal of Criminal Justice* 27 (1999): 209–225.
106. Daniel Nagin and Greg Pogarsky, "Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence: Theory and Evidence," *Criminology* 39 (2001): 865–892.
107. Charles Tittle and Alan Rowe, "Certainty of Arrest and Crime Rates: A Further Test of the Deterrence Hypothesis," *Social Forces* 52 (1974): 455–462.
108. Daniels, Baumhover, Formby, and Clark-Daniels, "Police Discretion and Elder Mistreatment."
109. Robert Bursik, Harold Grasmick, and Mitchell Chamlin, "The Effect of Longitudinal Arrest Patterns on the Development of Robbery Trends at the Neighborhood Level," *Criminology* 28 (1990): 431–450; Theodore Chiricos and Gordon Waldo, "Punishment and Crime: An Examination of Some Empirical Evidence," *Social Problems* 18 (1970): 200–217.
110. Nagin and Pogarsky, "Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence."
111. Bradley Wright, Avshalom Caspi, Terrie Moffitt, and Ray Paternoster, "Does the Perceived Risk of Punishment Deter Criminally Prone Individuals? Rational Choice, Self-Control, and Crime," *Journal of Research in Crime and Delinquency* 41 (2004): 180–213.
112. David Bayley, *Policing for the Future* (New York: Oxford, 1994).
113. For a review, see Thomas Marvell and Carlisle Moody, "Specification Problems, Police Levels, and Crime Rates," *Criminology* 34 (1996): 609–646.
114. Tomislav V. Kovandzic and John J. Sloan, "Police Levels and Crime Rates Revisited, A County-Level Analysis from Florida (1980–1998)," *Journal of Criminal Justice* 30 (2002): 65–76; Steven Levitt, "Using Electoral Cycles in Police Hiring to Estimate the Effect of Police on Crime," *American Economic Review* 87 (1997): 70–91; Marvell and Moody, "Specification Problems, Police Levels, and Crime Rates."
115. George Kelling, Tony Pate, Duane Dieckman, and Charles Brown, *The Kansas City Preventive Patrol Experiment: A Summary Report* (Washington, DC: Police Foundation, 1974).
116. Michael White, James Fyfe, Suzanne Campbell, and John Goldkamp, "The Police Role in Preventing Homicide: Considering the Impact of Problem-Oriented Policing on the Prevalence of Murder," *Journal of Research in Crime and Delinquency* 40 (2003): 194–226.
117. Janice Puckett and Richard Lundman, "Factors Affecting Homicide Clearances: Multivariate Analysis of a More Complete Conceptual Framework," *Journal of Research in Crime and Delinquency* 40 (2003): 171–194.
118. Kenneth Novak, Jennifer Hartman, Alexander Holsinger, and Michael Turner, "The Effects of Aggressive Policing of Disorder on Serious Crime," *Policing* 22 (1999): 171–190.
119. Lawrence Sherman, "Police Crack-downs," *NIJ Reports* (March/April 1990): 2–6, at p. 2.

120. Jacqueline Cohen, Wilpen Gorr, and Piyusha Singh, "Estimating Intervention Effects in Varying Risk Settings: Do Police Raids Reduce Illegal Drug Dealing at Nuisance Bars?" *Criminology* 42 (2003): 257–292.
121. Anthony Braga, David Weisburd, Elin Waring, Lorraine Green Mazerolle, William Spelman, and Francis Gajewski, "Problem-Oriented Policing in Violent Crime Places: A Randomized Controlled Experiment," *Criminology* 37 (1999): 541–580.
122. Fritsch, Caeti, and Taylor, "Gang Suppression through Saturation Patrol, Aggressive Curfew, and Truancy Enforcement."
123. Michael Smith, "Police-Led Crackdowns and Cleanups: An Evaluation of a Crime Control Initiative in Richmond, Virginia," *Crime and Delinquency* 47 (2001): 60–68.
124. Braga, Weisburd, Waring, Mazerolle, Spelman, and Gajewski, "Problem-Oriented Policing in Violent Crime Places."
125. Robert Voas, Scott Tippetts, and James Fell, "Assessing the Effectiveness of Minimum Legal Drinking Age and Zero Tolerance Laws in the United States," *Accident Analysis & Prevention* 35 (2003): 579–588.
126. "Crime and Punishment in America: 1997 Update," National Center for Policy Analysis, Dallas, Texas, 1997.
127. Nagin and Pogarsky, "Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence," pp. 884–885.
128. Ed Stevens and Brian Payne, "Applying Deterrence Theory in the Context of Corporate Wrongdoing: Limitations on Punitive Damages," *Journal of Criminal Justice* 27 (1999) 195–209; Jeffrey Roth, *Firearms and Violence* (Washington, DC: National Institute of Justice, 1994); and Thomas Marvell and Carlisle Moody, "The Impact of Enhanced Prison Terms for Felonies Committed with Guns," *Criminology* 33 (1995): 247–281.
129. Greg Pogarsky, "Identifying 'Deterrable' Offenders: Implications for Research on Deterrence," *Justice Quarterly* 19 (2002): 431–453.
130. Suzanne Briscoe, "Raising the Bar: Can Increased Statutory Penalties Deter Drunk-Drivers?" *Accident Analysis & Prevention* 36 (2004): 919–929.
131. H. Laurence Ross, "Implications of Drinking-and-Driving Law Studies for Deterrence Research," in *Critique and Explanation, Essays in Honor of Gwynne Nettler*, eds. Timothy Hartnagel and Robert Silverman (New Brunswick, NJ: Transaction Books, 1986), pp. 159–171; H. Laurence Ross, Richard McCleary, and Gary LaFree, "Can Mandatory Jail Laws Deter Drunk Driving? The Arizona Case," *Journal of Criminal Law and Criminology* 81 (1990): 156–167.
132. Wanda Foglia, "Perceptual Deterrence and the Mediating Effect of Internalized Norms among Inner-City Teenagers," *Journal of Research in Crime and Delinquency* 34 (1997): 414–442.
133. Harold Grasmick, Robert Bursik, and Karyl Kinsey, "Shame and Embarrassment as Deterrents to Noncompliance with the Law: The Case of an Anti-Littering Campaign." Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990, p. 3.
134. Charles Tittle, *Sanctions and Social Deviance* (New York: Praeger, 1980).
135. For an opposite view, see Steven Burkett and David Ward, "A Note on Perceptual Deterrence, Religiously Based Moral Condemnation, and Social Control," *Criminology* 31 (1993): 119–134.
136. Ibid.
137. John Snortum, "Drinking–Driving Compliance in Great Britain: The Role of Law as a 'Threat' and as a 'Moral Eye-Opener,'" *Journal of Criminal Justice* 18 (1990): 479–499.
138. Donald Green, "Past Behavior as a Measure of Actual Future Behavior: An Unresolved Issue in Perceptual Deterrence Research," *Journal of Criminal Law and Criminology* 80 (1989): 781–804, at 803; Matthew Silberman, "Toward a Theory of Criminal Deterrence," *American Sociological Review* 41 (1976): 442–461; Linda Anderson, Theodore Chiricos, and Gordon Waldo, "Formal and Informal Sanctions: A Comparison of Deterrent Effects," *Social Problems* 25 (1977): 103–114. See also Maynard Erickson and Jack Gibbs, "Objective and Perceptual Properties of Legal Punishment and Deterrence Doctrine," *Social Problems* 25 (1978): 253–264; and Daniel Nagin and Raymond Paternoster, "Enduring Individual Differences and Rational Choice Theories of Crime," *Law and Society Review* 27 (1993): 467–485.
139. Harold Grasmick and Robert Bursik, "Conscience, Significant Others, and Rational Choices: Extending the Deterrence Model," *Law and Society Review* 24 (1990): 837–861, at 854.
140. Grasmick, Bursik, and Kinsey, "Shame and Embarrassment as Deterrents to Noncompliance with the Law"; Harold Grasmick, Robert Bursik, and Bruce Arneklev, "Reduction in Drunk Driving as a Response to Increased Threats of Shame, Embarrassment, and Legal Sanctions," *Criminology* 31 (1993): 41–69.
141. Harold Grasmick, Brenda Sims Blackwell, and Robert Bursik, "Changes in the Sex Patterning of Perceived Threats of Sanctions," *Law and Society Review* 27 (1993): 679–699.
142. Thomas Peete, Trudie Milner, and Michael Welch, "Levels of Social Integration in Group Contexts and the Effects of Informal Sanction Threat on Deviance," *Criminology* 32 (1994): 85–105.
143. Ernest Van Den Haag, "The Criminal Law as a Threat System," *Journal of Criminal Law and Criminology* 73 (1982): 709–785.
144. David Lykken, "Psychopathy, Sociopathy, and Crime," *Society* 34 (1996): 30–38.
145. George Lowenstein, Daniel Nagin, and Raymond Paternoster, "The Effect of Sexual Arousal on Expectations of Sexual Forcefulness," *Journal of Research in Crime and Delinquency* 34 (1997): 443–473.
146. Ken Auletta, *The Under Class* (New York: Random House, 1982).
147. Foglia, "Perceptual Deterrence and the Mediating Effect of Internalized Norms among Inner-City Teenagers"; Raymond Paternoster, "Decisions to Participate in and Desist from Four Types of Common Delinquency: Deterrence and the Rational Choice Perspective," *Law and Society Review* 23 (1989): 7–29; Raymond Paternoster, "Examining Three-Wave Deterrence Models: A Question of Temporal Order and Specification," *Journal of Criminal Law and Criminology* 79 (1988): 135–163; Raymond Paternoster, Linda Saltzman, Gordon Waldo, and Theodore Chiricos, "Estimating Perceptual Stability and

- Deterrent Effects: The Role of Perceived Legal Punishment in the Inhibition of Criminal Involvement," *Journal of Criminal Law and Criminology* 74 (1983): 270–297; M. William Minor and Joseph Harry, "Deterrent and Experiential Effects in Perceptual Deterrence Research: A Replication and Extension," *Journal of Research in Crime and Delinquency* 19 (1982): 190–203; Lonn Lanza-Kaduce, "Perceptual Deterrence and Drinking and Driving among College Students," *Criminology* 26 (1988): 321–341.
148. Foglia, "Perceptual Deterrence and the Mediating Effect of Internalized Norms among Inner-City Teenagers," pp. 419–443.
 149. Alex Piquero and George Rengert, "Studying Deterrence with Active Residential Burglars," *Justice Quarterly* 16 (1999): 451–462.
 150. David Klinger, "Policing Spousal Assault," *Journal of Research in Crime and Delinquency* 32 (1995): 308–324.
 151. Paternoster, "Decisions to Participate in and Desist from Four Types of Common Delinquency."
 152. James Williams and Daniel Rodeheaver, "Processing of Criminal Homicide Cases in a Large Southern City," *Sociology and Social Research* 75 (1991): 80–88.
 153. Wilson, *Thinking about Crime*.
 154. James Q. Wilson and Richard Herrnstein, *Crime and Human Nature* (New York: Simon & Schuster, 1985), p. 494.
 155. Christina Dejong, "Survival Analysis and Specific Deterrence: Integrating Theoretical and Empirical Models of Recidivism," *Criminology* 35 (1997): 561–576.
 156. Paul Tracy and Kimberly Kempf-Leonard, *Continuity and Discontinuity in Criminal Careers* (New York: Plenum Press, 1996).
 157. Lawrence Greenfeld, *Examining Recidivism* (Washington, DC: U.S. Government Printing Office, 1985).
 158. Allen Beck and Bernard Shipley, *Recidivism of Prisoners Released in 1983* (Washington, DC: Bureau of Justice Statistics, 1989).
 159. Dejong, "Survival Analysis and Specific Deterrence," p. 573.
 160. David Weisburd, Elin Waring, and Ellen Chayet, "Specific Deterrence in a Sample of Offenders Convicted of White-Collar Crimes," *Criminology* 33 (1995): 587–607.
 161. Dejong, "Survival Analysis and Specific Deterrence"; Raymond Paternoster and Alex Piquero, "Reconceptualizing Deterrence: An Empirical Test of Personal and Vicarious Experiences," *Journal of Research in Crime and Delinquency* 32 (1995): 251–258.
 162. Dejong, "Survival Analysis and Specific Deterrence"; Paternoster and Piquero, "Reconceptualizing Deterrence."
 163. Cassia Spohn and David Holleran, "The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders," *Criminology* 40 (2002): 329–359.
 164. Greg Pogarsky and Alex R. Piquero "Can Punishment Encourage Offending? Investigating the 'Resetting' Effect," *Journal of Research in Crime and Delinquency* 40(2003): 92–117.
 165. Doris Layton MacKenzie and Spencer De Li, "The Impact of Formal and Informal Social Controls on the Criminal Activities of Probationers," *Journal of Research in Crime and Delinquency* 39 (2002): 243–276.
 166. Charles Murray and Louis Cox, *Beyond Probation* (Beverly Hills: Sage, 1979); Perry Shapiro and Harold Votey, "Deterrence and Subjective Probabilities of Arrest: Modeling Individual Decisions to Drink and Drive in Sweden," *Law and Society Review* 18 (1984): 111–149; Douglas Smith and Patrick Gartin, "Specifying Specific Deterrence: The Influence of Arrest on Future Criminal Activity," *American Sociological Review* 54 (1989): 94–105.
 167. Eleni Apospori and Geoffrey Alpert, "Research Note: The Role of Differential Experience with the Criminal Justice System in Changes in Perceptions of Severity of Legal Sanctions over Time," *Crime and Delinquency* 39 (1993): 184–194.
 168. Michael Lynch, "Beating a Dead Horse: Is There Any Basic Empirical Evidence for the Deterrent Effect of Imprisonment?" *Crime, Law and Social Change* 31 (1999): 347–362.
 169. Andrew Karmen, "Why Is New York City's Murder Rate Dropping So Sharply?" Unpublished paper, John Jay College, New York City, 1996.
 170. Isaac Ehrlich, "Participation in Illegitimate Activities: An Economic Analysis," *Journal of Political Economy* 81 (1973): 521–567; Lee Bowker, "Crime and the Use of Prisons in the United States: A Time Series Analysis," *Crime and Delinquency* 27 (1981): 206–212.
 171. David Greenberg, "The Incapacitative Effects of Imprisonment: Some Estimates," *Law and Society Review* 9 (1975): 541–580.
 172. *Ibid.*, p. 558.
 173. Reuel Shinnar and Shlomo Shinnar, "The Effects of the Criminal Justice System on the Control of Crime: A Quantitative Approach," *Law and Society Review* 9 (1975): 581–611.
 174. Steven Levitt, "Why Do Increased Arrest Rates Appear to Reduce Crime: Deterrence, Incapacitation, or Measurement Error?" *Economic Inquiry* 36 (1998): 353–372; see also, Thomas Marvell and Carlisle Moody, "The Impact of Prison Growth on Homicide," *Homicide Studies* 1 (1997): 205–233.
 175. David Greenberg and Nancy Larkin, "The Incapacitation of Criminal Opiate Users," *Crime and Delinquency* 44 (1998): 205–228.
 176. John Wallerstedt, *Returning to Prison, Bureau of Justice Statistics Special Report* (Washington, DC: U.S. Department of Justice, 1984).
 177. James Marquart, Victoria Brewer, Janet Mullings, and Ben Crouch, "The Implications of Crime Control Policy on HIV/AIDS-Related Risk among Women Prisoners," *Crime and Delinquency* 45 (1999): 82–98.
 178. Jose Canela-Cacho, Alfred Blumstein, and Jacqueline Cohen, "Relationship between the Offending Frequency of Imprisoned and Free Offenders," *Criminology* 35 (1997): 133–171.
 179. Kate King and Patricia Bass, "Southern Prisons and Elderly Inmates: Taking a Look Inside," Paper presented at the American Society of Criminology meeting, San Diego, 1997.
 180. James Lynch and William Sabol, "Prisoner Reentry in Perspective," Urban Institute: <http://www.urban.org/url.cfm?ID=410213>. Accessed July 12, 2004.
 181. Peter Greenwood, *Selective Incapacitation* (Santa Monica: Rand Corporation, 1982).

182. Marc Mauer, Testimony before the U.S. Congress, House Judiciary Committee, on "Three Strikes and You're Out," 1 March 1994.
183. Bobby Caina Calvan, "Calif. Initiative Seeks to Rewrite Three-Strikes Law," *Boston Globe*, 12 July 2004, p.1.
184. Canela-Cacho, Blumstein, and Cohen, "Relationship between the Offending Frequency of Imprisoned and Free Offenders."
185. Calvan, "Calif. Initiative Seeks to Rewrite Three-Strikes Law."
186. Stephen Markman and Paul Cassell, "Protecting the Innocent: A Response to the Bedeau-Radelet Study," *Stanford Law Review* 41 (1988): 121–170, at 153.
187. James Stephan and Tracy Snell, *Capital Punishment, 1994* (Washington, DC: Bureau of Justice Statistics, 1996), p. 8.
188. Andrew Von Hirsch, *Doing Justice* (New York: Hill and Wang, 1976).
189. *Ibid.*, pp. 15–16.
190. *Ibid.*

CHAPTER 5



Researchers are now comparing the histories of violent and nonviolent offenders and finding that those who engage in violent and antisocial behaviors have a history of head injuries that were never treated. Even mild head injuries can lead to hyperactivity, aggression, and antisocial behavior. Head injuries in childhood have been linked to antisocial and aberrant behavior in adulthood, including domestic abuse and pedophilia. Studies of the mentally ill

have found that they are significantly more likely than their nonmentally ill siblings to have suffered childhood head injuries. Researchers have found that five of America's most notorious serial killers—Leonard Lake, David Berkowitz, Kenneth Bianchi, John Wayne Gacey, and Carl Panzoram—all had suffered traumatic brain injuries. Nonetheless, the legal system is not designed to give offenders who have suffered such injuries any special consideration during the trial phase, though presence of a brain injury may be considered when sentencing criminal offenders.

Is it possible that depraved people such as serial killers actually “choose” to commit crime as choice theorists would have us believe? Might their crimes be the result of some biological or psychological abnormality, which renders them incapable of controlling their urges, impulses, and desires even if it means engaging in antisocial behaviors? Are criminals born rather than made?

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CHAPTER OUTLINE

Foundations of Trait Theory

Impact of Sociobiology
Modern Trait Theories

Biosocial Trait Theories

Biochemical Conditions and Crime

Comparative Criminology:

Diet and Crime: An International Perspective

Neurophysiological Conditions and Crime
Arousal Theory
Genetics and Crime
Evolutionary Theory
Evaluation of the Biosocial Branch of Trait Theory

Psychological Trait Theories

Psychodynamic Theory
Behavioral Theory
Cognitive Theory

The Criminological Enterprise: The Media and Violence

Psychological Traits and Characteristics

Personality and Crime
Intelligence and Crime

The Criminological Enterprise: The Antisocial Personality

Public Policy Implications of Trait Theory

CHAPTER OBJECTIVES

1. Be familiar with the concept of sociobiology
2. Know what is meant by the term *equipotentiality*
3. Be able to discuss the relationship between diet and crime
4. Be familiar with the association between hormones and crime
5. Be able to discuss why violent offenders may suffer from neurological problems
6. Know the factors that make up the ADHD syndrome
7. Be able to discuss the role genetics plays in violent behavior
8. Be familiar with the concepts of evolutionary theory
9. Be able to discuss the psychodynamics of criminality
10. Understand the association between media and crime
11. Discuss the role of personality and intelligence in antisocial behaviors.

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Beginning with Alfred Hitchcock's film *Psycho*, producers have made millions depicting the ghoulish acts of people who at first seem normal and even friendly but turn out to be demented and dangerous. Lurking out there are crazed babysitters (*Hand that Rocks the Cradle*), frenzied airline passengers (*Turbulence*), deranged roommates (*Single, White Female*), psychotic tenants (*Pacific Heights*), demented secretaries (*The Temp*), unhinged police (*Maniac Cop*), mad cab drivers (*The Bone Collector*) irrational fans (*The Fan*; *Misery*), abnormal girlfriends (*Fatal Attraction*) and boyfriends (*Fear*), unstable husbands (*Enough*; *Sleeping with the Enemy*) and wives (*Black Widow*), loony fathers (*The Stepfather*), mothers (*Friday the 13th, Part 1*), and grandmothers (*Hush*), unbalanced crime victims (*I Know What You Did Last Summer*), maniacal children (*The Good Son*; *Children of the Corn*), lunatic high school friends (*Scream*) and college classmates (*Scream II*), possessed dolls (*Child's Play 1–5*) and their mates (*Bride of Chucky*), and nutsy teenaged admirers (*The Crush*). Sometimes they try to kill each other (*Freddy vs. Jason*). No one can ever be safe when the psychologists and psychiatrists who should be treating these disturbed people turn out to be demonic murderers themselves (*Hannibal*, *Silence of the Lambs*, *Dressed to Kill*, and *Never Talk to Strangers*). Is it any wonder that we respond to a particularly horrible crime by saying of the perpetrator, "That guy must be crazy" or "She is a monster!"

The view that criminals bear physical and/or mental traits that make them different and abnormal is not restricted to the movie-going public. Since the nineteenth century, some criminologists have suggested that biological and psychological traits may influence behavior. Some people may develop physical or mental traits at birth or soon after that affect their social functioning over the life course and influence their behavior choices. For example, low-birthweight babies have been found to suffer poor educational achievement later in life. Academic deficiency has been linked to delinquency and drug abuse, so it is possible that a condition present at birth (such as low birth weight) will influence antisocial behavior during later adolescence.¹ Possessing these personal differences explains why, when faced with the same life situations, one person commits crime and becomes a chronic offender, whereas another attends school, church, and neighborhood functions and obeys the laws of society. To understand this view of crime causation, we begin with a brief review of the development of trait theories.

FOUNDATIONS OF TRAIT THEORY

As you may recall, Cesare Lombroso's work on the "born criminal" was a direct offshoot of applying the scientific methodology to the study of crime. His identification of primitive, atavistic anomalies was based on what he believed was sound empirical research using established scientific methods.

Lombroso was not alone in the early development of biological theory. A contemporary, Raffaele Garofalo

(1852–1934), shared the belief that certain physical characteristics indicate a criminal nature. For example, Garofalo stated that among criminals "a lower degree of sensibility to physical pain seems to be demonstrated by the readiness with which prisoners submit to the operation of tattooing."² Enrico Ferri (1856–1929), another student of Lombroso's, believed that a number of biological, social, and organic factors caused delinquency and crime.³ Ferri added a social dimension to Lombroso's work and was a pioneer with his view that criminals should not be held personally or morally responsible for their actions because forces outside their control caused criminality.

Advocates of the **inheritance school** traced the activities of several generations of families believed to have an especially large number of criminal members.⁴ The body build or **somatotype** school, developed more than fifty years ago by William Sheldon, held that criminals manifest distinct physiques that make them susceptible to particular types of delinquent behavior. *Mesomorphs*, for example, have well-developed muscles and an athletic appearance. They are active, aggressive, sometimes violent, and the most likely to become criminals. *Endomorphs* have heavy builds and are slow moving. They are known for lethargic behavior rendering them unlikely to commit violent crime and more willing to engage in less strenuous criminal activities such as fencing stolen property. *Ectomorphs* are tall, thin, and less social and more intellectual than the other types.⁵

The work of Lombroso and his contemporaries is regarded today as a historical curiosity, not scientific fact. In fact, their research methodology has been discredited because they did not use control groups from the general population to compare results. Many of the traits they assumed to be inherited are not really genetically determined but could be caused by deprivation in surroundings and diet. Even if most criminals shared some biological traits, they might be products not of heredity but of some environmental condition, such as poor nutrition or healthcare. It is equally likely that only criminals who suffer from biological abnormalities are caught and punished by the justice system. In his later writings, even Lombroso admitted that the born criminal was just one of many criminal types. Because of these deficiencies in his theory, the validity of individual-oriented explanations of criminality became questionable and, for a time, was disregarded by the criminological mainstream.

Impact of Sociobiology

What seems no longer tenable at this juncture is any theory of human behavior which ignores biology and relies exclusively on socio-cultural learning. . . . Most social scientists have been wrong in their dogmatic rejection and blissful ignorance of the biological parameters of our behavior.⁶

Biological explanations of crime fell out of favor in the early twentieth century. During this period, criminologists became concerned about the sociological influences on

crime, such as the neighborhood, peer group, family life, and social status.

||||| CONNECTIONS |||||

Biological explanations of criminal behavior first became popular during the middle part of the nineteenth century with the introduction of positivism—the use of the scientific method and empirical analysis to study behavior. Positivism was discussed in Chapter 1 when the history of criminology was described.

The work of biocriminologists was viewed as methodologically unsound and generally invalid by the sociologists who dominated the field and held the view, referred to as **biophobia**, that no serious consideration should be given to biological factors when attempting to understand human nature.⁷

• Can sociobiology explain behavior patterns across all animal species and show how it is linked to mating behavior? To find out, read about the mechanism of natural selection in this article: Gerald Holton, “The New Synthesis?” *Society* 35 (January–February 1998): 203.

In the early 1970s, spurred by the publication of *Sociobiology*, by biologist Edmund O. Wilson, the biological basis for crime once again emerged into the limelight.⁸ Sociobiology differs from earlier theories of behavior in that it stresses that biological and genetic conditions affect how social behaviors are learned and perceived. These perceptions, in turn, are linked to existing environmental structures. Sociobiologists view the gene as the ultimate unit of life that controls all human destiny. Although they believe environment and experience also have an impact on behavior, their main premise is that most actions are controlled by a person’s “biological machine.” Most important, people are controlled by the innate need to have their genetic material survive and dominate others. Consequently, they do everything in their power to ensure their own survival and that of others who share their gene pool (relatives, fellow citizens, and so forth). Even when they come to the aid of others, which is called **reciprocal altruism**, people are motivated by the belief that their actions will be reciprocated and that their gene survival capability will be enhanced.

• Sociobiologists suggest that when males desire younger females, they are engaging in a procreation strategy that will maximize the chance of producing healthy offspring. Females prefer older males because the survival of their offspring will be enhanced by someone with greater prestige and wealth. To learn more, use “sociobiology” as a subject guide with InfoTrac College Edition.

The study of sociobiology revived interest in finding a biological basis for crime and delinquency. If, as it suggests,

biological (genetic) makeup controls human behavior, it follows that it should also be responsible for determining whether a person chooses law-violating or conventional behavior. This view of crime causation is referred to as **trait theory**.

Modern Trait Theories

Trait theorists today do not suggest that a single biological or psychological attribute is thought to adequately explain all criminality. Rather, each offender is considered unique, physically and mentally; consequently, there must be different explanations for each person’s behavior. Some may have inherited criminal tendencies, others may be suffering from nervous system (neurological) problems, and still others may have a blood chemistry disorder that heightens their antisocial activity. Criminologists who focus on the individual see many explanations for crime, because, in fact, there are many differences among criminal offenders.

Trait theorists are not overly concerned with legal definitions of crime; they do not try to explain why people violate particular statutory laws such as car theft or burglary. To them, these are artificial legal concepts based on arbitrary boundaries (for example, speeding may be arbitrarily defined as exceeding 65 miles per hour). Instead, trait theorists focus on basic human behavior and drives—aggression, violence, and a tendency to act on impulse—that are linked to antisocial behavior patterns. They also recognize that human traits alone do not produce criminality and that crime-producing interactions involve both personal traits—such as intelligence, personality, and chemical and genetic makeup—and environmental factors, such as family life, educational attainment, economic factors, and neighborhood conditions. Physical or mental traits are, therefore, but one part of a large pool of environmental, social, and personal factors that account for criminality. Some people may have a predisposition toward aggression, but environmental stimuli can either suppress or trigger antisocial acts.


Even the most committed trait theorists recognize that environmental conditions in disadvantaged inner-city areas may have a powerful influence on antisocial behavior. Many people who reside in these areas experience poverty, racism, frustration, and anger, yet relatively few become delinquents and even fewer mature into adult criminals. Because not all humans are born with equal potential to learn and achieve (**equipotentiality**), the combination of physical traits and the environment produces individual behavior patterns. There is a significant link between behavior patterns and physical or chemical changes in the brain, autonomic nervous system, and central nervous system.⁹

• To learn how equipotentiality mediates the relationship between economic status and child development, read: Robert Bradley and Robert Corwyn, “Socioeconomic Status and Child Development,” *Annual Review of Psychology* (2002): 371–399.

Trait theorists argue that those who do become chronic offenders suffer some biological/psychological condition or trait that renders them incapable of resisting social pressures and problems.¹⁰ As biocriminologists Anthony Walsh and Lee Ellis conclude, “If there is one takeaway lesson from studying biological bases of behavior, it is that the more we study them the more we realize how important the environment is.”¹¹

Trait theories have gained recent prominence because of what is now known about chronic recidivism and the development of criminal careers. If only a small percentage of all offenders go on to become persistent repeaters, then it is possible that what sets them apart from the criminal population is an abnormal biochemical makeup, brain structure, or genetic constitution.¹² Even if criminals do “choose crime,” the fact that some repeatedly make that choice could well be linked to their physical and mental makeup. All people may be aware of and even fear the sanctioning power of the law, but some are unable to control their urges and passions.

Trait theories can be divided into two major subdivisions: one that stresses psychological functioning and another that stresses biological makeup. Although there is often overlap between these views (for example, brain functioning may have a biological basis), each branch has its unique characteristics and will be discussed separately.

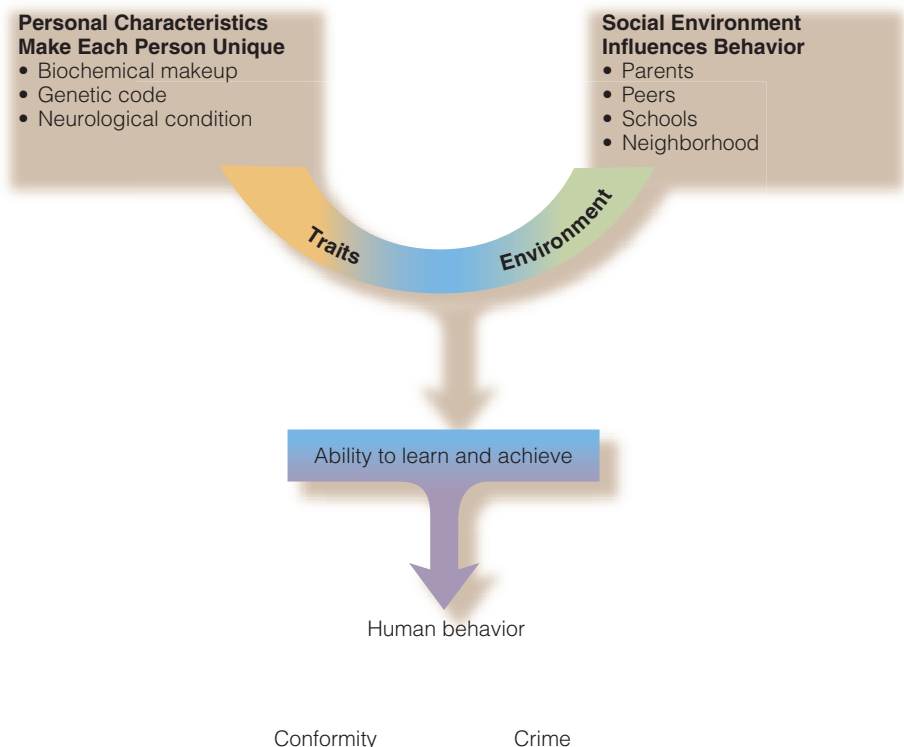
 To quiz yourself on this material, go to the Criminology 9e website.

BIOSOCIAL TRAIT THEORIES

Rather than view the criminal as a person whose behavior is controlled by biological conditions determined at birth, biosocial theorists believe physical, environmental, and social conditions work in concert to produce human behavior. Biosocial theory has several core principles.¹³ First, it assumes that genetic makeup contributes significantly to human behavior. Further, it contends that not all humans are born with equal potential to learn and achieve (equipotentiality). Biosocial theorists argue that no two people are alike (with rare exceptions, such as identical twins) and that the combination of human genetic traits and the environment produces individual behavior patterns (Figure 5.1). In contrast, social theorists suggest, either explicitly or implicitly, that all people are born equal and that thereafter behavior is controlled by social forces (parents, schools, neighborhoods, and friends).

LEARNING POTENTIAL AND ITS EFFECT ON INDIVIDUAL BEHAVIOR PATTERNS Another critical focus of modern biological theory is the importance of brain functioning, mental processes, and learning. Social behavior, including criminal behavior, is learned, and each individual organism is believed to have a unique potential for learning. The physical and social environments interact to either limit or enhance an organism’s capacity for learning. People learn through a process involving the brain and central nervous system. Learning is not controlled by social interactions but by

Biosocial Perspectives on Criminality



biochemistry and cellular interaction. Learning can take place only when physical changes occur in the brain. There is a significant link, therefore, between behavior patterns and physical or chemical changes that occur in the brain, autonomic nervous system, and central nervous system.¹⁴

INSTINCT Some biosocial theorists also believe learning is influenced by instinctual drives. Developed over the course of human history, instincts are inherited, natural, unlearned dispositions that activate specific behavior patterns designed to reach certain goals. For example, people are believed to have a drive to “possess and control” other people and things. Some theft offenses may be motivated by the instinctual need to possess goods and commodities. Rape and other sex crimes may be linked to the primitive instinctual drive males have to “possess and control” females.¹⁵

The following subsections will examine some of the more important schools of thought within biosocial theory.¹⁶ First, we look at the biochemical factors that are believed to affect how proper behavior patterns are learned. Then the relationship of brain function and crime will be considered. Current ideas about the association between genetic and evolutionary factors and crime will be analyzed. Finally, evolutionary views of crime causation are evaluated.

Biochemical Conditions and Crime

Some trait theorists believe biochemical conditions, including both those that are genetically predetermined and those acquired through diet and environment, control and influence antisocial behavior. Some of the more important biochemical factors that have been linked to criminality are set out in detail here.

CHEMICAL AND MINERAL INFLUENCES

Biosocial criminologists maintain that minimum levels of minerals and chemicals are needed for normal brain functioning and growth, especially in the early years of life. Research conducted over the past decade shows that an over- or undersupply of certain chemicals and minerals—including sodium, mercury potassium, calcium, amino acids, monoamines, and peptides—can lead to depression, mania, cognitive problems, memory loss, and abnormal sexual activity. Even common food additives such as calcium propionate, which is used to preserve bread, have been linked to problem behaviors.¹⁷ In some cases, the relationship is indirect: Chemical and mineral imbalance leads to cognitive and learning deficits and problems, and these factors in turn are associated with antisocial behaviors.¹⁸

What people eat and take into their bodies may influence their behavior. Some medicines may have detrimental side effects. For example, there has been recent research linking sildenafil, more commonly known as Viagra, with aggressive and violent behavior. While the cause is still unknown, it is possible that sildenafil exerts various biochemical and physiologic effects in the brain and that it affects information processing.¹⁹

If people with normal needs do not receive the appropriate nutrition, they will suffer from vitamin deficiency. If people have genetic conditions that cause greater than normal needs for certain chemicals and minerals, they are said to suffer from vitamin dependency. People with vitamin deficiency or dependency can manifest many physical, mental, and behavioral problems including lower intelligence test scores.²⁰ Alcoholics often suffer from thiamine deficiency because of their poor diets and consequently are susceptible to the serious, often fatal **Wernicke-Korsakoff disease**, a deadly neurological disorder.²¹

DIET AND CRIME Another area of biosocial research links diet to crime. In some instances, excessive amounts of harmful substances such as food dyes and artificial colors and/or flavors seem to provoke hostile, impulsive, and otherwise antisocial behaviors.²²

In other instances the absence in the diet of certain chemicals and minerals—including sodium, potassium, calcium, amino acids, monoamines, and peptides—can lead to



Students purchase soft drinks from vending machines at Jones College Prep High School on April 20, 2004, in Chicago, Illinois. The Chicago Public School system is introducing a new vending policy restricting junk food and a new beverage contract banning carbonated drinks. Under new rules, products in school vending machines must have not more than 30 percent of their calories from fat and no more than 40 percent sugar; candy and chewing gum are banned. New York City has stopped selling soft drinks in schools and replaced them with fruit juices; schools in Los Angeles have also banned soft drinks. A restrictive dietary policy may aid in the control of adolescent obesity. Do you believe that it may also help reduce school crime?

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Diet and Crime: An International Perspective

Some recent experimental studies conducted in the United States and abroad have shown that diet and crime may have a significant association.

In Great Britain, Bernard Gesch and his associates studied the behavior of 231 inmates at a maximum security prison. Half of the group received daily capsules containing vitamins, minerals, and essential fatty acids, such as omega-3 and omega-6, while the other half took placebo pills. Antisocial behavior among inmates was recorded before and during distribution of the dietary supplements. Gesch found that the supplement group broke prison rules 25 percent less than those on the placebo. The greatest reduction was for serious offenses—instances of fighting, assaulting guards, or taking hostages dropped 37 percent. There was, however, no significant change in the control group.

In a 2003 Finnish study, 115 depressed outpatients being treated with antidepressants found that those who responded fully to treatment had higher levels of vitamin B12 in their blood at the beginning of treatment and 6 months later. Depression has been linked to antisocial activities. The researchers speculated that vitamin

B12 deficiency leads to the accumulation of the amino acid homocysteine, which has been linked to depression.

In the United States, Carlos Iribarren and associates recently (2004) examined the relationship between omega-3 intake and hostility. Using a sample of 3,600 young adults living in urban environments, Iribarren and colleagues controlled for a wide range of factors and found that a higher consumption of the omega-3 fatty acid docosahexaenoic acid (DHA), or of omega-3-rich fish in general, was related to significantly lower levels of hostility.

Stephen Schoenthaler, a well-known biocriminologist, has conducted a number of studies that indicate a significant association between diet and aggressive behavior patterns. In some cases, the relationship is direct; in others, a poor diet may compromise individual functioning, which in turn produces aggressive behavior responses. For example, a poor diet may inhibit school performance, and children who fail at school are at risk for delinquent behavior and criminality.

In one study of 803 New York City public schools, Schoenthaler found that the academic performance of 1.1 million schoolchildren rose 16 percent after their diets were modified. The number of “learning disabled”

children fell from 125,000 to 74,000 in one year. No other changes in school programs for the learning disabled were initiated that year. In a similar experiment conducted in a correctional institution, violent and nonviolent antisocial behavior fell an average of 48 percent among 8,047 offenders after dietary changes were implemented. In both these studies, the improvements in behavior and academic performance were attributed to diets containing more vitamins and minerals as compared with the old diets. The greater amounts of these essential nutrients in the new diets were believed to have corrected impaired brain function caused by poor nutrition.

More recently, Schoenthaler conducted three randomized controlled studies in which 66 elementary school children, 62 confined teenage delinquents, and 402 confined adult felons received dietary supplements—the equivalent of a diet providing more fruits, vegetables, and whole grains. In order to remove experimental bias, neither subjects nor researchers knew who received the supplement and who received a placebo. In each study, the subjects receiving the dietary supplement demonstrated significantly less violent and nonviolent antisocial behavior when compared to the control subjects who received placebos. The

depression, mania, cognitive problems, memory loss, and abnormal sexual activity.²³ Studies examining the relationship between crime and vitamin deficiency and dependency have identified a close link between antisocial behavior and insufficient quantities of some B vitamins (B3 and B6) and vitamin C. In addition, studies have purported to show that a major proportion of all schizophrenics and children with learning and behavior disorders are dependent on vitamins B3 and B6.²⁴

Recent experimental research conducted in the United States and abroad has found that diet and crime may be significantly related. The Comparative Criminology feature reviews some of these findings.



To read more about **diet and crime in England**, go to http://www.thisismidsussex.co.uk/mid_sussex/health/FOOD_FOR_THOUGHT39.html. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

SUGAR AND CRIME Another suspected nutritional influence on behavior is a diet especially high in carbohydrates and sugar.²⁵ For example, some research has found that the way the brain processes glucose is related to scores on tests measuring reasoning power.²⁶ In addition, sugar intake levels have been associated with attention span deficiencies.²⁷

carefully collected data verified that a very good diet, as defined by the World Health Organization, has significant behavioral benefits beyond its health effects.

Schoenthaler and his associates have also evaluated the relationship between nutrition and intelligence. These studies involved 1,753 children and young adults in California, Arizona, Oklahoma, Missouri, England, Wales, Scotland, and Belgium. In each study, subjects who were poorly nourished and who were given dietary supplements showed a greater increase in IQ—an average of 16 points—than did those in the placebo group. (Overall, IQ rose more than 3 points.) The differences in IQ could be attributed to about 20 percent of the children who were presumably inadequately nourished prior to supplementation. The IQ research was expanded to include academic performance in two studies of more than 300 schoolchildren ages 6 to 14 years in Arizona and California. In both studies, children who received daily supplements at school for 3 months achieved significantly higher gains in grade level compared to the matched control group taking placebos. The children taking a supplement improved academically at twice the rate of the children who took placebos.

Diets high in sugar and carbohydrates also have been linked to violence and aggression. Experiments have been conducted in which children's diets were altered so that sweet drinks were replaced with fruit juices, table sugar with honey, molasses substituted for sugar in cooking, and so on. Results indicate that these changes can reduce aggression levels.²⁸ Those biocriminologists who believe in a diet–aggression association claim that in every segment of society there are violent, aggressive, and amoral people whose improper food, vitamin, and mineral intake may be responsible for their antisocial behavior. If diet could be improved, they believe the frequency of violent behavior would be reduced.²⁹

Schoenthaler concludes that parents with a child who behaves badly, or does poorly in school, may benefit from having the child take a blood test to determine if concentrations of certain nutrients are below the reference norms; if so, a dietary supplement may correct the child's conduct and performance. There is evidence that nineteen nutrients may be critical; low levels appear to adversely affect brain function, academic performance, intelligence, and conduct. When attempting to improve IQ or conduct, it is critical to assess all these nutrients and correct deficiencies as needed. If blood nutrient concentrations are consistently in the normal range, physicians and parents should consider looking elsewhere for the cause of a child's difficulties.

Though more research is needed before the scientific community reaches a consensus on how low is too low, Schoenthaler finds evidence that vitamins, minerals, chemicals, and other nutrients from a diet rich in fruits, vegetables, and whole grains can improve brain function, basic intelligence, and academic performance. These are all variables that have been linked to antisocial behavior.

Critical Thinking

1. If Schoenthaler is correct in his assumptions, should schools be

required to provide a proper lunch for all children?

2. How would Schoenthaler explain the aging-out process? Hint: Do people eat better as they mature? What about after they get married?

InfoTrac College Edition Research

To read more about the relationship between nutrition and behavior, use “nutrition and behavior” as a subject guide with InfoTrac College Edition.

Sources: Jukka Hintikka, Tommi Tolmunen, Antti Tanskanen, and Heimo Viinamäki, “High Vitamin B₁₂ Level and Good Treatment Outcome May Be Associated in Major Depressive Disorder,” *BMC Psychiatry* 3 (2003): 17–18; C. Iribarren, J. H. Markovitz, D. R. Jacobs, Jr., P. J. Schreiner, M. Daviglus, and J. R. Hibbeln, “Dietary Intake of Omega-3, Omega-6 Fatty Acids and Fish: Relationship with Hostility in Young Adults—The CARDIA Study,” *European Journal of Clinical Nutrition* 58 (2004): 24–31; C. Bernard Gesch, Sean M. Hammond, Sarah E. Hampson, Anita Eves, and Martin J. Crowder, “Influence of Supplementary Vitamins, Minerals, and Essential Fatty Acids on the Antisocial Behaviour of Young Adult Prisoners: Randomized, Placebo-Controlled Trial,” *British Journal of Psychiatry* 181 (2002): 22–28; Stephen Schoenthaler, “Intelligence, Academic Performance, and Brain Function,” California State University, Stanislaus, 2000; see also, S. Schoenthaler and I. Bier, “The Effect of Vitamin–Mineral Supplementation on Juvenile Delinquency among American Schoolchildren: A Randomized Double-Blind Placebo-Controlled Trial,” *Journal of Alternative and Complementary Medicine: Research on Paradigm, Practice, and Policy* 6 (2000): 7–18.

Although these results are impressive, a number of biologists have questioned this association, and some recent research efforts have failed to find a link between sugar consumption and violence.³⁰ In one important study, a group of researchers had twenty-five preschool children and twenty-three school-age children described as sensitive to sugar follow a different diet for three consecutive 3-week periods. One diet was high in sucrose, the second substituted Aspartame (NutraSweet) for a sweetener, and the third relied on saccharin. Careful measurement of the subjects found little evidence of cognitive or behavioral differences that could be linked to diet. If anything, sugar seemed to have a calming effect on the children.³¹

In sum, while some research efforts allege a sugar–violence association, others suggest that many people who maintain diets high in sugar and carbohydrates are not violent or crime prone. In some cases, in fact, sugar intake has been found to possibly reduce or curtail violent tendencies.³²

GLUCOSE METABOLISM/HYPOGLYCEMIA Research shows that persistent abnormality in the way the brain metabolizes glucose (sugar) can be linked to antisocial behaviors such as substance abuse.³³ **Hypoglycemia** occurs when glucose in the blood falls below levels necessary for normal and efficient brain functioning. The brain is sensitive to the lack of blood sugar because it is the only organ that obtains its energy solely from the combustion of carbohydrates. Thus, when the brain is deprived of blood sugar, it has no alternate food supply to call upon, and brain metabolism slows down, impairing function. Symptoms of hypoglycemia include irritability, anxiety, depression, crying spells, headaches, and confusion.

Research studies have linked hypoglycemia to outbursts of antisocial behavior and violence.³⁴ Several studies have related assaults and fatal sexual offenses to hypoglycemic reactions.³⁵ Hypoglycemia has also been connected with a syndrome characterized by aggressive and assaultive behavior, glucose disturbance, and brain dysfunction. Some attempts have been made to measure hypoglycemia using subjects with a known history of criminal activity. Studies of jail and prison inmate populations have found a higher than normal level of hypoglycemia.³⁶ High levels of reactive hypoglycemia have been found in groups of habitually violent and impulsive offenders.³⁷

HORMONAL INFLUENCES Criminologist James Q. Wilson, in his book *The Moral Sense*, concludes that hormones, enzymes, and neurotransmitters may be the key to understanding human behavior. According to Wilson, they help explain gender differences in the crime rate. Males, he writes, are biologically and naturally more aggressive than females, whereas women are more nurturing toward the young and are important for survival of the species.³⁸ Hormone levels also help explain the aging-out process. Levels of testosterone, the principal male steroid hormone, decline during the life cycle and may explain why violence rates diminish over time.³⁹

A number of biosocial theorists are now evaluating the association between violent behavior episodes and hormone levels, and the findings suggest that abnormal levels of male sex hormones (**androgens**) do in fact produce aggressive behavior.⁴⁰ Other androgen-related male traits include sensation seeking, impulsivity, dominance, and lesser verbal skills; all of these androgen-related male traits are also related to antisocial behaviors.⁴¹ There is a growing body of evidence suggesting that hormonal changes are also related to mood and behavior and, concomitantly, that adolescents experience more intense mood swings, anxiety, and restlessness than their elders.⁴² An association between hormonal activity and antisocial behavior is suggested because rates of both factors peak in adolescence.⁴³

One area of concern has been **testosterone**, the most abundant androgen, which controls secondary sex characteristics, such as facial hair and voice timbre.⁴⁴ Research conducted on both human and animal subjects has found that prenatal exposure to unnaturally high levels of androgens permanently alters behavior. Girls who were unintentionally exposed to elevated amounts of androgens during their fetal development display an unusually high, long-term tendency toward aggression. Conversely, boys who were prenatally exposed to steroids that decrease androgen levels displayed decreased aggressiveness.⁴⁵ In contrast, samples of inmates indicate that testosterone levels were higher in men who committed violent crimes than in the other prisoners.⁴⁶ Gender differences in the crime rate then may be explained by the relative difference in androgens between the two sexes. Females may be biologically “protected” from deviant behavior in the same way they are immune from some diseases that strike males.⁴⁷

HOW HORMONES MAY INFLUENCE BEHAVIOR Hormones cause areas of the brain to become less sensitive to environmental stimuli. High androgen levels require people to seek excess stimulation and to be willing to tolerate pain in their quest for thrills. Androgens are linked to brain seizures that, under stressful conditions, can result in emotional volatility. Androgens affect the brain structure itself. They influence the left hemisphere of the **neocortex**, the part of the brain that controls sympathetic feelings toward others.⁴⁸ Here are some of the physical reactions produced by hormones that have been linked to violence:

- A lowering of average resting arousal under normal environmental conditions to a point that individuals are motivated to seek unusually high levels of environmental stimulation and are less sensitive to harmful aftereffects resulting from this stimulation
- A lowering of seizure thresholds in and around the limbic system, increasing the likelihood that stressful environmental factors will trigger strong and impulsive emotional responses
- A rightward shift in neocortical functioning, resulting in an increased reliance on the brain hemisphere that is most closely integrated with the limbic system and is least prone to reason in logical-linguistic forms or to respond to linguistic commands.⁴⁹

These effects promote violence and other serious crimes by causing people to seek greater levels of environmental stimulation and to tolerate more punishment, increasing impulsivity, emotional volatility, and antisocial emotions.⁵⁰

Even though some research studies have been unable to demonstrate hormonal differences in samples of violent and nonviolent offenders, drugs that decrease testosterone levels are now being used to treat male sex offenders.⁵¹ The female hormones, estrogen and progesterone, have been administered to sex offenders to decrease their sexual potency.⁵²

The long-term side effects of this treatment and the potential danger are still unknown.⁵³

Some biologists have claimed that the only difference between men and women is a hormonal system that renders men more aggressive. To research this phenomenon further, use “testosterone” and “violence” as key words with InfoTrac College Edition.

PREMENSTRUAL SYNDROME Hormonal research has not been limited to male offenders. The suspicion has long existed that the onset of the menstrual cycle triggers excessive amounts of the female sex hormones, which affect antisocial, aggressive behavior. This condition is commonly referred to as **premenstrual syndrome**, or **PMS**.⁵⁴ The link between PMS and delinquency was first popularized more than twenty-five years ago by Katharina Dalton, whose studies of English women indicated that females are more likely to commit suicide and be aggressive and otherwise antisocial just before or during menstruation.⁵⁵

Dalton's research is often cited as evidence of the link between PMS and crime, but methodological problems make it impossible to accept her findings at face value. There is still significant debate over any link between PMS and aggression. Some doubters argue that the relationship is spurious; it is equally likely that the psychological and physical stress of aggression brings on menstruation and not vice versa.⁵⁶

Diana Fishbein, a noted expert on biosocial theory, concludes that there is in fact an association between elevated levels of female aggression and menstruation. Research efforts, she argues, show (a) that a significant number of incarcerated females committed their crimes during the premenstrual phase and (b) that at least a small percentage of women appear vulnerable to cyclical hormonal changes, which makes them more prone to anxiety and hostility.⁵⁷ While the debate is ongoing, it is important to remember that the overwhelming majority of females who do suffer anxiety reactions prior to and during menstruation do not actually engage in violent criminal behavior; so any link between PMS and crime is tenuous at best.⁵⁸

ALLERGIES Allergies are defined as unusual or excessive reactions of the body to foreign substances.⁵⁹ For example, hay fever is an allergic reaction caused when pollen cells enter the body and are fought or neutralized by the body's natural defenses. The result of the battle is itching, red eyes, and active sinuses.

Cerebral allergies cause an excessive reaction in the brain, whereas **neuroallergies** affect the nervous system. Neuroallergies and cerebral allergies are believed to cause the allergic person to produce enzymes that attack wholesome foods as if they were dangerous to the body.⁶⁰ They may also cause swelling of the brain and produce sensitivity in the central nervous system, conditions linked to mental, emotional, and behavioral problems. Research indicates a connection between allergies and hyperemotionality, depression, aggressiveness, and violent behavior.⁶¹

Neuroallergy and cerebral allergy problems have also been linked to hyperactivity in children, which may portend antisocial behavior. The foods most commonly involved in producing such allergies are cow's milk, wheat, corn, chocolate, citrus, and eggs; however, about 300 other foods have been identified as allergens. The potential seriousness of the problem has been raised by studies linking the average consumption of one suspected cerebral allergen, corn, to cross-national homicide rates.⁶²

ENVIRONMENTAL CONTAMINANTS Recently, the Centers for Disease Control conducted a very extensive evaluation of chemical and mineral contamination in the United States and found that despite some significant improvements there are still many dangerous substances in the environment, including lead, copper, cadmium, mercury, and inorganic gases, such as chlorine and nitrogen dioxide.⁶³ Prolonged exposure to these substances can cause severe illness or death; at more moderate levels, they have been linked to emotional and behavioral disorders.⁶⁴

Lighting may be another important environmental influence on antisocial behavior. Research projects have suggested that radiation from artificial light sources, such as fluorescent tubes and television sets, may produce antisocial, aggressive behavior.⁶⁵

LEAD LEVELS A number of recent research studies have suggested that lead ingestion is linked to aggressive behaviors on both a macro- and a micro-level.⁶⁶ For example, on a macro-level, when criminologists Paul Stretesky and Michael Lynch examined air lead concentrations across counties in the United States, they found that areas with the highest concentrations of lead also reported the highest levels of homicide.⁶⁷

On a micro-level, research finds that delinquents are almost four times more likely to have high bone lead levels than children in the general population.⁶⁸ Criminologist Deborah Denno investigated the behavior of more than 900 African American youth and found that lead poisoning was one of the most significant predictors of male delinquency and persistent adult criminality.⁶⁹ Herbert Needleman and his associates have conducted a number of studies indicating that youths who had high lead concentrations in their bones were much more likely to report attention problems, delinquency, and aggressiveness than those who were lead free.⁷⁰ High lead ingestion is also related to lower IQ scores, a factor also linked to aggressive behavior.⁷¹ There is also evidence linking lead exposure to mental illnesses, such as schizophrenia, which have been linked to antisocial behaviors.⁷²

The CDC survey found that among children ages 1 to 5, the average blood lead level was about 2.2 percent, which was down from 4.4 percent a decade ago. While the improvement is welcome, exposure of children to lead in homes containing lead-based paint and lead-contaminated dust remains a serious public health concern.⁷³

||||| CONNECTIONS |||||

See later in this chapter for more on the link between mental illness and crime.

Neurophysiological Conditions and Crime

Some researchers focus their attention on **neurophysiology**, the study of brain activity.⁷⁴ They believe neurological and physical abnormalities are acquired as early as the fetal or prenatal stage or through birth delivery trauma and that they control behavior throughout the life span.⁷⁵

The relationship between neurological dysfunction and crime first received a great deal of attention in 1968 during a tragic incident in Texas. Charles Whitman killed his wife and mother, then barricaded himself in a tower at the University of Texas with a high-powered rifle where he proceeded to kill fourteen people and wound twenty-four others before he was killed by police. An autopsy revealed that Whitman suffered from a malignant infiltrating brain tumor. Whitman had previously experienced uncontrollable urges to kill and had gone to a psychiatrist seeking help for his problems. He kept careful notes documenting his feelings and his inability to control his homicidal urges, and he left instructions for his estate to be given to a mental health foundation so it could study mental problems such as his own.⁷⁶

Since the Whitman case, a great deal of attention has been focused on the association between neurological impairment and crime. Studies conducted in the United States and in other nations have indicated that the relationship is significant between impairment in executive brain functions (for example, abstract reasoning, problem-solving skills, and motor behavior skills) and aggressive behavior.⁷⁷ Research indicates that this relationship can be detected quite early and that children who suffer from measurable neurological deficits at birth are more likely to become criminals later in life.⁷⁸

NEUROLOGICAL IMPAIRMENTS AND CRIME There are numerous ways to measure neurological functioning, including memorization and visual awareness tests, short-term auditory memory tests, and verbal IQ tests. These tests have been found to distinguish criminal offenders from noncriminal control groups.⁷⁹

Traditionally, the most important measure of neurophysiological functioning is the **electroencephalograph (EEG)**. An EEG records the electrical impulses given off by the brain.⁸⁰ It represents a signal composed of various rhythms and transient electrical discharges, commonly called brain waves, which can be recorded by electrodes placed on the scalp. The frequency is given in cycles per second, measured in hertz (Hz), and usually ranges from 0.5 to 30 Hz. Measurements of the EEG reflect the activity of neurons located in the cerebral cortex. The rhythmic nature of this brain activity is determined by mechanisms that involve subcortical structures, primarily the thalamus portion of the brain.

Studies using the EEG find that violent criminals have far higher levels of abnormal EEG recordings than nonviolent or one-time offenders.⁸¹ Although about 5 percent of the general population has abnormal EEG readings, about 50 to 60 percent of adolescents with known behavior disorders display abnormal recordings.⁸² Behaviors highly correlated with abnormal EEG included poor impulse control, inadequate social adaptation, hostility, temper tantrums, and destructiveness.⁸³ Studies of adults have associated slow and bilateral brain waves with hostile, hypercritical, irritable, nonconforming, and impulsive behavior.⁸⁴

Newer brain scanning techniques, using electronic imaging such as positron emission tomography (PET), brain electrical activity mapping (BEAM), and superconducting interference device (SQUID), have made it possible to assess which areas of the brain are directly linked to antisocial behavior.⁸⁵ Violent criminals have been found to have impairment in the prefrontal lobes, thalamus, hypothalamus, medial temporal lobe, superior parietal, and left angular gyrus areas of the brain.⁸⁶ For example, some research using PET show that domestic violence offenders have lower metabolism in the right hypothalamus and decreased correlations between cortical and subcortical brain structures than a group of control subjects.⁸⁷

It is possible that antisocial behavior is influenced by what is referred to as prefrontal dysfunction, a condition that occurs when demands on brain activity overload the prefrontal cortex and result in a lack of control over antisocial behaviors. Because the prefrontal lobes have not fully developed in adolescence, they may become overwhelmed at times; it is not surprising that violent behavior peaks in late adolescence before.⁸⁸

A review of existing research by Nathaniel Pallone and James Hennessy finds that chronic violent criminals have far higher levels of brain dysfunction than the general population. Their most striking finding is that the incidence of brain pathology in homicide offenders is thirty-two times greater than in the general population.⁸⁹

MINIMAL BRAIN DYSFUNCTION (MBD) MBD is related to an abnormality in cerebral structure. It has been defined as an abruptly appearing, maladaptive behavior that interrupts an individual's lifestyle and life flow. In its most serious form, MBD has been linked to serious antisocial acts, an imbalance in the urge-control mechanisms of the brain, and chemical abnormality. Included in the category of minimal brain dysfunction are several abnormal behavior patterns: dyslexia, visual perception problems, hyperactivity, poor attention span, temper tantrums, and aggressiveness. One type of minimal brain dysfunction is manifested through episodic periods of explosive rage. This form of the disorder is considered an important cause of such behavior as spouse beating, child abuse, suicide, aggressiveness, and motiveless homicide. One perplexing feature of this syndrome is that people who are afflicted with it often maintain warm and pleasant personalities between episodes of violence. Some studies measuring the presence of MBD in offender populations

Symptoms of Attention Deficit Hyperactivity Disorder (ADHD)

Lack of Attention

- Frequently fails to finish projects
- Does not seem to pay attention
- Does not sustain interest in play activities
- Cannot sustain concentration on schoolwork or related tasks
- Is easily distracted

Impulsivity

- Frequently acts without thinking
- Often “calls out” in class
- Does not want to wait his or her turn in lines or games
- Shifts from activity to activity
- Cannot organize tasks or work
- Requires constant supervision

Hyperactivity

- Constantly runs around and climbs on things
- Shows excessive motor activity while asleep
- Cannot sit still; is constantly fidgeting
- Does not remain in his or her seat in class
- Is constantly on the go like a “motor”

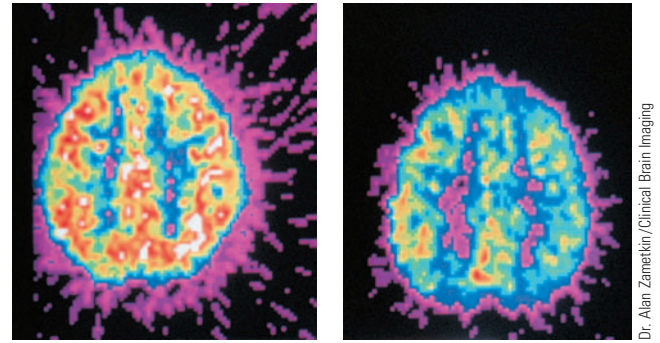
Source: Adapted from American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 4th ed. (Washington, DC: American Psychiatric Press, 1994).

have found that up to 60 percent exhibit brain dysfunction on psychological tests.⁹⁰ Criminals have been characterized as having dysfunction of the dominant hemisphere of the brain.⁹¹ Researchers using brain wave data have predicted with 95 percent accuracy the recidivism of violent criminals.⁹² More sophisticated brain scanning techniques, such as PET, have also shown that brain abnormality is linked to violent crime.⁹³

ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD)

Many parents have noticed that their children do not pay attention to them—they run around and do things in their own way. Sometimes this inattention is a function of age; in other instances, it is a symptom of **attention deficit hyperactivity disorder (ADHD)**, in which a child shows a developmentally inappropriate lack of attention, impulsivity, and hyperactivity. The various symptoms of ADHD are described in Exhibit 5.1.

About 3 percent of U.S. children, most often boys, are believed to suffer from this disorder, and it is the most common reason children are referred to mental health clinics. The condition has been associated with poor school



Dr. Alan Zametkin/Clinical Brain Imaging

This scan compares a normal brain (left) and an ADHD brain (right). The areas of orange and white demonstrate a higher rate of metabolism; the areas of blue and green represent an abnormally low metabolic rate. Why is ADHD so prevalent in the United States today? Some experts believe our immigrant forebearers were risk-takers who impulsively left their homelands for a life in the new world. They also may have brought with them a genetic predisposition for ADHD.

performance, grade retention, placement in special needs classes, bullying, stubbornness, and lack of response to discipline.⁹⁴ Although the origin of ADHD is still unknown, suspected causes include neurological damage, prenatal stress, and even reactions to food additives and chemical allergies.

Recent research has also suggests a genetic link.⁹⁵ There are also ties to family turmoil: Mothers of ADHD children are more likely to be divorced or separated, and ADHD children are much more likely to move to new locales than non-ADHD children.⁹⁶ It may be possible then that emotional turmoil either produces symptoms of ADHD or, if they already exist, causes them to intensify.

A series of research studies now link ADHD to the onset and sustenance of a delinquent career.⁹⁷ Children with ADHD are more likely to use illicit drugs, alcohol, and cigarettes in adolescence; to be arrested; to be charged with a felony; and to have multiple arrests than non-ADHD youths. There is some evidence that ADHD youths who also exhibit early signs of MBD and conduct disorder (for example, fighting) are the most at risk for persistent antisocial behaviors continuing into adulthood.⁹⁸ Many ADHD children also suffer from **conduct disorder (CD)** and continually engage in aggressive and antisocial behavior in early childhood. The disorders are sustained over the life course: Children diagnosed as ADHD are more likely to be suspended from school and engage in criminal behavior as adults. This ADHD–crime association is important because symptoms of ADHD seem stable through adolescence into adulthood.⁹⁹ Hyperactive/ADHD children are at greater risk for adolescent antisocial activity and drug use/abuse that persists into adulthood.¹⁰⁰

The relationship between chronic delinquency and attention disorders may also be mediated by school performance. Kids who are poor readers are the most prone to antisocial behavior; many poor readers also have attention problems.¹⁰¹ Early school-based intervention programs may be of special benefit to those who suffer ADHD. Early diagnosis and treatment of children suffering ADHD may

enhance their life chances. Today, the most typical treatment is doses of stimulants, such as Ritalin, which ironically help control emotional and behavioral outbursts. Other therapies, such as altering diet and food intake, are now being investigated.¹⁰²

TUMORS, LESIONS, INJURY, AND DISEASE The presence of brain tumors and lesions has also been linked to a wide variety of psychological problems, including personality changes, hallucinations, and psychotic episodes.¹⁰³ Persistent criminality has been linked to lesions in the frontal and temporal regions of the brain, which play an important role in regulating and inhibiting human behavior, including formulating plans and controlling intentions.¹⁰⁴ Clinical evaluation of depressed and aggressive psychopathic subjects showed a significant number (more than 75 percent) had dysfunction of the temporal and frontal regions of the brain.¹⁰⁵

There is evidence that people with tumors are prone to depression, irritability, temper outbursts, and even homicidal attacks (for example, the Whitman case). Clinical case studies of patients suffering from brain tumors indicate that previously docile people may undergo behavior changes so great that they attempt to seriously harm their families and friends. When the tumor is removed, their behavior returns to normal.¹⁰⁶ In addition to brain tumors, head injuries caused by accidents, such as falls or auto crashes, have been linked to personality reversals marked by outbursts of anti-social and violent behavior.¹⁰⁷

A variety of central nervous system diseases have also been linked to personality changes. Some of these conditions include cerebral arteriosclerosis, epilepsy, senile dementia, Wernicke-Korsakoff's syndrome, and Huntington's chorea. Associated symptoms of these diseases are memory deficiency, orientation loss, and affective (emotional) disturbances dominated by rage, anger, and increased irritability.¹⁰⁸

BRAIN CHEMISTRY Neurotransmitters are chemical compounds that influence or activate brain functions. Those studied in relation to aggression include dopamine, norepinephrine, serotonin, monoamine oxidase, and GABA.¹⁰⁹ Evidence exists that abnormal levels of these chemicals are associated with aggression. For example, several researchers have reported inverse correlations between serotonin concentrates in the blood and impulsive and/or suicidal behavior.¹¹⁰ Recent studies of habitually violent Finnish criminals show that low serotonin (5-hydroxytryptamine; 5-HT) levels are associated with poor impulse control and hyperactivity. In addition, a relatively low concentration of 5-hydroxyindoleacetic acid (5-HIAA) is predictive of increased irritability, sensation seeking, and impaired impulse control.¹¹¹

What is the link between brain chemistry and crime? Prenatal exposure of the brain to high levels of androgens can result in a brain structure that is less sensitive to environmental inputs. Affected individuals seek more intense and varied stimulation and are willing to tolerate more adverse consequences than individuals not so affected.¹¹² Such exposure also results in a rightward shift in (brain)

hemispheric functioning and a concomitant diminution of cognitive and emotional tendencies. One result of this tendency is that left-handers are disproportionately represented in the criminal population since the movement of each hand tends to be controlled by the hemisphere of the brain on the opposite side of the body.

It has also been suggested that individuals with a low supply of the enzyme monoamine oxidase (MAO) engage in behaviors linked with violence and property crime, including defiance of punishment, impulsivity, hyperactivity, poor academic performance, sensation seeking and risk taking, and recreational drug use. Abnormal levels of MAO may explain both individual and group differences in the crime rate. For example, females have higher levels of MAO than males, a condition that may explain gender differences in the crime rate.¹¹³

The brain and neurological system can produce natural or endogenous opiates that are chemically similar to the narcotics opium and morphine. It has been suggested that the risk and thrills involved in crime cause the neurological system to produce increased amounts of these natural narcotics. The result is an elevated mood state, perceived as an exciting and rewarding experience that acts as a positive reinforcement for crime.¹¹⁴ The brain then produces its own natural high as a reward for risk-taking behavior. Some people achieve this high by rock climbing and skydiving; others engage in crimes of violence.

Because this linkage has been found, it is not uncommon for violence-prone people to be treated with antipsychotic drugs such as Haldol, Stelazine, Prolixin, and Risperdal, which help control levels of neurotransmitters (such as serotonin/dopamine); these are sometimes referred to as **chemical restraints** or **chemical straitjackets**.

Arousal Theory

It has long been suspected that obtaining thrills is a crime motivator. Adolescents may engage in crimes such as shoplifting and vandalism simply because they offer the attraction of "getting away with it"; from this perspective, delinquency is a thrilling demonstration of personal competence. According to sociologist Jack Katz, there are immediate gratifications from criminality, which he labels the "seductions of crime." These are situational inducements that directly precede the commission of a crime and draw offenders into law violations. For example, someone challenges their authority and they vanquish their opponent with a beating; or they want to do something exciting, so they break into and vandalize a school building.

According to Katz, choosing crime can help satisfy personal needs for thrills and excitement. For some people, shoplifting and vandalism are attractive because getting away with crime is a thrilling demonstration of personal competence; Katz calls this "sneaky thrills." Even murder can have an emotional payoff. Killers behave like the avenging gods of mythology, choosing to have life-or-death control over their victims.¹¹⁵

According to **arousal theory**, for a variety of genetic and environmental reasons, some people's brains function differently in response to environmental stimuli. All of us seek to maintain a preferred or optimal level of arousal: Too much stimulation leaves us anxious and stressed out; too little makes us feel bored and weary. There is, however, variation in the way people's brains process sensory input. Some nearly always feel comfortable with little stimulation, whereas others require a high degree of environmental input to feel comfortable. The latter are "sensation seekers," who seek out stimulating activities, which may include aggressive, violent behavior patterns.¹¹⁶

The factors that determine a person's level of arousal are not fully determined, but suspected sources include brain chemistry (for example, serotonin levels) and brain structure. Some people have brains with many more nerve cells with receptor sites for neurotransmitters than others. Another view is that people with low heartbeat rates are more likely to commit crime because they seek stimulation to increase their feelings of arousal to normal levels.¹¹⁷

Genetics and Crime

Early biological theorists believed that criminality ran in families. Although research on deviant families is not taken seriously today, modern biosocial theorists are still interested in the role of genetics. If some human behaviors are influenced by heredity, would that be the case for antisocial tendencies as well? There is evidence that animals can be bred to have aggressive traits: Pit bulldogs, fighting bulls, and fighting cocks have been selectively mated to produce superior predators. Although no similar data exist with regard to people, a growing body of research is focusing on the genetic factors associated with human behavior.¹¹⁸ There is evidence, for example, that personality traits including extraversion, openness, agreeableness, and conscientiousness are genetically determined.¹¹⁹ There are also data suggesting that human traits associated with criminality have a genetic basis.¹²⁰ Personality conditions linked to aggression—such as psychopathy, impulsivity, and neuroticism—and psychopathology, such as schizophrenia, may be heritable.¹²¹

This line of reasoning was cast in the spotlight in the 1970s when genetic testing showed that Richard Speck, the convicted killer of eight nurses in Chicago, allegedly had an abnormal XYY chromosomal structure (XY is normal in males). There was much public concern that all people with XYYs were potential killers and should be closely controlled. Civil libertarians expressed fear that all XYYs could be labeled dangerous and violent regardless of whether they had engaged in violent activities.¹²² When it was disclosed that neither Speck nor most violent offenders actually had an extra Y chromosome, interest in the XYY theory dissipated.¹²³ However, the Speck case drew researchers' attention to looking for a genetic basis of crime.

Researchers have carefully explored the heritability of criminal tendencies by looking at a variety of factors. Some of the most important are described here.

PARENTAL DEVIANCE If criminal tendencies are inherited, then it stands to reason that the children of criminal parents should be more likely to become law violators than the offspring of conventional parents. A number of studies have found that parental criminality and deviance do, in fact, have a powerful influence on delinquent behavior.¹²⁴ Some of the most important data on parental deviance were gathered by Donald J. West and David P. Farrington as part of a long-term study of English youth called the Cambridge Study in Delinquent Development (CSDD). Now directed by Dr. Farrington, this research has followed a group of about 1,000 males from the time they were 8 years old until today when many are in their 30s and older. The boys in the study have been repeatedly interviewed and their school and police records evaluated. These cohort data indicate that a significant number of delinquent youths have criminal fathers.¹²⁵ While 8.4 percent of the sons of noncriminal fathers eventually became chronic offenders, about 37 percent of youths with criminal fathers were multiple offenders.¹²⁶ More recent analysis of the data confirms that delinquent youth grow up to become the parents of antisocial children.¹²⁷

In another important analysis, Farrington found that one type of parental deviance, schoolyard aggression or bullying, may be both inter- and intragenerational. Bullies have children who bully others, and these "second-generation bullies" grow up to become the fathers of children who are also bullies, in a never-ending cycle.¹²⁸ Farrington's findings are supported by some recent research data from the Rochester Youth Development Study (RYDS), a longitudinal analysis that has been monitoring the behavior of 1,000 area youths since 1988. Though their data does not allow them to definitively determine whether it is a result of genetics or socialization, the RYDS researchers have also found an intergenerational continuity in antisocial behavior.¹²⁹

The cause of intergenerational deviance is still uncertain. It is possible that environmental, genetic, psychological, or childrearing factors are responsible for the linkage between generations. The link might also have some biological basis. Research on the sons of alcoholic parents shows that these boys suffer many neurological impairments related to chronic delinquency.¹³⁰ These results may indicate (a) that prolonged parental alcoholism causes genetic problems related to developmental impairment or (b) that the children of substance-abusing parents are more prone to suffer neurological impairment before, during, or after birth.

The quality of family life may be key in determining children's behavior. Criminal parents should be the ones least likely to have close, intimate relationships with their offspring. Research shows that substance-abusing and/or criminal parents are the ones most likely to use harsh and inconsistent discipline, a factor closely linked to delinquent behavior.¹³¹

There is no certainty about the nature and causal relationship between parental and child deviance. Data from the CSDD may help shed some light on the association. Recent analysis shows that parental conflict and authoritarian parenting were related to early childhood conduct problems in

two successive generations. In addition, males who were poorly supervised by their parents were themselves poor supervisors as fathers. These findings indicate that parenting styles may help explain antisocial behavior in children and that style is passed down from one generation to the next. In addition, CSDD data found that antisocial males tend to partner with antisocial female peers and breed antisocial children. In sum then, the CSDD data indicate that the intergenerational transmission of antisocial behaviors may have both genetic and experiential dimensions.¹³² Nonetheless, recent evidence indicates that at least part of the association is genetic in nature.¹³³ It is also possible that the association is related to the labeling process and family stigma: Social control agents may be quick to fix a delinquent label on the children of known law violators; “the acorn,” the reasoning goes, “does not fall far from the tree.”¹³⁴

SIBLING SIMILARITIES It stands to reason that if the cause of crime is in part genetic, then the behavior of siblings should be similar because they share genetic material. Research does show that if one sibling engages in antisocial behavior, so does his/her brothers and sisters. The effect is greatest among same sex siblings.¹³⁵ Sibling pairs who report warm, mutual relationships and share friends are the most likely to behave in a similar fashion; those who maintain a close relationship also have similar rates of crime and drug abuse.¹³⁶

While the similarity of siblings’ behavior seems striking, what appears to be a genetic effect may also be explained by other factors:

- Siblings who live in the same environment are influenced by similar social and economic factors.
- Deviant siblings may grow closer because of shared interests.
- Younger siblings who admire their older siblings may imitate the elder’s behavior.
- The deviant sibling forces or threatens the brother or sister into committing criminal acts
- Siblings living in a similar environment may develop similar types of friends; it is peer behavior that is the critical influence on behavior. The influence of peers may negate any observed interdependence of sibling behavior.¹³⁷

TWIN BEHAVIOR As mentioned above, because siblings are usually brought up in the same household and share common life experiences, any similarity in their antisocial behavior might be a function of environmental influences and experiences and not genetics at all. To guard against this, biosocial theorists have compared the behavior of same-sex twins and again found concordance in their behavior patterns.¹³⁸

However, an even more rigorous test of genetic theory involves comparison of the behavior of identical monozygotic

(MZ) twins with fraternal dizygotic (DZ) twins; while the former have an identical genetic makeup, the latter share only about 50 percent of their genetic combinations. Research has shown that MZ twins are significantly closer in their personal characteristics, such as intelligence, than are DZ twins.¹³⁹

The earliest studies conducted on the behavior of twins detected a significant relationship between the criminal activities of MZ twins and a much lower association between those of DZ twins. A review of relevant studies conducted between 1929 and 1961 found that 60 percent of MZ twins shared criminal behavior patterns (if one twin was criminal, so was the other), whereas only 30 percent of DZ twin behavior was similarly related.¹⁴⁰ These findings may be viewed as powerful evidence that a genetic basis for criminality exists.

Other studies have supported these findings. In one well-known work, Danish criminologist Karl Christiansen studied 3,586 male twin pairs and found a 52 percent concordance for MZ pairs and a 22 percent concordance for DZ pairs. This result suggests that the identical MZ twins may share a genetic characteristic that increases the risk of their engaging in criminality.¹⁴¹ While the behavior of some twin pairs seemed to be influenced by their environment, others displayed behavior disturbances that could only be explained by their genetic similarity.¹⁴²

Since these pioneering studies were conducted, there have been several research efforts confirming the significant correspondence of twin behavior in activities ranging from frequency of sexual activity to crime.¹⁴³ For example, David Rowe and D. Wayne Osgood analyzed the factors that influence self-reported delinquency in a sample of twin pairs and concluded that genetic influences actually have significant explanatory power.¹⁴⁴ Genetic effects have been found to be a significant predictor of problem behaviors in children as young as 3 years old.¹⁴⁵ Reviews of twin studies found that in almost all cases, MZ twins have delinquent and antisocial behavior patterns more similar than that of DZ twins.¹⁴⁶ Studies have consistently demonstrated a significantly higher risk for suicidal behavior among monozygotic twin pairs than dizygotic twin pairs.¹⁴⁷ Differences between MZ and DZ twins have been found in tests measuring psychological dysfunctions such as conduct disorders, impulsivity/antisocial behavior, and emotional problems.¹⁴⁸ In one important study, Ginette Dionne and her colleagues found that differences between MZ and DZ twins in such crime relevant measures as level of aggression and verbal skills could be detected as early as 19 months old, a finding suggesting that not only is there a genetic basis of crime but poor verbal ability may be both inherited and a cause of aggressive behavior.¹⁴⁹

One famous study of twin behavior still underway is the Minnesota Study of Twins Reared Apart. This research compares the behavior of MZ and DZ twin pairs who were raised together with others who were separated at birth and in some cases did not even know of each other’s existence. The study shows some striking similarities in behavior and ability for

Findings from the Minnesota Study of Twins Reared Apart

- If you are a DZ twin and your co-twin is divorced, your risk of divorce is 30 percent; if you are an MZ twin and your co-twin is divorced, your risk of divorce is 45 percent, which is 25 percent above the rates for the Minnesota population. Since this was not true for DZ twins, we can conclude that genes do influence the likelihood of divorce.
- MZ twins become *more* similar with respect to abilities such as vocabularies and arithmetic scores as they age. As DZ (fraternal) twins get older, they become less similar with respect to vocabularies and arithmetic scores.
- A P300 is a tiny electrical response (a few millionths of a volt) that occurs in the brain when a person detects something that is unusual or interesting. For example, if a person were shown nine circles and one square, a P300 brain response would appear after seeing the square because it is different. Identical (MZ) twin children have very similar looking P300s. By comparison, children who are fraternal (DZ) twins, do not show as much similarity in their P300s. These results indicate that the way the brain processes information may be greatly influenced by genes.
- An EEG is a measure of brain activity or brain waves that can be used to monitor a person's state of arousal. MZ twins tend to produce strikingly similar EEG spectra; DZ twins show far less similarity.

Source: Minnesota Study of Twins Reared Apart, <http://www.psych.umn.edu/psylabs/mtfs/special.htm>. Accessed May 5, 2004.

twin pairs raised apart. An MZ twin reared away from a co-twin has about as good a chance of being similar to the co-twin in terms of personality, interests, and attitudes as one who has been reared with his or her co-twin. The conclusion: Similarities between twins are due to genes, not the environment. Because twins reared apart are so similar, the environment, if anything, makes them different (see Exhibit 5.2).¹⁵⁰

Some experts, including David Rowe, conclude that individuals who share genes are alike in personality regardless of how they are reared; in contrast, environment induces little or no personality resemblance on twin pairs.¹⁵¹

EVALUATING GENETIC RESEARCH Twin studies also have their detractors. Some opponents suggest that available evidence provides little conclusive proof that crime is genetically predetermined. Not all research efforts have found that MZ twin pairs are more closely related in their criminal behavior than DZ or ordinary sibling pairs, and some that have found an association note that it is at best “modest.”¹⁵² Those who oppose the genes–crime relationship point to the inadequate research designs and weak methodologies of supporting research. The newer, better-designed research studies, critics charge, provide less support than earlier, less methodically sound studies.¹⁵³

Even if the behavior similarities between MZ twins are greater than that between DZ twins, the association may

be explained by environmental factors. MZ twins are more likely to look alike and to share physical traits than DZ twins, and they are more likely to be treated similarly. Similarities in their shared behavior patterns may therefore be a function of socialization and/or environment and not heredity.¹⁵⁴

• Twin studies show that some traits, such as bulimia, are environmental, whereas schizophrenia, autism, and bipolar (manic-depressive) disorder seem to be genetic. To learn more about this phenomenon, use InfoTrac College Edition to read: Peter McGuffin and Martin Neilson, “Behaviour and Genes,” *British Medical Journal* 319 (3 July 1999): 37.

It is also possible that what appears to be a genetic effect picked up by the twin research is actually the effect of sibling influence on criminality referred to as the **contagion effect**: Genetic predispositions and early experiences make some people, including twins, susceptible to deviant behavior, which is transmitted by the presence of antisocial siblings in the household.¹⁵⁵

The contagion effect may explain in part the higher concordance of deviant behaviors found in identical twins as compared to fraternal twins or mere siblings. The relationship between identical twins may be stronger and more enduring than other sibling pairs so that contagion and not genetics explains their behavioral similarities. According to Marshall Jones and Donald Jones, the contagion effect may also help explain why the behavior of twins is more similar in adulthood than adolescence.¹⁵⁶ Youthful misbehavior is influenced by friends and peer group relationships. As adults, the influence of peers may wane as people marry and find employment. In contrast, twin influence is everlasting; if one twin is antisocial, it legitimizes and supports the criminal behavior in his or her co-twin. This effect may grow even stronger in adulthood because twin relations are more enduring than any other. What seems to be a genetic effect may actually be the result of sibling interaction with a brother or sister who engages in antisocial activity.

ADOPTION STUDIES One way of avoiding the pitfalls of twin studies is to focus attention on the behavior of adoptees. It seems logical that if the behavior of adopted children is more closely aligned to that of their biological parents than to that of their adoptive parents, then the idea of a genetic basis for criminality would be supported. If, on the other hand, adoptees are more closely aligned to the behavior of their adoptive parents than their biological parents, an environmental basis for crime would seem more valid.

Several studies indicate that some relationship exists between biological parents' behavior and the behavior of their children, even when their contact has been nonexistent.¹⁵⁷ In what is considered the most significant study in this area, Barry Hutchings and Sarnoff Mednick analyzed 1,145 male adoptees born in Copenhagen, Denmark, between 1927 and 1941. Of these, 185 had criminal records.¹⁵⁸ After following

143 of the criminal adoptees and matching them with a control group of 143 noncriminal adoptees, Hutchings and Mednick found that the criminality of the biological father was a strong predictor of the child's criminal behavior. When both the biological and the adoptive fathers were criminals, the probability that the youth would engage in criminal behavior greatly increased: 24.5 percent of the boys whose adoptive and biological fathers were criminals had been convicted of a criminal law violation. Only 13.5 percent of those whose biological and adoptive fathers were not criminals had similar conviction records.¹⁵⁹

A more recent analysis of Swedish adoptees also found that genetic factors are highly significant, accounting for 59 percent of the variation in their petty crime rates. Boys who had criminal parents were significantly more likely to violate the law. Environmental influences and economic status were significantly less important, explaining about 19 percent of the variance in crime. Nonetheless, having a positive environment, such as being adopted into a more affluent home, helped inhibit genetic predisposition.¹⁶⁰

The genes–crime relationship is controversial because it implies that the propensity to commit crime is present at birth and cannot be altered. It raises moral dilemmas. If in utero genetic testing could detect a gene for violence, and a violence gene was found to be present, what could be done as a precautionary measure?

Evolutionary Theory

Some criminologists believe the human traits that produce violence and aggression are produced through the long process of human evolution.¹⁶¹ According to this evolutionary view, the competition for scarce resources has influenced and shaped the human species.¹⁶² Over the course of human existence, people whose personal characteristics enable them to accumulate more than others are the most likely to breed and dominate the species. People have been shaped to engage in actions that promote their well-being and ensure the survival and reproduction of their genetic line. Males who are impulsive risk-takers may be able to father more children because they are reckless in their social relationships and have sexual encounters with numerous partners. If, according to evolutionary theories, such behavior patterns are inherited, impulsive behavior becomes intergenerational, passed down from father to son. It is not surprising then that human history has been marked by war, violence, and aggression.

||||||| CONNECTIONS |||||

The relationship between evolutionary factors and crime has just begun to be studied. Criminologists are now exploring how social organizations and institutions interact with biological traits to influence personal decision making, including criminal strategies. See the discussion of latent trait theories in Chapter 9 for more about the integration of biological and environmental factors.

VIOLENCE AND EVOLUTION In their classic book *Homicide*, Martin Daly and Margo Wilson suggest that violent offenses are often driven by evolutionary and reproductive factors. High rates of spouse abuse in modern society may be a function of aggressive men seeking to control and possess “mates.” When females are murdered by their spouses, the motivating factor is typically fear of infidelity and the threat of attachment to a new partner. Infidelity challenges male dominance and future reproductive rights. It comes as no surprise that in some cultures, including our own, sexual infidelity discovered in progress by the aggrieved husband is viewed legally as a provocation that justifies retaliatory killing.¹⁶³ Men who feel most threatened over the potential of losing mates to rivals are the ones most likely to engage in sexual violence. Research shows that women in common-law marriages, especially those who are much younger than their husbands, are at greater risk than older married women. Abusive males may fear the potential loss of their younger mates, especially if they are not bound by a marriage contract, and may use force for purposes of control and possession.¹⁶⁴ Armed robbery is another crime that may have evolutionary underpinnings. Though most robbers are caught and severely punished, it remains an alluring pursuit for men who both want to show their physical prowess and display resources with which to conquer rivals and attract mates. Violent episodes are far more common among men who are unemployed and unmarried—in other words, those who may want to demonstrate their allure to the opposite sex but who are without the benefit of position or wealth.¹⁶⁵

GENDER AND EVOLUTION Evolutionary concepts have been linked to gender-based differences in the crime rate. To ensure survival of the gene pool (and the species), it is beneficial for a male of any species to mate with as many suitable females as possible since each can bear his offspring. In contrast, because of the long period of gestation, females require a secure home and a single, stable nurturing partner to ensure their survival. Because of these differences in mating patterns, the most aggressive males mate most often and have the greatest number of offspring. Therefore, over the history of the human species, aggressive males have had the greatest impact on the gene pool. The descendants of these aggressive males now account for the disproportionate amount of male aggression and violence.¹⁶⁶

Crime rate differences between the genders, then, may be less a matter of socialization than inherent differences in mating patterns that have developed over time.¹⁶⁷ Among young men, reckless, life-threatening “risk proneness” is especially likely to evolve in cultures that force males to find suitable mates to ensure their ability to reproduce. Unless they are aggressive with potential mates and potential rivals for those suitable mates, they are doomed to remain childless.¹⁶⁸

Other evolutionary factors may have influenced gender differences. With the advent of agriculture and trade in prehistory, feminists have suggested that women were forced into a position of high dependence and limited power. They

began to compete among themselves to secure partners who could provide necessary resources. As a result of these early evolutionary developments, inter-gender competition became greatest during periods of resource deprivation—times when women become most dependent on a male for support. These trends can still be observed. For example, during times of high female unemployment, female–female aggression rates increase as women compete with each other for men who can provide them with support. In contrast, as rates of social welfare increase, female–female aggression rates diminish because the state serves as a readily available substitute for a male breadwinner.¹⁶⁹

THEORIES OF EVOLUTIONARY CRIMINOLOGY There are a number of individual theories of evolutionary criminology, three of which are discussed in detail here.

Rushton's Theory of Race and Evolution One of the most controversial versions of evolutionary theory was formulated by J. Phillippe Rushton and first appeared in his 1995 book, *Race, Evolution and Behavior*.¹⁷⁰ According to Rushton, there is evidence that modern humans evolved in Africa about 200,000 years ago and then began to migrate outward to present-day Europe and Asia. He posits that the further north elements of the populations migrated, the more they encountered harsher climates, which produce the need to gather and store food, gain shelter, make clothes, and raise children successfully during prolonged winters. As these populations evolved into present-day Europeans and Asians, their brain mass increased, and they developed slower rates of maturation and lower levels of sex hormones. This physical change produced reductions in sexual potency and aggression and increases in family stability and longevity. These evolutionary changes are responsible for present-day crime rate differences between the races.

Rushton's work was received harshly by critics, who condemned his definitions of race and crime.¹⁷¹ Among the many criticisms hurled at Rushton has been his singular focus on street crimes, such as theft, while giving short shrift to white-collar and organized crimes, which are predominantly committed by whites. For example, criminologist Michael Lynch argues that Rushton ignores the fact that men are much more criminal than women even though there is little evidence of significant differences in intelligence or brain size between the genders.

R/K Selection Theory R/K theory holds that all organisms can be located along a continuum based upon their reproductive drives.¹⁷² Those along the “R” end reproduce rapidly whenever they can and invest little in their offspring; those along the “K” end reproduce slowly and cautiously and take care in raising their offspring. Evolutionary theorists believe males today “lean” toward R-selection, because they can reproduce faster without the need for investing in their offspring; females are K-selected, because they have fewer offspring but give more care and devotion to them. K-oriented people are more cooperative and sensitive to others, whereas R-oriented people are more cunning and deceptive.

Males, therefore, tend to partake in more criminal behavior. In general, people who commit violent crimes seem to exhibit R-selection traits, such as a premature birth and early and frequent sexual activity. They are more likely to have been neglected as children and to have a short life expectancy.

Cheater Theory Cheater theory suggests that a subpopulation of men has evolved with genes that incline them toward extremely low parental involvement. They are sexually aggressive and use their cunning to gain sexual conquests with as many females as possible. Because females would not willingly choose them as mates, they use stealth to gain sexual access, including such tactics as mimicking the behavior of more stable males. They use devious and illegal means to acquire resources they need for sexual domination. Their deceptive reproductive tactics spill over into other endeavors, where their talent for irresponsible, opportunistic behavior supports their antisocial activities. Deception in reproductive strategies, then, is linked to a deceitful lifestyle.

Psychologist Byron Roth notes that cheater-type males may be especially attractive to those younger, less intelligent women who begin having children at a very early age.¹⁷³ State-sponsored welfare, claims Roth, removes the need for potential mates to have the resources needed to be stable providers and family caretakers. With the state meeting their financial needs, these women are attracted to men who are physically attractive and flamboyant. Their fleeting courtship process produces children with low IQs, aggressive personalities, and little chance of proper socialization in father-absent families. Because the criminal justice system treats them leniently, argues Roth, sexually irresponsible men are free to prey on young girls. Over time, their offspring will supply an ever-expanding supply of cheaters who are both antisocial and sexually aggressive.

• For a broad overview of evolutionary psychology, use InfoTrac College Edition to read this article: Linnda R. Caporael, “Evolutionary Psychology: Toward a Unifying Theory and a Hybrid Science,” *Annual Review of Psychology* (2001): 607.

Evaluation of the Biosocial Branch of Trait Theory

Biosocial perspectives on crime have raised some challenging questions. Critics find some of these theories to be racist and dysfunctional. If there are biological explanations for street crimes, such as assault, murder, or rape, the argument goes, and if, as the official crime statistics suggest, the poor and minority-group members commit a disproportionate number of such acts, then by implication biological theory says that members of these groups are biologically different, flawed, or inferior.

Biological explanations for the geographic, social, and temporal patterns in the crime rate are also problematic. Is it possible that there are more people genetically predisposed to crime in the South and West than in New England and the Midwest? Furthermore, biological theory seems to divide people into criminals and noncriminals on the basis of their genetic and physical makeup, ignoring self-reports indicating that almost everyone has engaged in some type of illegal activity during his or her lifetime.

Biosocial theorists counter that their views should not be confused with Lombrosian, deterministic biology. Rather than suggest that there are born criminals and noncriminals, they maintain that some people carry the potential to be violent or antisocial and that environmental conditions can sometimes trigger antisocial responses.¹⁷⁴ This would explain why some otherwise law-abiding citizens engage in a single, seemingly unexplainable antisocial act, and conversely, why some people with long criminal careers often engage in conventional behavior. It also explains why there are geographic and temporal patterns in the crime rate: People who are predisposed to crime may simply have more opportunities to commit illegal acts in the summer in Los Angeles and Atlanta than in the winter in Bedford, New Hampshire, and Minot, North Dakota.

The biosocial view is that behavior is a product of interacting biological and environmental events.¹⁷⁵ Physical impairments may make some people “at risk” to crime, but it is when they are linked to social and environmental problems, such as family dysfunction, that they trigger criminal acts.¹⁷⁶ For example, Avshalom Caspi and his associates found that girls who reach physical maturity at an early age are the ones most likely to engage in delinquent acts. This finding might suggest a relationship between biological traits (hormonal activity) and crime. However, the Caspi research found that the association may also have an environmental basis. Physically mature girls are the ones most likely to have prolonged contact with a crime-prone group: older adolescent boys.¹⁷⁷ Here, the combination of biological change, social relationships, and routine opportunities may predict crime rates.

The most significant criticism of biosocial theory has been the lack of adequate empirical testing. In most research efforts, sample sizes are relatively small and nonrepresentative. A great deal of biosocial research is conducted with samples of adjudicated offenders who have been placed in clinical treatment settings. Methodological problems make it impossible to determine whether findings apply only to offenders who have been convicted of crimes and placed in treatment or to the population of criminals as a whole.¹⁷⁸ More research is needed to clarify the relationships proposed by biosocial researchers and to silence critics.

Concept Summary 5.1 summarizes the various biosocial theories of crime.



To quiz yourself on this material, go to the Criminology 9e website.

Biosocial Theories of Crime

Biochemical

- The major premise of the theory is that crime, especially violence, is a function of diet, vitamin intake, hormonal imbalance, or food allergies.
- The strengths of the theory are that it explains irrational violence; it shows how the environment interacts with personal traits to influence behavior.
- The research focuses of the theory are diet, hormones, enzymes, environmental contaminants, and lead intake.

Neurological

- The major premise of the theory is that criminals and delinquents often suffer brain impairment, as measured by the EEG. Attention deficit hyperactivity disorder and minimal brain dysfunction are related to antisocial behavior.
- The strengths of the theory are that it explains irrational violence; it shows how the environment interacts with personal traits to influence behavior.
- The research focuses of the theory are ADD, ADHD, learning disabilities, brain injuries, and brain chemistry.

Genetic

- The major premise of the theory is that criminal traits and predispositions are inherited. The criminality of parents can predict the delinquency of children.
- The strengths of the theory are that it explains why only a small percentage of youth in high-crime areas become chronic offenders.
- The research focuses of the theory are twin behavior, sibling behavior, and parent–child similarities.

Evolutionary

- The major premise of the theory is that as the human race evolved, traits and characteristics have become ingrained. Some of these traits make people aggressive and predisposed to commit crime.
- The strengths of the theory are that it explains high violence rates and aggregate gender differences in the crime rate.
- The research focuses of the theory are gender differences and understanding human aggression.

PSYCHOLOGICAL TRAIT THEORIES

The second branch of trait theories focuses on the psychological aspects of crime, including the association among intelligence, personality, learning, and criminal behavior.

Psychological theories of crime have a long history. In *The English Convict*, Charles Goring (1870–1919) studied the mental characteristics of 3,000 English convicts.¹⁷⁹ He found little difference in the physical characteristics of criminals and noncriminals, but he uncovered a significant

relationship between crime and a condition he referred to as **defective intelligence**, which involves such traits as feeble-mindedness, epilepsy, insanity, and defective social instinct.¹⁸⁰ Goring believed criminal behavior was inherited and could, therefore, be controlled by regulating the reproduction of families who produced mentally defective children.

Gabriel Tarde (1843–1904) is the forerunner of modern-day learning theorists.¹⁸¹ Tarde believed people learn from one another through a process of imitation. Tarde's ideas are similar to modern social learning theorists who believe that both interpersonal and observed behavior, such as a movie or television, can influence criminality.

Since the pioneering work of people like Tarde and Goring, psychologists, psychiatrists, and other mental health professionals have long played an active role in formulating criminological theory. In their quest to understand and treat all varieties of abnormal mental conditions, psychologists have encountered clients whose behavior falls within categories society has labeled as criminal, deviant, violent, and antisocial.

This section is organized along the lines of the predominant psychological views most closely associated with the causes of criminal behavior. Some psychologists view antisocial behavior from a **psychoanalytic** or **psychodynamic perspective**: Their focus is on early childhood experience and its effect on personality. In contrast, **behaviorism** stresses social learning and behavior modeling as the keys to criminality. **Cognitive theory** analyzes human perception and how it affects behavior.

Psychodynamic Theory

Psychodynamic (or psychoanalytic) psychology was originated by Viennese psychiatrist Sigmund Freud (1856–1939) and has since remained a prominent segment of psychological theory.¹⁸²



For a collection of links to libraries, museums, and biographical materials related to **Sigmund Freud and his works**, go to <http://users.rcn.com/brill/freudarc.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Freud believed that we all carry with us residue of the most significant emotional attachments of our childhood, which then guide future interpersonal relationships. Today the term *psychodynamic* refers to a broad range of theories that focus on the influence of instinctive drives and forces and the importance of developmental processes in shaping personality. Contemporary psychodynamic theory places greater emphasis on conscious experience and its interaction with the unconscious, in addition to the role that social factors play in development. Nonetheless, it still focuses on the influence of early childhood experiences on the development of personality, motivation, and drives.

CONNECTIONS

Chapter 1 discussed how some of the early founders of psychiatry, including Philippe Pinel and Benjamin Rush, tried to develop an understanding of the “criminal mind.” Later theories suggested that mental illness and insanity were inherited and that deviants were inherently mentally damaged by reason of their inferior genetic makeup.

ELEMENTS OF PSYCHODYNAMIC THEORY According to the classic version of the theory, the human personality contains a three-part structure. The **id** is the primitive part of an individual's mental makeup present at birth. It represents unconscious biological drives for sex, food, and other life-sustaining necessities. The id follows the **pleasure principle**: It requires instant gratification without concern for the rights of others.

The **ego** develops early in life, when a child begins to learn that his or her wishes cannot be instantly gratified. The ego is that part of the personality that compensates for the demands of the id by helping the individual guide his or her actions to remain within the boundaries of social convention. The ego is guided by the **reality principle**: It takes into account what is practical and conventional by societal standards.

The **superego** develops as a result of incorporating within the personality the moral standards and values of parents, community, and significant others. It is the moral aspect of an individual's personality; it passes judgments on behavior. The superego is divided into two parts: **conscience** and **ego ideal**. Conscience tells what is right and wrong. It forces the ego to control the id and directs the individual into morally acceptable and responsible behaviors, which may not be pleasurable. Exhibit 5.3 summarizes Freud's personality structure.

PSYCHOSEXUAL STAGES OF HUMAN DEVELOPMENT The most basic human drive present at birth is **eros**, the instinct to preserve and create life. The other is the death instinct (**thanatos**), which is expressed as aggression.

Freud's Model of the Personality Structure

Personality Structure	Guiding Principle	Description
Id	Pleasure principle	Unconscious biological drives; requires instant gratification
Ego	Reality principle	Helps the personality refine the demands of the id; helps person adapt to conventions
Superego	The conscience	The moral aspect of the personality

Eros is expressed sexually. Consequently, very early in their development, humans experience sexuality, which is expressed by seeking pleasure through various parts of the body. During the first year of life, a child attains pleasure by sucking and biting; Freud called this the **oral stage**. During the second and third years of life, the focus of sexual attention is on the elimination of bodily wastes—the **anal stage**. The **phallic stage** occurs during the third year when children focus their attention on their genitals. Males begin to have sexual feelings for their mothers (the **Oedipus complex**) and girls for their fathers (the **Electra complex**). **Latency** begins at age 6. During this period, feelings of sexuality are repressed until the genital stage begins at puberty; this marks the beginning of adult sexuality.

If conflicts are encountered during any of the psychosexual stages of development, a person can become **fixated** at that point. This means, as an adult, the fixated person will exhibit behavior traits characteristic of those encountered during infantile sexual development. For example, an infant who does not receive enough oral gratification during the first year of life is likely as an adult to engage in such oral behavior as smoking, drinking, or drug abuse or to be clinging and dependent in personal relationships. Thus, according to Freud, the roots of adult behavioral problems can be traced to problems developed in the earliest years of life.

THE PSYCHODYNAMICS OF ANTISOCIAL BEHAVIOR Psychologists have long linked criminality to abnormal mental states produced by early childhood trauma. For example, Alfred Adler (1870–1937), the founder of individual psychology, coined the term **inferiority complex** to describe people who have feelings of inferiority and compensate for them with a drive for superiority. Controlling others may help reduce personal inadequacies. Erik Erikson (1902–1984) described the **identity crisis**—a period of serious personal questioning people undertake in an effort to determine their own values and sense of direction. Adolescents undergoing an identity crisis might exhibit out-of-control behavior and experiment with drugs and other forms of deviance.

The psychoanalyst whose work is most closely associated with criminality is August Aichorn.¹⁸³ After examining many delinquent youths, Aichorn concluded that societal stress, though damaging, could not alone result in a life of crime unless a predisposition existed that psychologically prepared youths for antisocial acts. This mental state, which he labeled **latent delinquency**, is found in youngsters whose personality requires them to act in these ways:

- Seek immediate gratification (to act impulsively)
- Consider satisfying their personal needs more important than relating to others
- Satisfy instinctive urges without considering right and wrong (that is, they lack guilt)

The psychodynamic model of the criminal offender depicts an aggressive, frustrated person dominated by events that occurred early in childhood. Perhaps because they may

have suffered unhappy experiences in childhood or had families that could not provide proper love and care, criminals suffer from weak or damaged egos that make them unable to cope with conventional society. Weak egos are associated with immaturity, poor social skills, and excessive dependence on others. People with weak egos may be easily led into crime by antisocial peers and drug abuse. Some offenders have underdeveloped superegos and consequently lack internalized representations of those behaviors that are punished in conventional society. They commit crimes because they have difficulty understanding the consequences of their actions.¹⁸⁴

Offenders may suffer from a garden variety of mood and/or behavior disorders. They may be histrionic, depressed, antisocial, or narcissistic.¹⁸⁵ They may suffer from conduct disorders, which include long histories of antisocial behavior, or mood disorders characterized by disturbance in expressed emotions. Among the latter is **bipolar disorder**, in which moods alternate between periods of wild elation and deep depression.¹⁸⁶ Some offenders are driven by an unconscious desire to be punished for prior sins, either real or imaginary. As a result, they may violate the law to gain attention or to punish their parents.

According to this view, crime is a manifestation of feelings of oppression and people's inability to develop the proper psychological defenses and rationales to keep these feelings under control. Criminality enables troubled people to survive by producing positive psychic results: It helps them to feel free and independent, and it gives them the possibility of excitement and the chance to use their skills and imagination. Crime also provides them with the promise of positive gain; it allows them to blame others for their predicament (for example, the police), and it gives them a chance to rationalize their sense of failure ("If I hadn't gotten into trouble, I could have been a success").¹⁸⁷

MOOD DISORDERS AND CRIME Psychodynamic theorists recognize a variety of mental disorders that may be linked to antisocial behavior. Adolescents who are frequently uncooperative and hostile and who seem to be much more difficult than other children the same age may be suffering from a psychological condition known as *disruptive behavior disorder (DBD)*, which can take on two distinct forms.¹⁸⁸ The first and more mild condition is referred to *oppositional defiant disorder (ODD)*. Children suffering from ODD experience an ongoing pattern of uncooperative, defiant, and hostile behavior toward authority figures that seriously interferes with the youngsters' day-to-day functioning. Symptoms of ODD may include frequent loss of temper and constant arguing with adults; defying adults or refusing adult requests or rules; deliberately annoying others; blaming others for mistakes or misbehavior; being angry and resentful; being spiteful or vindictive; swearing or using obscene language; or having low self-esteem. The person with ODD is moody and easily frustrated and may abuse drugs as a form of self-medication.¹⁸⁹

The second element of DBD is *conduct disorder (CD)*, which comprises a more serious group of behavioral and

emotional problems.¹⁹⁰ Children and adolescents with CD have great difficulty following rules and behaving in socially acceptable ways. They are often viewed by other children, adults, and social agencies as severely antisocial. Research shows that they are frequently involved in such activities as bullying, fighting, committing sexual assaults, and cruelty to animals.

What causes CD? Numerous biosocial and psychological factors are suspected. There is evidence, for example, that interconnections between the frontal lobes and other brain regions may influence CD. There is also research showing that levels of serotonin can influence the onset of CD and that CD has been shown to aggregate in families, suggesting a genetic basis of the disorder.¹⁹¹

CRIME AND MENTAL ILLNESS The most serious forms of psychological disturbance will result in mental illness referred to as **psychosis**, which include severe mental **disorders**, such as depression, bipolar disorder (manic depression), and **schizophrenia**—characterized by extreme impairment of a person's ability to think clearly, respond emotionally, communicate effectively, understand reality, and behave appropriately. Schizophrenics may hear nonexistent voices, hallucinate, and make inappropriate behavioral responses. People with severe mental disorders exhibit illogical and incoherent thought processes and a lack of insight into their behavior. For example, they may see themselves as agents of the devil, avenging angels, or the recipients of messages from animals and plants.

David Berkowitz (the “Son of Sam” or the “44-calibre killer”), a noted serial killer who went on a rampage from 1976 to 1977, exhibited these traits when he claimed that his killing spree began when he received messages from a neighbor's dog. **Paranoid schizophrenics**, such as Eugene Weston who went on a shooting rampage in the U.S. capitol building, suffer complex behavior delusions involving wrongdoing or persecution—they think everyone is out to get them.

There are some research efforts that find that offenders who engage in serious, violent crimes suffer from some sort of mental disturbance, such as depression.¹⁹² Female

offenders seem to have more serious mental health symptoms, including schizophrenia, paranoia, and obsessive behaviors than male offenders.¹⁹³ It is not surprising then that abusive mothers have been found to have mood and personality disorders and a history of psychiatric diagnoses.¹⁹⁴ Juvenile murderers have been described in clinical diagnosis as “overtly hostile,” “explosive or volatile,” “anxious,” and “depressed.”¹⁹⁵ Studies of men accused of murder found that 75 percent could be classified as having some mental illness, including schizophrenia.¹⁹⁶ Also, the reported substance abuse among the mentally ill is significantly higher than that of the general population.¹⁹⁷ The diagnosed mentally ill appear in arrest and court statistics at a rate disproportionate to their presence in the population.¹⁹⁸

Nor is this relationship unique to the United States. Forensic criminologist Henrik Belfrage studied mental patients in Sweden and found that 40 percent of those discharged from institutional care had a criminal record as compared to less than 10 percent of the general public.¹⁹⁹ Australian men diagnosed with schizophrenia are four times more likely than the general population to be convicted for serious violence.²⁰⁰ And a recent Danish study found a significant positive relationship between mental disorders such as schizophrenia and criminal violence.²⁰¹

A recent (2003) review of the existing literature on the relationship between psychopathology and delinquent behavior concluded that delinquent adolescents have higher rates of clinical mental disorders when compared to adolescents in the general population.²⁰² In sum, people who suffer paranoid or delusional feelings, for example, and who believe others wish them harm or that their mind is dominated by forces beyond their control, seem to be violence prone.²⁰³



The National Mental Health Association (NMHA) is the country's oldest and largest nonprofit organization addressing all aspects of mental health and mental illness. It is dedicated to improving the mental health of all individuals and achieving victory over mental illnesses. Visit their website at <http://www.nmha.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

AP/Wide World Photos



Susan Smith, Darlie Routier, and Andrea Yates all have been convicted of killing their children. Can such behavior be the product of a normal mind, or must their terrible acts be the result of some mental defect or illness?

IS THE LINK VALID? Despite this evidence, there are still questions about whether mental illness is a direct cause of crime and violence. The mentally ill may be more likely to withdraw or harm themselves than to act aggressively toward others.²⁰⁴ Similarly, research shows that upon release prisoners who had prior histories of hospitalization for mental disorders were less likely to be rearrested than those who had never been hospitalized.²⁰⁵ Mentally disordered inmates who do recidivate upon release appear to do so for the same reasons as the mentally sound—extensive criminal histories, substance abuse, and family dysfunction—rather than as a result of their illness.²⁰⁶

It is also possible that the link between mental illness and crime is spurious and an artifact of some intervening factor. For example, the factors that cause mental turmoil also cause antisocial behaviors: People who suffer child abuse are more likely to have mental anguish and commit violent acts; child abuse is the actual cause of both problems.²⁰⁷

Mentally ill people may be more likely to lack financial resources than the mentally sound. They are therefore forced to reside in deteriorated high-crime neighborhoods.²⁰⁸ Living in a stress-filled, urban environment may produce both symptoms of mental illness and crime.²⁰⁹ A recent Swedish study found that schizophrenic patients are very likely to live in neighborhoods characterized by high levels of disorder, fear of crime, and victimization. The association was circular: The presence of large numbers of mentally ill people helped increase neighborhood fear, leading to neighborhood deterioration, lowered values, and the influx of more diagnosed mentally ill people. Segregating the mentally ill may result in worsening of the illness as well as increasing the deterioration of local areas.²¹⁰

||||| CONNECTIONS |||||

Chapter 6 will further discuss how fear of crime can result in social disorganization and neighborhood deterioration.

It is also possible that a lack of resources may inhibit the mentally ill from obtaining the proper treatment, which, if made available, would result in reduced criminality. For example, a recent study conducted in North Carolina compared the outcomes for mentally ill patients who received outpatient treatment with an untreated comparison group; treatment significantly reduced arrest probability (12 percent versus 45 percent).²¹¹



Here is a site devoted to the relationship between **mental illness and crime**: <http://www.karisable.com/crmh.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Behavioral Theory

Psychological behavior theory maintains that human actions are developed through learning experiences. Rather than focusing on unconscious personality traits or cognitive development patterns produced early in childhood, behavior theorists are concerned with the actual behaviors people engage in during the course of their daily lives. The major premise of behavior theory is that people alter their behavior according to the reactions it receives from others. Behavior is supported by rewards and extinguished by negative reactions or punishments. Behavioral theory is quite complex with many different subareas. With respect to criminal activity, the behaviorist views crimes, especially violent acts, as learned responses to life situations that do not necessarily represent psychologically abnormal responses.

SOCIAL LEARNING THEORY Social learning is the branch of behavior theory most relevant to criminology.²¹² Social learning theorists, most notably Albert Bandura, argue that people are not actually born with the ability to act violently but that they learn to be aggressive through their life experiences.



To read about the life and work of **Albert Bandura**, go to <http://www.ship.edu/~cgboeree/bandura.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

These experiences include personally observing others acting aggressively to achieve some goal or watching people being rewarded for violent acts on television or in movies. People learn to act aggressively when, as children, they model their behavior after the violent acts of adults. Later in life, these violent behavior patterns persist in social relationships. For example, the boy who sees his father repeatedly strike his mother with impunity is the one most likely to grow up to become a battering parent and husband.

Though social learning theorists agree that mental or physical traits may predispose a person toward violence, they believe that activating a person's violent tendencies is achieved by factors in the environment. The specific forms that aggressive behavior takes, the frequency with which it is expressed, the situations in which it is displayed, and the specific targets selected for attack are largely determined by social learning. However, people are self-aware and engage in purposeful learning. Their interpretations of behavior outcomes and situations influence the way they learn from experiences. One adolescent who spends a weekend in jail for drunk driving may find it the most awful experience of her life—one that teaches her to never drink and drive again. Another person, however, may find it an exciting experience about which he can brag to his friends.

SOCIAL LEARNING AND VIOLENCE Social learning theorists view violence as something learned through a process called **behavior modeling**. In modern society, aggressive acts are usually modeled after three principal sources:

1. *Family interaction*: Studies of family life show that aggressive children have parents who use similar tactics when dealing with others. For example, the children of wife batterers are more likely to use aggressive tactics themselves than children in the general population, especially if the victims (their mothers) suffer psychological distress from the abuse.
2. *Environmental experiences*: People who reside in areas in which violence is a daily occurrence are more likely to act violently than those who dwell in low-crime areas whose norms stress conventional behavior.
3. *Mass media*: Films and television shows commonly depict violence graphically. Moreover, violence is often portrayed as an acceptable behavior, especially



Systematic viewing of TV begins at 2½ years of age and continues at a high level during the preschool and early school years. More than 40 percent of U.S. households now have cable TV, which features violent films and shows. The average child views 8,000 TV murders before finishing elementary school. Can the constant bombardment of media violence influence antisocial behavior? If it did, why are violence rates trending downward despite growing access to games, shows, films, and songs with violent themes and content?

for heroes who never have to face legal consequences for their actions. For example, David Phillips found the homicide rate increases significantly immediately after a heavyweight championship prize fight.²¹³

The Criminological Enterprise feature “The Media and Violence” has more on the effects of the media and violent behavior.

Social learning theorists have tried to determine what triggers violent acts. One position is that a direct, pain-producing physical assault will usually trigger a violent response. Yet the relationship between painful attacks and aggressive responses has been found to be inconsistent. Whether people counterattack in the face of physical attack depends, in part, on their skill in fighting and their perception of the strength of their attackers. Verbal taunts and insults have also been linked to aggressive responses. People who are predisposed to aggression by their learning experiences are likely to view insults from others as a challenge to their social status and to react with violence. Still another violence-triggering mechanism is a perceived reduction in one’s life conditions. Prime examples of this phenomenon are riots and demonstrations in poverty-stricken ghetto areas. Studies have shown that discontent also produces aggression in the more successful members of lower-class groups who have been led to believe they can succeed but then have been thwarted in their aspirations. While it is still uncertain how this relationship is constructed, it is apparently complex. No matter how deprived some individuals are they will not resort to violence. It seems evident that people’s perceptions of their relative deprivation have different effects on their aggressive responses.

In summary, social learning theorists have said that the following four factors may contribute to violent and/or aggressive behavior:

1. *An event that heightens arousal:* such as a person frustrating or provoking another through physical assault or verbal abuse.
2. *Aggressive skills:* learned aggressive responses picked up from observing others, either personally or through the media.
3. *Expected outcomes:* the belief that aggression will somehow be rewarded. Rewards can come in the form of reducing tension or anger, gaining some financial reward, building self-esteem, or gaining the praise of others.
4. *Consistency of behavior with values:* the belief, gained from observing others, that aggression is justified and appropriate, given the circumstances of the current situation.

Cognitive Theory

One area of psychology that has received increasing recognition in recent years has been the cognitive school. Psychologists with a cognitive perspective focus on mental processes and how people perceive and mentally represent the world around them and solve problems. The pioneers of this school were Wilhelm Wundt (1832–1920), Edward Titchener (1867–1927), and William James (1842–1920). Today, there are several subdisciplines within the cognitive area. The **moral development** branch is concerned with the way people morally represent and reason about the world. **Humanistic psychology** stresses self-awareness and “getting in touch with feelings.” The **information processing** branch focuses on the way people process, store, encode, retrieve, and manipulate information to make decisions and solve problems.

MORAL AND INTELLECTUAL DEVELOPMENT THEORY

The moral and intellectual development branch of cognitive psychology is perhaps the most important for criminological theory. Jean Piaget (1896–1980), the founder of this approach, hypothesized that people’s reasoning processes develop in an orderly fashion, beginning at birth and continuing until they are 12 years old and older.²¹⁴ At first, children respond to the environment in a simple manner, seeking interesting objects and developing their reflexes. By the fourth and final stage, the formal operations stage, they have developed into mature adults who can use logic and abstract thought.

The Media and Violence

Does the media influence behavior? Does broadcast violence cause aggressive behavior in viewers? This has become a hot topic because of the persistent theme of violence on television and in films. Critics have called for drastic measures, ranging from banning TV violence to putting warning labels on heavy metal albums out of fear that listening to hard-rock lyrics produces delinquency.

If there is in fact a TV–violence link, the problem is indeed alarming. Systematic viewing of TV begins at 2½ years of age and continues at a high level during the preschool and early school years. The Kaiser Foundation study, *Zero to Six: Electronic Media in the Lives of Infants, Toddlers, and Preschoolers*, found that children 6 and under spend an average of 2 hours a day using screen media such as TV and computers, about the same amount of time they spend playing outside and significantly more than the amount they spend reading or being read to (about 39 minutes per day). Nearly half of children 6 and under have used a computer, and just under a third have played video games). Even the youngest children—those under 2—are exposed to electronic media for more than 2 hours per day; more than 40 percent of those under 2 watch TV every day. Marketing research indicates that adolescents ages 11 to 14 rent violent horror movies at a higher rate than any other age group. Children this age use older peers and siblings and apathetic parents to gain access to R-rated films. More than 40 percent of U.S. households now have cable TV, which features violent films and shows. Even children's programming is saturated with violence.

The fact that children watch so much violent TV is not surprising

considering the findings of a well-publicized study conducted by UCLA researchers who found that at least ten network shows made heavy use of violence. Of the 161 television movies monitored (every one that aired that season), twenty-three raised concerns about their use of violence, violent theme, violent title, or inappropriate portrayals of a scene. Of the 118 theatrical films monitored (every one that aired that season), fifty raised concerns about their use of violence.

On-air promotions also reflect a continuing, if not worsening, problem. Some series may contain several scenes of violence, each of which is appropriate within its context. An advertisement for that show, however, will feature those violent scenes only without any of the context. Even some children's television programming had worrisome signs, featuring "sinister combat" as the theme of the show. The characters are usually happy to fight and frequently do so with little provocation. A University of Pennsylvania study also found that children's programming contained an average of thirty-two violent acts per hour, that 56 percent had violent characters, and that 74 percent had characters who became the victims of violence (though "only 3.3 percent had characters who were actually killed"). In all, the average child views 8,000 TV murders before finishing elementary school.

There have been numerous anecdotal cases of violence linked to TV and films. For example, in a famous incident, John Hinckley shot President Ronald Reagan due to his obsession with actress Jodie Foster, which developed after he watched her play a prostitute in the film *Taxi Driver*. Hinckley viewed the film at least fifteen times.

A national survey conducted in the wake of the controversy found that almost 80 percent of the general public

believes violence on TV can cause violence "in real life." Psychologists, however, believe media violence does not in itself *cause* violent behavior, because, if it did, there would be millions of daily incidents in which viewers imitated the aggression they watched on TV or in movies. But most psychologists agree that media violence *contributes* to aggression. There are several explanations for the effects of television and film violence on behavior:

- Media violence can provide aggressive "scripts" that children store in memory. Repeated exposure to these scripts can increase their retention and lead to changes in attitudes.
- Children learn from what they observe. In the same way they learn cognitive and social skills from their parents and friends, children learn to be violent from television.
- Television violence increases the arousal levels of viewers and makes them more prone to act aggressively. Studies measuring the galvanic skin response of subjects—a physical indication of arousal based on the amount of electricity conducted across the palm of the hand—show that viewing violent television shows led to increased arousal levels in young children.
- Watching television violence promotes such negative attitudes as suspiciousness and the expectation that the viewer will become involved in violence. Those who watch television frequently come to view aggression and violence as common and socially acceptable behavior.
- Television violence allows aggressive youths to justify their behavior. It is possible that, instead of causing violence, television helps violent youths rationalize their behavior as

a socially acceptable and common activity.

- Television violence may disinhibit aggressive behavior, which is normally controlled by other learning processes. *Disinhibition* takes place when adults are viewed as being rewarded for violence and when violence is seen as socially acceptable. This contradicts previous learning experiences in which violent behavior was viewed as wrong.

A number of experimental approaches have been used to test the link between media and violence. Some of these include:

- Having groups of subjects exposed to violent TV shows in a laboratory setting, then monitoring their behavior afterward compared to control groups who viewed nonviolent programming
- Observing subjects on playgrounds, athletic fields, and residences after they have been exposed to violent television programs
- Requiring subjects to answer attitude surveys after watching violent TV shows
- Using aggregate measures of TV viewing; for example, tracking the number of violent TV shows on the air during a given time period and comparing it to crime rates during the same period

According to a recent analysis of all scientific data since 1975, Brad Bushman and Craig Anderson found that the weight of the evidence is that watching violence on TV is correlated to aggressive behaviors and that the newest, most methodologically sophisticated media show the greatest amount of association. The weight of the experimental results indicates that violent media has an immediate impact on people with a preexisting tendency toward crime and violence.

There is also evidence that kids who watch TV are more likely to persist in aggressive behavior as adults. A recent study conducted by researchers at Columbia University found that kids who watch more than an hour of TV each day show an increase in assaults, fights, robberies, and other acts of aggression later in life. The team, led by Jeffery G. Johnson, studied more than 700 people for seventeen years. Their data indicate that 5.7 percent of 14-year-olds who watched less than an hour of television a day became involved in aggressive acts between the ages of 16 and 22. The rate of aggressive acts skyrocketed to 22.5 percent when kids watched between 1 and 3 hours of TV. For kids who viewed more than 3 hours of TV per day, 28.8 percent were later involved in aggressive acts as adults. This association remained significant after previous aggressive behavior, childhood neglect, family income, neighborhood violence, parental education, and psychiatric disorders were controlled statistically. The Johnson research provides a direct link between TV viewing in adolescence and aggressive behavior in adulthood.

While this research is quite persuasive, not all criminologists accept that watching TV or movies and listening to heavy metal music eventually leads to violent and antisocial behavior. For example, criminologist Simon Singer found that teenage heavy metal fans were no more delinquent than nonlisteners. Candace Kruttschnitt and her associates found that an individual's exposure to violent TV shows is only weakly related to subsequent violent behavior.

There is also little evidence that areas that experience the highest levels of violent TV viewing also have rates of violent crime that are above the norm. Millions of children watch violence every night but do not become violent criminals. In fact, despite the

prevalence of violent TV shows, films, and video games, which have become a universal norm, the violence rate among teens has been in a significant decline. If violent TV shows did, indeed, cause interpersonal violence, then there should be few ecological and regional patterns in the crime rate, but there are many. Put another way, how can regional differences in the violence rate be explained considering the fact that people all across the nation watch the same TV shows and films? On the other hand, it is possible that TV viewing may not have an immediate impact on behavior or one that is readily observable. Watching television may create changes in personality and cognition that in the long term may produce behavioral changes. For example, recent research by Dimitri Christakis and his associates found that for every hour of television watched daily between the ages of 1 and 3, the risk of developing attention problems increased by 9 percent over the life course; attention problems have been linked to antisocial behaviors. Further research is needed to clarify this important issue.

Critical Thinking

1. Should the government control the content of TV shows and limit the amount of weekly violence? How could the national news be shown if violence were omitted? What about boxing matches or hockey games?
2. How can we explain the fact that millions of kids watch violent TV shows and remain nonviolent? If there is a TV–violence link, how can we explain the fact that violence rates may have been higher in the Old West than they are today? Do you think violent gang kids stay home and watch TV shows?

(continued)

The Criminological Enterprise (continued)

• InfoTrac College Edition 1 Research

For a different take on the effects of TV viewing on violence, check out these articles: David Link, "Facts about Fiction: In Defense of TV Violence," *Reason* 25 (March 1994): 22; Mike Males, "Who Us? Stop Blaming Kids and TV," *The Progressive* 61 (October 1997): 25.

Sources: Victoria Rideout, Elizabeth Vandewater, and Ellen Wartella, *Zero to Six: Electronic Media in the Lives of Infants, Toddlers and Preschoolers* (Menlo Park, CA: Kaiser Foundation, 2003); Dimitri Christakis, Frederick Zimmerman, David DiGiuseppe, and Carolyn McCarty, "Early Television Exposure and Subsequent Attentional

Problems in Children," *Pediatrics* 113 (2004): 708–713; Jeffery Johnson, Patricia Cohen, Elizabeth Smailes, Stephanie Kasen, and Judith Brook, "Television Viewing and Aggressive Behavior During Adolescent and Adulthood," *Science* 295 (2002): 2468–2471; Craig Anderson and Brad J. Bushman, "The Effects of Media Violence on Society," *Science* 295 (2002): 2377–2379; Brad Bushman and Craig Anderson, "Media Violence and the American Public," *American Psychologist* 56 (2001): 477–489; UCLA Center for Communication Policy, *Television Violence Monitoring Project* (Los Angeles, 1995); Associated Press, "Hollywood Is Blamed in Token Booth Attack," *Boston Globe*, 28 November 1995, p. 30; Garland White, Janet Katz, and Kathryn Scarborough, "The Impact of Professional Football Games upon Violent Assaults on Women," *Violence and Victims* 7 (1992): 157–171; Simon Singer, "Rethinking Subcultural Theories of Delinquency and the Cultural Resources of Youth." Paper presented at the annual meeting of

the American Society of Criminology, Phoenix, November 1993; Albert Reiss and Jeffrey Roth, eds., *Understanding and Preventing Violence* (Washington, DC: National Academy Press, 1993); Reuters, "Seventy-nine Percent in Survey Link Violence on TV and Crime," *Boston Globe*, 19 December 1993, p. 17; Scott Snyder, "Movies and Juvenile Delinquency: An Overview," *Adolescence* 26 (1991): 121–131; Steven Messner, "Television Violence and Violent Crime: An Aggregate Analysis," *Social Problems* 33 (1986): 218–235; Candace Kruttschnitt, Linda Heath, and David Ward, "Family Violence, Television Viewing Habits, and Other Adolescent Experiences Related to Violent Criminal Behavior," *Criminology* 243 (1986): 235–267; Jonathan Freedman, "Television Violence and Aggression: A Rejoinder," *Psychological Bulletin* 100 (1986): 372–378; Wendy Wood, Frank Wong, and J. Gregory Chachere, "Effects of Media Violence on Viewers' Aggression in Unconstrained Social Interaction," *Psychological Bulletin* 109 (1991): 371–383.

Lawrence Kohlberg first applied the concept of moral development to issues in criminology.²¹⁵ He found that people travel through stages of moral development during which their decisions and judgments on issues of right and wrong are made for different reasons. It is possible that serious offenders have a moral orientation that differs from that of law-abiding citizens. Kohlberg's stages of development are listed in Exhibit 5.4.

Kohlberg classified people according to the stage on this continuum at which their moral development ceased to grow. Kohlberg and his associates conducted studies in which criminals were found to be significantly lower in their moral judgment development than noncriminals of the same social background.²¹⁶ Since his pioneering efforts, researchers have continued to show that criminal offenders are more likely to be classified in the lowest levels of moral reasoning (Stages 1 and 2), whereas noncriminals have reached a higher stage of moral development (Stages 3 and 4).²¹⁷

Recent research indicates that the decision not to commit crimes may be influenced by one's stage of moral development. People at the lowest levels report that they are deterred from crime because of their fear of sanctions. Those in the middle consider the reactions of family and friends. Those at the highest stages refrain from crime because they believe in duty to others and universal rights.²¹⁸

Moral development theory suggests that people who obey the law simply to avoid punishment or have outlooks mainly characterized by self-interest are more likely to commit crimes than those who view the law as something that benefits all of society. Those at higher stages of moral reasoning tend to sympathize with the rights of others and are

Kohlberg's Stages of Development

- Stage 1 Right is obedience to power and avoidance of punishment.
- Stage 2 Right is taking responsibility for oneself, meeting one's own needs, and leaving to others the responsibility for themselves.
- Stage 3 Right is being good in the sense of having good motives, having concern for others, and "putting yourself in the other person's shoes."
- Stage 4 Right is maintaining the rules of a society and serving the welfare of the group or society.
- Stage 5 Right is based on recognized individual rights within a society with agreed-upon rules—a social contract.
- Stage 6 Right is an assumed obligation to principles applying to all humankind—principles of justice, equality, and respect for human life.

Source: Lawrence Kohlberg, *Stages in the Development of Moral Thought and Action* (New York: Holt, Rinehart & Winston, 1969).

associated with conventional behaviors, such as honesty, generosity, and nonviolence.

|||||| CONNECTIONS |||||

The deterrent effect of informal sanctions and feelings of shame discussed in Chapter 4 may hinge on the level of a person's moral development. The lower one's state of moral development, the less impact informal sanctions may have; increased moral development and informal sanctions may be better able to control crime.

INFORMATION PROCESSING When cognitive theorists who study information processing try to explain antisocial behavior, they do so in terms of mental perception and how people use information to understand their environment. When people make decisions, they engage in a sequence of cognitive thought processes. First, they encode information so that it can be interpreted. Next, they search for a proper response and decide on the most appropriate action. Finally, they act on their decision.²¹⁹ Not everyone processes information in the same way, and the differences in interpretation may explain the development of radically different visions of the world.

According to this cognitive approach, people who use information properly, who are better conditioned to make reasoned judgments, and who can make quick and reasoned decisions when facing emotion-laden events are the ones best able to avoid antisocial behavior choices.²²⁰ In contrast, crime-prone people may have cognitive deficits and use information incorrectly when they make decisions.²²¹ They perceive the world as stacked against them; they believe they have little control over the negative events in their life.²²² Chronic offenders come to believe that crime is an appropriate means to satisfy their immediate personal needs, which take precedence over more distant social needs such as obedience to the law.²²³

SHAPING PERCEPTIONS People whose cognitive processes are skewed or faulty may be relying on mental “scripts” learned in childhood that tell them how to interpret events, what to expect, how they should react, and what the outcome of the interaction should be.²²⁴ Hostile children may have learned improper scripts by observing how others react to events; their own parents’ aggressive and inappropriate behavior would have considerable impact. Some may have had early and prolonged exposure to violence (for example, child abuse), which increases their sensitivity to slights and maltreatment. Oversensitivity to rejection by their peers is a continuation of sensitivity to rejection by their parents.²²⁵ Violent behavior responses learned in childhood become a stable behavior because the scripts that emphasize aggressive responses are repeatedly rehearsed as the child matures.²²⁶

To violence-prone kids, people seem more aggressive than they actually are and intend them ill when there is no reason for alarm. According to information processing theory, as these children mature, they use fewer cues than most people to process information. Some use violence in a calculating fashion as a means of getting what they want; others react in an overly volatile fashion to the slightest provocation. Aggressors are more likely to be vigilant, on edge, or suspicious. When they attack victims, they may believe they are defending themselves, even though they are misreading the situation.²²⁷

Adolescents who use violence as a coping technique with others are also more likely to exhibit other social problems, such as drug and alcohol abuse.²²⁸ There is also evidence that delinquent boys who engage in theft are more likely to exhibit cognitive deficits than nondelinquent youth.

For example, they have a poor sense of time, leaving them incapable of dealing with or solving social problems in an effective manner.²²⁹ Information processing theory has been used to explain the occurrence of date rape. Sexually violent males believe that when their dates say “No” to sexual advances the women are really “playing games” and actually want to be taken forcefully.²³⁰

Treatment based on how people process information takes into account that people are more likely to respond aggressively to a provocation because thoughts tend to intensify the insult or otherwise stir feelings of anger. Cognitive therapists, during the course of treatment, attempt to teach explosive people to control aggressive impulses by viewing social provocations as problems demanding a solution rather than retaliation. Programs are aimed at teaching problem-solving skills that may include self-disclosure, role-playing, listening, following instructions, joining in, and using self-control.²³¹

Therapeutic interventions designed to make people better problem solvers may involve such measures as (1) enhancing coping and problem-solving skills; (2) enhancing relationships with peers, parents, and other adults; (3) teaching conflict resolution and communication skills and methods for resisting peer pressure related to drug use and violence; (4) teaching consequential thinking and decision-making abilities; (5) modeling prosocial behaviors, including cooperation with others, self-responsibility, respecting others, and public speaking efficacy; and (6) teaching empathy.²³²

Treatment interventions based on learning social skills are relatively new, but there are some indications that this approach can have long-term benefits for reducing criminal behavior.²³³

The various psychological theories of crime are set out in Concept Summary 5.2.

PSYCHOLOGICAL TRAITS AND CHARACTERISTICS

In addition to creating theories of behavior and development, psychologists also study psychological traits and characteristics that define an individual and shape how they function in the world. Certain traits have become associated with psychological problems and the development of antisocial behavior trends. Two of the most critical—personality and intelligence—are discussed in detail in the following sections.

Personality and Crime

Personality can be defined as the reasonably stable patterns of behavior, including thoughts and emotions, that distinguish one person from another.²³⁴ One’s personality

Psychological Trait Theories

Psychodynamic

- The major premise of the theory is the development of the unconscious personality early in childhood influences behavior for the rest of the person's life. Criminals have weak egos and damaged personalities.
- The strengths of the theory are that it explains the onset of crime and why crime and drug abuse cut across class lines.
- The research focuses of the theory are on mental disorders, personality development, and unconscious motivations and drives.

Behavioral

- The major premise of the theory is that people commit crime when they model their behavior after others they see being rewarded for similar acts. Behavior is reinforced by rewards and extinguished by punishment.
- The strengths of the theory are that it explains the role of significant others in the crime process; it shows how the media can influence crime and violence.
- The research focuses of the theory are the media and violence, as well as the effects of child abuse.

Cognitive

- The major premise of the theory is that individual reasoning processes influence behavior. Reasoning is influenced by the way people perceive their environment.
- The strengths of the theory are that it shows why criminal behavior patterns change over time as people mature and develop their reasoning powers. It may explain the aging-out process.
- The research focuses of the theory are perception and cognition.

reflects a characteristic way of adapting to life's demands and problems. The way we behave is a function of how our personality enables us to interpret life events and make appropriate behavioral choices. Can the cause of crime be linked to personality? This issue has long caused significant debate.²³⁵ Sheldon Glueck and Eleanor Glueck identified a number of personality traits that they believe characterize antisocial youth:

self-assertiveness	sadism
defiance	lack of concern for others
extroversion	feeling unappreciated
ambivalence	distrust of authority
impulsiveness	poor personal skills
narcissism	mental instability
suspicion	hostility
destructiveness	resentment ²³⁶

||||||| CONNECTIONS |||||

The Glueck research is representative of the view that antisocial people maintain a distinct set of personal traits, which makes them particularly sensitive to environmental stimuli. Once dismissed by mainstream criminologists, the section on life course theories in Chapter 9 shows how the Gluecks' views still influence contemporary criminological theory.

Several other research efforts have attempted to identify criminal personality traits.²³⁷ Suspected traits include impulsivity, hostility, and aggressiveness.²³⁸ For example, Hans Eysenck identified two personality traits that he associated with antisocial behavior: *extroversion-introversion* and *stability-instability*. Extreme introverts are overaroused and avoid sources of stimulation; in contrast, extreme extroverts are unaroused and seek sensation. Introverts are slow to learn and be conditioned; extroverts are impulsive individuals who lack the ability to examine their own motives and behaviors. Those who are unstable, a condition Eysenck calls "neuroticism," are anxious, tense, and emotionally unstable.²³⁹ People who are both neurotic and extroverted lack self-insight and are impulsive and emotionally unstable; they are unlikely to have reasoned judgments of life events. They are the type of offender who will repeat their criminal activity over and over.²⁴⁰ While extrovert neurotics may act self-destructively (for example, by abusing drugs), more stable people will be able to reason that such behavior is ultimately harmful and life threatening. Eysenck believes that personality is controlled by genetic factors and is heritable.

In a recent study evaluating the most widely used measures of personality, Joshua Miller and Donald Lynam found that variance within two dimensions—agreeableness and conscientiousness—seem most closely related to antisocial behaviors. *Agreeableness* involves the ability to use appropriate interpersonal strategies when dealing with others; *conscientiousness* involves a person's ability to control impulses, carry out plans and tasks, maintain organizational skills, and follow his or her internal moral code.²⁴¹ Miller and Lynam found that personality researchers now link antisocial behaviors to traits such as these: hostile, self-centered, spiteful, jealous, and indifferent to others. Law violators tend to lack ambition and motivation and perseverance, have difficulty controlling their impulses, and hold nonconventional values and beliefs. Miller and Lynam show that these personality traits are linked to crime, but there is still some question about the direction of the linkage. On one hand, it is possible that people who share these personality traits are programmed to commit crimes. On the other hand, it is possible that personality traits interact with environmental factors to alter behavior. For example, kids who are low in conscientiousness will most likely have poor educational and occupational histories, which limit their opportunity for advancement; this blocked opportunity renders them crime prone.²⁴²

ANTISOCIAL PERSONALITY/PSYCHOPATHY/SOCIOPATHY

As a group, people who share these traits are believed to have a character defect referred to as *antisocial*, *sociopathic*, or *psychopathic* personality. Though these terms are often used interchangeably, some psychologists distinguish between sociopaths and psychopaths, suggesting that the former are a product of a destructive home environment whereas the latter are a product of a defect or aberration within themselves.²⁴³ This condition is discussed in The Criminological Enterprise feature “The Antisocial Personality.”

RESEARCH ON PERSONALITY Since maintaining a deviant personality has been related to crime and delinquency, numerous attempts have been made to devise accurate measures of personality and determine whether they can predict antisocial behavior. One of the most widely used psychological tests is the **Minnesota Multiphasic Personality Inventory**, commonly called the **MMPI**. This test has subscales designed to measure many different personality traits, including psychopathic deviation (Pd scale), schizophrenia (Sc), and hypomania (Ma).²⁴⁴ Research studies have detected an association between scores on the Pd scale and criminal involvement.²⁴⁵ Another frequently administered personality test, the **California Personality Inventory (CPI)**, has also been used to distinguish deviants from nondeviant groups.²⁴⁶ The **Multidimensional Personality Questionnaire (MPQ)** allows researchers to assess such personality traits as control, aggression, alienation, and well-being.²⁴⁷ Evaluations using this scale indicate that adolescent offenders who are “crime prone” maintain “negative emotionality,” a tendency to experience aversive affective states, such as anger, anxiety, and irritability. They also are predisposed to weak personal constraints, and they have difficulty controlling impulsive behavior urges. Because they are both impulsive and aggressive, crime-prone people are quick to take action against perceived threats.

Evidence that personality traits predict crime and violence is important because it suggests that the root cause of crime can be found in the forces that influence human development at an early stage of life. If these results are valid, rather than focus on job creation and neighborhood improvement, crime control efforts might be better focused on helping families raise children who are reasoned and reflective and enjoy a safe environment.

Intelligence and Crime

Many early criminologists maintained that many delinquents and criminals have a below-average intelligence quotient and that low IQ is a cause of their criminality. Criminals were believed to have inherently substandard intelligence, and thus, they seemed naturally inclined to commit more crimes than more intelligent persons. Furthermore, it was thought that if authorities could determine which individuals had low IQs, they might identify potential criminals before they committed socially harmful acts.

Social scientists had a captive group of subjects in juvenile training schools and penal institutions, and they began to measure the correlation between IQ and crime by testing adjudicated offenders. Thus, inmates of penal institutions were used as a test group around which numerous theories about intelligence were built, leading ultimately to the nature-versus-nurture controversy that is still going on today. These concepts are discussed in some detail in the following sections.

NATURE THEORY **Nature theory** argues that intelligence is largely determined genetically, that ancestry determines IQ, and that low intelligence, as demonstrated by low IQ, is linked to criminal behavior. When the newly developed IQ tests were administered to inmates of prisons and juvenile training schools in the first decades of the century, the nature position gained support because a very large proportion of the inmates scored low on the tests. During his studies in 1920, Henry Goddard found that many institutionalized persons were what he considered “feeble-minded”; he concluded that at least half of all juvenile delinquents were mental defectives.²⁴⁸ In 1926, William Healy and Augusta Bronner tested groups of delinquent boys in Chicago and Boston and found that 37 percent were subnormal in intelligence. They concluded that delinquents were five to ten times more likely to be mentally deficient than normal boys.²⁴⁹ These and other early studies were embraced as proof that low IQ scores identified potentially delinquent children and that a correlation existed between innate low intelligence and deviant behavior. IQ tests were believed to measure the inborn genetic makeup of individuals, and many criminologists accepted the idea that individuals with substandard IQs were predisposed toward delinquency and adult criminality.

NURTURE THEORY The rise of culturally sensitive explanations of human behavior in the 1930s led to the nurture school of intelligence. **Nurture theory** states that intelligence must be viewed as partly biological but primarily sociological. Because intelligence is not inherited, low-IQ parents do not necessarily produce low-IQ children.²⁵⁰ Nurture theorists discredited the notion that people commit crimes because they have low IQs. Instead, they postulated that environmental stimulation from parents, relatives, social contacts, schools, peer groups, and innumerable others create a child’s IQ level and that low IQs result from an environment that also encourages delinquent and criminal behavior. Thus, if low IQ scores are recorded among criminals, these scores may reflect criminals’ cultural background, not their mental ability.

Studies challenging the assumption that people automatically committed criminal acts because they had below-average IQs began to appear as early as the 1920s. John Slawson studied 1,543 delinquent boys in New York institutions and compared them with a control group of New York

The Antisocial Personality

Some violent offenders may have a disturbed character structure commonly and interchangeably referred to as psychopathy, sociopathy, or antisocial personality. Psychopaths exhibit a low level of guilt and anxiety and persistently violate the rights of others. Although they may exhibit superficial charm and above-average intelligence, this often masks a disturbed personality that makes them incapable of forming enduring relationships with others and continually involves them in such deviant behaviors as violence, risk-taking, substance abuse, and impulsivity.

From an early age, many psychopaths have had home lives that were filled with frustrations, bitterness, and quarreling. As a result of this instability and frustration, these individuals developed personalities that became unreliable, unstable, demanding, and egocentric. Most psychopaths are risk-taking, sensation seekers who are constantly involved in a garden variety of antisocial behaviors. They are often described as grandiose, egocentric, manipulative, forceful, and cold-hearted, with shallow emotions and the inability to feel remorse, empathy with others, or anxiety over their misdeeds.

Hervey Cleckley, a leading authority on psychopathy, described them as follows:

[Psychopaths are] chronically antisocial individuals who are always in trouble, profiting neither from

experience nor punishment, and maintaining no real loyalties to any person, group, or code. They are frequently callous and hedonistic, showing marked emotional immaturity, with lack of responsibility, lack of judgment and an ability to rationalize their behavior so that it appears warranted, reasonable and justified.

Considering these personality traits, it is not surprising that research studies show that people evaluated as psychopaths are significantly more prone to criminal and violent behavior when compared to nonpsychopathic control groups. Psychopaths tend to continue their criminal careers long after other offenders burn out or age out of crime. They are continually in trouble with the law and, therefore, are likely to wind up in penal institutions. Criminologists estimate that 10 percent or more of all prison inmates display psychopathic tendencies.

The Cause of Psychopathy

Though psychologists are still not certain of the cause of psychopathy, a number of factors are believed to contribute to its development.

Traumatic Socialization

Some explanations focus on family experiences, suggesting that the influence of an unstable parent, parental rejection, lack of love during childhood, and inconsistent discipline may be related to psychopathy. Children who lack the opportunity to form an attachment to a mother figure in the first

three years of life, who suffer sudden separation from the mother figure, or who see changes in the mother figure are most likely to develop psychopathic personalities. According to this view, the path runs from antisocial parenting to psychopathy to criminality. Psychologist David Lykken suggests that psychopaths have an inherited “low fear quotient,” which inhibits their fear of punishment. All people have a natural or innate fear of certain stimuli, such as spiders, snakes, fires, or strangers. Psychopaths, as a rule, have few fears. Normal socialization processes depend on punishing antisocial behavior to inhibit future transgressions. Someone who does not fear punishment is simply harder to socialize.

Neurological Disorder

Psychopaths may suffer from lower than normal levels of arousal. Research studies have revealed that psychopaths have lower skin conductance levels and fewer spontaneous responses than “normal” subjects. There may be a link between psychopathy and autonomic nervous system (ANS) dysfunction. The ANS mediates physiological activities associated with emotions and is manifested in such measurements as heartbeat rate, blood pressure, respiration, muscle tension, capillary size, and electrical activity of the skin (called galvanic skin resistance). Psychopaths may be less capable of regulating their activities than other people. While some people may become anxious and afraid when facing the

City boys in 1926.²⁵¹ Slawson found that although 80 percent of the delinquents achieved lower scores in abstract verbal intelligence, delinquents were about normal in mechanical aptitude and nonverbal intelligence. These results indicated the possibility of cultural bias in portions of the IQ tests. He also found that there was no relationship between the number of arrests, the types of offenses, and IQ.

In 1931, Edwin Sutherland evaluated IQ studies of criminals and delinquents and noted significant variation in the findings, which disproved Goddard’s notion that criminals were “feeble-minded.”²⁵² Goddard attributed discrepancies to testing and scoring methods rather than to differences in the mental ability of criminals. Sutherland’s research all but put an end to the belief that crime was caused by

prospect of committing a criminal act, psychopaths in the same circumstances feel no such fear. James Ogloff and Stephen Wong conclude that their reduced anxiety levels result in behaviors that are more impulsive and inappropriate and in deviant behavior, apprehension, and incarceration.

Brain Abnormality

Another view is that psychopathy is caused by some form of brain abnormality. Some research has linked psychopathy to a dysfunction of the limbic inhibitory system manifested through damage to the frontal and temporal lobes of the brain. Consequently, psychopaths may need greater than average stimulation to bring them up to comfortable levels (similar to arousal theory discussed earlier).

Brain structure has also been linked to psychopathy. For example, Adrian Raine and his associates find that abnormalities in the corpus callosum, a thick band of nerve fibers that connects the two cerebral hemispheres and routes communications between them may be at the heart of the problem: Psychopaths showed an increase in callosal white matter volume, an increase in callosal length, a reduction in callosal thickness, and increased connectivity between brain hemispheres.

Chronic Offending

The antisocial personality concept seems to jibe with what is known about chronic offending. In a recent paper, Lawrence Cohen and Bryan Vila

argue that chronic offending should be conceived as a continuum of behavior at whose apex resides the most extremely dangerous and predatory criminals. As many as 80 percent of these high-end chronic offenders exhibit sociopathic behavior patterns. Though comprising about 4 percent of the total male population and less than 1 percent of the total female population, they are responsible for half of all serious felony offenses committed annually. Not all high-rate chronic offenders are sociopaths, but enough are to support a strong link between personality dysfunction and long-term criminal careers.

Critical Thinking

1. Should people diagnosed as psychopaths be separated and treated even if they have not yet committed a crime?
2. Should psychopathic murderers be spared the death penalty because they lack the capacity to control their behavior?

• InfoTrac College Edition Research

To read more about the development of psychopathology check out these articles: John V. Lavigne, Richard Arend, Diane Rosenbaum, Helen J. Binns, Katherine Kaufer Christoffel, Andrew Burns, and Andrew Smith. "Mental Health Service Use among Young Children Receiving Pediatric Primary Care," *Research Journal of the American Academy of Child and Adolescent*

Psychiatry 37 (November 1998): 1175; Shirley Feldman, Jaime Waterman, Hans Steiner, and Elizabeth Cauffman, "Posttraumatic Stress Disorder among Female Juvenile Offenders," *Journal of the American Academy of Child and Adolescent Psychiatry* 37 (November 1998): 1209.

Sources: Kent Kiehl, Andra Smith, Adrianna Mendrek, Bruce Forster, Robert Hare, and Peter F. Liddle, "Temporal Lobe Abnormalities in Semantic Processing by Criminal Psychopaths as Revealed by Functional Magnetic Resonance Imaging," *Psychiatry Research: Neuroimaging* 130 (2004): 27–42; A. Raine, T. Lencz, K. Taylor, J. B. Hellige, S. Bihle, L. Lacasse, M. Lee, S. Ishikawa, and P. Colletti, "Corpus Callosum Abnormalities in Psychopathic Antisocial Individuals," *Archives of General Psychiatry* 60 (2003): 1134–1142; Grant Harris, Marnie Rice, and Martin Lalumiere, "Criminal Violence: The Roles of Psychopathy, Neurodevelopmental Insults, and Antisocial Parenting," *Criminal Justice and Behavior* 28 (2001): 402–415; David Lykken, "Psychopathy, Sociopathy, and Crime," *Society* 34 (1996): 30–38; Lawrence Cohen and Bryan Vila, "Self-Control and Social Control: An Exposition of the Gottfredson-Hirschi/Sampson-Laub Debate," *Studies on Crime and Crime Prevention* 5 (1996); Donald Lynam, "Early Identification of Chronic Offenders: Who Is the Fledgling Psychopath?" *Psychological Bulletin* 120 (1996): 209–234; James Ogloff and Stephen Wong, "Electrodermal and Cardiovascular Evidence of a Coping Response in Psychopaths," *Criminal Justice and Behavior* 17 (1990): 231–245; Laurie Frost, Terrie Moffitt, and Rob McGee, "Neuropsychological Correlates of Psycho-pathology in an Unselected Cohort of Young Adolescents," *Journal of Abnormal Psychology* 98 (1989): 307–313; Hervey Cleckley, "Psychopathic States," in *American Handbook of Psychiatry*, ed. S. Aneti (New York: Basic Books, 1959), pp. 567–569; Spencer Ratus and Jeffrey Nevid, *Abnormal Psychology* (Englewood Cliffs, NJ: Prentice-Hall, 1991), pp. 310–316; Helene Raskin White, Erich Labouvie, and Marsha Bates, "The Relationship between Sensation Seeking and Delinquency: A Longitudinal Analysis," *Journal of Research in Crime and Delinquency* 22 (1985): 197–211.

"feble-mindedness"; the IQ–crime link was all but forgotten in the criminological literature.

REDISCOVERING IQ AND CRIMINALITY The alleged IQ–crime link was dismissed by mainstream criminologists, but it once again became an important area of study when respected criminologists Travis Hirschi and Michael Hindelang published a widely read 1977 paper linking the two

variables. After re-examining existing research data, Hirschi and Hindelang concluded that the weight of evidence is that IQ is a more important factor than race and socioeconomic class for predicting criminal and delinquent involvement.²⁵³ Rejecting the notion that IQ tests are race and class biased, they concluded that major differences exist between criminals and noncriminals within similar racial and socioeconomic class categories. They proposed the idea that low IQ

increases the likelihood of criminal behavior through its effect on school performance. That is, youths with low IQs do poorly in school, and school failure and academic incompetence are highly related to delinquency and later to adult criminality.

Hirschi and Hindelang's inferences have been supported by research conducted by both U.S. and international scholars.²⁵⁴ Some studies have found a direct IQ–delinquency link among samples of adolescent boys.²⁵⁵ When Alex Piquero examined violent behavior among groups of children in Philadelphia, he found that scores on intelligence tests were the best predictors of violent behavior and could be used to distinguish between groups of violent and nonviolent offenders.²⁵⁶ In contrast, in *Crime and Human Nature*, James Q. Wilson and Richard Herrnstein find that the IQ–crime link is an indirect one: Low intelligence leads to poor school performance, which enhances the chances of criminality.²⁵⁷ They conclude, “A child who chronically loses standing in the competition of the classroom may feel justified in settling the score outside, by violence, theft, and other forms of defiant illegality.”²⁵⁸

CROSS-NATIONAL STUDIES The IQ–crime relationship has also been found in cross-national studies. A significant relationship between low IQ and delinquency has been found among samples of youth in Denmark. Researchers found that Danish children with a low IQ tended to engage in delinquent behaviors because their poor verbal ability was a handicap in the school environment.²⁵⁹ Research by Canadian neural-psychologist Lorne Yeudall and his associates found samples of delinquents possessed IQs about 20 points less than nondelinquent control groups on one of the standard IQ tests, the **Wechsler Adult Intelligence Scale**.²⁶⁰ An IQ–crime link was also found in a longitudinal study of Swedish youth; low IQ measures taken at age 3 were significant predictors of later criminality over the life course.²⁶¹

IQ AND CRIME RECONSIDERED The Hirschi-Hindelang research increased interest and research on the association between IQ and crime, but the issue is far from settled and is still a matter of significant debate. A number of recent studies find that IQ level has negligible influence on criminal behavior.²⁶² Also, a recent evaluation of existing knowledge on intelligence conducted by the American Psychological Association concluded that the strength of an IQ–crime link was “very low.”²⁶³

In contrast, *The Bell Curve*, Richard Herrnstein and Charles Murray's influential albeit controversial book on intelligence, comes down firmly for an IQ–crime link. Their extensive review of the available literature shows that people with lower IQs are more likely to commit crime, get caught, and be sent to prison. Conversely, at-risk kids with higher IQs seem to be protected from becoming criminals by their superior ability to succeed in school and in social relationships. Taking the scientific literature as a whole, Herrnstein and Murray conclude that criminal offenders have an average IQ of 92, about 8 points below the mean; chronic



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Even if a low IQ is proven to be a “cause” of crime, should criminals with extremely low IQs be punished in the same way as those who are intellectually average or above? Daryl Renard Atkins sits in a York-Poquoson courtroom in York, Virginia. Atkins was convicted and sentenced to death for carjacking and killing an airman in Virginia to get money for beer. One test showed Atkins had an IQ of 59. People who test 70 or below generally are considered mentally retarded or mentally challenged. In Atkins' case, the Supreme Court ruled that the death penalty was not an appropriate punishment for the mentally challenged because their lack of reasoning, judgment, and control of their impulses make them incapable of having the same “moral culpability” or responsibility as people with higher levels of intelligence.

offenders score even lower than the “average” criminal. To those who suggest that the IQ–crime relationship can be explained by the fact that only low IQ criminals get caught, they counter with data showing little difference in IQ scores between self-reported and official criminals.²⁶⁴ This means that even criminals whose activities go undetected by the authorities have lower IQs than the general public; the IQ–crime relationship cannot be explained away by the fact that slow-witted criminals are the ones most likely to be apprehended by the police.

It is unlikely that the IQ–crime debate will be settled in the near future. Measurement is beset by many methodological problems. The well-documented criticisms suggesting that IQ tests are race and class biased would certainly influence the testing of the criminal population who are besieged with a multitude of social and economic problems. Even if it can be shown that known offenders have lower IQs than the general population, it is difficult to explain many patterns in the crime rate: Why are there more male than female criminals? (Are females three times smarter than males?) Why do crime rates vary by region, time of year, and even weather patterns? Why does aging out occur? IQs do not increase with age, so why should crime rates fall?

Psychological Perspectives on Criminality

Theory	Cause
PSYCHODYNAMIC (psychoanalytic)	Intrapsychic processes <ul style="list-style-type: none"> • Unconscious conflicts • Mood disorders • Tendencies • Anger • Sexuality
BEHAVIORAL	Learning processes <ul style="list-style-type: none"> • Learning experiences • Stimulus • Rewards and punishments • Direct/indirect observation
COGNITIVE	Information processing <ul style="list-style-type: none"> • Thinking • Planning • Memory • Perception • Ethical values
Characteristic	Cause
PERSONALITY	Personality processes <ul style="list-style-type: none"> • Antisocial personality • Sociopath/psychopath temperament • Abnormal affect, lack of emotional depth
INTELLIGENCE	Intellectual processes <ul style="list-style-type: none"> • Low IQ • Poor school performance • Decision-making ability

The various psychological perspectives, characteristics, and attributes are outlined in Figure 5.2.

To read all about **IQ testing and intelligence**, go to <http://www.indiana.edu/~intell/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

PUBLIC POLICY IMPLICATIONS OF TRAIT THEORY

For most of the twentieth century, biological and psychological views of criminality have influenced crime control and prevention policy. The result has been front-end or **primary**

prevention programs that seek to treat personal problems before they manifest themselves as crime. To this end, thousands of family therapy organizations, substance abuse clinics, and mental health associations operate throughout the United States. Teachers, employers, relatives, welfare agencies, and others make referrals to these facilities. These services are based on the premise that if a person's problems can be treated before they become overwhelming, some future crimes will be prevented. **Secondary prevention programs** provide treatment such as psychological counseling to youths and adults who are at risk for law violation. **Tertiary prevention programs** may be a requirement of a probation order, part of a diversionary sentence, or aftercare at the end of a prison sentence.

Biologically oriented therapy is also being used in the criminal justice system. Programs have altered diets, changed lighting, compensated for learning disabilities, treated allergies, and so on.²⁶⁵ More controversial has been the use of mood-altering chemicals, such as lithium, pemoline, imipramine, phenytoin, and benzodiazepines, to control behavior. Another practice that has elicited concern is the use of psychosurgery (brain surgery) to control antisocial behavior. Surgical procedures have been used to alter the brain structure of convicted sex offenders in an effort to eliminate or control their sex drives. Results are still preliminary, but some critics argue that these procedures are without scientific merit.²⁶⁶

Numerous psychologically based treatment methods range from individual counseling to behavior modification. For example, treatment based on how people process information takes into account that people are more likely to respond aggressively to provocation if thoughts intensify the insult or otherwise stir feelings of anger. Cognitive therapists attempt to teach explosive people to control aggressive impulses by viewing social provocations as problems demanding a solution rather than retaliation. Therapeutic interventions designed to make people better problem solvers may involve measures that enhance

- Coping and problem-solving skills
- Relationships with peers, parents, and other adults
- Conflict resolution and communication skills, and methods for resisting peer pressure related to drug use and violence
- Consequential thinking and decision-making abilities
- Prosocial behaviors, including cooperation with others, self-responsibility, respecting others, and public-speaking efficacy
- Empathy²⁶⁷

To quiz yourself on this material, go to the Criminology 9e website.

SUMMARY

- The earliest positivist criminologists were biologists. Led by Cesare Lombroso, these early researchers believed that some people manifested primitive traits that made them born criminals. Today their research is debunked because of poor methodology, testing, and logic.
- Biological views fell out of favor in the early twentieth century. In the 1970s, spurred by the publication of Edmund O. Wilson's *Sociobiology*, several criminologists again turned to study of the biological basis of criminality. For the most part, the effort has focused on the cause of violent crime.
- One area of interest is biochemical factors, such as diet, allergies, hormonal imbalances, and environmental contaminants (such as lead). The conclusion is that crime, especially violence, is a function of diet, vitamin intake, hormonal imbalance, or food allergies.
- Neurophysiological factors, such as brain disorders, ADHD, EEG abnormalities, tumors, and head injuries have been linked to crime. Criminals and delinquents often suffer brain impairment, as measured by the EEG. Attention deficit hyperactivity disorder and minimal brain dysfunction are related to antisocial behavior.
- Some biocriminologists believe that the tendency to commit violent acts is inherited. Research has been conducted with twin pairs and adopted children to determine whether genes are related to behaviors.
- An evolutionary branch holds that changes in the human condition, which have taken millions of years to evolve, may help explain crime rate differences. As the human race evolved, traits and characteristics have become ingrained.
- There are also psychologically based theories of crime. The psychodynamic view, developed by Sigmund Freud, links aggressive behavior to personality conflicts arising from childhood. According to psychodynamic theory, unconscious motivations developed early in childhood propel some people into destructive or illegal behavior. The development of the unconscious personality early in childhood influences behavior for the rest of a person's life. Criminals have weak egos and damaged personalities. According to some psychoanalysts, psychotics are aggressive, unstable people who can easily become involved in crime.
- Behaviorists view aggression as a learned behavior. Children who are exposed to violence and see it rewarded may become violent as adults. People commit crime when they model their behavior after others they see being rewarded for the same acts. Behavior is reinforced by rewards and extinguished by punishment.
- Learning may be either direct and experiential or observational, such as watching TV and movies.
- Cognitive psychology is concerned with human development and how people perceive the world. Cognitive theory stresses knowing and perception. Some people have a warped view of the world.
- Criminality is viewed as a function of improper information processing. Individual reasoning processes influence behavior. Reasoning is influenced by the way people perceive their environment.
- There is evidence that people with abnormal or antisocial personalities are crime prone.
- Psychological traits such as personality and intelligence have been linked to criminality. One important area of study has been the antisocial personality, a person who lacks emotion and concern for others.
- While some criminologists find a link between intelligence and crime, others dispute any linkage between IQ level and law-violating behaviors.
- The controversial issue of the relationship of IQ to criminality has been resurrected once again with the publication of research studies purporting to show that criminals have lower IQs than noncriminals.

Thinking Like a Criminologist

The American Psychiatric Association believes a person should not be held legally responsible for a crime if his or her behavior meets the following standard developed by legal expert Richard Bonnie:

A person charged with a criminal offense should be found not guilty by reason of insanity if it is shown that as a result of mental disease or mental

retardation he was unable to appreciate the wrongfulness of his conduct at the time of the offense.

As used in this standard, the terms *mental disease* and *mental retardation* include only those severely abnormal mental conditions that grossly and demonstrably impair a person's perception or understanding of reality and that are not attributable primarily to the

voluntary ingestion of alcohol or other psychoactive substances.

As a criminologist with expertise on trait theories of crime, do you agree with this standard? What modifications, if any, might you make to include other categories of offenders who are not excused by this definition?



Doing Research on the Web

Before you give your opinion, you might want to check out the website of the American Psychiatric Association and see what their position is on the insanity defense: http://www.psych.org/public_info/insanity.cfm.

To learn more about the structure of mental illness and how it relates to crime, check out: <http://www.mentalhealth.com/book/p40-sc01.html>.

Also go to InfoTrac College Edition and use “insanity defense” in a key word search.

KEY TERMS

inheritance school (134)
somatotype (134)
biophobia (135)
reciprocal altruism (135)
trait theory (135)
equipotentiality (135)
Wernicke-Korsakoff disease (137)
hypoglycemia (140)
androgens (140)
testosterone (140)
neocortex (140)
premenstrual syndrome (PMS) (141)
cerebral allergies (141)
neuroallergies (141)
neurophysiology (142)
electroencephalograph (EEG) (142)
attention deficit hyperactivity disorder (ADHD) (143)
conduct disorder (CD) (143)
chemical restraints (144)
chemical straitjackets (144)
arousal theory (145)
contagion effect (147)
defective intelligence (151)

psychoanalytic or psychodynamic perspective (151)
behaviorism (151)
cognitive theory (151)
id (151)
pleasure principle (151)
ego (151)
reality principle (151)
superego (151)
conscience (151)
ego ideal (151)
eros (151)
thanatos (151)
oral stage (152)
anal stage (152)
phallic stage (152)
Oedipus complex (152)
Electra complex (152)
latency (152)
fixated (152)
inferiority complex (152)
identity crisis (152)
latent delinquency (152)
bipolar disorder (152)

psychosis (153)
disorders (153)
schizophrenia (153)
paranoid schizophrenic (153)
social learning (154)
behavior modeling (154)
moral development (155)
humanistic psychology (155)
information processing (155)
personality (159)
Minnesota Multiphasic Personality Inventory (MMPI) (161)
California Personality Inventory (CPI) (161)
Multidimensional Personality Questionnaire (MPQ) (161)
nature theory (161)
nurture theory (161)
Wechsler Adult Intelligence Scale (164)
primary prevention programs (165)
secondary prevention programs (165)
tertiary prevention programs (165)

CRITICAL THINKING QUESTIONS

1. What should be done with the young children of violence-prone criminals if in fact research could show that the tendency to commit crime is inherited?
2. After considering the existing research on the subject, would you recommend that young children be forbidden from eating foods with a heavy sugar content?
3. Knowing what you do about trends and patterns in crime, how would you counteract the assertion that people who commit crime are physically or mentally abnormal? For example, how would you explain the fact that crime is more likely to occur in western and urban areas than in eastern or rural areas?
4. Aside from becoming a criminal, what other career paths are open to psychopaths?
5. Research shows that kids who watch a lot of TV in adolescence are more likely to behave aggressively in adulthood. This has led some to conclude that TV watching is responsible for adult violence. Can this relationship be explained in another way?

NOTES

1. Dalton Conley and Neil Bennett, “Is Biology Destiny? Birth Weight and Life Chances,” *American Sociological Review* 654 (2000): 458–467.
2. Raffaele Garofalo, *Criminology*, trans. Robert Miller (Boston: Little, Brown, 1914), p. 92.
3. Enrico Ferri, *Criminal Sociology* (New York: D. Appleton, 1909).

4. See Richard Dugdale, *The Jukes* (New York: Putnam, 1910); Arthur Estabrook, *The Jukes in 1915* (Washington, DC: Carnegie Institute of Washington, 1916).
5. William Sheldon, *Varieties of Delinquent Youth* (New York: Harper Bros., 1949).
6. Pierre van den Berghe, "Bringing the Beast Back In: Toward a Biosocial Theory of Aggression," *American Sociological Review* 39 (1974): 779.
7. Lee Ellis, "A Discipline in Peril: Sociology's Future Hinges on Curing Biophobia," *American Sociologist* 27 (1996): 21–41.
8. Edmund O. Wilson, *Sociobiology* (Cambridge, MA: Harvard University Press, 1975).
9. See, generally, Lee Ellis, *Theories of Rape* (New York: Hemisphere Publications, 1989).
10. Anthony Walsh, "Behavior Genetics and Anomie/Strain Theory," *Criminology* 38 (2000): 1,075–1,108.
11. Anthony Walsh and Lee Ellis, "Shoring Up the Big Three: Improving Criminological Theories with Biosocial Concepts." Paper presented at the annual Society of Criminology meeting, San Diego, November 1997, p. 16.
12. Israel Nachshon, "Neurological Bases of Crime, Psychopathy and Aggression," in *Crime in Biological, Social and Moral Contexts*, eds. Lee Ellis and Harry Hoffman (New York: Praeger, 1990), p. 199. Herein cited as *Crime in Biological Contexts*.
13. See, generally, Lee Ellis, "Introduction: The Nature of the Biosocial Perspective," in *Crime in Biological Contexts*, pp. 3–18.
14. See, for example, Tracy Bennett Herbert and Sheldon Cohen, "Depression and Immunity: A Meta-Analytic Review," *Psychological Bulletin* 113 (1993): 472–486.
15. See Ellis, *Theories of Rape*.
16. Leonard Hippchen, "Some Possible Biochemical Aspects of Criminal Behavior," *Journal of Behavioral Ecology* 2 (1981): 1–6; Sarnoff Mednick and Jan Volavka, "Biology and Crime," in *Crime and Justice*, eds. Norval Morris and Michael Tonry (Chicago: University of Chicago Press, 1980), pp. 85–159; Saleem Shah and Loren Roth, "Biological and Psychophysiological Factors in Criminality," in *Handbook of Criminology*, ed. Daniel Glazer (Chicago: Rand McNally, 1974), pp. 125–140.
17. Sue Dengate and Alan Ruben, "Controlled Trial of Cumulative Behavioural Effects of a Common Bread Preservative," *Journal of Pediatrics and Child Health* 38 (2002): 373–376.
18. G. B. Ramirez, O. Pagulayan, H. Akagi, A. Francisco Rivera, L. V. Lee, A. Berroya, M. C. Vince Cruz, and D. Casintahan, "Tagum Study II: Follow-Up Study at Two Years of Age after Prenatal Exposure to Mercury," *Pediatrics* 111 (2003): 289–295.
19. Harold Milman and Suzanne Arnold, "Neurologic, Psychological, and Aggressive Disturbances with Sildenafil," *Annals of Pharmacotherapy* 36 (2002): 1,129–1,134.
20. Ulric Neisser, et al., "Intelligence: Knowns and Unknowns," *American Psychologist* 51 (1996): 77–101, at 88.
21. Leonard Hippchen, ed., *Ecologic-Biochemical Approaches to Treatment of Delinquents and Criminals* (New York: Von Nostrand Reinhold, 1978), p. 14.
22. C. Hawley and R. E. Buckley, "Food Dyes and Hyperkinetic Children," *Academy Therapy* 10 (1974): 27–32.
23. Michael Krassner, "Diet and Brain Function," *Nutrition Reviews* 44 (1986): 12–15.
24. Hippchen, *Ecologic-Biochemical Approaches to Treatment of Delinquents and Criminals*.
25. J. Kershner and W. Hawke, "Megavitamins and Learning Disorders: A Controlled Double-Blind Experiment," *Journal of Nutrition* 109 (1979): 819–826.
26. Richard Knox, "Test Shows Smart People's Brains Use Nutrients Better," *Boston Globe*, 16 February 1988, p. 9.
27. Ronald Prinz and David Riddle, "Associations between Nutrition and Behavior in 5-Year-Old Children," *Nutrition Reviews Supplement* 44 (1986): 151–158.
28. Stephen Schoenthaler and Walter Doraz, "Types of Offenses Which Can Be Reduced in an Institutional Setting Using Nutritional Intervention," *International Journal of Biosocial Research* 4 (1983): 74–84; and idem, "Diet and Crime," *International Journal of Biosocial Research* 4 (1983): 74–84. See also, A. G. Schauss, "Differential Outcomes among Probationers Comparing Orthomolecular Approaches to Conventional Casework Counseling." Paper presented at the annual meeting of the American Society of Criminology, Dallas, November 9, 1978; A. Schauss and C. Simonsen, "A Critical Analysis of the Diets of Chronic Juvenile Offenders, Part I," *Journal of Orthomolecular Psychiatry* 8 (1979): 222–226; A. Hoffer, "Children with Learning and Behavioral Disorders," *Journal of Orthomolecular Psychiatry* 5 (1976): 229.
29. Prinz and Riddle, "Associations between Nutrition and Behavior in 5-Year-Old Children."
30. H. Bruce Ferguson, Clare Stoddart, and Jovan Simeon, "Double-Blind Challenge Studies of Behavioral and Cognitive Effects of Sucrose-Aspartame Ingestion in Normal Children," *Nutrition Reviews Supplement* 44 (1986): 144–158; Gregory Gray, "Diet, Crime and Delinquency: A Critique," *Nutrition Reviews Supplement* 44 (1986): 89–94.
31. Mark Wolraich, Scott Lindgren, Phyllis Stumbo, Lewis Stegink, Mark Appelbaum, and Mary Kiritzy, "Effects of Diets High in Sucrose or Aspartame on the Behavior and Cognitive Performance of Children," *The New England Journal of Medicine* 330 (1994): 303–306.
32. Dian Gans, "Sucrose and Unusual Childhood Behavior," *Nutrition Today* 26 (1991): 8–14.
33. Diana Fishbein, "Neuropsychological Function, Drug Abuse, and Violence, a Conceptual Framework," *Criminal Justice and Behavior* 27 (2000): 139–159.
34. D. Hill and W. Sargent, "A Case of Matricide," *Lancet* 244 (1943): 526–527.
35. E. Podolsky, "The Chemistry of Murder," *Pakistan Medical Journal* 15 (1964): 9–14.
36. J. A. Yaryura-Tobias and F. Neziroglu, "Violent Behavior, Brain Dysrhythmia and Glucose Dysfunction: A New Syndrome," *Journal of Orthopsychiatry* 4 (1975): 182–188.
37. Matti Virkkunen, "Reactive Hypoglycemic Tendency among Habitually Violent Offenders," *Nutrition Reviews Supplement* 44 (1986): 94–103.
38. James Q. Wilson, *The Moral Sense* (New York: Free Press, 1993).
39. Walter Gove, "The Effect of Age and Gender on Deviant Behavior: A Biopsychosocial Perspective," in *Gender and the Life Course*, ed. A. S. Rossi (New York: Aldine, 1985), pp. 115–144.
40. A. Maras, M. Laucht, D. Gerdes, C. Wilhelm, S. Lewicka, D. Haack, L.

- Malisova, and M. H. Schmidt, "Association of Testosterone and Dihydrotestosterone with Externalizing Behavior in Adolescent Boys and Girls," *Psychoneuroendocrinology* 28 (2003): 932–940;
- Alan Booth and D. Wayne Osgood, "The Influence of Testosterone on Deviance in Adulthood: Assessing and Explaining the Relationship," *Criminology* 31 (1993): 93–118.
41. Anthony Walsh, "Genetic and Cytogenetic Intersex Anomalies: Can They Help Us to Understand Gender Differences in Deviant Behavior?" *International Journal of Offender Therapy and Comparative Criminology* 39 (1995): 151–166.
42. Christy Miller Buchanan, Jacquelynne Eccles, and Jill Becker, "Are Adolescents the Victims of Raging Hormones? Evidence for Activational Effects of Hormones on Moods and Behavior at Adolescence," *Psychological Bulletin* 111 (1992): 62–107.
43. Alex Piquero and Timothy Brezina, "Testing Moffitt's Account of Adolescent-Limited Delinquency," *Criminology* 39 (2001): 353–370.
44. Booth and Osgood, "The Influence of Testosterone on Deviance in Adulthood."
45. Albert Reiss and Jeffrey Roth, eds. *Understanding and Preventing Violence* (Washington, DC: National Academy Press, 1993), p. 118. Hereafter cited as *Understanding Violence*.
46. L. E. Kreuz and R. M. Rose, "Assessment of Aggressive Behavior and Plasma Testosterone in a Young Criminal Population," *Psychosomatic Medicine* 34 (1972): 321–332.
47. Walsh, "Genetic and Cytogenetic Intersex Anomalies."
48. Lee Ellis, "Evolutionary and Neurochemical Causes of Sex Differences in Victimized Behavior: Toward a Unified Theory of Criminal Behavior and Social Stratification," *Social Science Information* 28 (1989): 605–636.
49. For a general review, see Lee Ellis and Phyllis Coontz, "Androgens, Brain Functioning, and Criminality: The Neurohormonal Foundations of Antisociality," in *Crime in Biological Contexts*, pp. 162–93.
50. *Ibid.*, p. 181.
51. Robert Rubin, "The Neuroendocrinology and Neuro-Chemistry of Antisocial Behavior," in *The Causes of Crime, New Biological Approaches*, eds. Sarnoff Mednick, Terrie Moffitt, and Susan Stack (Cambridge: Cambridge University Press, 1987), pp. 239–262.
52. J. Money, "Influence of Hormones on Psychosexual Differentiation," *Medical Aspects of Nutrition* 30 (1976): 165.
53. Mednick and Volavka, "Biology and Crime."
54. For a review of this concept, see Anne E. Figert, "The Three Faces of PMS: The Professional, Gendered, and Scientific Structuring of a Psychiatric Disorder," *Social Problems* 42 (1995): 56–72.
55. Katharina Dalton, *The Premenstrual Syndrome* (Springfield, IL: Charles C Thomas, 1971).
56. Julie Horney, "Menstrual Cycles and Criminal Responsibility," *Law and Human Nature* 2 (1978): 25–36.
57. Diana Fishbein, "Selected Studies on the Biology of Antisocial Behavior," in *New Perspectives in Criminology*, ed. John Conklin (Needham Heights, MA: Allyn & Bacon, 1996), pp. 26–38.
58. *Ibid.*; Karen Paige, "Effects of Oral Contraceptives on Affective Fluctuations Associated with the Menstrual Cycle," *Psychosomatic Medicine* 33 (1971): 515–537.
59. H. E. Amos and J. J. P. Drake, "Problems Posed by Food Additives," *Journal of Human Nutrition* 30 (1976): 165.
60. Ray Wunderlich, "Neuroallergy as a Contributing Factor to Social Misfits: Diagnosis and Treatment," in *Ecologic-Biochemical Approaches to Treatment of Delinquents and Criminals*, ed. Leonard Hippchen (New York: Von Nostrand Reinhold, 1978), pp. 229–253.
61. See, for example, Paul Marshall, "Allergy and Depression: A Neurochemical Threshold Model of the Relation between the Illnesses," *Psychological Bulletin* 113 (1993): 23–39.
62. A. R. Mawson and K. J. Jacobs, "Corn Consumption, Tryptophan, and Cross-National Homicide Rates," *Journal of Orthomolecular Psychiatry* 7 (1978): 227–230.
63. Centers for Disease Control. "CDC Releases Most Extensive Assessment Ever of Americans' Exposure to Environmental Chemicals," Centers for Disease Control press release, 31 January 2003.
64. Alexander Schauss, *Diet, Crime, and Delinquency* (Berkeley: Parker House, 1980).
65. John Ott, "The Effects of Light and Radiation on Human Health and Behavior," in *Ecologic-Biochemical Approaches to Treatment of Delinquents and Criminals*, ed. Leonard Hippchen (New York: Von Nostrand Reinhold, 1978), pp. 105–83. See also A. Kreuger and S. Sigel, "Ions in the Air," *Human Nature* (July 1978): 46–47; Harry Wohlforth, "The Effect of Color Psychodynamic Environmental Modification on Discipline Incidents in Elementary Schools over One School Year: A Controlled Study," *International Journal of Biosocial Research* 6 (1984): 44–53.
66. David C. Bellinger, "Lead," *Pediatrics* 113 (2004): 1,016–1,022.
67. Paul Stretesky and Michael Lynch, "The Relationship between Lead Exposure and Homicide," *Archives of Pediatric Adolescent Medicine* 155 (2001): 579–582.
68. Jeff Evans, "Asymptomatic, High Lead Levels Tied to Delinquency," *Pediatric News* 37 (2003): 13.
69. Deborah Denno, "Considering Lead Poisoning as a Criminal Defense," *Fordham Urban Law Journal* 20 (1993): 377–400.
70. Herbert Needleman, Christine McFarland, Roberta Ness, Stephen Fienberg, and Michael Tobin, "Bone Lead Levels in Adjudicated Delinquents: A Case Control Study," *Neurotoxicology and Teratology* 24 (2002): 711–717; Herbert Needleman, Julie Riess, Michael Tobin, Gretchen Biesecker, and Joel Greenhouse, "Bone Lead Levels and Delinquent Behavior," *Journal of the American Medical Association* 275 (1996): 363–369.
71. Neisser, et al., "Intelligence: Knowns and Unknowns."
72. Mark Opler, Alan Brown, Joseph Graziano, Manisha Desai, Wei Zheng, Catherine Schaefer, Pamela Factor-Litvak, and Ezra S. Susser, "Prenatal Lead Exposure, [Delta]-Aminolevulinic Acid, and Schizophrenia," *Environmental Health Perspectives* 112 (2004): 548–553.
73. Centers for Disease Control. "CDC Releases Most Extensive Assessment Ever of Americans' Exposure to Environmental Chemicals."
74. Terrie Moffitt, "The Neuropsychology of Juvenile Delinquency: A Critical Review," in *Crime and Justice, An Annual Review*, vol. 12, eds. Norval Morris and Michael Tonry (Chicago: University of Chicago Press, 1990), pp. 99–169.

75. Terrie Moffitt, Donald Lynam, and Phil Silva, "Neuropsychological Tests Predicting Persistent Male Delinquency," *Criminology* 32 (1994): 277–300; Elizabeth Kandel and Sarnoff Mednick, "Perinatal Complications Predict Violent Offending," *Criminology* 29 (1991): 519–529; Sarnoff Mednick, Ricardo Machon, Matti Virkkunen, and Douglas Bonett, "Adult Schizophrenia Following Prenatal Exposure to an Influenza Epidemic," *Archives of General Psychiatry* 44 (1987): 35–46; C. A. Fogel, S. A. Mednick, and N. Michelson, "Hyperactive Behavior and Minor Physical Anomalies," *Acta Psychiatrica Scandinavica* 72 (1985): 551–556.
76. R. Johnson, *Aggression in Man and Animals* (Philadelphia: Saunders, 1972), p. 79.
77. Jean Seguin, Robert Pihl, Philip Harden, Richard Tremblay, and Bernard Boulerice, "Cognitive and Neuropsychological Characteristics of Physically Aggressive Boys," *Journal of Abnormal Psychology* 104 (1995): 614–624; Deborah Denno, "Gender, Crime and the Criminal Law Defenses," *Journal of Criminal Law and Criminology* 85 (1994): 80–180.
78. Adrian Raine, Patricia Brennan, Brigitte Mednick, and Sarnoff Mednick, "High Rates of Violence, Crime, Academic Problems, and Behavioral Problems in Males with Both Early Neuromotor Deficits and Unstable Family Environments," *Archives of General Psychiatry* 53 (1966): 544–549.
79. Deborah Denno, *Biology, Crime and Violence: New Evidence* (Cambridge: Cambridge University Press, 1989).
80. Diana Fishbein and Robert Thatcher, "New Diagnostic Methods in Criminology: Assessing Organic Sources of Behavioral Disorders," *Journal of Research in Crime and Delinquency* 23 (1986): 240–267.
81. See, generally, David Rowe, *Biology and Crime* (Los Angeles: Roxbury Press, 2001).
82. Lorne Yeudall, "A Neuropsychosocial Perspective of Persistent Juvenile Delinquency and Criminal Behavior." Paper presented at the New York Academy of Sciences, September 26, 1979.
83. R. W. Aind and T. Yamamoto, "Behavior Disorders of Childhood," *Electroencephalography and Clinical Neurophysiology* 21 (1966): 148–156.
84. See, generally, Jan Volavka, "Electroencephalogram among Criminals," in *The Causes of Crime, New Biological Approaches*, eds. Sarnoff Mednick, Terrie Moffitt, and Susan Stack (Cambridge: Cambridge University Press, 1987), pp. 137–145; Z. A. Zayed, S. A. Lewis, and R. P. Britain, "An Encephalographic and Psychiatric Study of 32 Insane Murderers," *British Journal of Psychiatry* 115 (1969): 1115–1124.
85. Nathaniel Pallone and James Hennessy, "Brain Dysfunction and Criminal Violence," *Society* 35 (1998): 21–27; P. F. Goyer, P. J. Andreason, and W. E. Semple, "Positron Emission Tomography and Personality Disorders," *Neuropsychopharmacology* 10 (1994): 21–28.
86. Adrian Raine, Monte Buchsbaum, and Lori LaCasse, "Brain Abnormalities in Murderers Indicated by Positron Emission Tomography," *Biological Psychiatry* 42 (1997): 495–508.
87. David George, Robert Rawlings, Wendol Williams, Monte Phillips, Grace Fong, Michael Kerich, Reza Momenan, John Umhau, and Daniel Hommer, "A Select Group of Perpetrators of Domestic Violence: Evidence of Decreased Metabolism in the Right Hypothalamus and Reduced Relationships between Cortical/Subcortical Brain Structures in Positron Emission Tomography," *Psychiatry Research: Neuroimaging* 130 (2004): 11–25.
88. Adrian Raine, "The Role of Prefrontal Deficits, Low Autonomic Arousal, and Early Health Factors in the Development of Antisocial and Aggressive Behavior in Children," *Journal of Child Psychology and Psychiatry* 43 (2002): 417–434.
89. Pallone and Hennessy, "Brain Dysfunction and Criminal Violence," p. 25.
90. D. R. Robin, R. M. Starles, T. J. Kenney, B. J. Reynolds, and F. P. Heald, "Adolescents Who Attempt Suicide," *Journal of Pediatrics* 90 (1977): 636–638.
91. R. R. Monroe, *Brain Dysfunction in Aggressive Criminals* (Lexington, MA: D.C. Heath, 1978).
92. L. T. Yeudall, *Childhood Experiences as Causes of Criminal Behavior* (Senate of Canada, Issue no. 1, Thirteenth Parliament, Ottawa, 1977).
93. Raine, Buchsbaum, and LaCasse, "Brain Abnormalities in Murderers Indicated by Positron Emission Tomography."
94. Leonore Simon, "Does Criminal Offender Treatment Work?" *Applied and Preventive Psychology* (summer 1998); Stephen Faraone, et al., "Intellectual Performance and School Failure in Children with Attention Deficit Hyperactivity Disorder and in Their Siblings," *Journal of Abnormal Psychology* 102 (1993): 616–623.
95. Ibid.
96. Simon, "Does Criminal Offender Treatment Work?"
97. Terrie Moffitt and Phil Silva, "Self-Reported Delinquency, Neuropsychological Deficit, and History of Attention Deficit Disorder," *Journal of Abnormal Child Psychology* 16 (1988): 553–569.
98. Molina Pelham, Jr., "Childhood Predictors of Adolescent Substance Use in a Longitudinal Study of Children with ADHD," *Journal of Abnormal Psychology* 112 (2003): 497–507; Peter Muris and Cor Meesters, "The Validity of Attention Deficit Hyperactivity and Hyperkinetic Disorder Symptom Domains in Non-clinical Dutch Children," *Journal of Clinical Child and Adolescent Psychology* 32 (2003): 460–466.
99. Elizabeth Hart, et al., "Criterion Validity of Informants in the Diagnosis of Disruptive Behavior Disorders in Children: A Preliminary Study," *Journal of Consulting and Clinical Psychology* 62 (1994): 410–414.
100. Russell Barkley, Mariellen Fischer, Lori Smallish, and Kenneth Fletcher, "Young Adult Follow-Up of Hyperactive Children: Antisocial Activities and Drug Use," *Journal of Child Psychology and Psychiatry* 45 (2004): 195–211.
101. Eugene Maguin, Rolf Loeber, and Paul LeMahieu, "Does the Relationship between Poor Reading and Delinquency Hold for Males of Different Ages and Ethnic Groups?" *Journal of Emotional and Behavioral Disorders* 1 (1993): 88–100.
102. Karen Harding, Richard Judah, and Charles Gant, "Outcome-Based Comparison of Ritalin[R] versus Food-Supplement Treated Children with AD/HD," *Alternative Medicine Review* 8 (2003): 319–330.
103. Rita Shaughnessy, "Psychopharmacotherapy of Neuropsychiatric Disorders," *Psychiatric Annals* 25 (1995): 634–640.
104. Yeudall, "A Neuropsychosocial Perspective of Persistent Juvenile Delinquency

- and Criminal Behavior," p. 4;
F. A. Elliott, "Neurological Aspects of Antisocial Behavior," in *The Psychopath: A Comprehensive Study of Antisocial Disorders and Behaviors*, ed. W. H. Reid (New York: Brunner/Mazel, 1978), pp. 146–189.
105. *Ibid.*, p. 177.
 106. H. K. Kletschka, "Violent Behavior Associated with Brain Tumor," *Minnesota Medicine* 49 (1966): 1,853–1,855.
 107. V. E. Krynicki, "Cerebral Dysfunction in Repetitively Assaultive Adolescents," *Journal of Nervous and Mental Disease* 166 (1978): 59–67.
 108. C. E. Lyght, ed., *The Merck Manual of Diagnosis and Therapy* (West Point, FL: Merck, 1966).
 109. Reiss and Roth, *Understanding Violence*, p. 119.
 110. M. Virkkunen, M. J. DeJong, J. Bartko, and M. Linnoila, "Psychobiological Concomitants of History of Suicide Attempts among Violent Offenders and Impulsive Fire Starters," *Archives of General Psychiatry* 46 (1989): 604–606.
 111. Matti Virkkunen, David Goldman, and Markku Linnoila, "Serotonin in Alcohol-Related Violent Offenders," *The Ciba Foundation Symposium, Genetics of Criminal and Antisocial Behavior* (Chichester, England: Wiley, 1995).
 112. Lee Ellis, "Left- and Mixed-Handedness and Criminality: Explanations for a Probable Relationship," in *Left-Handedness, Behavioral Implications and Anomalies*, ed. S. Coren (Amsterdam: Elsevier, 1990): 485–507.
 113. Lee Ellis, "Monoamine Oxidase and Criminality: Identifying an Apparent Biological Marker for Antisocial Behavior," *Journal of Research in Crime and Delinquency* 28 (1991): 227–251.
 114. Walter Gove and Charles Wilmoth, "Risk, Crime and Neurophysiologic Highs: A Consideration of Brain Processes that May Reinforce Delinquent and Criminal Behavior," in *Crime in Biological Contexts*, pp. 261–293.
 115. Jack Katz, *Seduction of Crime: Moral and Sensual Attractions of Doing Evil* (New York: Basic Books, 1988), pp. 12–15.
 116. Lee Ellis, "Arousal Theory and the Religiosity-Criminality Relationship," in *Contemporary Criminological Theory*, eds., Peter Cordella and Larry Siegel (Boston, MA: Northeastern University, 1996), pp. 65–84.
 117. Adrian Raine, Peter Venables, and Sarnoff Mednick, "Low Resting Heart Rate at Age 3 Years Predisposes to Aggression at Age 11 Years: Evidence from the Mauritius Child Health Project," *Journal of the American Academy of Adolescent Psychiatry* 36 (1997): 1457–1464.
 118. For a general view, see Richard Lerner and Terryl Foch, *Biological-Psychosocial Interactions in Early Adolescence* (Hillsdale, NJ: Erlbaum, 1987).
 119. Kerry Jang, W. John Livesley, and Philip Vernon, "Heritability of the Big Five Personality Dimensions and Their Facets: A Twin Study," *Journal of Personality* 64 (1996): 577–589.
 120. David Rowe, "As the Twig Is Bent: The Myth of Child-Rearing Influences on Personality Development," *Journal of Counseling and Development* 68 (1990): 606–611; David Rowe, Joseph Rogers, and Sylvia Meseck-Bushey, "Sibling Delinquency and the Family Environment: Shared and Unshared Influences," *Child Development* 63 (1992): 59–67.
 121. Gregory Carey and David DiLalla, "Personality and Psychopathology: Genetic Perspectives," *Journal of Abnormal Psychology* 103 (1994): 32–43.
 122. T. R. Sarbin and L. E. Miller, "Demonism Revisited: The XYY Chromosome Anomaly," *Issues in Criminology* 5 (1970): 195–207.
 123. Mednick and Volavka, "Biology and Crime," p. 93.
 124. For an early review, see Barbara Wootton, *Social Science and Social Pathology* (London: Allen & Unwin, 1959); John Laub and Robert Sampson, "Unraveling Families and Delinquency: A Reanalysis of the Gluecks' Data," *Criminology* 26 (1988): 355–380.
 125. D. J. West and D. P. Farrington, eds., "Who Becomes Delinquent?" in *The Delinquent Way of Life* (London: Heinemann, 1977); D. J. West, *Delinquency, Its Roots, Careers, and Prospects* (Cambridge, MA: Harvard University Press, 1982).
 126. West, *Delinquency*, p. 114.
 127. Carolyn Smith and David Farrington, "Continuities in Antisocial Behavior and Parenting across Three Generations," *Journal of Child Psychology and Psychiatry* 45 (2004): 230–247.
 128. David Farrington, "Understanding and Preventing Bullying," in *Crime and Justice*, vol. 17, ed. Michael Tonry (Chicago: University of Chicago Press, 1993), pp. 381–457.
 129. Terence Thornberry, Adrienne Freeman-Gallant, Alan Lizotte, Marvin Krohn, and Carolyn Smith, "Linked Lives: The Inter-generational Transmission of Antisocial Behavior," *Journal of Abnormal Child Psychology* 31 (2003): 171–185.
 130. Philip Harden and Robert Pihl, "Cognitive Function, Cardiovascular Reactivity, and Behavior in Boys at High Risk for Alcoholism," *Journal of Abnormal Psychology* 104 (1995): 94–103.
 131. Laub and Sampson, "Unraveling Families and Delinquency," p. 370.
 132. Smith and Farrington, "Continuities in Antisocial Behavior and Parenting across Three Generations."
 133. David Rowe and David Farrington, "The Familial Transmission of Criminal Convictions," *Criminology* 35 (1997): 177–201.
 134. D. P. Farrington, Gwen Gundry, and D. J. West, "The Familial Transmission of Criminality," in *Crime and the Family*, eds. Alan Lincoln and Murray Straus (Springfield, IL: Charles C Thomas, 1985), pp. 193–206.
 135. Abigail Fagan and Jake Najman, "Sibling Influences on Adolescent Delinquent Behaviour: An Australian Longitudinal Study," *Journal of Adolescence* 26 (2003): 547–559.
 136. David Rowe and Bill Gulley, "Sibling Effects on Substance Use and Delinquency," *Criminology* 30 (1992): 217–232; see also, David Rowe, Joseph Rogers, and Sylvia Meseck-Bushey, "Sibling Delinquency and the Family Environment: Shared and Unshared Influences," *Child Development* 63 (1992): 59–67.
 137. Dana Haynie and Suzanne Mchugh, "Sibling Deviance in the Shadows of Mutual and Unique Friendship Effects?" *Criminology* 41 (2003): 355–393.
 138. Louise Arseneault, Terrie Moffitt, Avshalom Caspi, Alan Taylor, Fruhling Rijdsdijk, Sara Jaffee, Jennifer Ablow, and Jeffrey Measelle, "Strong Genetic Effects on Cross-Situational Antisocial Behaviour among 5-Year-Old Children According to Mothers, Teachers, Examiner-Observers, and Twins' Self-Reports," *Journal of Child Psychology and Psychiatry* 44 (2003): 832–848.
 139. David Rowe, "Sibling Interaction and Self-Reported Delinquent Behavior: A

- Study of 265 Twin Pairs," *Criminology* 23 (1985): 223–240; Nancy Segal, "Monozygotic and Dizygotic Twins: A Comparative Analysis of Mental Ability Profiles," *Child Development* 56 (1985): 1051–1058.
140. Ibid.
 141. See Sarnoff A. Mednick and Karl O. Christiansen, eds., *Biosocial Bases in Criminal Behavior* (New York: Gardner Press, 1977).
 142. Michael Lyons, "A Twin Study of Self-Reported Criminal Behavior," and Judy Silberg, Joanne Meyer, Andrew Pickles, Emily Simonoff, Lindon Eaves, John Hewitt, Hermine Maes, and Michael Rutter, "Heterogeneity among Juvenile Antisocial Behaviors: Findings from the Virginia Twin Study of Adolescent Behavioral Development," in *The Ciba Foundation Symposium, Genetics of Criminal and Antisocial Behavior* (Chichester, England: Wiley, 1995).
 143. Michael Lyons, Karestan Koenen, Francisco Buchting, Joanne Meyer, Lindon Eaves, Rosemary Toomey, Seth Eisen, Jack Goldberg, Stephen Faraon, Rachel Ban, Beth Jerskey, and Ming Tsuang, "A Twin Study of Sexual Behavior in Men," *Archives of Sexual Behavior* 33 (2004): 129–136.
 144. David Rowe, "Genetic and Environmental Components of Antisocial Behavior: A Study of 265 Twin Pairs," *Criminology* 24 (1986): 513–532; David Rowe and D. Wayne Osgood, "Hereditry and Sociological Theories of Delinquency: A Reconsideration," *American Sociological Review* 49 (1984): 526–540.
 145. Edwin J. C. G. van den Oord, Frank Verhulst, and Dorret Boomsma, "A Genetic Study of Maternal and Paternal Ratings of Problem Behaviors in 3-Year-Old Twins," *Journal of Abnormal Psychology* 105 (1996): 349–357.
 146. Mednick and Volavka, "Biology and Crime," in Norval Morris and Michael Tonry, eds., *Crime and Justice*, vol. 1 (Chicago: University of Chicago Press, 1980), pp. 85–159; Lee Ellis, "Genetics and Criminal Behavior," *Criminology* 10 (1982): 43–66; Karl O. Christiansen, "A Preliminary Study of Criminality among Twins," in S. A. Mednick and Karl O. Christiansen, eds., *The Biosocial Bases of Criminal Behavior* (New York: Gardner Press, 1977).
 147. Ping Qin, "The Relationship of Suicide Risk to Family History of Suicide and Psychiatric Disorders," *Psychiatric Times* 20 (2003): <http://www.psychiatrictimes.com/p031262.html>.
 148. Jane Scourfield, Marianne Van den Bree, Neilson Martin, and Peter McGuffin, "Conduct Problems in Children and Adolescents: A Twin Study," *Archives of General Psychiatry*, 61 (2004): 489–496; Jeanette Taylor, Bryan Loney, Leonardo Bobadilla, William Iacono, and Matt McGue, "Genetic and Environmental Influences on Psychopathy Trait Dimensions in a Community Sample of Male Twins," *Journal of Abnormal Child Psychology* 31 (2003): 633–645.
 149. Ginette Dionne, Richard Tremblay, Michel Boivin, David Laplante, and Daniel Perusse, "Physical Aggression and Expressive Vocabulary in 19-Month-Old Twins," *Developmental Psychology* 39 (2003): 261–273.
 150. Thomas Bouchard, "Genetic and Environmental Influences on Intelligence and Special Mental Abilities," *American Journal of Human Biology* 70 (1998): 253–275; some findings from the Minnesota study can be accessed from their website: <http://www.cla.umn.edu/psych/psylabs/mtfs/mtfsspec.htm>.
 151. David Rowe, *The Limits of Family Influence: Genes, Experiences and Behavior* (New York: Guilford Press, 1995), p. 64.
 152. Gregory Carey, "Twin Imitation for Antisocial Behavior: Implications for Genetic and Family Environment Research," *Journal of Abnormal Psychology* 101 (1992): 18–25; David Rowe and Joseph Rodgers, "The Ohio Twin Project and ADSEX Studies: Behavior Genetic Approaches to Understanding Antisocial Behavior." Paper presented at the American Society of Criminology meeting, Montreal, Canada, November 1987.
 153. Glenn Walters, "A Meta-Analysis of the Gene–Crime Relationship," *Criminology* 30 (1992): 595–613.
 154. Alice Gregory, Thalia Eley, and Robert Plomin, "Exploring the Association between Anxiety and Conduct Problems in a Large Sample of Twins Aged 2–4," *Journal of Abnormal Child Psychology* 32 (2004): 111–123.
 155. Marshall Jones and Donald Jones, "The Contagious Nature of Antisocial Behavior," *Criminology* 38 (2000): 25–46.
 156. Jones and Jones, "The Contagious Nature of Antisocial Behavior," p. 31.
 157. R. J. Cadoret, C. Cain, and R. R. Crowe, "Evidence for a Gene–Environment Interaction in the Development of Adolescent Antisocial Behavior," *Behavior Genetics* 13 (1983): 301–310.
 158. Barry Hutchings and Sarnoff A. Mednick, "Criminality in Adoptees and Their Adoptive and Biological Parents: A Pilot Study," in *Biological Bases in Criminal Behavior*, eds. S. A. Mednick and K. O. Christiansen (New York: Gardner Press, 1977).
 159. For similar results, see Sarnoff Mednick, Terrie Moffitt, William Gabrielli, and Barry Hutchings, "Genetic Factors in Criminal Behavior: A Review," in *Development of Antisocial and Prosocial Behavior*, ed. Dan Olweus (New York: Academic Press, 1986), pp. 3–50; Sarnoff Mednick, William Gabrielli, and Barry Hutchings, "Genetic Influences in Criminal Behavior: Evidence from an Adoption Cohort," in *Perspective Studies of Crime and Delinquency*, eds. Katherine Teilmann Van Dusen and Sarnoff Mednick (Boston: Kluwer-Nijhoff, 1983), pp. 39–57.
 160. Michael Bohman, "Predisposition to Criminality: Swedish Adoption Studies in Retrospect," in *Genetics of Criminal and Antisocial Behavior*, pp. 99–114.
 161. Lawrence Cohen and Richard Machalek, "A General Theory of Expropriative Crime: An Evolutionary Ecological Approach," *American Journal of Sociology* 94 (1988): 465–501.
 162. For a general review, see Martin Daly and Margo Wilson, "Crime and Conflict: Homicide in Evolutionary Psychological Theory," in *Crime and Justice, An Annual Edition*, ed. Michael Tonry (Chicago: University of Chicago Press, 1997), pp. 51–100.
 163. Martin Daly and Margo Wilson, *Homicide* (New York: Aldine de Gruyter, 1988), p. 194.
 164. Margo Wilson, Holly Johnson, and Martin Daly, "Lethal and Nonlethal Violence against Wives," *Canadian Journal of Criminology* 37 (1995): 331–361.
 165. Daly and Wilson, *Homicide*, pp. 172–173.
 166. Lee Ellis, "The Evolution of Violent Criminal Behavior and Its Nonlegal Equivalent," in *Crime in Biological, Social, and Moral Contexts*, eds. Lee Ellis and Harry Hoffman (New York: Praeger, 1990), pp. 63–65.
 167. David Rowe, Alexander Vazsonyi, and Aurelio Jose Figuerdo, "Mating-Effort in

- Adolescence: A Conditional Alternative Strategy," *Personal Individual Differences* 23 (2002): 105–115.
168. Ibid.
169. Anne Campbell, Steven Muncer, and Daniel Bibel, "Female–Female Criminal Assault: An Evolutionary Perspective," *Journal of Research in Crime and Delinquency* 35 (1998): 413–429.
170. J. Phillipe Rushton, *Race, Evolution and Behavior*, abridged ed. (New Brunswick, NJ: Transaction Books, 1999).
171. Michael Lynch, "J. Phillipe on Crime: An Examination and Critique of the Explanation of Crime and Race," *Social Pathology* 6 (2000): 228–244.
172. Lee Ellis, "Sex Differences in Criminality: An Explanation Based on the Concept of R/K Selection," *Mankind Quarterly* 30 (1990): 17–37.
173. Byron Roth, "Crime and Child Rearing," *Society* 34 (1996): 39–45.
174. Deborah Denno, "Sociological and Human Developmental Explanations of Crime: Conflict or Consensus," *Criminology* 23 (1985): 711–741.
175. Israel Nachshon and Deborah Denno, "Violence and Cerebral Function," in *The Causes of Crime, New Biological Approaches*, eds. Sarnoff Mednick, Terrie Moffitt, and Susan Stack (Cambridge: Cambridge University Press, 1987), pp. 185–217.
176. Raine, Brennan, Mednick, and Mednick, "High Rates of Violence, Crime, Academic Problems, and Behavioral Problems in Males with Both Early Neuromotor Deficits and Unstable Family Environments."
177. Avshalom Caspi, Donald Lynam, Terrie Moffitt, and Phil Silva, "Unraveling Girl's Delinquency: Biological, Dispositional, and Contextual Contributions to Adolescent Misbehavior," *Developmental Psychology* 29 (1993): 283–289.
178. Glenn Walters and Thomas White, "Heredity and Crime: Bad Genes or Bad Research," *Criminology* 27 (1989): 455–486, at 478.
179. Charles Goring, *The English Convict: A Statistical Study, 1913* (Montclair, NJ: Patterson Smith, 1972).
180. Edwin Driver, "Charles Buckman Goring," in *Pioneers in Criminology*, ed. Hermann Mannheim (Montclair, NJ: Patterson Smith, 1970), p. 440.
181. Gabriel Tarde, *Penal Philosophy*, trans. R. Howell (Boston: Little, Brown, 1912).
182. See, generally, Donn Byrne and Kathryn Kelly, *An Introduction to Personality* (Englewood Cliffs, NJ: Prentice-Hall, 1981).
183. August Aichorn, *Wayward Youth* (New York: Viking Press, 1935).
184. See, generally, D. A. Andrews and James Bonta, *The Psychology of Criminal Conduct* (Cincinnati, Ohio: Anderson, 1994), pp. 72–75.
185. Paige Crosby Ouimette, "Psychopathology and Sexual Aggression in Nonincarcerated Men," *Violence and Victimization* 12 (1997): 389–397.
186. Robert Krueger, Avshalom Caspi, Phil Silva, and Rob McGee, "Personality Traits Are Differentially Linked to Mental Disorders: A Multitrait-Multidiagnosis Study of an Adolescent Birth Cohort," *Journal of Abnormal Psychology* 105 (1996): 299–312.
187. Seymour Halleck, *Psychiatry and the Dilemmas of Crime* (Berkeley: University of California Press, 1971).
188. Jeffrey Burke, Rolf Loeber, and Boris Birmaher, "Oppositional Defiant Disorder and Conduct Disorder: A Review of the Past 10 Years, Part II," *Journal of the American Academy of Child and Adolescent Psychiatry* 41 (2002): 1275–1294.
189. Ellen Kjelsberg, "Gender and Disorder Specific Criminal Career Profiles in Former Adolescent Psychiatric In-Patients," *Journal of Youth and Adolescence* 33 (2004): 261–270.
190. Richard Rowe, Julie Messer, Robert Goodman, and Howard Meltzer, "Conduct Disorder and Oppositional Defiant Disorder in a National Sample: Developmental Epidemiology," *Journal of Child Psychology and Psychiatry and Allied Disciplines* 45 (2004): 609–621.
191. Paul Rohde, Gregory N. Clarke, David E. Mace, Jenel S. Jorgensen, and John R. Seeley, "An Efficacy/Effectiveness Study of Cognitive-Behavioral Treatment for Adolescents with Comorbid Major Depression and Conduct Disorder," *Journal of the American Academy of Child and Adolescent Psychiatry* 43 (2004): 660–669.
192. Jennifer Beyers and Rolf Loeber, "Untangling Developmental Relations between Depressed Mood and Delinquency in Male Adolescents," *Journal of Abnormal Child Psychology* 31 (2003): 247–267.
193. Dorothy Espelage, Elizabeth Cauffman, Lisa Broidy, Alex Piquero, Paul Mazerolle, and Hans Steiner, "A Cluster-Analytic Investigation of MMPI Profiles of Serious Male and Female Juvenile Offenders," *Journal of the American Academy of Child and Adolescent Psychiatry* 42 (2003): 770–777.
194. Richard Famularo, Robert Kinscherff, and Terence Fenton, "Psychiatric Diagnoses of Abusive Mothers, A Preliminary Report," *Journal of Nervous and Mental Disease* 180 (1992): 658–660.
195. James Sorrells, "Kids Who Kill," *Crime and Delinquency* 23 (1977): 312–320.
196. Richard Rosner, "Adolescents Accused of Murder and Manslaughter: A Five-Year Descriptive Study," *Bulletin of the American Academy of Psychiatry and the Law* 7 (1979): 342–351.
197. Richard Wagner, Dawn Taylor, Joy Wright, Alison Sloat, Gwynneth Springett, Sandy Arnold, and Heather Weinberg, "Substance Abuse among the Mentally Ill," *American Journal of Orthopsychiatry* 64 (1994): 30–38.
198. Bruce Link, Howard Andrews, and Francis Cullen, "The Violent and Illegal Behavior of Mental Patients Reconsidered," *American Sociological Review* 57 (1992): 275–292; Ellen Hochstedler Steury, "Criminal Defendants with Psychiatric Impairment: Prevalence, Probabilities and Rates," *Journal of Criminal Law and Criminology* 84 (1993): 354–374.
199. Henrik Belfrage "A Ten-Year Follow-Up of Criminality in Stockholm Mental Patients: New Evidence for a Relation between Mental Disorder and Crime," *British Journal of Criminology* 38 (1998): 145–155.
200. C. Wallace, P. Mullen, P. Burgess, S. Palmer, D. Ruschena, and C. Browne, "Serious Criminal Offending and Mental Disorder. Case Linkage Study," *British Journal of Psychiatry* 174 (1998): 477–484.
201. Patricia Brennan, Sarnoff Mednick, and Sheilagh Hodgins, "Major Mental Disorders and Criminal Violence in a Danish Birth Cohort," *Archives of General Psychiatry* 57 (2000): 494–500.
202. Robert Vermeiren, "Psychopathology and Delinquency in Adolescents: A Descriptive and Developmental Perspective," *Clinical Psychology Review* 23 (2003): 277–318.
203. John Monahan, *Mental Illness and Violent Crime* (Washington, DC: National Institute of Justice, 1996).
204. Robin Shepard Engel and Eric Silver, "Policing Mentally Disordered Suspects:

- A Reexamination of the Criminalization Hypothesis," *Criminology* 39 (2001): 225–352; Marc Hillbrand, John Krystal, Kimberly Sharpe, and Hilliard Foster, "Clinical Predictors of Self-Mutilation in Hospitalized Patients," *Journal of Nervous and Mental Disease* 182 (1994): 9–13.
205. Carmen Cirincione, Henry Steadman, Pamela Clark Robbins, and John Monahan, *Mental Illness as a Factor in Criminality: A Study of Prisoners and Mental Patients* (Delmar, N.: Policy Research Associates, 1991). See also, idem, *Schizophrenia as a Contingent Risk Factor for Criminal Violence* (Delmar, NY: Policy Research Associates, 1991).
206. James Bonta, Moira Law, and Karl Hanson, "The Prediction of Criminal and Violent Recidivism among Mentally Disordered Offenders: A Meta-Analysis," *Psychological Bulletin* 123 (1998): 123–142.
207. Eric Silver, "Mental Disorder and Violent Victimization: The Mediating Role of Involvement in Conflicted Social Relationships," *Criminology* 40 (2002): 191–212.
208. Eric Silver, "Extending Social Disorganization Theory: A Multilevel Approach to the Study of Violence among Persons with Mental Illness," *Criminology* 38 (2000): 1043–1074.
209. Stacy DeCoster and Karen Heimer, "The Relationship between Law Violation and Depression: An Interactionist Analysis," *Criminology* 39 (2001): 799–837.
210. B. Lögdberg, L.-L. Nilsson, M. T. Levander, and S. Levander, "Schizophrenia, Neighbourhood, and Crime," *Acta Psychiatrica Scandinavica* 110 (2004): 92–97.
211. Jeffrey Wanson, Randy Borum, Marvin Swartz, Virginia Hidaym, H. Ryan Wagner, and Barbara Burns, "Can Involuntary Outpatient Commitment Reduce Arrests among Persons with Severe Mental Illness?" *Criminal Justice and Behavior* 28 (2001): 156–189.
212. This discussion is based on three works by Albert Bandura: *Aggression: A Social Learning Analysis* (Englewood Cliffs, NJ: Prentice-Hall, 1973); *Social Learning Theory* (Englewood Cliffs, NJ: Prentice-Hall, 1977); and "The Social Learning Perspective: Mechanisms of Aggression," in *Psychology of Crime and Criminal Justice*, ed. Hans Toch (New York: Holt, Rinehart & Winston, 1979), pp. 198–236.
213. David Phillips, "The Impact of Mass Media Violence on U.S. Homicides," *American Sociological Review* 48 (1983): 560–568.
214. See, generally, Jean Piaget, *The Moral Judgment of the Child* (London: Kegan Paul, 1932).
215. Lawrence Kohlberg, *Stages in the Development of Moral Thought and Action* (New York: Holt, Rinehart & Winston, 1969).
216. L. Kohlberg, K. Kauffman, P. Scharf, and J. Hickey, *The Just Community Approach in Corrections: A Manual* (Niantic: Connecticut Department of Corrections, 1973).
217. Scott Henggeler, *Delinquency in Adolescence* (Newbury Park, CA: Sage, 1989), p. 26.
218. Carol Veneziano and Louis Veneziano, "The Relationship between Deterrence and Moral Reasoning," *Criminal Justice Review* 17 (1992): 209–216.
219. K. A. Dodge, "A Social Information Processing Model of Social Competence in Children," in *Minnesota Symposium in Child Psychology*, vol. 18, ed. M. Perlmutter (Hillsdale, NJ: Erlbaum, 1986), pp. 77–125.
220. Adrian Raine, Peter Venables, and Mark Williams, "Better Autonomic Conditioning and Faster Electrodermal Half-Recovery Time at Age 15 Years as Possible Protective Factors against Crime at Age 29 Years," *Developmental Psychology* 32 (1996): 624–630.
221. Jean Marie McGloin and Travis Pratt, "Cognitive Ability and Delinquent Behavior among Inner-City Youth: A Life-Course Analysis of Main, Mediating, and Interaction Effects," *International Journal of Offender Therapy and Comparative Criminology* 47 (2003): 253–271.
222. Shadd Maruna, "Desistance from Crime and Explanatory Style: A New Direction in the Psychology of Reform," *Journal of Contemporary Criminal Justice* 20 (2004): 184–200.
223. Tony Ward and Claire Stewart, "The Relationship between Human Needs and Criminogenic Needs," *Psychology, Crime, and Law* 9. (2003): 219–225.
224. L. Huesman and L. Eron, "Individual Differences and the Trait of Aggression," *European Journal of Personality* 3 (1989): 95–106.
225. Rolf Loeber and Dale Hay, "Key Issues in the Development of Aggression and Violence from Childhood to Early Adulthood," *Annual Review of Psychology* 48 (1997): 371–410.
226. Judith Baer and Tina Maschi, "Random Acts of Delinquency: Trauma and Self-Destructiveness in Juvenile Offenders," *Child and Adolescent Social Work Journal* 20 (2003): 85–99.
227. J. E. Lochman, "Self and Peer Perceptions and Attributional Biases of Aggressive and Nonaggressive Boys in Dyadic Interactions," *Journal of Consulting and Clinical Psychology* 55 (1987): 404–410.
228. Kathleen Cirillo, B. E. Pruitt, Brian Colwell, Paul M. Kingery, Robert S. Hurley, and Danny Ballard, "School Violence: Prevalence and Intervention Strategies for At-Risk Adolescents," *Adolescence* 33 (1998): 319–331.
229. Leilani Greening, "Adolescent Stealers' and Nonstealers' Social Problem-Solving Skills," *Adolescence* 32 (1997): 51–56.
230. D. Lipton, E. C. McDonel, and R. McFall, "Heterosocial Perception in Rapists," *Journal of Consulting and Clinical Psychology* 55 (1987): 17–21.
231. *Understanding Violence*, p. 389.
232. Cirillo, Pruitt, Colwell, Kingery, Hurley, and Ballard, "School Violence."
233. See, generally, Walter Mischel, *Introduction to Personality*, 4th ed. (New York: Holt, Rinehart & Winston, 1986).
234. D. A. Andrews and J. Stephen Wormith, "Personality and Crime: Knowledge and Construction in Criminology," *Justice Quarterly* 6 (1989): 289–310; Donald Gibbons, "Comment—Personality and Crime: Non-Issues, Real Issues, and a Theory and Research Agenda," *Justice Quarterly* (1989): 311–324.
235. Sheldon Glueck and Eleanor Glueck, *Unraveling Juvenile Delinquency* (Cambridge, MA: Harvard University Press, 1950).
236. See, generally, Hans Eysenck, *Personality and Crime* (London: Routledge and Kegan Paul, 1977).
237. Edelyn Verona and Joyce Carbonell, "Female Violence and Personality," *Criminal Justice and Behavior* 27 (2000): 176–195.
238. Hans Eysenck and M. W. Eysenck, *Personality and Individual Differences* (New York: Plenum, 1985).
239. Catrien Bijleveld and Jan Hendriks, "Juvenile Sex Offenders: Differences between Group and Solo Offenders," *Psychology, Crime, and Law* 9 (2003): 237–246.

240. Joshua Miller and Donald Lynam, "Personality and Antisocial Behavior," *Criminology* 39 (2001): 765–799.
241. *Ibid.*, pp. 781–782.
242. David Lykken, "Psychopathy, Sociopathy, and Crime," *Society* 34 (1996): 30–38.
243. See, generally, R. Starke Hathaway and Elio Monachesi, *Analyzing and Predicting Juvenile Delinquency with the MMPI* (Minneapolis: University of Minnesota Press, 1953).
244. R. Starke Hathaway, Elio Monachesi, and Lawrence Young, "Delinquency Rates and Personality," *Journal of Criminal Law, Criminology, and Police Science* 51 (1960): 443–460; Michael Hindelang and Joseph Weis, "Personality and Self-Reported Delinquency: An Application of Cluster Analysis," *Criminology* 10 (1972): 268; Spencer Ratus and Larry Siegel, "Crime and Personality Revisited," *Criminology* 18 (1980): 245–251.
245. See, generally, Edward Megargee, *The California Psychological Inventory Handbook* (San Francisco: Jossey-Bass, 1972).
246. Avshalom Caspi, Terrie Moffitt, Phil Silva, Magda Stouthamer-Loeber, Robert Krueger, and Pamela Schmutte, "Are Some People Crime-Prone? Replications of the Personality–Crime Relationship across Countries, Genders, Races and Methods," *Criminology* 32 (1994): 163–195.
247. Henry Goddard, *Efficiency and Levels of Intelligence* (Princeton, NJ: Princeton University Press, 1920); Edwin Sutherland, "Mental Deficiency and Crime," in *Social Attitudes*, ed. Kimball Young (New York: Henry Holt, 1931), chap. 15.
248. William Healy and Augusta Bronner, *Delinquency and Criminals: Their Making and Unmaking* (New York: Macmillan, 1926).
249. Joseph Lee Rogers, H. Harrington Cleveland, Edwin van den Oord, and David Rowe, "Resolving the Debate over Birth Order, Family Size and Intelligence," *American Psychologist* 55 (2000): 599–612.
250. John Slawson, *The Delinquent Boys* (Boston: Budget Press, 1926).
251. Edwin Sutherland, "Mental Deficiency and Crime," in *Social Attitudes*, ed. Kimball Young (New York: Henry Holt, 1931), chap. 15.
252. Travis Hirschi and Michael Hindelang, "Intelligence and Delinquency: A Revisionist Review," *American Sociological Review* 42 (1977): 471–586.
253. Deborah Denno, "Sociological and Human Developmental Explanations of Crime: Conflict or Consensus," *Criminology* 23 (1985): 711–741; Christine Ward and Richard McFall, "Further Validation of the Problem Inventory for Adolescent Girls: Comparing Caucasian and Black Delinquents and Nondelinquents," *Journal of Consulting and Clinical Psychology* 54 (1986): 732–733; L. Hubble and M. Groff, "Magnitude and Direction of WISC-R Verbal Performance IQ Discrepancies among Adjudicated Male Delinquents," *Journal of Youth and Adolescence* 10 (1981): 179–183; Robert Gordon, "IQ Commensurability of Black–White Differences in Crime and Delinquency." Paper presented at the annual meeting of the American Psychological Association, Washington, DC, August 1986; *idem*, "Two Illustrations of the IQ-Surrogate Hypothesis: IQ versus Parental Education and Occupational Status in the Race-IQ-Delinquency Model." Paper presented at the annual meeting of the American Society of Criminology, Montreal, Canada, November 1987.
254. Donald Lynam, Terrie Moffitt, and Magda Stouthamer-Loeber, "Explaining the Relation between IQ and Delinquency: Class, Race, Test Motivation, School Failure or Self-Control," *Journal of Abnormal Psychology* 102 (1993): 187–196.
255. Alex Piquero, "Frequency, Specialization, and Violence in Offending Careers," *Journal of Research in Crime and Delinquency* 37 (2000): 392–418.
256. James Q. Wilson and Richard Herrnstein, *Crime and Human Nature* (New York: Simon & Schuster, 1985), p. 148.
257. *Ibid.*, p. 171.
258. Terrie Moffitt, William Gabrielli, Sarnoff Mednick, and Fini Schulsinger, "Socio-economic Status, IQ, and Delinquency," *Journal of Abnormal Psychology* 90 (1981): 152–156, at 155. For a similar finding, see Hubble and Groff, "Magnitude and Direction of WISC-R Verbal Performance IQ Discrepancies among Adjudicated Male Delinquents."
259. Lorne Yeudall, Delee Fromm-Auch, and Priscilla Davies, "Neuropsychological Impairment of Persistent Delinquency," *Journal of Nervous and Mental Diseases* 170 (1982): 257–265.
260. Hakan Stattin and Ingrid Klackenberglarsson, "Early Language and Intelligence Development and Their Relationship to Future Criminal Behavior," *Journal of Abnormal Psychology* 102 (1993): 369–378.
261. H. D. Day, J. M. Franklin, and D. D. Marshall, "Predictors of Aggression in Hospitalized Adolescents," *Journal of Psychology* 132 (1998): 427–435; Scott Menard and Barbara Morse, "A Structuralist Critique of the IQ–Delinquency Hypothesis: Theory and Evidence," *American Journal of Sociology* 89 (1984): 1347–1378; Denno, "Sociological and Human Developmental Explanations of Crime."
262. Neisser, et al., "Intelligence: Knowns and Unknowns," p. 83.
263. Richard Herrnstein and Charles Murray, *The Bell Curve, Intelligence and Class Structure in American Life* (New York: Free Press, 1994).
264. Susan Pease and Craig T. Love, "Optimal Methods and Issues in Nutrition Research in the Correctional Setting," *Nutrition Reviews Supplement* 44 (1986): 122–131.
265. Mark O'Callaghan and Douglas Carroll, "The Role of Psychosurgical Studies in the Control of Antisocial Behavior," in *The Causes of Crime: New Biological Approaches*, ed. Sarnoff Mednick, Terrie Moffitt, and Susan Stack (Cambridge: Cambridge University Press, 1987), pp. 312–328.
266. Reiss and Roth, *Understanding and Preventing Violence*, p. 389.
267. Cirillo, Pruitt, Colwell, Kingery, Hurley, and Ballard, "School Violence."

CHAPTER 6



Teen gangs have become an ever-present fixture of the American urban experience. The latest national youth gang survey estimates that youth gangs are active in more than 2,300 cities with a population of 2,500 or more and in more than 550 rural/suburban jurisdictions. More than 730,000 kids are active gang members in 21,500 gangs.¹ Gang members are heavily armed, dangerous, and more violent than nonmembers. They are about ten times more likely to carry handguns than non-gang members, and gun-toting gang

members commit about ten times more violent crimes than nonmembers; gang homicides seem to be on an upswing. Nowhere is the gang problem more serious than in Los Angeles, where a single gang can have up to 20,000 members.

To criminologists it comes as no surprise that gangs develop in poor, deteriorated urban neighborhoods. Many kids in these areas grow up hopeless and alienated, believing that they have little chance of being part of the American Dream.²

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

SOCIAL STRUCTURE THEORIES

CHAPTER OUTLINE

Socioeconomic Structure and Crime

Child Poverty
The Underclass
Minority Group Poverty

Social Structure Theories

Race, Culture, Gender, and Criminology: Bridging the Racial Divide

Social Disorganization Theories

The Work of Shaw and McKay
The Social Ecology School

The Criminological Enterprise: Random Family

Strain Theories

The Definition of Anomie
Theory of Anomie
Institutional Anomie Theory
Relative Deprivation Theory
General Strain Theory
Sources of Strain
Coping with Strain
Evaluating GST

Cultural Deviance Theories

Conduct Norms
Focal Concerns
Theory of Delinquent Subcultures

Race, Culture, Gender, and Criminology: The Code of the Streets

Theory of Differential Opportunity
Evaluating Social Structure Theories

Public Policy Implications of Social Structure Theory

CHAPTER OBJECTIVES

1. Be familiar with the concept of social structure
2. Have knowledge of the socioeconomic structure of American society
3. Be able to discuss the concept of social disorganization
4. Be familiar with the works of Shaw and McKay
5. Know the various elements of ecological theory
6. Be able to discuss the association between collective efficacy and crime
7. Know what is meant by the term *anomie*
8. Be familiar with the concept of strain
9. Understand the concept of cultural deviance

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Most criminals are indigent and desperate, not calculating or evil. Raised in deteriorated parts of town, they lack the social support and economic resources available to more affluent members of society. To understand criminal behavior, we must analyze the influence of these destructive social forces on human behavior. According to this view, it is *social forces*—and not individual traits—that cause crime.

Sociology has been the primary focus of criminology since the early twentieth century, when sociologists Robert Ezra Park (1864–1944), Ernest W. Burgess (1886–1966), Louis Wirth (1897–1952), and their colleagues were teaching and conducting criminological research in the sociology department at the University of Chicago. Their work on the social ecology of the city inspired a generation of scholars to conclude that social forces operating in urban areas create criminal interactions. This perspective came to be known as the Chicago School.

In 1915, Robert Ezra Park called for anthropological methods of description and observation to be applied to urban life.³ He was concerned about how neighborhood structure developed, how isolated pockets of poverty formed, and what social policies could be used to alleviate urban problems. Later, Park, with Ernest Burgess, studied the social ecology of the city and found that some neighborhoods form so-called natural areas of wealth and affluence, while others suffered poverty and disintegration.⁴ Regardless of their race, religion, or ethnicity, the everyday behavior of people living in these areas was controlled by the social and ecological climate.

Over the next twenty years, Chicago School sociologists carried out an ambitious program of research and scholarship on urban topics, including criminal behavior patterns. Harvey Zorbaugh's *The Gold Coast and the Slum*,⁵ Frederick Thrasher's *The Gang*,⁶ and Louis Wirth's *The Ghetto*⁷ are classic examples of objective, highly descriptive accounts of urban life. Their influence was such that most criminologists have been trained in sociology, and criminology courses are routinely taught in departments of sociology. As a result of this influence, many criminologists consider the social and economic structure to be key determinants of the crime rate.

||||| CONNECTIONS |||||

Concern about the ecological distribution of crime, the effect of social change, and the interactive nature of crime itself has made sociology the foundation of modern criminology. This chapter reviews sociological theories that emphasize the relationship between social status and criminal behavior. In Chapter 7 the focus shifts to theories that emphasize socialization and its influence on crime and deviance; Chapter 8 covers theories based on the concept of social conflict.

SOCIOECONOMIC STRUCTURE AND CRIME

People in the United States live in a **stratified society**. Social strata are created by the unequal distribution of wealth, power, and prestige. Social classes are segments of the population whose members have a relatively similar portion of desirable things and who share attitudes, values, norms, and an identifiable lifestyle. In U.S. society, it is common to identify people as upper-, middle-, and lower-class citizens, with a broad range of economic variations existing within each group. The upper-upper class is reserved for a small number of exceptionally well-to-do families who maintain enormous financial and social resources. In contrast, the indigent have scant, if any, resources and suffer socially and economically as a result. Today, the poorest fifth (20 percent) of all U.S. households receive only 3.5 percent of the country's aggregate income, the smallest share ever. In contrast, the top fifth (20 percent) of households receive more than 50 percent of all income, a record high; the top 5 percent collect 22.4 percent of all household income, the most in history.⁸ According to the World Wealth Report, there are about 2 million people in the United States who have at least \$1 million in assets, and worldwide there are more than 7 million people with \$1 million or more in assets (Table 6.1).



To read the **World Wealth Report**, go to <http://www.nl.capgemini.com/resources/wwr2003-final.pdf>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

In contrast, the indigent have scant, if any, resources and suffer socially and economically as a result. Although the proportion of indigent Americans has been declining, the most recent federal data indicate that poverty rose and income levels declined in 2003 (Figure 6.1).

Lower-class areas are scenes of inadequate housing and healthcare, disrupted family lives, underemployment, and despair. Members of the lower class also suffer in other ways. They are more prone to depression, less likely to have achievement motivation, and less likely to put off immediate

Wealth of World Report

Wealth	Number of People
\$1M to \$5M	6.5 million
\$5M to \$10M	446,000
\$10M to \$20M	166,000
\$20M to \$30M	44,000
More than \$30M	58,000

Note: In 2002, there were 7.3 million high-net-worth individuals worldwide. Combined, they had \$27.2 trillion in assets.

Source: World Wealth Report 2003. Merrill Lynch/Cap Gemini Ernst & Young.

gratification for future gain. For example, they may be less willing to stay in school because the rewards for educational achievement are in the distant future.

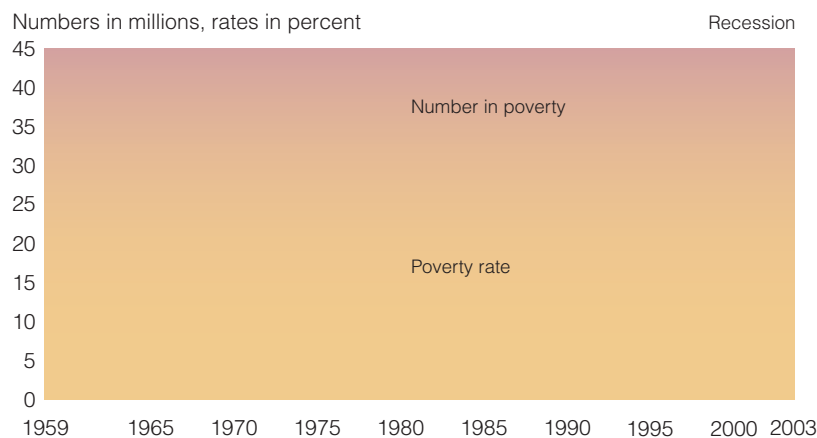
Members of the lower class are constantly bombarded by the media with advertisements linking material possessions to self-worth, but they are often unable to attain desired goods and services through conventional means. Though they are members of a society that extols material success above any other, they are unable to satisfactorily compete for such success with members of the upper classes. As a result, they may turn to illegal solutions to their economic plight: They may deal drugs for profit, steal cars and sell them to “chop shops,” or commit armed robberies for desperately needed funds. They may become so depressed that they take alcohol and drugs as a form of self-tranquilization, and because of their poverty, they may acquire the drugs and alcohol through illegal channels.

Read the following article for an analysis of poverty research: Howard Glennerster, “United States Poverty Studies and Poverty Measurement: The Past Twenty-Five Years,” *Social Service Review* 76 (March 2002): 83–107.

Child Poverty

The timing of poverty also seems to be relevant. Findings suggest that poverty during early childhood may have a more severe impact than poverty during adolescence and adulthood.⁹ This is particularly important because, as Figure 6.2 shows, children have a higher poverty rate than any other age group.

Children are hit especially hard by poverty. Hundreds of studies have documented the association between family poverty and children’s health, achievement, and behavior impairments.¹⁰ Children who grow up in low-income homes are less likely to achieve in school and are less likely to complete their schooling than children with more affluent parents.¹¹ Poor children are also more likely to suffer from health problems and to receive inadequate healthcare. The number of U.S. children covered by health insurance is declining and will continue to do so for the foreseeable future.¹² Without health benefits or the means to afford medical care, these children are likely to have health problems that impede their long-term development. Children who live in extreme poverty or who remain poor for multiple years appear to suffer the worst outcomes.

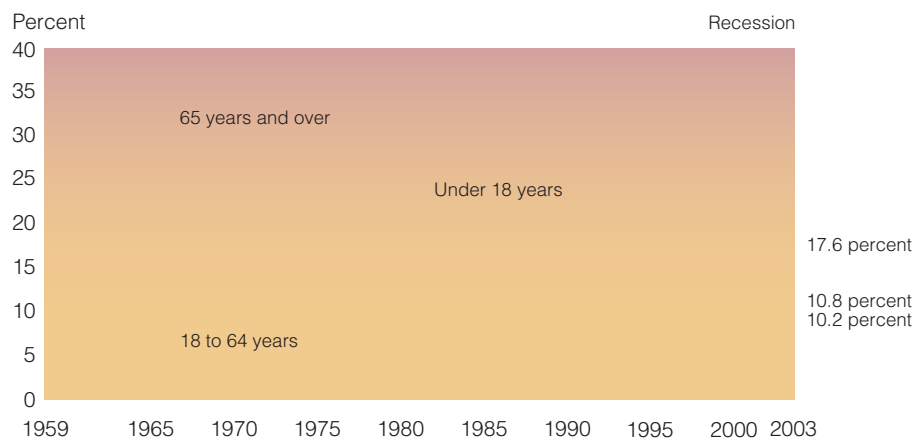


Number in Poverty and Poverty Rates, 1959–2003

The number of people living in poverty in 2003—35.9 million people—was 1.3 million more than in 2002. This increase led to a poverty rate in 2003 that, at 12.5 percent, is 1.2 percentage points higher than its recent low point of 11.3 percent in 2000.

Note: The data points are placed at the midpoints of the respective years.

Source: U.S. Census Bureau, Current Population Survey (CPS), 2004 Annual Social and Economic Supplement (ASEC). <http://www.census.gov/hhes/poverty/poverty03/pov03fig03.pdf>.



Poverty Rates by Age, 1959–2003

Note: The data points represent the midpoints of the respective years. Data for people 18 to 64 and 65 and older are not available from 1960 to 1965.

Source: U.S. Census Bureau, Current Population Survey (CPS), 2004 Annual Social and Economic Supplement (ASEC). <http://www.census.gov/hhes/poverty/poverty03/pov03fig04.pdf>



Kids Count, a project of the Annie E. Casey Foundation, is a national and state-by-state effort to track the relative status of children in the United States. Go to their website at: <http://www.aecf.org/kidscount>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Besides their increased chance of physical illness, poor children are much more likely than wealthy children to suffer various social and physical ills, ranging from low birth weight to a limited chance of earning a college degree. Many live in substandard housing—high-rise, multiple-family dwellings—which can have a negative influence on their long-term psychological health.¹³ The social problems found in lower-class areas have been described as an “epidemic” that spreads like a contagious disease, destroying the inner workings that enable neighborhoods to survive; they become “hollowed out.”¹⁴ As neighborhood quality decreases, the probability that residents will develop problems sharply increases. Crime and violence may also take the form of a “slow epidemic,” with a period, depending on the neighborhood, of onset, peak, and decline. Violence and crime have been found to spread and then contract in a pattern similar to a contagious disease epidemic.¹⁵ Adolescents in the worst neighborhoods share the greatest risk of dropping out of school and becoming teenage parents.

About 25 percent of children under age 6 now live in poverty, a frightening number considering America’s self-image as the richest country on earth. There is a distinct racial division in child poverty: Only 6 percent of white children can be described as extremely poor, but about 50 percent of young black children live in extreme poverty.¹⁶ Children who live in extreme poverty or who remain poor for multiple years appear to suffer the worst outcomes. The timing of poverty also seems to be relevant. Findings suggest that poverty during early childhood may have a more significant impact on children than poverty during adolescence or teen years.¹⁷



Did you know that although income per capita in the United States is among the world’s highest, so is its rate of child poverty? To read more about this, use “poverty” and “children” as key words with InfoTrac College Edition.

The Underclass

In 1966, sociologist Oscar Lewis argued that the crushing lifestyle of slum areas produces a **culture of poverty**, which is passed from one generation to the next.¹⁸ Apathy, cynicism, helplessness, and mistrust of social institutions such as schools, government agencies, and the police mark the culture of poverty. This mistrust prevents members of the lower class from taking advantage of the meager opportunities available to them. Lewis’s work was the first of a group that described the plight of **at-risk** children and adults. In 1970,

Swedish economist Gunnar Myrdal described a worldwide **underclass** that was cut off from society, its members lacking the education and skills needed to be effectively in demand in modern society.¹⁹



To read about the extent of poverty in the United States and its impact on the nation’s poorest citizens, read: John A. Bishop, John P. Formby, and Buhong Zheng, “Extent of Material Hardship and Poverty in the United States: Comment,” *Review of Social Economy* 57 (September 1999): 388.

Economic disparity will continually haunt members of the underclass and their children over the course of their life span. Even if they value education and other middle-class norms, their desperate life circumstances (for example, high unemployment and nontraditional family structures) may prevent them from developing the skills, habits, and styles that lead first to educational success and later to success in the workplace. Both of these factors have been linked to incidents of crime and drug abuse.²⁰ Residents of high-crime areas, where crime and drug abuse are common, are convinced that their neighbors lack ties to conventional cultural values and are involved in criminal activities. Eventually, their own ability to maintain social ties in the neighborhood become weak and attenuated, further weakening a neighborhood’s cohesiveness and its ability to regulate the behavior of its citizens.²¹



To read **conservative social scientists’ take on the underclass**, go to http://www.aei.org/docLib/20040311_book268text.pdf. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Minority Group Poverty

The burdens of underclass life are most often felt by minority group members. While whites use their economic, social, and political advantages to live in sheltered gated communities protected by security guards and police, minorities are denied similar protections and privileges.²² Although poverty has actually been declining faster among minorities than among whites, more than 20 percent of African Americans and Latino Americans still live in poverty, compared to less than 10 percent of whites. According to the U.S. Census Bureau, the median family income of Latino and African Americans is only two-thirds that of whites.²³

The rates of child poverty in the United States vary significantly by race and ethnicity. Latino and African American children are more than twice as likely to be poor as Asian and white children. A recent (2003) study by the UCLA Center for Health Policy Research highlights some of the fallout from these differences in poverty levels. After examining the health, access to healthcare, and well-being of young children in California, the UCLA researchers found



About 25 percent of children in the United States live in poverty. These children are less likely to achieve in school or to complete their education. They are more likely to have health problems and to receive inadequate health care. Children living in poverty suffer a variety of social and physical ills, ranging from low birth weight to dropping out of school to becoming teenage parents.

that Latino children and those in low-income families are four times less likely to have health insurance as other kids. The study also found large ethnic disparities in the time pre-school-age children spend in structured preschool settings. Approximately 22 percent of children ages 3 to 5 years are in preschool programs such as Head Start or nursery school. However, of children ages 3 to 5 years, only 12 percent of Latino children are enrolled compared to 36 percent African American, 32 percent American Indian/Alaska Native, 29 percent non-Latino white, and 23 percent of Asian/Pacific Islander children. Clearly Latino children in California begin life with significant social and educational deficits.²⁴

Economic disparity continually haunts members of the minority underclass and their children. Even if they value education and other middle-class norms, their desperate life circumstances (including high unemployment and nontraditional family structures) may prevent them from developing the skills, habits, and styles that lead first to educational success and later to success in the workplace; these factors have been linked to crime and drug abuse.²⁵

Minority group problems are exacerbated by the fact that in some jurisdictions, a significant portion—up to half—of all minority males are under criminal justice system control. The costs of crime, such as paying for lawyers and court costs, perpetuate poverty by depriving families and children of this money.²⁶

According to this view, interracial crime rate differentials can be explained by differences in standard of living. If interracial economic disparity would end, so too might differences in the crime rate.²⁷ For example, a great deal of the extraordinarily large differences in the interracial

homicide rates in the United States can be explained by differences in the standard of living between minorities and non-Latino whites. Put another way, if whites were subjected to the same economic and social pressures as minorities, white homicide rates would approach levels currently experienced among minorities.²⁸ The issue of minority poverty is explored further in the Race, Culture, and Gender and Criminology feature “Bridging the Racial Divide.”



The **Northwestern University/University of Chicago Joint Center for Poverty Research** examines what it means to be poor and live in America: <http://www.jcpr.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

SOCIAL STRUCTURE THEORIES

Many criminologists view the disadvantaged economic class position as a primary cause of crime. This view is referred to as **social structure theory**. As a group, social structure theories suggest that social and economic forces operating in deteriorated lower-class areas push many of their residents into criminal behavior patterns. These theories consider the existence of unsupervised teenage gangs, high crime rates, and social disorder in slum areas as major social problems.

Lower-class crime is often the violent, destructive product of youth gangs and marginally and underemployed young adults. Underemployment means that many working adults earn relatively low wages and have few benefits such as health insurance and retirement plans. Their ability to accumulate capital for home ownership is restricted and so, consequently, is their stake in society.

Although members of the middle and upper classes also engage in crime, social structure theorists view middle-class, or white-collar, crime as being of relatively lower frequency, seriousness, and danger to the general public. The real crime problem is essentially a lower-class phenomenon, which breeds criminal behavior that begins in youth and continues into young adulthood.

Most social structure theories focus on children's law-violating behavior. They suggest that the social forces that cause crime begin to affect people while they are relatively young and continue to influence them throughout their lives. Though not all youthful offenders become adult criminals, many begin their training and learn criminal values as members of youth gangs and groups.

Social structure theorists challenge those who suggest that crime is an expression of psychological imbalance,

Bridging the Racial Divide

William Julius Wilson, one of the nation's most prominent sociologists, has produced an impressive body of work that details racial problems and racial politics in American society. In 1987, he provided a description of the plight of the lowest levels of the underclass, which he labeled the **truly disadvantaged**. Wilson portrayed members of this group as socially isolated people who dwell in urban inner cities, occupy the bottom rung of the social ladder, and are the victims of discrimination. They live in areas in which the basic institutions of society—family, school, housing—have long since declined. Their decline triggers similar breakdowns in the strengths of inner-city areas, including the loss of community cohesion and the ability of people living in the area to control the flow of drugs and criminal activity. For example, in a more affluent area, neighbors might complain to parents that their children were acting out. In distressed areas, this element of informal social control may be absent because parents are under stress or all too often absent. These effects magnify the isolation of the underclass from mainstream society and promote a ghetto culture and behavior.

Because the truly disadvantaged rarely come into contact with the actual source of their oppression, they direct their anger and aggression at those with whom they are in close and intimate contact, such as neighbors, businesspeople, and landlords. Members of this group, plagued by under- or unemployment, begin to lose self-confidence, a feeling supported by the plight of kin and friendship groups who also experience extreme economic marginality. Self-doubt is a neighborhood norm, overwhelming those forced to live in areas of concentrated poverty.

In his important book *When Work Disappears*, Wilson assesses the effect of joblessness and underemployment on residents in poor neighborhoods on Chicago's south side. He argues that for the first time in the twentieth century, most adults in inner-city ghetto neighborhoods are not working during a typical week. He finds that inner-city life is only marginally affected by the surge in the nation's economy, which has been brought about by new industrial growth connected with technological development. Poverty in these inner-city areas is eternal and unchanging and, if anything, worsening as residents are further shut out of the economic mainstream.

Wilson focuses on the plight of the African American community,

which had enjoyed periods of relative prosperity in the 1950s and 1960s. He suggests that as difficult as life was in the 1940s and 1950s for African Americans, they at least had a reasonable hope of steady work. Now, because of the globalization of the economy, those opportunities have evaporated. Though in the past racial segregation had limited opportunity, growth in the manufacturing sector fueled upward mobility and provided the foundation of today's African American middle class. Those opportunities no longer exist as manufacturing plants have moved to inaccessible rural and overseas locations where the cost of doing business is lower. With manufacturing opportunities all but obsolete in the United States, service and retail establishments, which depended on blue-collar spending, have similarly disappeared, leaving behind an economy based on welfare and government supports. In less than twenty years, formerly active African American communities have become crime-infested slums.

The hardships faced by residents in Chicago's south side are not unique to that community. Beyond sustaining inner-city poverty, the absence of employment opportunities has torn at the social fabric of the nation's inner-city neighborhoods. Work helps socialize young people into the

biological traits, insensitivity to social controls, personal choice, or any other personal characteristic. They argue that people living in equivalent social environments tend to behave in a similar, predictable fashion. If the environment did not influence human behavior, then crime rates would be distributed equally across the social structure, which they are not.²⁹ Because crime rates are higher in lower-class urban centers than in middle-class suburbs, social forces must be operating in urban slums that influence or control behavior.³⁰

There are three independent yet overlapping branches within the social structure perspective—social disorganization, strain theory, and cultural deviance theory (outlined in Figure 6.3).

Social disorganization theory focuses on the conditions within the urban environment that affect crime rates. A disorganized area is one in which institutions of social control—such as the family, commercial establishments, and schools—have broken down and can no longer carry out their expected or stated functions. Indicators of social disorganization include high unemployment, school dropout rates, deteriorated housing, low income levels, and large numbers of single-parent households. Residents in these areas experience conflict and despair, and, as a result, antisocial behavior flourishes.

Strain theory, the second branch of social structure theory, holds that crime is a function of the conflict between

wider society, instilling in them such desirable values as hard work, caring, and respect for others. When work becomes scarce, however, the discipline and structure it provides are absent. Community-wide underemployment destroys social cohesion, increasing the presence of neighborhood social problems ranging from drug use to educational failure. Schools in these areas are unable to teach basic skills and because desirable employment is lacking, there are few adults to serve as role models. In contrast to more affluent suburban households where daily life is organized around job and career demands, children in inner-city areas are not socialized in the workings of the mainstream economy.

In a recent book *The Bridge over the Racial Divide: Rising Inequality and Coalition Politics*, Wilson expands on his views of race in contemporary society. He argues that despite economic gains, there is a growing inequality in American society, and ordinary families, of all races and ethnic origins, are suffering. Whites, Latinos, African Americans, Asians, and Native Americans must therefore begin to put aside their differences and concentrate more on what they have in common—their aspirations, problems, and hopes. There needs to be mutual cooperation across racial lines.

One reason for this set of mutual problems is that the government tends to aggravate rather than ease the financial stress being placed on ordinary families. Monetary policy, trade policy, and tax policy are harmful to working-class families. A multiracial citizen's coalition could pressure national public officials to focus on the interests of ordinary people. As long as middle- and working-class groups are fragmented along racial lines, such pressure is impossible.

Wilson finds that racism is becoming more subtle and harder to detect. Whites believe that blacks are responsible for their inferior economic status because of their cultural traits. Because even affluent whites fear corporate downsizing, they are unwilling to vote for governmental assistance to the poor. Whites are continuing to be suburban dwellers, further isolating poor minorities in central cities and making their problems distant and unimportant. He continues to believe that the changing marketplace, with its reliance on sophisticated computer technologies, is continually decreasing demand for low-skilled workers, which impacts African Americans more negatively than other better educated and affluent groups.

Wilson argues for a cross-race, class-based alliance of working- and middle-class Americans to pursue policies that will benefit them rather

than the affluent. These include full employment, programs to help families and workers in their private lives, and a reconstructed “affirmative opportunity” program that benefits African Americans without antagonizing whites.

Critical Thinking

1. Is it unrealistic to assume that a government sponsored public works program can provide needed jobs in this era of budget cutbacks?
2. What are some of the hidden costs of unemployment in a community setting?
3. How would a biocriminologist explain Wilson's findings?

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For more on Wilson's view of poverty, unemployment, and crime, check out: Gunnar Almgren, Avery Guest, George Immerwahr, and Michael Spittel, “Joblessness, Family Disruption, and Violent Death in Chicago, 1970–90,” *Social Forces* 76 (June 1998): 1,465; William Julius Wilson, “Inner-City Dislocations,” *Society* 35 (January–February 1998): 270.

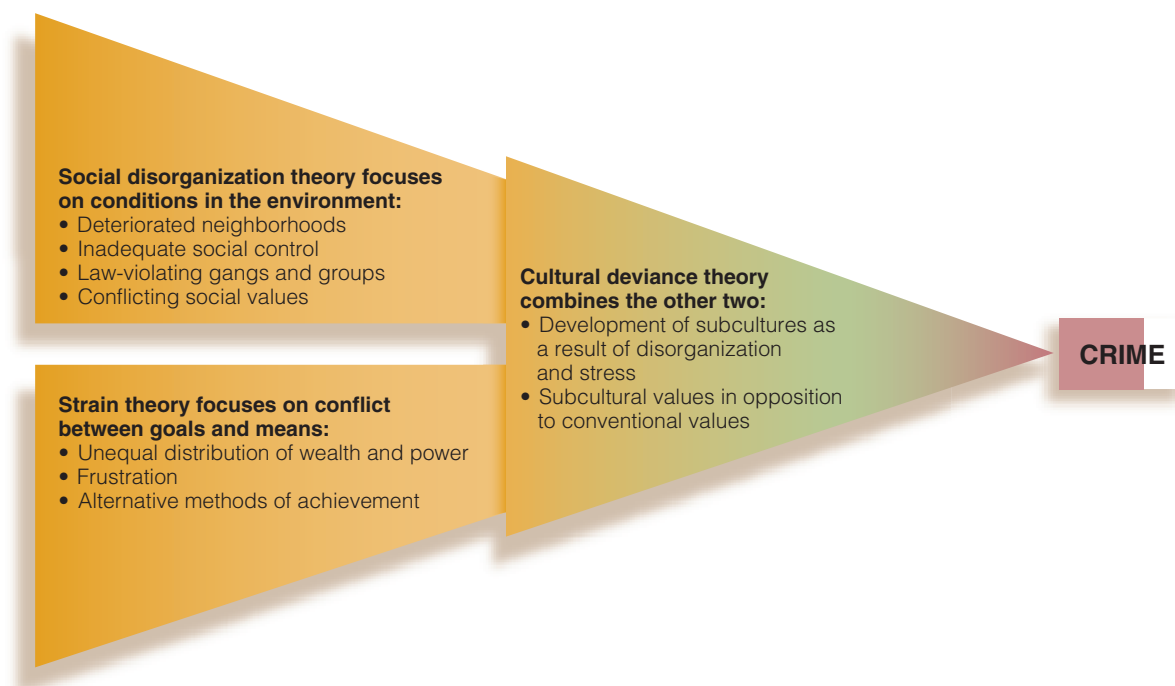
Sources: William Julius Wilson, *The Truly Disadvantaged* (Chicago: University of Chicago Press, 1987); *When Work Disappears, The World of the Urban Poor* (New York: Alfred Knopf, 1996); *The Bridge over the Racial Divide: Rising Inequality and Coalition Politics* (Wildavsky Forum Series, 2) (Berkeley: University of California Press, 1999).

the goals people have and the means they can use to legally obtain them. Although social and economic goals are common to people in all economic strata, strain theorists argue that the ability to obtain these goals is class dependent. Most people in the United States desire wealth, material possessions, power, prestige, and other life comforts. Members of the lower class are unable to achieve these symbols of success through conventional means. Consequently, they feel anger, frustration, and resentment, which is referred to as **strain**. Lower-class citizens can either accept their condition and live out their days as socially responsible, if unrewarded, citizens, or they can choose an alternative means of achieving success, such as theft, violence, or drug trafficking.

Cultural deviance theory, the third variation of structural theory, combines elements of both strain and social disorganization. According to this view, because of strain and social isolation, a unique lower-class culture develops in disorganized neighborhoods. These independent **subcultures** maintain a unique set of values and beliefs that are in conflict with conventional social norms. Criminal behavior is an expression of conformity to lower-class subcultural values and traditions and not a rebellion from conventional society. Subcultural values are handed down from one generation to the next in a process called **cultural transmission**.

Although each of these theories is distinct in critical aspects, each approach has at its core the view that socially

The Three Branches of Social Structure Theory



isolated people, living in disorganized neighborhoods, are the ones most likely to experience crime-producing social forces. Each branch of social structure theory will now be discussed in some detail.



To quiz yourself on this material, go to the Criminology 9e website.

SOCIAL DISORGANIZATION THEORIES

Social disorganization theory links crime rates to neighborhood ecological characteristics. Crime rates are elevated in highly transient, mixed-use (where residential and commercial property exist side by side) and/or changing neighborhoods, in which the fabric of social life has become frayed. These localities are unable to provide essential services, such as education, healthcare, and proper housing and, as a result, experience significant levels of unemployment, single-parent families, and families on welfare and Aid to Dependent Children (ADC).

Social disorganization theory views crime-ridden neighborhoods as those in which residents are trying to leave at the earliest opportunity. Residents are uninterested in community matters; therefore, the common sources of control—the family, school, business community, social service agencies—are weak and disorganized. Personal relationships

are strained because neighbors are constantly moving. Constant resident turnover weakens communications and blocks attempts at solving neighborhood problems or establishing common goals.³¹ The elements of social disorganization theory are shown in Figure 6.4.

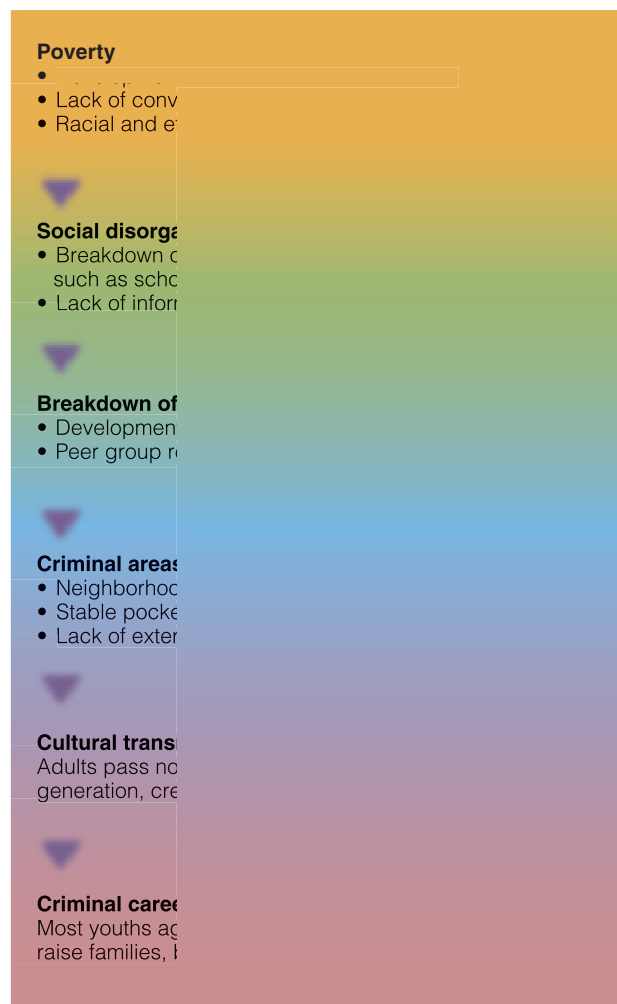
The Work of Shaw and McKay

Social disorganization theory was popularized by the work of two Chicago sociologists, Clifford R. Shaw and Henry McKay, who linked life in transitional slum areas to the inclination to commit crime. Shaw and McKay began their pioneering work on crime in Chicago during the early 1920s while working as researchers for a state-supported social service agency.³² They were heavily influenced by Chicago School sociologists Ernest Burgess and Robert Park, who had pioneered the ecological analysis of urban life.

Shaw and McKay began their analysis during a period in the city's history that was fairly typical of the transition that was taking place in many other urban areas. Chicago had experienced a mid-nineteenth-century population expansion, fueled by a dramatic influx of foreign-born immigrants and, later, migrating southern families. Congregating in the central city, the newcomers occupied the oldest housing areas and therefore faced numerous health and environmental hazards.

Sections of the city started to physically deteriorate. This condition prompted the city's wealthy, established citizens to become concerned about the moral fabric of Chicago society. The belief was widespread that immigrants from

Social Disorganization Theory



Europe and the rural South were crime prone and morally dissolute. In fact, local groups were created with the very purpose of “saving” the children of poor families from moral decadence.³³ It was popular to view crime as the property of inferior racial and ethnic groups.

TRANSITIONAL NEIGHBORHOODS Shaw and McKay explained crime and delinquency within the context of the changing urban environment and ecological development of the city. They saw that Chicago had developed into distinct neighborhoods (natural areas), some affluent and others wracked by extreme poverty. These poverty-ridden, **transitional neighborhoods** suffered high rates of population turnover and were incapable of inducing residents to remain and defend the neighborhoods against criminal groups.

Low rents in these areas attracted groups with different racial and ethnic backgrounds. Newly arrived immigrants from Europe and the South congregated in these transitional neighborhoods. Their children were torn between assimilating into a new culture and abiding by the traditional values of

their parents. They soon found that informal social control mechanisms that had restrained behavior in the “old country” or rural areas were disrupted. These urban areas were believed to be the spawning grounds of young criminals.

In transitional areas, successive changes in the population composition, disintegration of traditional cultures, diffusion of divergent cultural standards, and gradual industrialization of the area result in dissolution of neighborhood culture and organization. The continuity of conventional neighborhood traditions and institutions is broken, leaving children feeling displaced and without a strong or definitive set of values.

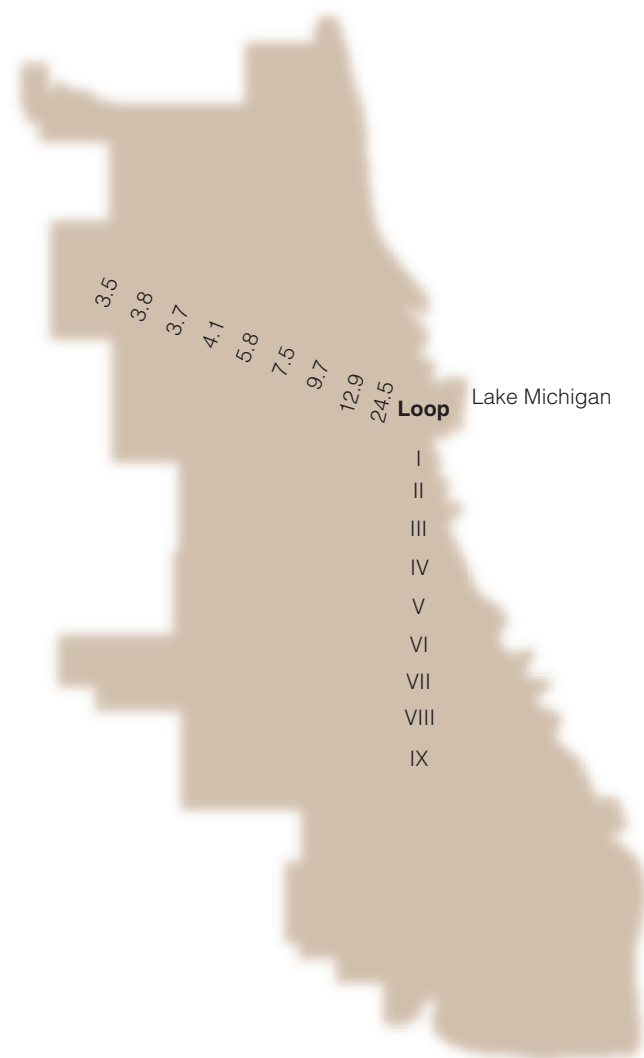
CONCENTRIC ZONES Shaw and McKay identified the areas in Chicago that had excessive crime rates. Using a model of analysis pioneered by Ernest Burgess, they noted that distinct ecological areas had developed in the city, comprising a series of concentric circles, or zones, and that there were stable and significant differences in interzone crime rates (Figure 6.5). The areas of heaviest concentration of crime appeared to be the transitional inner-city zones, where large numbers of foreign-born citizens had recently settled.³⁴ The zones furthest from the city’s center had correspondingly lower crime rates.

Analysis of these data indicated a surprisingly stable pattern of criminal activity in the various ecological zones over a 65-year period. Shaw and McKay concluded that, in the transitional neighborhoods, multiple cultures and diverse values, both conventional and deviant, coexist. Children growing up in the street culture often find that adults who have adopted a deviant lifestyle are the most financially successful people in the neighborhood: for example, the gambler, the pimp, or the drug dealer. Required to choose between conventional and deviant lifestyles, many slum kids see the value in opting for the latter. They join other like-minded youths and form law-violating gangs and cliques. The development of teenage law-violating groups is an essential element of youthful misbehavior in slum areas. The values that slum youths adopt are often in conflict with existing middle-class norms, which demand strict obedience to the legal code. Consequently, a value conflict occurs that sets the delinquent youth and his or her peer group even further apart from conventional society. The result is a more solid embrace of deviant goals and behavior. To justify their choice of goals, these youths seek support by recruiting new members and passing on the delinquent tradition.

Shaw and McKay’s statistical analysis confirmed their theoretical suspicions. Even though crime rates changed, they found that the highest rates were always in Zones I and II (central city and a transitional area). The areas with the highest crime rates retained high rates even when their ethnic composition changed (in the areas Shaw and McKay examined, from German and Irish to Italian and Polish).³⁵

THE LEGACY OF SHAW AND MCKAY Social disorganization concepts articulated by Shaw and McKay have remained prominent within criminology for more than seventy-five

Shaw and McKay's Concentric Zones Map of Chicago



Note: Arabic numerals represent the rate of male delinquency.

Source: Clifford R. Shaw, et al., *Delinquency Areas* (Chicago: University of Chicago Press, 1929), p. 99. Copyright © 1929 by the University of Chicago. All rights reserved.

years. While cultural and social conditions have changed (for example, we live today in a much more heterogeneous, mobile society than they did), the most important of Shaw and McKay's findings—crime rates correspond to neighborhood structure—still holds up.³⁶

Most important among Shaw and McKay's findings was that crime is a creature of the destructive ecological conditions in lower-class urban neighborhoods. Their contention was that criminals are not, as some criminologists of the time believed, biologically inferior, intellectually impaired, or psychologically damaged. Their research supported their belief that crime is a constant fixture in areas of poverty regardless of the racial or ethnic identity of its residents. Because the basis of their theory was that neighborhood

disintegration and slum conditions are the primary causes of criminal behavior, Shaw and McKay paved the way for the many community action and treatment programs developed in the last half-century.

Another important feature of Shaw and McKay's work is that it depicted both adult criminality and delinquent gang memberships as a normal response to the adverse social conditions in urban slum areas. Their findings mirror Émile Durkheim's concept that crime can be normal and useful.

Despite these noteworthy achievements, the validity of Shaw and McKay's findings has been challenged. Some have faulted their assumption that neighborhoods are essentially stable, and others have found their definition of social disorganization confusing.³⁷ The most important criticism, however, concerns their use of police records to calculate neighborhood crime rates. A zone's high crime rate may be a function of the level of local police surveillance and not interzone crime rate differences. Numerous studies indicate that police use extensive discretion when arresting people and that social status is one factor that influences their decisions.³⁸ It is possible that people in middle-class neighborhoods commit many criminal acts that never show up in official statistics, whereas people in lower-class areas face a far greater chance of arrest and court adjudication.³⁹ The relationship between ecology and crime rates, therefore, may reflect police behavior more than criminal behavior.

These criticisms aside, Shaw and McKay's theory provides a valuable contribution to our understanding of the causes of criminal behavior. By introducing a new variable—the ecology of the city—to the study of crime, they paved the way for a whole generation of criminologists to focus on the social influences of criminal and delinquent behavior.

The Social Ecology School

During the 1970s, criminologists were influenced by several critical analyses of the social disorganization theory, which presented well-thought-out challenges to its validity.⁴⁰ During this period, theories with a social-psychological orientation stressed offender socialization within the family, school, and peer group. These ideas dominated the criminological literature of that time.

Despite its fall from grace, the social disorganization tradition was kept alive by area studies conducted by Bernard Lander in Baltimore, David Bordua in Detroit, and Roland Chilton in Indianapolis. These studies showed that such ecological conditions as substandard housing, low income, and unrelated people living together predicted a high incidence of delinquency.⁴¹

Beginning in the 1980s, a group of criminologists began to study ecological conditions, reviving concern about the effects of social disorganization.⁴² These modern-day social ecologists developed a "purer" form of structural theory that emphasizes the association of community deterioration and economic decline to criminality but places less emphasis on value conflict. In the following sections, some of the more recent social ecological research is discussed in detail.



One of the areas that current social ecologists study is the deterioration of communities. Neighborhoods with a high percentage of deserted houses and apartments experience high crime rates; abandoned buildings serve as a “magnet for crime.” Areas in which houses are in poor repair, boarded-up and burned out, and whose owners are best described as “slumlords” are also the location of the highest violence rates and gun crime. These are neighborhoods in which retail establishments often go bankrupt, are abandoned, and deteriorate physically.

COMMUNITY DETERIORATION Crime rates have been associated with community deterioration: disorder, poverty, alienation, disassociation, and fear of crime.⁴³ For example, neighborhoods with a high percentage of deserted houses and apartments experience high crime rates; abandoned buildings serve as a “magnet for crime.”⁴⁴ Areas in which houses are in poor repair, boarded-up and burned out, and whose owners are best described as “slumlords” are also the location of the highest violence rates and gun crime.⁴⁵ These are neighborhoods in which retail establishments often go bankrupt, are abandoned, and deteriorate physically.⁴⁶



The concept of **community deterioration and crime** was the subject of a famous *Atlantic Magazine* article titled “Broken Windows”: <http://www.theatlantic.com/politics/crime>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

POVERTY CONCENTRATION One aspect of community change may be the concentration of poverty in deteriorated neighborhoods. Although poverty rates or unemployment may not be a direct cause of crime, areas that are the most deteriorated, even within the context of inner-city poverty, seem to have much higher crime rates than more stable lower-class environments. William Julius Wilson describes how working- and middle-class families flee inner-city poverty areas, resulting in a **concentration effect**, in which elements of the most disadvantaged population are consolidated in urban ghettos. As the working and middle classes move out, they take with them their financial and institutional resources and support. Businesses are disinclined to locate in poverty areas; banks become reluctant to lend money for new housing or businesses.⁴⁷ Minority group members living in these areas also suffer race-based inequality such as income inequality and institutional racism.⁴⁸ Black crime rates, more so than white, seem to be influenced by the shift of high-paid manufacturing jobs overseas and their replacement with lower-paid service sector jobs. Both African American men and women seem less able to prosper in a service economy than white men and women, and the resulting economic disadvantage translates into increased levels of violence over time.⁴⁹ For example, minority group members who suffer chronic financial disadvantage may turn to armed robbery as a means of economic survival. Robberies often go awry, leading to gun play and death. This scenario may lead to a rise in interracial violence because robbery victims may be white. However, what appear to be racially motivated crimes may be more a function of economic factors (the shift of jobs overseas) rather than interracial hate or antagonism.⁵⁰

The concentration effect contradicts, in some measure, Shaw and McKay’s assumption that crime rates increase in transitional neighborhoods. Urban areas marked by concentrated poverty become isolated and insulated from the social mainstream and more prone to criminal activity, violence, and homicide.⁵¹ Today, the most crime-prone areas may therefore be stable, homogenous neighborhoods whose residents are not mobile and transient, but trapped in public housing and urban ghettos. Ethnically and racially isolated areas maintain the highest crime rates.⁵² The *Criminological Enterprise* feature “Random Family” focuses on the influence of neighborhood poverty on behavior and lifestyle.

CHRONIC UNEMPLOYMENT The relationship between unemployment and crime is still unsettled: Aggregate crime rates and aggregate unemployment rates seem weakly related. In other words, crime rates sometimes rise during periods of economic prosperity and fall during periods of economic decline.⁵³ Yet, as Shaw and McKay claimed, neighborhoods that experience chronic unemployment also encounter social disorganization and crime. Even though short-term economic trends may have little effect on crime, it is possible that long-term unemployment rates will eventually produce higher levels of antisocial behaviors.⁵⁴

Economically disadvantaged neighborhoods have high rates of serious crimes such as homicide.⁵⁵ For example, the

Random Family

In *Random Family*, Adrian Nicole LeBlanc, a talented journalist, tells of the ten years she spent tracing the lives of a Puerto Rican family living in the South Bronx—a journey that she began in the mid-1980s at the height of the crack epidemic and concluded in 2001.

Her book revolves around the lives of Latino women who are forced to contend with the vicissitudes and hardships of an urban culture mired in poverty. There are two matriarchs, Foxy and Lourdes, beaten down by their environment, who become grandmothers by the age of 35. Foxy's daughter Coco is in turn tough and big-hearted, ready to defend herself with a hidden razorblade but also willing to wait while the man she loves serves a prison sentence. Coco is smitten with Cesar, Lourdes's macho son who is an aspiring street hood. Cesar hops from jail to jail, never able to control his behavior or to reign in his macho-fueled temper. At last, he is convicted of manslaughter. Lourdes's daughter Jessica is the neighborhood beauty who can get any man she wants. Her downfall begins when she is set up on a blind date with "Boy George," a big-time dope dealer who reads *Yachting* magazine and makes over \$100,000 a week dealing heroin by the time he is 21. Jessica loves or at least admires Boy George, even though he beats her; she tattoos his name all over her body.

They live their lives in a neighborhood where going to prison is just like home but in a different place; all your

friends are there. Solitary confinement is not so bad; it may be the first time some kids get a sense of peace and quiet. LeBlanc tells how residents view welfare as a scam, but one that can be screwed up by getting caught in a garden variety of misdemeanors and offenses. Kids who cannot pass school and seem illiterate to teachers display fantastic organizational and financial skills when dealing drugs and running cartels. It is not uncommon for 13-year-old girls to have babies in order to keep their government subsidies.

Coco, like so many girls in the neighborhood, hooks up with men who are bad for her; but she has a wild streak herself. She loves Cesar and bears his child, a girl named Mercedes. But when Cesar is locked up, Coco hooks up with an old boyfriend named Kodak and gets pregnant. Though he is enraged by her infidelity, Cesar and Coco get back together when he is released and have yet another daughter, Nautica. When Cesar is sent to jail once again for accidentally killing a friend, Coco again betrays him and has a child by a neighborhood boy named Wishman; true to form, Wishman shows little interest in the baby La-Monté. By the time she is in her 20s she has five children—one disabled—and spends her time shuttling between housing projects in the Bronx and in Troy. Despite her adversity she is devoted to her children.

By the time she was 19, Jessica had a baby with one boyfriend and a set of twins with the same guy's brother. She has little interest in taking care of her kids. She works in Boy George's drug business helping to pro-

cess and move heroin. She is attracted to his fleet of expensive cars, his lavish parties, and the fact that he sends his henchmen to Jessica's apartment to fill her family's refrigerator with food. When Boy George is busted by drug enforcement agents, Jessica refuses to testify against him and gets a 10-year prison sentence; Boy George gets a life sentence at age 23.

The book paints a bleak picture of inner-city Latino culture. There are few real options for mobility save drug dealing. People consider it a victory if life today is slightly better than it was yesterday: There is food on the table, and you haven't gotten beat up; your kid is a heroin addict but has not taken crack. There is little hope and nowhere to go. Even a prison stay does not make Jessica any wiser, just older. There is not much optimism in this place because the demands of the culture overshadow every element of life, leaving little room for individual needs or choices.

Critical Thinking

1. Can any government program really help kids like Jessica and Coco?

• InfoTrac College Edition Research

To learn more use "random family" as a subject guide in InfoTrac College Edition.

Source: Adrian Nicole LeBlanc, *Random Family: Love, Drugs, Trouble, and Coming of Age in the Bronx* (New York: Scribner's, 2003).

percentage of people living in poverty and the percentage of broken homes are strongly related to neighborhood crime rates.⁵⁶ Violent crime rates are associated with such variables as the percentage of the neighborhood living below the poverty line, the lack of mortgage investment in a neighborhood, the unemployment rate, and the influx of new immigrants;

these factors are usually found in disorganized areas.⁵⁷ Though female crime rates may be lower than male rates, women living in deteriorated areas also feel the effects of poverty.⁵⁸

Unemployment destabilizes households, and unstable families are the ones most likely to produce children who

put a premium on violence and aggression as a means of dealing with limited opportunity. This lack of opportunity perpetuates higher crime rates, especially when large groups or cohorts of people of the same age compete for relatively scant resources.⁵⁹

Limited employment opportunities also reduce the stabilizing influence of parents and other adults, who may have once been able to counteract the allure of youth gangs. Sociologist Elijah Anderson's analysis of Philadelphia neighborhood life found that "old heads" (respected neighborhood residents) who at one time played an important role in socializing youth have been displaced by younger street hustlers and drug dealers. While the old heads complain that these newcomers may not have "earned" or "worked for" their fortune in the "old-fashioned way," the old heads admire and envy these kids whose gold chains and luxury cars advertise their wealth amid poverty.⁶⁰ The old heads may admire the fruits of crime, but they disdain the violent manner in which it was acquired.

COMMUNITY FEAR In neighborhoods where people help one another, residents are less likely to fear crime and be afraid of becoming a crime victim.⁶¹ In contrast, those living in disorganized neighborhoods suffer social and physical **incivilities**—rowdy youth, trash and litter, graffiti, abandoned storefronts, burned-out buildings, littered lots, strangers, drunks, vagabonds, loiterers, prostitutes, noise, congestion, angry words, dirt, and stench. They become afraid when they see neighborhood kids hanging out in community parks and playgrounds or when gangs proliferate in the neighborhood.⁶² People may become afraid in disadvantaged neighborhoods because they are much more likely to be approached by someone selling drugs. They may fear that their children will be similarly approached: Recent research shows that about one-half of those people who are approached with an opportunity to buy drugs report using illegal drugs in the prior year.⁶³ The presence of such incivilities, especially when accompanied by relatively high crime rates, convinces residents that their neighborhood is dangerous; they fear that they will soon become crime victims themselves.⁶⁴

Fear can become contagious. People tell others when they have been victimized, spreading the word that the neighborhood is getting dangerous and that the chances of future victimization are high.⁶⁵ As a result, people dread leaving their homes at night and withdraw from community life. Not surprisingly, people who have already been victimized are more fearful of the future than those who have escaped crime.⁶⁶

When people live in areas where the death rates are high and life expectancies are short, they may alter their behavior

out of fear. They may feel, "Why plan for the future when there is a significant likelihood that I may never see it?" In such areas, young boys and girls may psychologically assimilate by taking risks and discounting the future. Teenage birthrates soar and so do violence rates.⁶⁷ For these children, the inevitability of death skews their perspective of how they live their lives.

Fear is a powerful influence. When it grips a neighborhood, business conditions begin to deteriorate, population mobility increases, and a "criminal element" begins to drift into the area.⁶⁸ In essence, the existence of fear incites more crime, increasing the chances of victimization, producing even more fear, in a never-ending loop.⁶⁹ Fear is often associated with other community-level factors:

1. *Race and fear:* Fear of crime is also bound up in anxiety over racial and ethnic conflicts. Fear becomes most pronounced in areas undergoing rapid and unexpected racial and age-composition changes, especially when they are out of proportion to the rest of the city.⁷⁰ Whites become particularly fearful when they sense that they are becoming a racial minority in their neighborhood; African Americans seem less affected by racial change.⁷¹

The fear experienced by whites may be based on racial stereotypes, but it may also be caused by the premonition that they will become less well protected because police do not provide adequate services in predominantly African American neighborhoods.⁷²

Whites are not the only group to experience race-based fear. Minority group members may experience greater levels of fear than whites perhaps because they may have fewer resources to address ongoing social problems.⁷³ Fear can be found among other racial and ethnic groups, especially when they believe they are in the minority and vulnerable to attack. For example, recent research conducted in Florida by Ted Chiricos and his associates found that whites are threatened by Latinos and blacks but only in South Florida where whites are outnumbered by those two groups; in contrast, Latinos are threatened by blacks but only outside of South Florida where Latinos are the minority.⁷⁴

2. *Gangs and fear:* Gangs flourish in deteriorated neighborhoods with high levels of poverty, lack of investment, high unemployment rates, and population turnover.⁷⁵ Unlike any other crime, however, gang activity is frequently undertaken out in the open, on the public ways, and in full view of the rest of the community.⁷⁶ Brazen criminal activity undermines community solidarity because it signals that the police must be either corrupt or inept. The fact that gangs are willing to openly engage in drug sales and other types of criminal activity shows their confidence that they have silenced or intimidated law-abiding people in their midst. The police and the community alike become hopeless about their ability to restore community stability, producing greater levels of community fear.

||||||| CONNECTIONS |||||

Fear of repeat victimization may be both instinctual and accurate. Remember that in Chapter 3 we discussed the fact that some people may be "victim prone" and fated to suffer repeated victimization over the life course.

3. *Mistrust and fear*: People who report living in neighborhoods with high levels of crime and civil disorder become suspicious and mistrusting.⁷⁷ They develop a sense of powerlessness, which amplifies the effect of neighborhood disorder and increases levels of mistrust. Some residents become so suspicious of authority that they develop a **siege mentality** in which the outside world is considered the enemy out to destroy the neighborhood. Elijah Anderson found that residents in the African American neighborhoods he studied believed in the existence of a secret plan to eradicate the population by such strategies as permanent unemployment, police brutality, imprisonment, drug distribution, and AIDS.⁷⁸ White officials and political leaders were believed to have hatched this conspiracy, and it was demonstrated by the lax law enforcement efforts in poor areas. Residents felt that police cared little about black-on-black crime because it helped reduce the population. Rumors abounded that federal government agencies, such as the CIA, controlled the drug trade and used profits to fund illegal overseas operations.

This siege mentality results in mistrust of critical social institutions, including business, government, and schools. Government officials seem arrogant and haughty. Residents become self-conscious, worried about garnering any respect, and are particularly attuned to anyone who disrespects or “disses” them. Considering this feeling of mistrust, when police ignore crime in poor areas or, conversely, when they are violent and corrupt, anger flares, and people take to the streets and react in violent ways.


While siege mentality may not be healthy for neighborhood cohesiveness, those residents who fear the government may not be out of line. For example, research shows that police are more likely to use higher levels of force when suspects are encountered in high-crime disadvantaged neighborhoods, regardless of the suspects’ behaviors or reactions, than when they are in more affluent areas.⁷⁹

COMMUNITY CHANGE In our postmodern society, urban areas undergoing rapid structural changes in racial and economic composition also seem to experience the greatest change in crime rates. Recent studies recognize that change, not stability, is the hallmark of inner-city areas. A neighborhood’s residents, wealth, density, and purpose are constantly evolving. Even disorganized neighborhoods acquire new identifying features. Some may become multiracial, while others become racially homogeneous. Some areas become stable and family oriented, while in others, mobile, never-married people predominate.⁸⁰

As areas decline, residents flee to safer, more stable localities. Those who cannot leave because they cannot afford to live in more affluent communities face an increased risk of victimization. Because of racial differences in economic well-being, those “left behind” are all too often minority citizens.⁸¹

Those who cannot move find themselves surrounded by a constant influx of new residents. High population turnover can have a devastating effect on community culture because it thwarts communication and information flow.⁸² In response to this turnover, a culture may develop that dictates standards of dress, language, and behavior to neighborhood youth that are in opposition to those of conventional society. All these factors are likely to produce increased crime rates.

THE CYCLES OF COMMUNITY CHANGE During periods of population turnover, communities may undergo changes that undermine their infrastructure. Urban areas seem to have life cycles, which begin with building residential dwellings and are followed by a period of decline, with marked decreases in socioeconomic status and increases in population density.⁸³ Later stages in this life cycle include changing racial or ethnic makeup, population thinning, and finally, a renewal stage in which obsolete housing is replaced and upgraded (**gentrification**). Areas undergoing such change seem to experience an increase in their crime rates.⁸⁴


 To learn more about the effects of gentrification, use “housing rehabilitation” as a key word with InfoTrac College Edition.

CHANGE AND DECLINE As communities go through cycles, neighborhood deterioration precedes increasing rates of crime and delinquency.⁸⁵ Neighborhoods most at risk for crime rate increases contain large numbers of single-parent families and unrelated people living together, have gone from having owner-occupied to renter-occupied units, and have an economic base that has lost semiskilled and unskilled jobs (indicating a growing residue of discouraged workers who are no longer seeking employment).⁸⁶ These ecological disruptions strain existing social control mechanisms and inhibit their ability to control crime and delinquency.

A large body of research shows that changing lifestyles—including declining economic status, increasing population, and racial shifts—are associated with increased neighborhood crime rates.⁸⁷ Areas adjoining neighborhoods undergoing racial change will experience corresponding increases in their own crime rates.⁸⁸ This phenomenon may reflect community reaction to perceived racial conflict. In changing neighborhoods, adults may actually encourage the law-violating behavior of youths. They may express attitudes that justify violence as a means of protecting their property and way of life by violently resisting newcomers.

COLLECTIVE EFFICACY Cohesive communities with high levels of social control and social integration, where people know one another and develop interpersonal ties, may also develop **collective efficacy**: mutual trust, a willingness to intervene in the supervision of children, and the maintenance of public order.⁸⁹ It is the cohesion among neighborhood residents combined with shared expectations for informal

social control of public space that promotes collective efficacy.⁹⁰ Residents in these areas are able to enjoy a better life because the fruits of cohesiveness can be better education, healthcare, and housing opportunities.⁹¹

 To read about the internal workings of collective efficacy, go to InfoTrac College Edition and read: Terry E. Duncan, Susan C. Duncan, Hayrettin Okut, Lisa A. Strycker, and Hollie Hix-Small, "A Multilevel Contextual Model of Neighborhood Collective Efficacy," *American Journal of Community Psychology* 32 (2003): 245–253.

In contrast, residents of socially disorganized neighborhoods find that efforts at social control are weak and attenuated. People living in economically disadvantaged areas are significantly more likely to perceive their immediate surroundings in more negative terms (that is, higher levels of incivilities) than those living in areas that maintain collective efficacy.⁹² When community social control efforts are blunted, crime rates increase, further weakening neighborhood cohesiveness.⁹³

There are actually three forms of collective efficacy:

1. *Informal social control*: Some elements of collective efficacy operate on the primary or private level and involve peers, families, and relatives. These sources exert informal control by either awarding or withholding approval, respect, and admiration. Informal control mechanisms include direct criticism, ridicule, ostracism, desertion, or physical punishment.⁹⁴

The most important wielder of informal social control is the family that may keep at-risk kids in check through such mechanisms as corporal punishment, withholding privileges, or ridiculing lazy or disrespectful behavior. The importance of the family to apply informal social control takes on greater importance in neighborhoods with few social ties among adults and limited collective efficacy. In these areas parents cannot call upon neighborhood resources to take up the burden of controlling children and face the burden of providing adequate supervision.⁹⁵

In some neighborhoods, neighbors are willing to practice informal social control through surveillance practices, for example, by keeping an "eye out" for intruders when their neighbors go out of town. Informal surveillance has been found to reduce the levels of some crimes such as street robberies; however, if robbery rates remain high, surveillance may be terminated because people become fearful for their safety.⁹⁶

2. *Institutional social control*: Social institutions such as schools and churches cannot work effectively in a climate of alienation and mistrust. Unsupervised peer groups and gangs, which flourish in disorganized areas, disrupt the influence of those neighborhood control agents that do exist.⁹⁷

People who reside in these neighborhoods find that involvement with conventional social institutions, such

as schools and afternoon programs, is often attenuated or blocked.⁹⁸ Lack of services means that children are at risk for recruitment into gangs and law-violating groups, especially when they have little to do after school and must rely on out-of-home care rather than more structured school-based programs.⁹⁹ As a result, crime may flourish.¹⁰⁰

As crime flourishes, neighborhood fear increases, which in turn decreases a community's cohesion and thwarts the ability of its institutions to exert social control over its residents.¹⁰¹ To combat these influences, communities that have collective efficacy attempt to utilize their local institutions to control crime. Sources of institutional social control include businesses, stores, schools, churches, and social service and volunteer organizations.¹⁰² When their institutions are effective, rates for some crimes such as burglary decline.¹⁰³ Some institutions, such as recreation centers for teens, have been found to lower crime rates because they exert a positive effect; others, such as taverns and bars, can help destabilize neighborhoods and increase the rate of violent crimes such as rape and robbery.¹⁰⁴


3. *Public social control*: Stable neighborhoods are also able to arrange for external sources of social control. If they can draw on outside help and secure external resources—a process referred to as public social control—they are better able to reduce the effects of disorganization and maintain lower levels of crime and victimization.¹⁰⁵ Racial differences in crime and violence rates may be explained in part by the ability of white citizens to use their economic resources, and the political power it brings, to their own advantage. They demand and receive a level of protection in their communities that is not enjoyed by less affluent minority group members.¹⁰⁶

The level of policing, one of the primary sources of public social control, may vary from neighborhood to neighborhood. The police presence is typically greatest when community organizations and local leaders have sufficient political clout to get funding for additional law enforcement personnel. The presence of police sends a message that the area will not tolerate deviant behavior. Because they can respond vigorously to crime, the police prevent criminal groups from gaining a toehold in the neighborhood.¹⁰⁷ Criminals and drug dealers avoid such areas and relocate to easier and more appealing "targets."¹⁰⁸

In more disorganized areas, the absence of political powerbrokers limits access to external funding and protection.¹⁰⁹ Without outside funding, a neighborhood may lack the ability to "get back on its feet."¹¹⁰ In these areas there are fewer police, and those that do patrol the area are less motivated and their resources are stretched tighter. These communities cannot mount an effective social control effort because as neighborhood disadvantage increases, its level of informal social control decreases.¹¹¹

The ramifications of having adequate controls are critical. In areas where collective efficacy remains high, children are less likely to become involved with deviant peers and engage in problem behaviors.¹¹² When residents are satisfied that their neighborhoods are good places to live they feel a sense of obligation to maintain order and are more willing to work hard to encourage informal social control. In areas where social institutions and processes—such as police protection—are working adequately, residents are willing to intervene personally to help control unruly children and uncivil adults.¹¹³

In contrast, in disorganized areas, the population is transient and people want to leave as soon as they can afford to find better housing. Interpersonal relationships remain superficial, and people are less willing to help out neighbors or exert informal controls over their own or neighbors' children. Social institutions like schools and churches cannot work effectively in a climate of alienation and mistrust.¹¹⁴ Children who live in these neighborhoods find that involvement with conventional social institutions, such as schools and after-noon programs, is blocked; they are instead at risk for recruitment into gangs.¹¹⁵ These problems are stubborn and difficult to overcome. And even when an attempt is made to revitalize a disorganized neighborhood by creating institutional support programs such as community centers and better schools, the effort may be countered by the ongoing drain of deep-rooted economic and social deprivation.¹¹⁶

 To read an article showing the association between **collective efficacy and crime**, go to <http://www.wjh.harvard.edu/soc/faculty/sampson/1997.4.pdf>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

SOCIAL SUPPORT/ALTRUISM Neighborhoods that can provide strong social supports for their members can help young people cope with life's stressors. Sometimes this is organized on the block level where neighbors meet face-to-face to deal with problems. Crime rates may be lower on blocks where people are committed to preserving their immediate environment by confronting destabilizing forces such as teen gangs and encouraging others to do so also.¹¹⁷ By helping neighbors become more resilient and self-confident, adults in these areas can provide the external support systems that enable youth to desist from crime. For example, residents can teach one another that they have moral and social obligations to their fellow citizens; children can learn to be sensitive to the rights of others and to respect differences. Residents may form neighborhood associations and self-help groups. In contrast, less altruistic areas stress individualism and self-interest.

Areas that place a greater stress on caring for fellow citizens are less crime prone than those that emphasize self-reliance. Even in the cities poorest areas, if people are generous and caring, their neighborhoods are also relatively crime free. **Social altruism** (for example, indications of generosity such as the ratio of contributions given to the United Way charity by area income levels) has been found to be inversely related to crime rates both in the United States and abroad.¹¹⁸ This relationship can be interpreted in one of two ways: Either crime rates are lower in altruistic areas because of the overall positive social climate, or well-funded charities in these areas help lower crime rates by providing a secure safety net for at-risk families.

The government can also be a force for social altruism by providing economic and social supports through publicly funded social support and welfare programs. Though welfare is often criticized by conservative politicians as being a government handout, there is evidence of a significant negative association between the amount of welfare money people receive and crime rates.¹¹⁹ Government assistance may help people improve their social status by providing them with the financial resources to clothe, feed, and educate their children while at the same time reducing stress, frustration, and anger.

People living in disorganized areas may also be able to draw on resources from their neighbors in more affluent surrounding communities, helping to keep crime rates down.¹²⁰ This phenomenon may explain, in part, why violence rates are high in poor African American neighborhoods cut off from outside areas for support.¹²¹



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According to concepts such as social altruism and collective efficacy, neighborhoods where people meet face to face to deal with problems and preserve the immediate environment also have been found to experience lower crime rates. Mutual aid can reduce neighborhood disorder. Here, Annette Young Smith (right), who helped start a community garden in a median strip in her San Francisco neighborhood, works with friends in a form of "grass-roots" organizing. Her efforts have helped change the local climate. Her street is now known as a place where neighbors know each other and where things get done.

Social Disorganization Theories

Theory	Major Premise	Strengths	Research Focus
Shaw and McKay's concentric zones theory	Crime is a product of transitional neighborhoods that manifest social disorganization and value conflict.	Identifies why crime rates are highest in slum areas. Points out the factors that produce crime. Suggests programs to help reduce crime.	Poverty; disorganization, gangs, neighborhood change; community context of crime.
Social ecology theory	The conflicts and problems of urban social life and communities, including fear, unemployment, deterioration, and siege mentality, influence crime rates.	Accounts for urban crime rates and trends. Identifies community level factors that produce high crime rates.	Social control; fear; collective efficacy; unemployment

According to the social ecology school, then, the quality of community life, including levels of change, fear, incivility, poverty, and deterioration, has a direct influence on an area's crime rate. It is not some individual property or trait that causes people to commit crime but the quality and ambience of the community in which they reside. Conversely, in areas that have high levels of social control and collective efficacy, crime rates have been shown to decrease—no matter what the economic situation. Concept Summary 6.1 sets out the features of social disorganization theory.



To quiz yourself on this material, go to the Criminology 9e website.

STRAIN THEORIES

Inhabitants of a disorganized inner-city area feel isolated, frustrated, ostracized from the economic mainstream, hopeless, and eventually angry and enraged. What effect do these feelings have on criminal activities?

Criminologists who view crime as a direct result of lower-class frustration and anger are referred to as **strain theorists**. They believe that most people share similar values and goals but that the ability to achieve personal goals is stratified by socioeconomic class. Strain is limited in affluent areas because educational and vocational opportunities are available. In disorganized areas, strain occurs because legitimate avenues for success are all but closed. To relieve strain, indigent people may be forced either to use deviant methods to achieve their goals, such as theft or drug trafficking, or to reject socially accepted goals outright and substitute other, more deviant goals, such as being tough and aggressive (Figure 6.6).

The Definition of Anomie

The roots of strain theories can be traced to Émile Durkheim's notion of anomie (from the Greek *a nomos*, "without norms").

The Basic Components of Strain Theory

Poverty

- Development of isolated lower-class areas
- Lack of conventional social opportunities
- Racial and ethnic discrimination

Maintenance of conventional rules and norms

Residents of lower-class areas remain loyal to conventional values and rules of dominant middle-class culture.

Strain

Lack of opportunity coupled with desire for conventional success produces strain and frustration.

Formation of gangs and groups

Youths form law-violating groups to seek alternative means of achieving success.

Crime and delinquency

Methods of groups—thrift, violence, substance abuse—are defined as illegal by dominant culture.

Criminal careers

Most youthful gang members age out of crime, but some continue as adult criminals.

CONNECTIONS

As you may recall, Durkheim's concept of anomie was discussed in Chapter 1. It remains one of the central concepts in sociology and criminology.



To read more about the work of **Émile Durkheim**, go to <http://www.relist.uiuc.edu/durkheim/Biography.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

According to Durkheim, an anomic society is one in which rules of behavior (norms) have broken down or become inoperative during periods of rapid social change or social crisis such as war or famine. An anomic society is not able to control human aspirations and demands. Anomie is most likely to occur in societies that are moving from mechanical to organic solidarity. **Mechanical solidarity** is a characteristic of a preindustrial society, which is held together by traditions, shared values, and unquestioned beliefs. In post-industrial social systems, which are highly developed and dependent upon the division of labor, people are connected by their interdependent needs for one another's services and production (**organic solidarity**). The shift in traditions and values creates social turmoil. Established norms begin to erode and lose meaning. If a division occurs between what the population expects and what the economic and productive forces of society can realistically deliver, a crisis situation develops that can manifest itself in normlessness or anomie.

Anomie undermines society's social control function. Every society works to limit people's goals and desires. If a society becomes anomic, it can no longer establish and maintain control over its population's wants and desires. Because people find it difficult to control their appetites, their demands become unlimited. Under these circumstances, obeying legal codes may be strained, and alternative behavior choices, such as crimes, may be inevitable.

I Anomie theory suggests that American culture prescribes material success as the prime goal while at the same time maintaining social structural arrangements that preclude many people from realistic access to legitimate means for achieving that goal. To read more about this concept, use "anomie" as a key word with InfoTrac College Edition.

Theory of Anomie

Durkheim's ideas were applied to criminology by sociologist Robert Merton in his **theory of anomie**.¹²² Merton used a modified version of the concept of anomie to fit social, economic, and cultural conditions found in modern U.S. society.¹²³ He found that two elements of culture interact to produce potentially anomic conditions: culturally defined goals and socially approved means for obtaining them. For example, U.S. society stresses the goals of acquiring wealth, success, and power. Socially permissible means include hard work, education, and thrift.

In the United States, Merton argued, legitimate means to acquire wealth are stratified across class and status lines. Those with little formal education and few economic resources soon find that they are denied the ability to legally acquire wealth—the preeminent success symbol. When



Typology of Individual Modes of Adaptation

Modes of Adaptation	Cultural Goals	Institutionalized Means
I. Conformity	+	+
I. Innovation	+	—
II. Ritualism	—	+
V. Retreatism	—	—
V. Rebellion	±	±

Source: Robert Merton, "Social Structure and Anomie," in *Social Theory and Social Structure* (Glencoe, Ill.: Free Press, 1957).

socially mandated goals are uniform throughout society and access to legitimate means is bound by class and status, the resulting strain produces anomie among those who are locked out of the legitimate opportunity structure. Consequently, they may develop criminal or delinquent solutions to the problem of attaining goals.

SOCIAL ADAPTATIONS Merton argued that each person has his or her own concept of the goals of society and the means at his or her disposal to attain them. Whereas some people have inadequate means of attaining success, others who do have the means reject societal goals as being unsuited to them. Table 6.2 shows Merton's diagram of the hypothetical relationship between social goals, the means for getting them, and the individual actor. Here is a brief description of each of these modes of adaptation.

- **Conformity:** Conformity occurs when individuals both embrace conventional social goals and also have the means at their disposal to attain them. In a balanced, stable society, this is the most common social adaptation. If a majority of its people did not practice conformity, the society would cease to exist.
- **Innovation:** Innovation occurs when an individual accepts the goals of society but rejects or is incapable of attaining them through legitimate means. Many people desire material goods and luxuries but lack the financial ability to attain them. The resulting conflict forces them to adopt innovative solutions to their dilemma: they steal, sell drugs, or extort money. Of the five adaptations, innovation is most closely associated with criminal behavior.

If successful, innovation can have serious, long-term social consequences. Criminal success helps convince otherwise law-abiding people that innovative means work better and faster than conventional ones. The prosperous drug dealer's expensive car and flashy clothes give out the message that "crime pays." Merton claims, "The process thus enlarges the extent of anomie within the system, so that others, who did not respond in the form of deviant behavior to the relatively slight anomie which they first obtained, come to do so as anomie is spread and is intensified."¹²⁴ This explains why crime is initiated and sustained in certain low-income ecological areas.

- **Ritualism:** Ritualists gain pleasure from practicing traditional ceremonies regardless of whether they have a real purpose or goal. The strict set of manners and customs in religious orders, feudal societies, clubs, and college fraternities encourage and appeal to ritualists. Ritualists should have the lowest level of criminal behavior because they have abandoned the success goal, which is at the root of criminal activity.
- **Retreatism:** Retreatists reject both the goals and the means of society. Merton suggests that people who adjust in this fashion are “in the society but not of it.” Included in this category are “psychotics, psychoneurotics, chronic autists, pariahs, outcasts, vagrants, vagabonds, tramps, chronic drunkards, and drug addicts.” Because such people are morally or otherwise incapable of using both legitimate and illegitimate means, they attempt to escape their lack of success by withdrawing—either mentally or physically.
- **Rebellion:** Rebellion involves substituting an alternative set of goals and means for conventional ones. Revolutionaries who wish to promote radical change in the existing social structure and who call for alternative lifestyles, goals, and beliefs are engaging in rebellion. Rebellion may be a reaction against a corrupt and hated government or an effort to create alternate opportunities and lifestyles within the existing system.

EVALUATION OF ANOMIE THEORY According to anomie theory, social inequality leads to perceptions of anomie. To resolve the goals–means conflict and relieve their sense of strain, some people innovate by stealing or extorting money, others retreat into drugs and alcohol, others rebel by joining revolutionary groups, and still others get involved in ritualistic behavior by joining a religious cult. Merton’s view of anomie has been one of the most enduring and influential sociological theories of criminality. By linking deviant behavior to the success goals that control social behavior, anomie theory attempts to pinpoint the cause of the conflict that produces personal frustration and consequent criminality. By acknowledging that society unfairly distributes the legitimate means to achieving success, anomie theory helps explain the existence of high-crime areas and the apparent predominance of delinquent and criminal behavior among the lower class. By suggesting that social conditions, not individual personalities, produce crime, Merton greatly influenced the direction taken to reduce and control criminality during the latter half of the twentieth century.

A number of questions are left unanswered by anomie theory.¹²⁵ Merton does not explain why people choose to commit certain types of crime. For example, why does one anomic person become a mugger and another deals drugs? Anomie may be used to explain differences in crime rates, but it cannot explain why most young criminals desist from crime as adults. Does this mean that perceptions of anomie dwindle with age? Is anomie short-lived?

Critics have also suggested that people pursue a number of different goals, including educational, athletic, and social success. Juveniles may be more interested in immediate goals, such as having an active social life or being a good athlete, than in long-term “ideal” achievements, such as monetary success. Achieving these goals is not a matter of social class alone; other factors, including athletic ability, intelligence, personality, and family life, can either hinder or assist goal attainment.¹²⁶ Anomie theory also assumes that all people share the same goals and values, which is false.¹²⁷ Because of these and other criticisms, the theory of anomie, along with other structural theories, fell into a period of decline for almost twenty years.

ANOMIE RECONSIDERED Like other views of criminality that stressed the influence of the social structure, strain theories fell out of favor when criminologists turned their attention to social psychological views of criminality. Recently there has been a resurgence of interest in strain and anomie. Many Americans may be feeling anomic because of the economic displacement brought on by a global economy. The “truly disadvantaged” in society seem at grave risk to both normlessness and high crime rates. In addition, some researchers have begun to re-examine original concepts such as perceptions of anomie and have found that with more precise and valid measurements Merton’s theory can in fact predict levels of criminal activity.¹²⁸ Cross-cultural research efforts have also linked anomic conditions to criminality, indicating that anomie is not unique to U.S. culture.¹²⁹

Criminologists are now producing newer versions of Merton’s visionary concepts. Some of these work on the general or macro-level. They hold that the success goal integrated within American society influences the nature and extent of the aggregate crime rate. There are also individual or micro-level versions of the theory; these suggest that individuals who experience anomie are more likely to commit crime than those who are immune to feelings of strain or goal conflict. Each of these views is discussed in the sections that follow.

Institutional Anomie Theory

One addition to the strain literature is *Crime and the American Dream* by Steven Messner and Richard Rosenfeld.¹³⁰ Their macro-level version of anomie theory views antisocial behavior as a function of cultural and institutional influences in U.S. society. This is known as the **institutional anomie theory**.

• To read research conducted by Messner and Rosenfeld on the utility of institutional anomie theory, use InfoTrac College Edition to access this article: Steven F. Messner and Richard Rosenfeld, “Political Restraint of the Market and Levels of Criminal Homicide: A Cross-National Application of Institutional-Anomie Theory,” *Social Forces* 75 (June 1997): 1393.

Messner and Rosenfeld agree with Merton's view that the success goal is pervasive in American culture. They refer to this as the **American Dream**, a term they employ as both a goal and a process. As a goal, the American Dream involves accumulating material goods and wealth via open individual competition. As a process, it involves both being socialized to pursue material success and believing that prosperity is an achievable goal in American culture. In the United States, the capitalist system encourages innovation in pursuit of monetary rewards. Businesspeople such as Bill Gates, Warren Buffett, and Donald Trump are considered national heroes and leaders. Anomic conditions occur because the desire to succeed at any cost drives people apart, weakens the collective sense of community, fosters ambition, and restricts desires to achieve anything that is not material wealth. Achieving a "good name" and respect is not sufficient.

What is distinct about American society, according to Messner and Rosenfeld, and what most likely determines the exceedingly high national crime rate, is that anomic conditions have been allowed to "develop to such an extraordinary degree."¹³¹ There do not seem to be any alternatives that would serve the same purpose or strive for the same goal.

IMPACT OF ANOMIE Why does anomie pervade American culture? According to Messner and Rosenfeld, it is because institutions that might otherwise control the exaggerated emphasis on financial success, such as religious or charitable institutions, have been rendered powerless or obsolete.

There are three reasons social institutions have been undermined. First, noneconomic functions and roles have been devalued. Performance in other institutional settings—the family, school, or community—is assigned a lower priority than the goal of financial success. Second, when conflicts emerge, noneconomic roles become subordinate to and must accommodate economic roles. The schedules, routines, and demands of the workplace take priority over those of the home, the school, the community, and other aspects of social life. And third, economic language, standards, and norms penetrate into noneconomic realms. Economic terms become part of the common vernacular. People want to get to the "bottom line"; spouses view themselves as "partners" who "manage" the household. Retired people say they want to "downsize" their household; we "out source" home repairs instead of doing them ourselves. Corporate leaders run for public office promising to "run the country like a business."

According to Messner and Rosenfeld, the relatively high U.S. crime rates can be explained by the interrelationship between culture and institutions. At the cultural level, the dominance of the American Dream mythology ensures that many people will develop wishes and desires for material goods that cannot be satisfied by legitimate means. Anomie becomes a norm, and extra-legal means (crime) become a strategy for attaining material wealth. At the institutional level, the dominance of economic concerns weakens the informal social control exerted by the family, church, and school. These institutions have lost their ability to regulate

behavior and have instead become a conduit for promoting material success. For example, schools are evaluated not for imparting knowledge but for their ability to train students to get high-paying jobs. Social conditions reinforce each other: Culture determines institutions, and institutional change influences culture.¹³² Crime rates may rise then in a healthy economy because national prosperity heightens the attractiveness of monetary rewards, encouraging people to gain financial success by any means possible, including illegal ones. Meanwhile, the importance of social institutions as a means of exerting social control is reduced. In this "culture of competition," self-interest prevails and generates amorality, acceptance of inequality, and disdain for the less fortunate.¹³³

SUPPORTING RESEARCH A number of research efforts have found support for institutional anomie theory. Criminologists Mitchell Chamlin and John Cochran found that areas with high levels of church membership, lower levels of divorce, and high voter turnouts also enjoy lower crime rates. Strong institutional controls (family, church, and polity) may counteract the influence of economic deprivation, a finding in sync with institutional anomie theory.¹³⁴ In their analysis of survey data, Stephen Cernkovich and his associates found that people who valued the American Dream but failed to achieve economic success were crime prone. The effect was more substantial for whites than for African Americans. Cernkovich reasons that whites may have greater expectations of material success than African Americans, whose aspirations have been tempered by a long history of racial and economic deprivation. When whites experience strain, they are more apt to react with anger and antisocial behavior.¹³⁵

The Messner-Rosenfeld version of anomie strain may be a blueprint for crime reduction strategies: If citizens are provided with an economic safety net, they may be able to resist the influence of economic deprivation and commit less crime. Nations that provide such resources—welfare, pension benefits, healthcare—have significantly lower crime rates even though some of their citizens are beset by income inequality.¹³⁶

Relative Deprivation Theory

There is ample evidence that neighborhood-level income inequality is a significant predictor of neighborhood crime rates.¹³⁷ Sharp divisions between the rich and poor create an atmosphere of envy and mistrust that may lead to violence and aggression.¹³⁸

Criminal motivation is fueled both by perceived humiliation and the perceived right to humiliate a victim in return.¹³⁹ Psychologists warn that under these circumstances young males will begin to fear and envy "winners" who are doing very well at their expense. If they fail to take risky aggressive tactics, they are surely going to lose out in social competition and have little chance of future success.¹⁴⁰

These generalized feelings of **relative deprivation** are precursors to high crime rates.¹⁴¹

To read more about this topic, go to InfoTrac College Edition and use “relative deprivation” as a subject guide.

According to this view, lower-class people might feel both deprived and embittered when they compare their life circumstances to those of the more affluent. People who feel deprived because of their race or economic class standing eventually develop a sense of injustice and discontent. The less fortunate begin to distrust the society that has nurtured social inequality and obstructed their chances of progressing by legitimate means. The constant frustration that results from these feelings of inadequacy produces pent-up aggression and hostility and, eventually, leads to violence and crime. The effect of inequality may be greatest when the impoverished population believes they are becoming less able to compete in a society where the balance of economic and social power is shifting further toward the already affluent. Under these conditions, the likelihood that the relatively poor will choose illegitimate life-enhancing activities will increase.¹⁴² Ironically, if income inequality widens, crime rates may spiral upward even as the size of the indigent population is in decline.¹⁴³

According to the relative deprivation view, a collective sense of social injustice directly related to income inequality tends to develop in communities or nations in which the poor and wealthy live in close proximity to each other. Adolescents raised in inner-city poverty areas, such as those in Boston, New York, Chicago, and Los Angeles, for example, experience frustration as they watch their neighborhood in comparison to the most affluent neighborhoods that are located in the same metropolitan area. Nor is relative deprivation unique to American cities. Crime rates are high in underdeveloped nations that are also tourist havens. In the Caribbean, permanent residents may become extremely frustrated when significant numbers of affluent tourists arrive each year; this kind of frustration is often accompanied by high levels of property and violent crime.¹⁴⁴ In *Latino Homicide: Immigration, Violence, and Community*, sociologist Ramiro Martinez puts a new twist on the concept of relative deprivation. Martinez attempts to explain why the Latino homicide rate is relatively low despite the fact that many Latinos live in substandard communities. One reason is that Latino expectations for success and wealth are also relatively low, a worldview that helps shield them from the influence of residence in deteriorated communities. Moreover, many Latinos are immigrants who have fled conditions in their homelands, which are considerably worse than what they find in the United States. Since they are now relatively less deprived, the “strain” of living in poverty has less impact.¹⁴⁵

Relative deprivation is truly relative. Even the most affluent Americans may feel deprived if they fail to achieve

their lofty and unlimited goals.¹⁴⁶ Some affluent people may feel relatively deprived when they compare their accomplishments to those of their more successful peers. Their method for dealing with their feelings of deprivation may be to use illegal means to satisfy their “unrealistic” success goals.¹⁴⁷

||||||| CONNECTIONS |||||

Can relative deprivation concepts be applied to white-collar crime? Perhaps some of the individuals involved in the savings and loan scandals or Wall Street stock fraud cases felt relatively deprived and socially frustrated when they compared the paltry few millions they had already accumulated with the hundreds of millions held by others. For more on this issue, see discussions of the savings and loan scandal and the causes of white-collar crime in Chapter 12.

The relative deprivation model is important because it helps explain the ambiguous association between crime and the economy. It is possible that crime rates may increase even during an economic boom because some groups get left out of the job market. In contrast, during a recession, crime rates may fall because everyone is suffering, and consequently there are relatively few of the “relatively deprived.”

General Strain Theory

Sociologist Robert Agnew’s **General Strain Theory (GST)** helps identify the micro-level or individual influences of strain. Whereas Merton explains social class differences in the crime rate, Agnew explains why individuals who feel stress and strain are more likely to commit crimes. Agnew also offers a more general explanation of criminal activity among all elements of society rather than restricting his views to lower-class crime.¹⁴⁸

||||||| CONNECTIONS |||||

The GST is not solely a strain theory because it recognizes non-class-related individual and social psychological sources of strain. In this regard it is similar to the social process theories that are discussed in Chapter 7. However, it is included here because it incorporates the view that social class position can be an important source of strain and because it rests on Merton’s theory of anomie, which itself is rooted in structural concepts. Agnew’s newest theory, the General Theory of Crime and Delinquency (GTCD) is discussed in Chapter 9. While very different from General Strain Theory, Agnew believes both views have validity.

MULTIPLE SOURCES OF STRESS Agnew suggests that criminality is the direct result of **negative affective states**—the anger, frustration, and adverse emotions that emerge in the wake of negative and destructive social relationships.

He finds that negative affective states are produced by a variety of sources of strain (Figure 6.7).

- *Failure to achieve positively valued goals:* This category of strain, similar to what Merton speaks of in his theory of anomie, is a result of the disjunction between aspirations and expectations. This type of strain occurs when a youth aspires for wealth and fame but, lacking financial and educational resources, assumes that such goals are impossible to achieve.
- *Disjunction of expectations and achievements:* Strain can also be produced when there is a disjunction between expectations and achievements. When people compare themselves to peers who seem to be doing a lot better financially or socially (such as making more money or getting better grades), even those doing relatively well feel strain. For example, when a high school senior is accepted at a good college but not a “prestige school” like some of her friends, she will feel strain. Perhaps she is not being treated fairly because the “playing field” is tilted against her; “other kids have connections,” she may say. Yet perceptions of inequity may result in many adverse reactions, ranging from running away from its source to lowering the benefits of others through physical attacks or vandalizing their property.
- *Removal of positively valued stimuli:* Strain may occur because of the actual or anticipated removal or loss of a positively valued stimulus from the individual.¹⁴⁹ For example, the loss of a girl- or boyfriend can produce strain, as can the death of a loved one, moving to a new neighborhood or school, or the divorce or separation of parents.¹⁵⁰ The loss of positive stimuli may lead to delinquency as the adolescent tries to prevent the loss, retrieve what has been lost, obtain substitutes, or

seek revenge against those responsible for the loss. For example, a child who experiences parental separation or divorce early in his life may seek out deviant peers to help fill his emotional needs and in so doing increases his chances of criminality.¹⁵¹

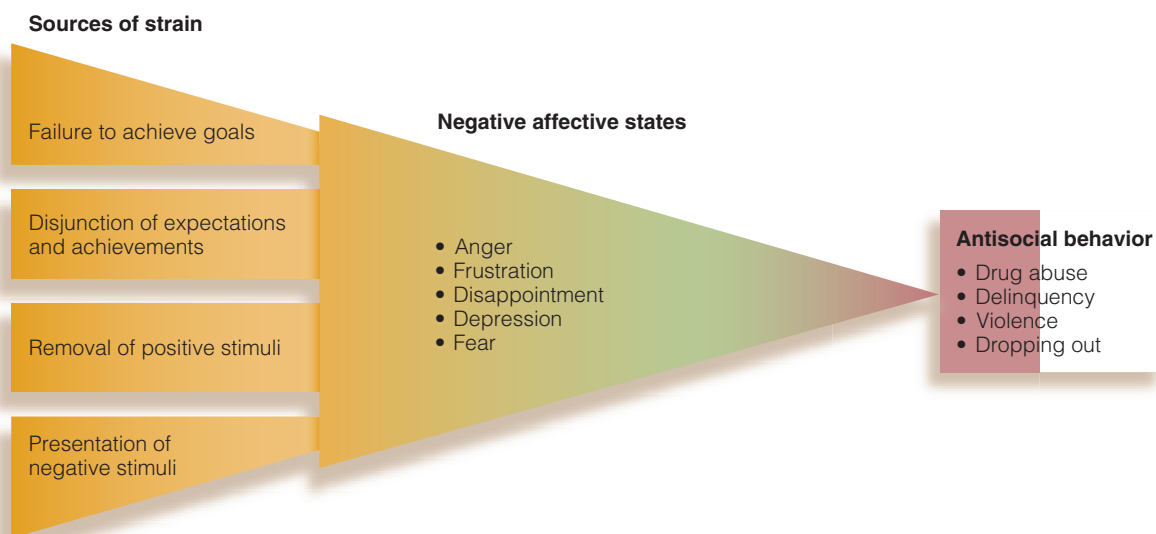
- *Presentation of negative stimuli:* Strain may also be caused by the presence of negative or noxious stimuli. Included within this category are such pain-inducing social interactions as child abuse and neglect, crime victimization, physical punishment, family and peer conflict, school failure, and interaction with stressful life events ranging from verbal threats to air pollution. For example, becoming the target of racism and discrimination may also trigger the anger and aggression predicted by Agnew.¹⁵² Adolescent maltreatment has been linked to delinquency through the rage and anger it generates. Children who are abused at home may take their rage out on younger children at school or become involved in violent delinquency.¹⁵³

According to Agnew, the greater the intensity and frequency of strain experiences, the greater their impact and the more likely they are to cause delinquency.

Each type of strain will increase the likelihood of experiencing such negative emotions as disappointment, depression, fear, and, most important, anger. Anger increases perceptions of being wronged and produces a desire for revenge, energizes individuals to take action, and lowers inhibitions. Violence and aggression seem justified if you have been wronged and are righteously angry.

Because it produces these emotions, strain can be considered a predisposing factor for criminality when it is chronic and repetitive and creates a hostile, suspicious, and aggressive attitude. Individual strain episodes may serve as a

Elements of General Strain Theory (GST)





According to Robert Agnew, strain may be caused by negative or noxious stimuli, such as stressful life events ranging from extreme poverty to losing a loved one. Experiencing strain increases the likelihood that negative emotions, including disappointment, depression, fear, and most important, anger, will develop. Some people may be able to rationalize frustrating circumstances while others try to regain emotional equilibrium with techniques ranging from physical exercise to drug abuse.

situational event or trigger that produces crime, such as when a particularly stressful event ignites a violent reaction.

1 To read about how strain influences teen suicide, see: Toni Terling Watt and Susan Sharp, "Gender Differences in Strains Associated with Suicidal Behavior among Adolescents," *Journal of Youth and Adolescence* 30 (June 2001): 318–333.

Sources of Strain

There are a variety of sources of strain. Sometimes, it can be a particular individual who is causing problems, such as an abusive parent or a peer group rival. When individuals identify a target to blame for their problems, they are more likely to respond with retaliatory action (for example, "Joe stole my girl away by lying about me, so I beat him up!"). When individuals internalize blame, delinquent behavior is less likely to occur (for example, "I lost my girlfriend because I was unfaithful; it's all my fault."). Sometimes the source of strain is difficult to pinpoint (for example, "I feel depressed because my parents got divorced."); this type of ambiguous strain is unlikely to produce an aggressive response.¹⁵⁴

SOCIAL SOURCES OF STRAIN People may begin to feel strain because of their membership in a peer or social group. The relationship may be reciprocal. Kids who report feelings of stress and anger are more likely to interact with delinquent peers and engage in criminal behaviors.¹⁵⁵ However, once in a deviant peer group, it is possible that membership conveys pressure to conform to peer expectations, which can produce more strain. Peer groups, deviant or otherwise, convey

benefits such as friendship, companionship, and support, but they also force members into behavior patterns (for example, using drugs) that can be the source of unwelcome stress. Feelings of strain and being overwhelmed may become magnified as individuals attempt to comply with peer group demands. Kids may, for example, get involved in an unwanted shoplifting spree to pay for drugs, creating even more stress in their lives.¹⁵⁶

COMMUNITY SOURCES OF STRAIN The GST generally focuses on individual level sources of strain, yet there are distinct ecological variations in the crime rate. Some regions, cities, and neighborhoods are more crime prone than others. Can ecological differences produce "negative affective states" in large segments of the population? What factors account for these differences? Agnew suggests that there are, in fact, community-level factors that produce feelings of strain. These strain-producing factors are set out in Exhibit 6.1.

According to Agnew, communities contribute to strain in several ways:

- They influence the goals people pursue and the ability people have to meet these goals.
- They influence feelings of relative deprivation and exposure to aversive stimuli including family conflict, incivility, and economic deprivation.
- They influence the likelihood that angry, strain-filled individuals will interact with one another.

Consequently, not only does GST predict deviance on an individual level, but it can also account for community-level differences in the crime rate.

Coping with Strain

Not all people who experience strain fall into a life of crime and eventually resort to criminality. Some are able to marshal their emotional, mental, and behavioral resources to cope with the anger and frustration produced by strain. Coping ability may be a function of both individual traits and personal experiences over the life course. Personal temperament, prior learning of delinquent attitudes and behaviors, and association with criminal peers who reinforce anger are among other factors affecting the ability to cope. Juveniles high in negative emotionality and low in constraint will be more likely to react to strain with delinquency and antisocial behaviors.¹⁵⁷

Although it may be socially disapproved, criminality can provide relief and satisfaction for someone living an otherwise stress-filled life. Using violence for self-protection may increase feelings of self-worth among those who feel

Community-Level Sources of Strain

Sources of Strain

- Certain communities prevent residents from achieving desired levels of positively valued goals such as wealth, respect/status, and justice/fairness.
- These communities also produce feelings of relative deprivation.
- Deprived communities maintain levels of economic deprivation, family disruption, child abuse, overcrowding, and incivility that are much higher than those in surrounding areas. Residents not only experience these traits but witness close friends and family members enduring them; this is “vicarious strain.”
- These adverse community traits increase the likelihood of negative emotions, including anger and frustration.
- Residence in these deprived communities increases the likelihood that angry, frustrated individuals will interact with one another, increasing stress levels.
- Some communities will increase the likelihood that angry, frustrated people will commit crime.

Reasons Strain Produces Crime

- Blocked opportunity for advancement or creation of new identities in some areas makes legitimate goals impossible to attain.
- Densely populated communities make it impossible to keep activities and problems private. People may feel pressure to “save face” by acting tough or committing crimes.
- Some communities develop subcultures whose members blame others for their misfortunes. This allows people to blame their aggressive illegal acts on others.
- Residents in deprived areas are less able to develop noncriminal coping strategies for personal problems. They are less able to unite with others to solve their own or community-wide problems.
- Residents in disorganized areas are less able to gain social support from others. They maintain weakened educational, religious, recreational, and other social institutions.
- Deprived areas have weakened agencies of both formal and informal social control.
- Residents of deprived areas are likely to hold values and beliefs conducive to crime.
- The increased presence of criminal groups heightens the chance strain will lead to crime. Such groups serve as models and also reinforce criminal responses.

Source: Robert Agnew, “A Macro-Strain Theory of Community Differences in Crime Rates.” Paper presented at the American Society of Criminology meeting, San Diego, 1997.

inadequate or intellectually insecure. Violent responses may also be used in response to negative stimuli, such as child abuse. For example, children who report that they hit or strike their parents also report that they had been the target of parental violence (hitting, slapping). In this case, assaulting parents may be viewed as a type of remedy for the strain caused by child abuse.¹⁵⁸

Some defenses are cognitive; individuals may be able to rationalize frustrating circumstances. Not getting the career they desire is “just not that important”; they may be poor, but the “next guy is worse off”; and if things didn’t work out, then they “got what they deserved.” Others seek behavioral solutions: They run away from adverse conditions or seek revenge against those who caused the strain. Others will try to regain emotional equilibrium with techniques ranging from physical exercise to drug abuse.

STRAIN AND CRIMINAL CAREERS While some people can effectively cope with strain, how does GST explain both chronic offending and the stability of crime over the life course? GST recognizes that certain people have traits that may make them particularly sensitive to strain. These include an explosive temperament, being overly sensitive or emotional, low tolerance for adversity, and poor problem-solving skills. Kids who suffer from this form of “negative emotionality” are much more likely to engage in antisocial behaviors, especially if they also are lacking in self-control.¹⁵⁹

Aggressive people who have these traits are likely to have poor interpersonal skills and are more likely to be treated negatively by others; their combative personalities make them feared and disliked. These people are likely to live in families whose caretakers share similar personality traits. They are also more likely to reject conventional peers and join deviant groups. Such individuals are subject to a high degree of strain over the course of their lives.

Crime peaks during late adolescence because this is a period of social stress caused by the weakening of parental supervision and the development of relationships with a diverse peer group. Many kids going through the trauma of family breakup and frequent changes in family structure find themselves feeling a high degree of strain. They may react by becoming involved in precocious sexuality or by turning to substance abuse to mask the strain. For example, research shows that young girls of any social class are more likely to bear out-of-wedlock children if they themselves experienced an unstable family life.¹⁶⁰ Adolescence is also a period during which hormone levels peak, and the behavior moderating aspects of the brain have not fully developed—two factors that make adolescent males susceptible to environmental sources of strain.¹⁶¹

As they mature, children’s expectations increase; some find that they are unable to meet academic and social demands. Adolescents are very concerned about their standing with peers. Those deficient in these areas may find they are social outcasts, another source of strain. In adulthood, crime rates drop because these sources of strain are reduced, new sources of self-esteem emerge, and adults seem more likely to bring their goals in line with reality.

||||||| CONNECTIONS |||||

Explaining continuity and change in offending rates over the life course has become an important goal of criminologists. Analysis of latent trait and life course theories in Chapter 9 provides some recent thinking on this topic.

Strain Theories

Theory	Major Premise	Strengths	Research Focus
Anomie theory	People who adopt the goals of society but lack the means to attain them seek alternatives, such as crime.	Points out how competition for success creates conflict and crime. Suggests that social conditions and not personality can account for crime. Explains high lower-class crime rates.	Frustration; anomie; effects of failure to achieve goals
Institutional anomie theory	Material goods pervade all aspects of American life.	Explains why crime rates are so high in American culture.	Frustration; effects of materialism
Relative deprivation theory	Crime occurs when the wealthy and poor live close to one another.	Explains high crime rates in deteriorated inner-city areas located near more affluent neighborhoods.	Relative deprivation
General strain theory	Strain has a variety of sources. Strain causes crime in the absence of adequate coping mechanisms.	Identifies the complexities of strain in modern society. Expands on anomie theory. Shows the influence of social events on behavior over the life course. Explains middle-class crimes.	Strain; inequality; negative affective states; influence of negative and positive stimuli

Evaluating GST

Agnew's work is important because it both clarifies the concept of strain and directs future research agendas. It also adds to the body of literature describing how social and life history events influence offending patterns. Sources of strain vary over the life course; so too do delinquency rates.

There is also empirical support for GST. Adolescents who score high on self-report test items that measure perceptions of strain (for example, "my classmates don't like me," "adults and friends don't respect my opinions") and negative life events (being a victim of crime, the death of a close friend, serious illness) are also the ones most likely to engage in crime.¹⁶² Some research efforts show that indicators of strain—family breakup, unemployment, moving, feelings of dissatisfaction with friends and school—are positively related to criminality.¹⁶³ For example, middle-class youth who drop out of school are more likely to engage in criminal behavior than lower-class dropouts. It is possible that removing this positive stimulus (education) has a greater strain effect on those who are expected to succeed because of their class position than on those who already perceive more limited economic opportunities.¹⁶⁴ There is also evidence that the presence of negative stimulus provokes strain. Agnew himself found evidence that the strain associated with becoming a crime victim and anticipating future victimization may cause people to embrace antisocial behavior.¹⁶⁵

GENDER ISSUES One of the biggest question marks about GST is its ability to adequately explain gender differences in the crime rate. Females experience as much or more strain, frustration, and anger as males, but their crime rate is much lower. Is it possible that there are gender differences either (a) in the relationship between strain and criminality or (b) in the ability to cope with the effects of strain? Not all sources

of strain produce the anger envisioned by Agnew.¹⁶⁶ For example, although females may experience more strain, males may be more deeply affected by interpersonal stress.¹⁶⁷

There is evidence that stress influences both males and females equally; however, the degree to which it leads to criminal behavior is much higher among males than females.¹⁶⁸ When presented with similar types of strain, males and females respond with a different constellation of negative emotions.¹⁶⁹ Females may be socialized to internalize stress, blaming themselves for their problems; males may take the same type of strain and relieve it by striking out at others and deflecting criticism with aggression.¹⁷⁰ Consequently, males may resort to criminality in the face of stressors of any magnitude, but only extreme levels of strain produce violent reactions from women.¹⁷¹

These issues aside, strain theory has proven to be an enduring vision of the cause of criminality. Researchers have continued to show that kids who perceive strain are the ones most likely to engage in delinquent activity.¹⁷² Concept Summary 6.2 sets out the features of strain theory.



To quiz yourself on this material, go to the Criminology 9e website.

CULTURAL DEVIANCE THEORIES

The third branch of social structure theory combines the effects of social disorganization and strain to explain how people living in deteriorated neighborhoods react to social isolation and economic deprivation. Because their lifestyle is draining, frustrating, and dispiriting, members of the lower class create an independent subculture with its own set

Elements of Cultural Deviance Theory

Poverty

- Lack of opportunity
- Anomie

Socialization

Lower-class youths are socialized to value middle-class goals and ideas. However, their environment inhibits future success.

Subculture

Blocked opportunities prompt formation of groups with alternative lifestyles and values.

Success goal

Gangs provide alternative methods of gaining success.

Crime and delinquency

New methods of gaining success involve law-violating behaviors such as drug dealing.

Criminal careers

Some gang members can parlay their status into criminal careers; others become drug users or commit violent assault.

of rules and values. Middle-class culture stresses hard work, delayed gratification, formal education, and being cautious; the lower-class subculture stresses excitement, toughness, risk taking, fearlessness, immediate gratification, and “street smarts.” The lower-class subculture is an attractive alternative because the urban poor find that it is impossible to meet the behavioral demands of middle-class society. Unfortunately, subcultural norms often clash with conventional values. Slum dwellers are forced to violate the law because they obey the rules of the deviant culture with which they are in close and immediate contact. Figure 6.8 outlines the elements of cultural deviance theory.

Conduct Norms

The concept that the lower class develops a unique culture in response to strain can be traced to Thorsten Sellin's classic 1938 work, *Culture Conflict and Crime*, which attempts

to link cultural adaptation to criminality.¹⁷³ Sellin's main premise is that criminal law is an expression of the rules of the dominant culture. The content of the law, therefore, may create a clash between conventional, middle-class rules and splinter groups, such as ethnic and racial minorities who are excluded from the social mainstream. These groups maintain their own set of **conduct norms**—rules governing the day-to-day living conditions within these subcultures.¹⁷⁴ Conduct norms can be found in almost any culture and are not the property of any particular group, culture, or political structure.

Complicating matters is the fact that most of us belong to several social groups. In a complex society, the number of groups people belong to—family, peer, occupational, and religious—is quite large. “A conflict of norms is said to exist when more or less divergent rules of conduct govern the specific life situation in which a person may find himself.”¹⁷⁵ According to Sellin, **culture conflict** occurs when the rules expressed in the criminal law clash with the demands of group conduct norms. To make his point, Sellin cited the case of a Sicilian father in New Jersey who killed the 16-year-old boy who seduced his daughter and then expressed surprise at being arrested. He claimed that he had “merely defended his family honor in a traditional way.”¹⁷⁶

Focal Concerns

In his classic 1958 paper, “Lower Class Culture as a Generating Milieu of Gang Delinquency,” Walter Miller identified the unique value system that defines lower-class culture.¹⁷⁷ Conformance to these **focal concerns** dominates life among the lower class. According to Miller, clinging to lower-class focal concerns promotes illegal or violent behavior. Toughness may mean displaying fighting prowess; street smarts may lead to drug deals; excitement may result in drinking, gambling, or drug abuse. Focal concerns do not necessarily represent a rebellion against middle-class values; rather, these values have evolved specifically to fit conditions in lower-class areas. The major lower-class focal concerns are set out in Exhibit 6.2.¹⁷⁸

It is this adherence to the prevailing cultural demands of lower-class society that causes urban crime. Research, in fact, shows that members of the lower class value toughness and want to show they are courageous in the face of provocation.¹⁷⁹ A reputation for toughness helps them acquire social power while at the same time insulating them from becoming victims. Violence was also seen as a means to acquire the accoutrements of wealth (nice clothes, flashy cars, or access to clubs), control or humiliate another person, defy authority, settle drug-related “business” disputes, attain retribution, satisfy the need for thrills or risk taking, and respond to challenges to one's manhood.¹⁸⁰

To some criminologists, the influence of lower-class focal concerns and culture seem as relevant today as when first identified by Miller almost fifty years ago. The Race, Culture, Gender, and Criminology feature on page 204 discusses a recent version of the concept of culture conflict.

Miller's Lower-Class Focal Concerns

Trouble	In lower-class communities, people are evaluated by their actual or potential involvement in making trouble. Getting into trouble includes such behavior as fighting, drinking, and sexual misconduct. Dealing with trouble can confer prestige—for example, when a man establishes a reputation for being able to handle himself well in a fight. Not being able to handle trouble, and having to pay the consequences, can make a person look foolish and incompetent.
Toughness	Lower-class males want local recognition of their physical and spiritual toughness. They refuse to be sentimental or soft and instead value physical strength, fighting ability, and athletic skill. Those who cannot meet these standards risk getting a reputation for being weak, inept, and effeminate.
Smartness	Members of the lower-class culture want to maintain an image of being streetwise and savvy, using their street smarts, and having the ability to outfox and out-con the opponent. Though formal education is not admired, knowing essential survival techniques, such as gambling, conning, and outsmarting the law, is a requirement.
Excitement	Members of the lower class search for fun and excitement to enliven an otherwise drab existence. The search for excitement may lead to gambling, fighting, getting drunk, and sexual adventures. In between, the lower-class citizen may simply “hang out” and “be cool.”
Fate	Lower-class citizens believe their lives are in the hands of strong spiritual forces that guide their destinies. Getting lucky, finding good fortune, and hitting the jackpot are all slum dwellers' daily dreams.
Autonomy	Being independent of authority figures, such as the police, teachers, and parents, is required; losing control is an unacceptable weakness, incompatible with toughness.

Source: Walter Miller, “Lower-Class Culture as a Generating Milieu of Gang Delinquency,” *Journal of Social Issues* 14 (1958): 5–19.

Theory of Delinquent Subcultures

Albert Cohen first articulated the theory of delinquent subcultures in his classic 1955 book, *Delinquent Boys*.¹⁸¹ Cohen's central position was that delinquent behavior of lower-class youths is actually a protest against the norms and values of middle-class U.S. culture. Because social conditions make them incapable of achieving success legitimately, lower-class youths experience a form of culture conflict that Cohen labels **status frustration**.¹⁸² As a result, many of them join together in gangs and engage in behavior that is “non-utilitarian, malicious, and negativistic.”¹⁸³

Cohen viewed the delinquent gang as a separate subculture, possessing a value system directly opposed to that of the larger society. He describes the subculture as one that “takes its norms from the larger culture, but turns them upside down. The delinquent's conduct is right by the standards of his subculture precisely because it is wrong by the norms of the larger cultures.”¹⁸⁴

According to Cohen, the development of the delinquent subculture is a consequence of socialization practices found in the ghetto or slum environment. These children lack the basic skills necessary to achieve social and economic success in the demanding U.S. society. They also lack the proper education and therefore do not have the skills upon which to build a knowledge or socialization foundation. He suggests that lower-class parents are incapable of teaching children the necessary techniques for entering the dominant middle-class culture. The consequences of this deprivation include developmental handicaps, poor speech and communication skills, and inability to delay gratification.

MIDDLE-CLASS MEASURING RODS One significant handicap that lower-class children face is the inability to positively impress authority figures, such as teachers, employers, or supervisors. Cohen calls the standards set by these authority figures **middle-class measuring rods**. The conflict and frustration lower-class youths experience when they fail to meet these standards is a primary cause of delinquency. For example, the fact that a lower-class student is deemed by those in power to be substandard or below the average of what is expected can have an important impact on his or her future life chances. A school record may be reviewed by juvenile court authorities and by the military. Because a military record can influence whether or not someone is qualified for certain jobs, it is quite influential.¹⁸⁵ Negative evaluations become part of a permanent file that follows an individual for the rest of his or her life. When he or she wants to improve, evidence of prior failures is used to discourage advancement.

THE FORMATION OF DEVIANT SUBCULTURES Cohen believes lower-class boys who suffer rejection by middle-class decision makers usually elect to join one of three existing subcultures: the corner boy, the college boy, or the delinquent boy. The **corner boy** role is the most common response to middle-class rejection. The corner boy is not a chronic delinquent but may be a truant who engages in petty or status offenses, such as precocious sex and recreational drug abuse. His main loyalty is to his peer group, on which he depends for support, motivation, and interest. His values, therefore, are those of the group with which he is in close personal contact. The corner boy, well aware of his failure to achieve the standards of the American Dream, retreats into the comforting world of his lower-class peers and eventually becomes a stable member of his neighborhood, holding a menial job, marrying, and remaining in the community.

The **college boy** embraces the cultural and social values of the middle class. Rather than scorning middle-class measuring rods, he actively strives to be successful by those

Race, Culture, Gender, and Criminology

The Code of the Streets

A widely cited view of the interrelationship of culture and behavior is Elijah Anderson's concept of the "code of the streets." He sees that life circumstances are tough for the "ghetto poor"—lack of jobs that pay a living wage, stigma of race, fallout from rampant drug use and drug trafficking, and alienation and lack of hope for the future. Living in such an environment places young people at special risk of crime and deviant behavior.

There are two cultural forces running through the neighborhood that shape their reactions. *Decent values* are taught by families committed to middle-class values and representing mainstream goals and standards of behavior. Though they may be better off financially than some of their street-oriented neighbors, they are generally "working poor." They value hard work and self-reliance and are willing to sacrifice for their children; they harbor hopes for a better future for their children. Most go to church and take a strong interest in education. Some see their difficult situation as a test from God and derive great support from their faith and from the church community.

In opposition, *street values*, those of "the streets," are born in the despair of inner-city life and are in opposition to those of mainstream society. The street culture has developed what Anderson calls a *code of the streets*, which are a set of informal rules setting down both proper attitudes and ways to respond if challenged. If the rules are violated, there are penalties and sometimes violent retribution.

At the heart of the code is the issue of respect—loosely defined as

being treated "right." The code demands that disrespect be punished or hard-won respect be lost. With the right amount of respect, a person can avoid "being bothered" in public. If he is bothered, not only may he be in physical danger, but he has been disgraced or "dissed" (disrespected). Some forms of dissing, such as maintaining eye contact for too long, may seem pretty mild. But to street kids who live by the code, these actions become serious indications of the other person's intentions and a warning of imminent physical confrontation.

These two orientations—decent and street—socially organize the community. Their co-existence means that kids who are brought up in "decent" homes must be able to successfully navigate the demands of the "street" culture. Even in decent families, parents recognize that the code must be obeyed or at the very least "negotiated"; it cannot simply be ignored.

The Respect Game

Young men in poor inner-city neighborhoods build their self-image on the foundation of *respect*. Having "juice" (as respect is sometimes called on the street) means that they can take care of themselves even if it means resorting to violence. For street youth, losing respect on the street can be damaging and dangerous. Once they have demonstrated that they can be insulted, beaten up, or stolen from, they become an easy target. Kids from "decent" families may be able to keep their self-respect by getting good grades or a scholarship. Street kids do not have that luxury. With nothing to fall back on, they cannot walk away from an insult. They must retaliate with violence.

One method of preventing attacks is to go on the offensive. Aggressive, violence-prone people are not seen

as "easy prey." Robbers do not get robbed, and street fighters are not the favorite targets of bullies. A youth who communicates an image of not being afraid to die and not being afraid to kill has given himself a sense of power on the street.

Anderson's work has been well received by the criminological community. A number of researchers including Timothy Brezina and his colleagues are doing analyses to determine whether Anderson's observations are in fact valid. Using data on violence, their assessment finds a linkage between violent behavior and the social processes uncovered by Anderson.

Critical Thinking

1. Does the code of the street, as described by Anderson, apply in the neighborhood in which you were raised? That is, is it universal?
2. Is there a form of "respect game" being played out on college campuses? If so, what is the substitute for violence?

InfoTrac College Edition Research

Go to InfoTrac College Edition and use "street culture" in a key word search.

Sources: Elijah Anderson, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City* (New York: Norton, 2000); idem., "Violence and the Inner-City Street Code," in *Violence and Children in the Inner City*, ed. Joan McCord (New York: Cambridge University Press, 1998), pp. 1–30; idem., "The Code of the Streets," *Atlantic Monthly* 273 (May 1994): 80–94; Timothy Brezina, Robert Agnew, Francis T. Cullen, and John Paul Wright, "The Code of the Street: A Quantitative Assessment of Elijah Anderson's Subculture of Violence Thesis and Its Contribution to Youth Violence Research," *Youth Violence and Juvenile Justice* 2 (2004): 303–328.

standards. Cohen views this type of youth as one who is embarking on an almost hopeless path, since he is ill-equipped academically, socially, and linguistically to achieve the rewards of middle-class life.

The **delinquent boy** adopts a set of norms and principles in direct opposition to middle-class values. He engages in short-run hedonism, living for today and letting “tomorrow take care of itself.”¹⁸⁶ Delinquent boys strive for group autonomy. They resist efforts by family, school, or other sources of authority to control their behavior. They may join a gang because it is perceived as autonomous, independent, and the focus of “attraction, loyalty, and solidarity.”¹⁸⁷ Frustrated by their inability to succeed, these boys resort to a process Cohen calls **reaction formation**. Symptoms of reaction formation include overly intense responses that seem disproportionate to the stimuli that trigger them. For the delinquent boy, this takes the form of irrational, malicious, and unaccountable hostility to the enemy, which in this case are “the norms of respectable middle-class society.”¹⁸⁸ Reaction formation causes delinquent boys to overreact to any perceived threat or slight. They sneer at the college boy’s attempts at assimilation and scorn the corner boy’s passivity. The delinquent boy is willing to take risks, violate the law, and flout middle-class conventions.

Cohen’s work helps explain the factors that promote and sustain a delinquent subculture. By introducing the concepts of status frustration and middle-class measuring rods, Cohen makes it clear that social forces and not individual traits promote and sustain a delinquent career. By introducing the corner boy, college boy, delinquent boy triad, he helps explain why many lower-class youth fail to become chronic offenders: There is more than one social path open to indigent youth.¹⁸⁹ His work is a skillful integration of strain and social disorganization theories and has become an enduring element of the criminological literature.

Theory of Differential Opportunity

In their classic work *Delinquency and Opportunity*, written over forty years ago, Richard Cloward and Lloyd Ohlin combined strain and social disorganization principles into a portrayal of a gang-sustaining criminal subculture.¹⁹⁰ Cloward and Ohlin agreed with Cohen and found that independent delinquent subcultures exist within society. They consider a delinquent subculture to be one in which certain forms of delinquent activity are essential requirements for performing the dominant roles supported by the subculture.¹⁹¹

Youth gangs are an important part of the delinquent subculture. Although not all illegal acts are committed by gang youth, they are the

source of the most serious, sustained, and costly criminal behaviors. Delinquent gangs spring up in disorganized areas where youths lack the opportunity to gain success through conventional means.

True to strain theory principles, Cloward and Ohlin portray slum kids as individuals who want to conform to middle-class values but lack the means to do so.¹⁹²

DIFFERENTIAL OPPORTUNITIES The centerpiece of the Cloward and Ohlin theory is the concept of **differential opportunity**, which states that people in all strata of society share the same success goals but that those in the lower class have limited means of achieving them. People who perceive themselves as failures within conventional society will seek alternative or innovative ways to gain success. People who conclude that there is little hope for advancement by legitimate means may join with like-minded peers to form a gang. Gang members provide the emotional support to handle the shame, fear, or guilt they may develop while engaging in illegal acts. Delinquent subcultures then reward these acts that conventional society would punish. The youth who is considered a failure at school and is only qualified for a menial job at a minimum wage can earn thousands of dollars plus the respect of his or her peers by joining a gang and engaging in drug deals or armed robberies.

Cloward and Ohlin recognize that the opportunity for both successful conventional and criminal careers is limited. In stable areas, adolescents may be recruited by professional criminals, drug traffickers, or organized crime groups. Unstable areas, however, cannot support flourishing criminal




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Kids may join gangs because they are looking for acceptance and respect. The gang may serve as a surrogate family. By providing an alternative, community programs hope to entice kids away from gangs. Some programs have a religious theme. The Venerable Khon Sao, a Buddhist monk, teaches Young Cambodian youths, many of them gang members, how to pray at a Buddhist temple in Lowell, Massachusetts. In conjunction with the police department, the Buddhist temple has begun a program that teaches the fundamentals of Buddhist thought two evenings a week to the teens. In the classes, the youths learn how to pray, meditate, and act peacefully.

opportunities. In these socially disorganized neighborhoods, adult role models are absent, and young criminals have few opportunities to join established gangs or to learn the fine points of professional crime. Their most important finding, then, is that all opportunities for success, both illegal and conventional, are closed for the most “truly disadvantaged” youth.

Because of differential opportunity, kids are likely to join one of three types of gangs:

- **Criminal gangs:** Criminal gangs exist in stable lower-class areas in which close connections among adolescent, young adult, and adult offenders create an environment for successful criminal enterprise.¹⁹³ Youths are recruited into established criminal gangs that provide a training ground for a successful criminal career. Gang membership provides a learning experience in which the knowledge and skills needed for success in crime are acquired. During this “apprenticeship stage,” older, more experienced members of the criminal subculture hold youthful “trainees” on tight reins, limiting activities that might jeopardize the gang’s profits (for example, engaging in nonfunctional, irrational violence). Over time, new recruits learn the techniques and attitudes of the criminal world and how to “cooperate successfully with others in criminal enterprises.”¹⁹⁴ To become a fully accepted member of the criminal gang, novices must prove themselves reliable and dependable in their contacts with their criminal associates.

 To read more about the illegal activities of male and female gang members, use InfoTrac College Edition to access this article: John Hagedorn, Jose Torres, and Greg Giglio, “Cocaine, Kicks, and Strain: Patterns of Substance Use in Milwaukee Gangs,” *Contemporary Drug Problems* 25 (spring 1998): 113–145.

- **Conflict gangs:** Conflict gangs develop in communities unable to provide either legitimate or illegitimate opportunities. These highly disorganized areas are marked by transient residents and physical deterioration. Crime in this area is “individualistic, unorganized, petty, poorly paid, and unprotected.”¹⁹⁵ There are no successful adult criminal role models from whom youths can learn criminal skills. When such severe limitations on both criminal and conventional opportunity intensify frustrations of the young, violence is used as a means of gaining status. The image of the conflict gang member is the swaggering, tough adolescent who fights with weapons to win respect from rivals and engages in unpredictable and destructive assaults on people and property. Conflict gang members must be ready to fight to protect their own and their gang’s integrity and honor. By doing so, they acquire a “rep,” which provides them with a means for gaining admiration from their peers and consequently

helps them develop their own self-image. Conflict gangs, according to Cloward and Ohlin, “represent a way of securing access to the scarce resources for adolescent pleasure and opportunity in underprivileged areas.”¹⁹⁶

- **Retreatist gangs:** Retreatists are double failures, unable to gain success through legitimate means and unwilling to do so through illegal ones. Some retreatists have tried crime or violence but are either too clumsy, weak, or scared to be accepted in criminal or violent gangs. They then “retreat” into a role on the fringe of society. Members of the retreatist subculture constantly search for ways of getting high—alcohol, pot, heroin, unusual sexual experiences, music. They are always “cool,” detached from relationships with the conventional world. To feed their habit, retreatists develop a “hustle”—pimping, conning, selling drugs, and committing petty crimes. Personal status in the retreatist subculture is derived from peer approval.

ANALYSIS OF DIFFERENTIAL OPPORTUNITY Cloward and Ohlin’s theory is important because it integrates cultural deviance and social disorganization concepts and recognizes different modes of criminal adaptation. The fact that criminal cultures can be supportive, rational, and profitable seems to be a more realistic reflection of the actual world of the delinquent than Cohen’s original view of purely negativistic, destructive delinquent youths who oppose all social values. Cloward and Ohlin’s tripartite model of urban delinquency also relates directly to the treatment and rehabilitation of delinquents. While other social structure theorists portray delinquent youths as having values and attitudes in opposition to middle-class culture, Cloward and Ohlin suggest that many delinquents share the goals and values of the general society but lack the means to obtain success. This suggests that delinquency prevention can be achieved by providing youths with the means for obtaining the success they truly desire through employment opportunities without the need to change their basic attitudes and beliefs.¹⁹⁷

Evaluating Social Structure Theories

The social structure approach has significantly influenced both criminological theory and crime prevention strategies. Its core concepts seem to be valid in view of the relatively high crime and delinquency rates and gang activity occurring in the deteriorated inner-city slum areas of the nation’s largest cities.¹⁹⁸ The public’s image of the disorganized inner city includes roaming bands of violent teenage gangs, drug users, prostitutes, muggers, and similar frightening examples of criminality. All of these are present today in inner-city areas.

Each branch of the general structural model seems to support and amplify others. Some theorists suggest that these concepts are actually interdependent.¹⁹⁹ Factors that cause strain, such as lack of access to legitimate economic opportunities and economic inequality, also produce social

Cultural Deviance Theories

Theory	Major Premise	Strengths	Research focus
Miller's focal concern theory	Citizens who obey the street rules of lower-class life (focal concerns) find themselves in conflict with the dominant culture.	Identifies the core values of lower-class culture and shows their association to crime.	Cultural norms; focal concerns
Cohen's theory of delinquent gangs	Status frustration of lower-class boys, created by their failure to achieve middle-class success, causes them to join gangs.	Shows how the conditions of lower-class life produce crime. Explains violence and destructive acts. Identifies conflict of lower class with middle class.	Gangs; culture conflict; middle-class measuring rods; reaction formation
Cloward and Ohlin's theory of opportunity	Blockage of conventional opportunities causes lower-class youths to join criminal, conflict, or retreatist gangs.	Shows that even illegal opportunities are structured in society. Indicates why people become involved in a particular type of criminal activity. Presents a way of preventing crime.	Gangs; cultural norms; culture conflict; effects of blocked opportunity

disorganization. Stress leads to alcohol abuse and unprotected sex outside of marriage, resulting in an increase of impaired households, dysfunctional families, urban hostility, and the deterioration of informal social controls.

Critics of the approach charge that we cannot be sure that it is lower-class culture itself that promotes crime and not some other force operating in society. Critics of this approach deny that residence in urban areas alone is sufficient to cause people to violate the law.²⁰⁰ They counter with the charge that lower-class crime rates may be an artifact of bias in the criminal justice system. Lower-class areas seem to have higher crime rates because residents are arrested and prosecuted by agents of the justice system who, as members of the middle class, exhibit class bias.²⁰¹ Class bias is often coupled with discrimination against minority group members, who have long suffered at the hands of the justice system.

Even if the higher crime rates recorded in lower-class areas are valid, it is still true that most members of the lower class are not criminals. The discovery of the chronic offender indicates that a significant majority of people living in lower-class environments are not criminals and that a relatively small proportion of the population commits most crimes. If social forces alone could be used to explain crime, how can we account for the vast number of urban poor who remain honest and law abiding? Given these circumstances, law violators must be motivated by some individual mental, physical, or social process or trait.²⁰²

It is also questionable whether a distinct lower-class culture actually exists. Several researchers have found that gang members and other delinquent youths seem to value middle-class concepts, such as sharing, earning money, and respecting the law, as highly as middle-class youths. Criminologists contend that lower-class youths also value education as highly as middle-class students do.²⁰³ Public opinion polls can also be used as evidence that a majority of lower-class

citizens maintain middle-class values. National surveys find that people in the lowest income brackets want tougher drug laws, more police protection, and greater control over criminal offenders.²⁰⁴ These opinions seem similar to conventional middle-class values rather than representative of an independent, deviant subculture. While this evidence contradicts some of the central ideas of social structure theory, the discovery of stable patterns of lower-class crime, the high crime rates found in disorganized inner-city areas, and the rise of teenage gangs and groups support a close association between crime rates and social class position. Concept Summary 6.3 sets out the features of cultural deviance theories.



To quiz yourself on this material, go to the Criminology 9e website.

PUBLIC POLICY IMPLICATIONS OF SOCIAL STRUCTURE THEORY

Social structure theory has had a significant influence on public policy. If the cause of criminality is viewed as a schism between lower-class individuals and conventional goals, norms, and rules, it seems logical that alternatives to criminal behavior can be provided by giving slum dwellers opportunities to share in the rewards of conventional society.

One approach is to give indigent people direct financial aid through welfare and Aid to Dependent Children (ADC). Although welfare has been curtailed through the Federal Welfare Reform Act of 1996, research shows that crime rates decrease when families receive supplemental income through public assistance payments.²⁰⁵

There are also efforts to reduce crime by improving the community structure in high-crime inner-city areas. Crime prevention efforts based on social structure precepts can be traced back to the Chicago Area Project, supervised by Clifford R. Shaw. This program attempted to organize existing community structures to develop social stability in otherwise disorganized slums. The project sponsored recreation programs for children in the neighborhoods, including summer camping. It campaigned for community improvements in such areas as education, sanitation, traffic safety, physical conservation, and law enforcement. Project members also worked with police and court agencies to supervise and treat gang youth and adult offenders. In a 25-year assessment of the project, Solomon Kobrin found that it was successful in demonstrating the feasibility of creating youth welfare organizations in high-delinquency areas.²⁰⁶ Kobrin also discovered that the project made a distinct contribution to ending the isolation of urban males from the mainstream of society.

Social structure concepts, especially Cloward and Ohlin's views, were a critical ingredient in the Kennedy and Johnson administrations' "War on Poverty," begun in the early 1960s. Rather than organizing existing community structures, as Shaw's Chicago Area Project had done, this later effort called for an all-out attack on the crime-producing structures of slum areas. War on Poverty programs included the Job Corps; VISTA (the urban Peace Corps); Head Start and Upward Bound (educational enrichment programs); Neighborhood Legal Services; and the largest community organizing effort,

the Community Action Program. War on Poverty programs were sweeping efforts to change the social structure of the slum area. They sought to reduce crime by developing a sense of community pride and solidarity in poverty areas and by providing educational and job opportunities for crime-prone youths. Some War on Poverty programs—Head Start, Neighborhood Legal Services, and the Community Action Program have helped people for many years.

Today Operation Weed and Seed is the foremost comprehensive, national crime reduction strategy. Its aim is to prevent, control, and reduce violent crime, drug abuse, and gang activity in targeted high-crime neighborhoods across the country. Weed and Seed sites range in size from several neighborhood blocks to 15 square miles.²⁰⁷ The strategy involves a two-pronged approach. First, law enforcement agencies and prosecutors cooperate in "weeding out" criminals who participate in violent crime and drug abuse and attempt to prevent their return to the targeted area. Then, participating agencies begin "seeding," which brings human services to the area, encompassing prevention, intervention, treatment, and neighborhood revitalization. A community-orientated policing component bridges weeding and seeding strategies. Officers obtain helpful information from area residents for weeding efforts while they aid residents in obtaining information about community revitalization and seeding resources. Operation Weed and Seed is an example of a modern-day crime control approach that relies on changing neighborhood structure to reduce crime rates.

SUMMARY

- Sociology has been the main orientation of criminologists because they know that crime rates vary among elements of the social structure, that society goes through changes that affect crime, and that social interaction relates to criminality.
- Social structure theories suggest that people's places in the socioeconomic structure influence their chances of becoming a criminal.
- Poor people are more likely to commit crimes because they are unable to achieve monetary or social success in any other way.
- Social structure theory includes three schools of thought: social disorganization theories, strain theories, and cultural deviance theories.
- Social disorganization theory suggests that the urban poor violate the law because they live in areas in which social control has broken down. The origin of social disorganization theory can be traced to the work of Clifford R. Shaw and Henry D. McKay. Shaw and McKay concluded that disorganized areas, marked by divergent values and transitional populations, produce criminality. Modern social ecology theory looks at such issues as community fear, unemployment, and deterioration.
- Strain theories view crime as resulting from the anger people experience over their inability to achieve legitimate social and economic success.
- Strain theories hold that most people share common values and beliefs, but the ability to achieve them is differentiated by the social structure.
- The best-known strain theory is Robert Merton's theory of anomie, which describes what happens when people have inadequate means to satisfy their goals.
- Steven Messner and Richard Rosenfeld show that the core values of American culture produce strain.
- Robert Agnew suggests that strain has multiple sources and is linked to anger and frustration that people endure when their goals and aspirations are frustrated or when they lose something they value.
- Cultural deviance theories hold that a unique value system develops in lower-class areas. Lower-class values approve of behaviors such as being tough, never showing fear, and defying authority. People perceiving strain will bond together in their own groups or subcultures for support and recognition.
- Albert Cohen links the formation of subcultures to the failure of

lower-class citizens to achieve recognition from middle-class decision makers, such as teachers, employers, and police officers.

■ Richard Cloward and Lloyd Ohlin have argued that crime results from lower-class people's perception that their opportunity for success is

limited. Consequently, youths in low-income areas may join criminal, conflict, or retreatist gangs.

Thinking Like a Criminologist

You are a criminologist from a local university who is serving as an advisor to the mayor of Central City, an industrial town with a population of 300,000. The mayor, up for reelection, is disappointed that efforts by the local police force to reduce public disorder and crime rates through a community police program do not seem to be working. He has recently read a report issued by the federal government suggesting that the key to reducing neighborhood crime is to create a sense of “collective efficacy” in city neighborhoods. The report defined collective efficacy as “cohesion among neighborhood residents combined with

shared expectations for informal social control of public space.” The report, written by criminologists Robert Sampson and Stephen Raudenbush, found that when the rules of comportment are unclear and people mistrust one another, they are unlikely to take action against disorder and crime. When there is cohesion and mutual trust among neighbors, the likelihood is greater that they will share a willingness to intervene for the common good. They found that in neighborhoods where this sense of collective efficacy was strong, rates of violence were low, regardless of neighborhood composition or

socioeconomic conditions. Collective efficacy also appeared to deter disorder: Where it was strong, observed levels of physical and social disorder were low.

The mayor wants to apply these concepts to Central City. He asks you to come up with a plan for increasing the collective efficacy of local neighborhoods and determine whether such measures can actually reduce crime. Your problem is twofold: (1) How can collective efficacy be improved? and (2) What test will show whether improvements in collective efficacy levels are responsible for lower violent crime rates?

Doing Research on the Web

You can read the report by Robert J. Sampson and Stephen W. Raudenbush, “Disorder in Urban Neighborhoods: Does It Lead to Crime?” at the National Institute of Justice website: <http://www.ncjrs.org/txtfiles1/nij/186049.txt>.

To read another report linking collective efficacy to violence, go to:

<http://www.psc.isr.umich.edu/pubs/papers/rr00-451.pdf>.

To see how collective efficacy may impact on the behavior and well-being of youth, go to InfoTrac College Edition and read: Rebekah Levine Coley, Jodi Eileen Morris, and Daphne Hernandez, “Out-of-School Care and Problem

Behavior Trajectories among Low-Income Adolescents: Individual, Family, and Neighborhood Characteristics as Added Risks,” *Child Development* 75 (2004): 948–965.

KEY TERMS

stratified society (178)
culture of poverty (180)
at risk (180)
underclass (180)
social structure theory (181)
truly disadvantaged (182)
social disorganization theory (182)
strain theory (182)
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college boy (203)
delinquent boy (205)
reaction formation (205)
differential opportunity (205)

CRITICAL THINKING QUESTIONS

1. Is there a “transitional” area in your town or city? Does the crime rate remain constant in this neighborhood regardless of the racial, ethnic, or cultural composition of its residents?
2. Do you believe a distinct lower-class culture exists? Do you know anyone who has the focal concerns Miller talks about? Did you experience elements of these focal concerns while you were in high school? Will emerging forms of communication such as the Internet reduce cultural differences and create a more homogenous society, or are subcultures resistant to such influences?
3. Do you agree with Agnew that there is more than one cause of strain? If so, are there other sources of strain that he did not consider?
4. How would a structural theorist explain the presence of middle-class crime?
5. How would biosocial theories explain the high levels of violent crime in lower-class areas?

NOTES

1. Arlen Egley, Jr., *Highlights of the 2002 National Youth Gang Survey* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2003).
2. Steven Messner and Richard Rosenfeld, *Crime and the American Dream* (Belmont, CA: Wadsworth, 1994), p. 11.
3. Robert E. Park, “The City: Suggestions for the Investigation of Behavior in the City Environment,” *American Journal of Sociology* 20 (1915): 579–583.
4. Robert Park, Ernest Burgess, and Roderic McKenzie, *The City* (Chicago: University of Chicago Press, 1925).
5. Harvey Zorbaugh, *The Gold Coast and the Slum* (Chicago: University of Chicago Press, 1929).
6. Frederick Thrasher, *The Gang* (Chicago: University of Chicago Press, 1927).
7. Louis Wirth, *The Ghetto* (Chicago: University of Chicago Press, 1928).
8. Sam Roberts, *Who We Are Now: The Changing Face of America in the Twenty-First Century* (New York: Times Books, Henry Holt, 2004).
9. Jeanne Brooks-Gunn and Greg J. Duncan, “The Effects of Poverty on Children,” *Future of Children* 7 (1997): 34–39.
10. Brooks-Gunn and Duncan, “The Effects of Poverty on Children.”
11. Greg Duncan, W. Jean Yeung, Jeanne Brooks-Gunn, and Judith Smith, “How Much Does Childhood Poverty Affect the Life Chances of Children?” *American Sociological Review* 63 (1998): 406–423.
12. *Ibid.*, p. 409.
13. Gary Evans, Nancy Wells, and Annie Moch, “Housing and Mental Health: A Review of the Evidence and a Methodological and Conceptual Critique,” *Journal of Social Issues* 59 (2003): 475–501.
14. Jonathan Crane, “The Epidemic Theory of Ghettos and Neighborhood Effects on Dropping Out and Teenage Childbearing,” *American Journal of Sociology* 96 (1991): 1226–1259; see also Rodrick Wallace, “Expanding Coupled Shock Fronts of Urban Decay and Criminal Behavior: How U.S. Cities Are Becoming ‘Hollowed Out,’” *Journal of Quantitative Criminology* 7 (1991): 333–355.
15. Jeffrey Fagan and Garth Davies, “The Natural History of Neighborhood Violence,” *Journal of Contemporary Criminal Justice* 20 (2004): 127–147.
16. National Center for Children in Poverty, News Release, 11 December 1996.
17. Brooks-Gunn and Duncan, “The Effects of Poverty on Children.”
18. Oscar Lewis, “The Culture of Poverty,” *Scientific American* 215 (1966): 19–25.
19. Gunnar Myrdal, *The Challenge of World Poverty* (New York: Vintage Books, 1970).
20. James Ainsworth-Darnell and Douglas Downey, “Assessing the Oppositional Culture Explanation for Racial/Ethnic Differences in School Performances,” *American Sociological Review* 63 (1998): 536–553.
21. Barbara Warner, “The Role of Attenuated Culture in Social Disorganization Theory,” *Criminology* 41 (2003): 73–97.
22. Maria Velez, Lauren Krivo, and Ruth Peterson, “Structural Inequality and Homicide: An Assessment of the Black-White Gap in Killings,” *Criminology* 41 (2003): 645–672.
23. U.S. Department of Census Data, *Race and Income* (Washington, DC: Census Bureau, 2003).
24. UCLA Center for Health Policy Research, “The Health of Young Children in California: Findings from the 2001 California Health Interview Survey,” (Los Angeles, UCLA Center for Health Policy Research, 2003).
25. James Ainsworth-Darnell and Douglas Downey, “Assessing the Oppositional Culture Explanation for Racial/Ethnic Differences in School Performances,” *American Sociological Review* 63 (1998): 536–553.
26. Eric Lotke, “Hobbling a Generation: Young African-American Men in Washington, D.C.’s Criminal Justice System—Five Years Later,” *Crime and Delinquency* 44 (1998): 355–366.
27. Thomas McNulty and Paul Bellair, “Explaining Racial and Ethnic Differences in Serious Adolescent Violent Behavior,” *Criminology* 41 (2003): 709–748.
28. Julie A. Phillips, “White, Black, and Latino Homicide Rates: Why the Difference?” *Social Problems* 49 (2002): 349–374.
29. David Brownfield, “Social Class and Violent Behavior,” *Criminology* 24 (1986): 421–438.
30. See Charles Tittle and Robert Meier, “Specifying the SES/Delinquency

- Relationship," *Criminology* 28 (1990): 271–295, at 293.
31. See Ruth Kornhauser, *Social Sources of Delinquency* (Chicago: University of Chicago Press, 1978), p. 75.
32. Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas*, rev. ed. (Chicago: University of Chicago Press, 1972).
33. Anthony Platt, *The Child Savers: The Invention of Delinquency* (Chicago: University of Chicago Press, 1968).
34. Shaw and McKay, *Juvenile Delinquency and Urban Areas*, p. 52.
35. *Ibid.*, p. 171.
36. Claire Valier, "Foreigners, Crime and Changing Mobilities," *British Journal of Criminology* 43 (2003): 1–21.
37. For a discussion of these issues, see Robert Bursik, "Social Disorganization and Theories of Crime and Delinquency: Problems and Prospects," *Criminology* 26 (1988): 521–539.
38. Robert Sampson, "Effects of Socioeconomic Context of Official Reaction to Juvenile Delinquency," *American Sociological Review* 51 (1986): 876–885.
39. Jeffrey Fagan, Ellen Slaughter, and Eliot Hartstone, "Blind Justice? The Impact of Race on the Juvenile Justice Process," *Crime and Delinquency* 33 (1987): 224–258; Merry Morash, "Establishment of a Juvenile Police Record," *Criminology* 22 (1984): 97–113.
40. The best known of these critiques is Kornhauser, *Social Sources of Delinquency*.
41. Bernard Lander, *Towards an Understanding of Juvenile Delinquency* (New York: Columbia University Press, 1954); David Bordua, "Juvenile Delinquency and 'Anomie': An Attempt at Replication," *Social Problems* 6 (1958): 230–238; Roland Chilton, "Continuities in Delinquency Area Research: A Comparison of Studies in Baltimore, Detroit, and Indianapolis," *American Sociological Review* 29 (1964): 71–73.
42. For a general review, see James Byrne and Robert Sampson, eds., *The Social Ecology of Crime* (New York: Springer Verlag, 1985).
43. See, generally, Bursik, "Social Disorganization and Theories of Crime and Delinquency," pp. 519–551.
44. William Spelman, "Abandoned Buildings: Magnets for Crime?" *Journal of Criminal Justice* 21 (1993): 481–493.
45. Keith Harries and Andrea Powell, "Juvenile Gun Crime and Social Stress: Baltimore, 1980–1990," *Urban Geography* 15 (1994): 45–63.
46. Ellen Kurtz, Barbara Koons, and Ralph Taylor, "Land Use, Physical Deterioration, Resident-Based Control, and Calls for Service on Urban Streetblocks," *Justice Quarterly* 15 (1998): 121–149.
47. Jeffrey Morenoff, Robert Sampson, and Stephen Raudenbush, "Neighborhood Inequality, Collective Efficacy, and the Spatial Dynamics of Urban Violence," *Criminology* 39 (2001): 517–560.
48. Karen Parker and Matthew Pruitt, "Poverty, Poverty Concentration, and Homicide," *Social Science Quarterly* 81 (2000): 555–582.
49. Karen Parker, "Industrial Shift, Polarized Labor Markets, and Urban Violence: Modeling the Dynamics between the Economic Transformation and Disaggregated Homicide," *Criminology* 42 (2004): 619–645.
50. Tim Wadsworth and Charis Kubrin, "Structural Factors and Black Interracial Homicide: A New Examination of the Causal Process," *Criminology* 42 (2004): 647–672.
51. Matthew Lee, Michael Maume, and Graham Ousey, "Social Isolation and Lethal Violence across the Metro/Non-metro Divide: The Effects of Socioeconomic Disadvantage and Poverty Concentration on Homicide," *Rural Sociology* 68 (2003): 107–131.
52. Barbara Warner and Glenn Pierce, "Reexamining Social Disorganization Theory Using Calls to the Police as a Measure of Crime," *Criminology* 31 (1993): 493–519.
53. Steven Messner, Lawrence Raffalovich, and Richard McMillan, "Economic Deprivation and Changes in Homicide Arrest Rates for White and Black Youths, 1967–1998: A National Time Series Analysis," *Criminology* 39 (2001): 591–614.
54. Darrell Steffensmeier and Dana Haynie, "Gender, Structural Disadvantage, and Urban Crime: Do Macrosocial Variables Also Explain Female Offending Rates?" *Criminology* 38 (2000): 403–438; Richard McGahey, "Economic Conditions, Organization, and Urban Crime," in *Communities and Crime*, eds. Albert Reiss and Michael Tonry (Chicago: University of Chicago Press, 1986), pp. 231–270.
55. Charis E. Kubrin, "Structural Covariates of Homicide Rates: Does Type of Homicide Matter?" *Journal of Research in Crime and Delinquency* 40 (2003): 139–170.
56. Steven Messner and Kenneth Tardiff, "Economic Inequality and Levels of Homicide: An Analysis of Urban Neighborhoods," *Criminology* 24 (1986): 297–317.
57. G. David Curry and Irving Spergel, "Gang Homicide, Delinquency, and Community," *Criminology* 26 (1988): 381–407.
58. Steffensmeier and Haynie, "Gender, Structural Disadvantage, and Urban Crime."
59. Scott Menard and Delbert Elliott, "Self-Reported Offending, Maturation Reform, and the Easterlin Hypothesis," *Journal of Quantitative Criminology* 6 (1990): 237–268.
60. Elijah Anderson, *Streetwise: Race, Class and Change in an Urban Community* (Chicago: University of Chicago Press, 1990), pp. 243–244.
61. Matthew Lee and Terri Earnest, "Perceived Community Cohesion and Perceived Risk of Victimization: A Cross-National Analysis," *Justice Quarterly* 20 (2003): 131–158.
62. Pamela Wilcox, Neil Quisenberry, and Shayne Jones, "The Built Environment and Community Crime Risk Interpretation," *Journal of Research in Crime and Delinquency* 40 (2003): 322–345.
63. C. L. Storr, C.-Y. Chen, and J. C. Anthony, "'Unequal Opportunity': Neighborhood Disadvantage and the Chance to Buy Illegal Drugs," *Journal of Epidemiology and Community Health* 58 (2004): 231–238.
64. Pamela Wilcox Rountree and Kenneth Land, "Burglary Victimization, Perceptions of Crime Risk, and Routine Activities: A Multilevel Analysis across Seattle Neighborhoods and Census Tracts," *Journal of Research in Crime and Delinquency* 33 (1996): 147–180.
65. Wesley Skogan, "Fear of Crime and Neighborhood Change," in *Communities and Crime*, eds. Albert Reiss and Michael Tonry (Chicago: University of Chicago Press, 1986), pp. 191–232.
66. Stephanie Greenberg, "Fear and Its Relationship to Crime, Neighborhood Deterioration, and Informal Social Control," in *The Social Ecology of Crime*,

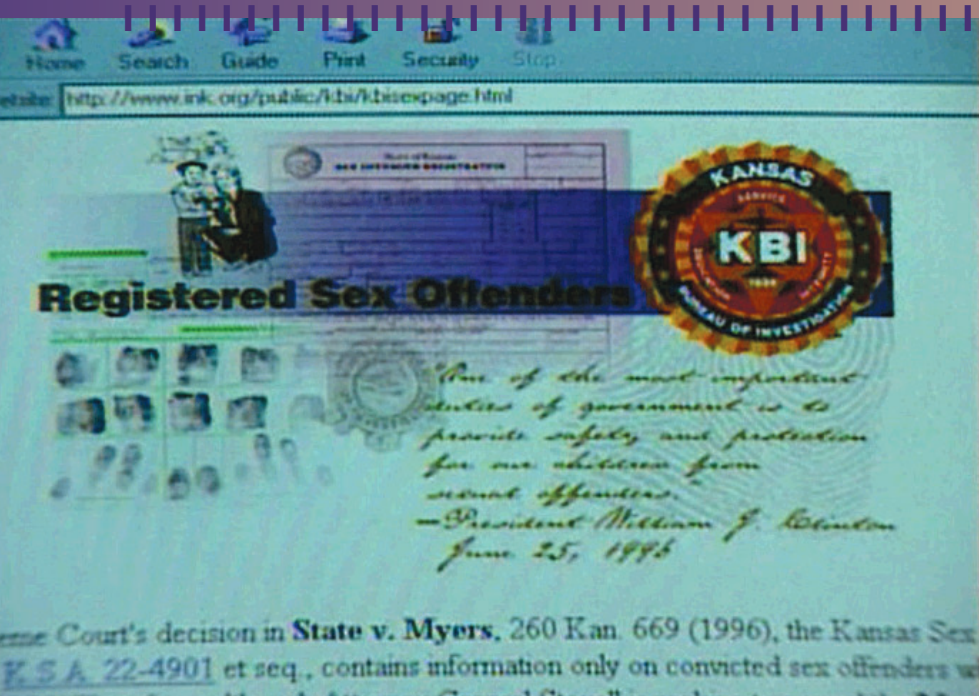
- eds. James Byrne and Robert Sampson (New York: Springer Verlag, 1985), pp. 47–62.
67. Margo Wilson and Martin Daly, "Life Expectancy, Economic Inequality, Homicide, and Reproductive Timing in Chicago Neighborhoods," *British Journal of Medicine* 314 (1997): 1271–1274.
68. Skogan, "Fear of Crime and Neighborhood Change."
69. Ibid.
70. Ralph Taylor and Jeanette Covington, "Community Structural Change and Fear of Crime," *Social Problems* 40 (1993): 374–392.
71. Ted Chiricos, Michael Hogan, and Marc Gertz, "Racial Composition of Neighborhood and Fear of Crime," *Criminology* 35 (1997): 107–131.
72. Ibid., p. 125.
73. Jodi Lane and James Meeker, "Social Disorganization Perceptions, Fear of Gang Crime, and Behavioral Precautions among Whites, Latinos, and Vietnamese," *Journal of Criminal Justice*, 32 (2004): 49–62.
74. Ted Chiricos, Rane McEntire, and Marc Gertz, "Social Problems, Perceived Racial and Ethnic Composition of Neighborhood and Perceived Risk of Crime," *Social Problems* 48 (2001): 322–341.
75. G. David Curry and Irving Spergel, "Gang Homicide, Delinquency, and Community," *Criminology* 26 (1988): 381–407.
76. Lawrence Rosenthal, "Gang Loitering and Race," *Journal of Criminal Law and Criminology* 91 (2000): 99–160.
77. Catherine E. Ross, John Mirowsky, and Shana Pribesh, "Powerlessness and the Amplification of Threat: Neighborhood Disadvantage, Disorder, and Mistrust," *American Sociological Review* 66 (2001): 568–580.
78. Anderson, *Streetwise: Race, Class, and Change in an Urban Community*, p. 245.
79. William Terrill and Michael Reisig, "Neighborhood Context and Police Use of Force," *Journal of Research in Crime and Delinquency* 40 (2003): 291–321.
80. Finn-Aage Esbensen and David Huizinga, "Community Structure and Drug Use: From a Social Disorganization Perspective," *Justice Quarterly* 7 (1990): 691–709.
81. Allen Liska and Paul Bellair, "Violent-Crime Rates and Racial Composition: Convergence over Time," *American Journal of Sociology* 101 (1995): 578–610.
82. Wesley Skogan, *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods* (New York: Free Press, 1990), pp. 15–35.
83. Robert Bursik and Harold Grasmick, "Decomposing Trends in Community Careers in Crime." Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990.
84. Ralph Taylor and Jeanette Covington, "Neighborhood Changes in Ecology and Violence," *Criminology* 26 (1988): 553–589.
85. Leo Scheurman and Solomon Kobrin, "Community Careers in Crime," in *Communities and Crime*, eds. Albert Reiss and Michael Tonry (Chicago: University of Chicago Press, 1986), pp. 67–100.
86. Ibid.
87. See, generally, Robert Bursik, "Delinquency Rates as Sources of Ecological Change," in *The Social Ecology of Crime*, eds. James Byrne and Robert Sampson (New York: Springer Verlag, 1985), pp. 63–77.
88. Janet Heitgerd and Robert Bursik, "Extracommunity Dynamics and the Ecology of Delinquency," *American Journal of Sociology* 92 (1987): 775–787.
89. Chris Gibson, Jihong Zhao, Nicholas Lovrich, and Michael Gaffney, "Social Integration, Individual Perceptions of Collective Efficacy, and Fear of Crime in Three Cities," *Justice Quarterly* 19 (2002): 537–564; Felton Earls, *Linking Community Factors and Individual Development* (Washington, DC: National Institute of Justice, 1998).
90. Robert Sampson and Stephen W. Raudenbush, *Disorder in Urban Neighborhoods: Does It Lead to Crime?* (Washington, DC: National Institute of Justice, 2001).
91. Andrea Altschuler, Carol Somkin, and Nancy Adler, "Local Services and Amenities, Neighborhood Social Capital, and Health," *Social Science and Medicine* 59 (2004): 1,219–1,230.
92. Michael Reisig and Jeffrey Michael Cancino, "Incivilities in Nonmetropolitan Communities: The Effects of Structural Constraints, Social Conditions, and Crime," *Journal of Criminal Justice* 32 (2004): 15–29.
93. Robert Sampson, Jeffrey Morenoff, and Felton Earls, "Beyond Social Capital: Spatial Dynamics of Collective Efficacy for Children," *American Sociological Review* 64 (1999): 633–660.
94. Donald Black, "Social Control as a Dependent Variable," in *Toward a General Theory of Social Control*, ed. D. Black (Orlando: Academic Press, 1990).
95. Jennifer Beyers, John Bates, Gregory Pettit, and Kenneth Dodge, "Neighborhood Structure, Parenting Processes, and the Development of Youths' Externalizing Behaviors: A Multilevel Analysis," *American Journal of Community Psychology* 31 (2003): 35–53.
96. Paul Bellair, "Informal Surveillance and Street Crime: A Complex Relationship," *Criminology* 38 (2000): 137–170.
97. Skogan, *Disorder and Decline*.
98. Robert Sampson and W. Byron Groves, "Community Structure and Crime: Testing Social Disorganization Theory," *American Journal of Sociology* 94 (1989): 774–802; Denise Gottfredson, Richard McNeill, and Gary Gottfredson, "Social Area Influences on Delinquency: A Multilevel Analysis," *Journal of Research in Crime and Delinquency* 28 (1991): 197–206.
99. Jodi Eileen Morris, Rebekah Levine Coley, and Daphne Hernandez, "Out-of-School Care and Problem Behavior Trajectories among Low-Income Adolescents: Individual, Family, and Neighborhood," *Child Development* 75 (2004): 948–965.
100. Ruth Triplett, Randy Gainey, and Ivan Sun, "Institutional Strength, Social Control, and Neighborhood Crime Rates," *Theoretical Criminology* 7 (2003): 439–467.
101. Fred Markowitz, Paul Bellair, Allen Liska, and Jianhong Liu, "Extending Social Disorganization Theory: Modeling the Relationships between Cohesion, Disorder, and Fear," *Criminology* 39 (2001): 293–320.
102. Robert Bursik and Harold Grasmick, "The Multiple Layers of Social Disorganization." Paper presented at the annual meeting of the American Society of Criminology, New Orleans, November 1992.
103. George Capowich, "The Conditioning Effects of Neighborhood Ecology on Burglary Victimization," *Criminal Justice and Behavior* 30 (2003): 39–62.

104. Ruth Peterson, Lauren Krivo, and Mark Harris, "Disadvantage and Neighborhood Violent Crime: Do Local Institutions Matter?" *Journal of Research in Crime and Delinquency* 37 (2000): 31–63.
105. Maria Velez, "The Role of Public Social Control in Urban neighborhoods: A Multi-Level Analysis of Victimization Risk," *Criminology* 39 (2001): 837–864.
106. Velez, Krivo, and Peterson, "Structural Inequality and Homicide."
107. David Klinger, "Negotiating Order in Patrol Work: An Ecological Theory of Police Response to Deviance," *Criminology* 35 (1997): 277–306.
108. Rodney Stark, "Deviant Places: A Theory of the Ecology of Crime," *Criminology* 25 (1987): 893–911.
109. Robert Sampson, "Neighborhood and Community," *New Economy* 11 (2004): 106–113.
110. Robert Bursik and Harold Grasmick, "Economic Deprivation and Neighborhood Crime Rates, 1960–1980," *Law and Society Review* 27 (1993): 263–278.
111. Delbert Elliott, William Julius Wilson, David Huizinga, Robert Sampson, Amanda Elliott, and Bruce Rankin, "The Effects of Neighborhood Disadvantage on Adolescent Development," *Journal of Research in Crime and Delinquency* 33 (1996): 389–426.
112. *Ibid.*, p. 414.
113. Eric Silver and Lisa Miller, "Sources of Informal Social Control in Chicago Neighborhoods," *Criminology* 42 (2004): 551–585.
114. Bursik and Grasmick, "Economic Deprivation and Neighborhood Crime Rates, 1960–1980."
115. Robert Sampson and W. Byron Groves, "Community Structure and Crime: Testing Social Disorganization Theory," *American Journal of Sociology* 94 (1989): 774–802; Denise Gottfredson, Richard McNeill, and Gary Gottfredson, "Social Area Influences on Delinquency: A Multilevel Analysis," *Journal of Research in Crime and Delinquency* 28 (1991): 197–206.
116. Peterson, Krivo, and Harris, "Disadvantage and Neighborhood Violent Crime."
117. Ralph Taylor, "Social Order and Disorder of Street Blocks and Neighborhoods: Ecology, Microecology, and the Systemic Model of Social Disorganization," *Journal of Research in Crime and Delinquency* 34 (1997): 113–155.
118. Travis Pratt and Timothy Godsey, "Social Support, Inequality, and Homicide: A Cross-National Test of an Integrated Theoretical Model," *Criminology* 41 (2003): 611–644; *idem.*, "Social Support and Homicide: A Cross-National Test of an Emerging Criminological Theory," *Journal of Criminal Justice* 30 (2002): 589–601; Mitchell Chamlin and John Cochran, "Social Altruism and Crime," *Criminology* 35 (1997): 203–227.
119. James DeFronzo, "Welfare and Homicide," *Journal of Research in Crime and Delinquency* 34 (1997): 395–406.
120. Robert Sampson, Jeffrey Morenoff, and Felton Earls, "Beyond Social Capital: Spatial Dynamics of Collective Efficacy for Children," *American Sociological Review* 64 (1999): 633–660.
121. Thomas McNulty, "Assessing the Race–Violence Relationship at the Macro Level: The Assumption of Racial Invariance and the Problem of Restricted Distribution," *Criminology* 39 (2001): 467–490.
122. Robert Merton, *Social Theory and Social Structure*, enlarged ed. (New York: Free Press, 1968).
123. For an analysis, see Richard Hilbert, "Durkheim and Merton on Anomie: An Unexplored Contrast in Its Derivatives," *Social Problems* 36 (1989): 242–256.
124. *Ibid.*, p. 243.
125. Albert Cohen, "The Sociology of the Deviant Act: Anomie Theory and Beyond," *American Sociological Review* 30 (1965): 5–14.
126. Robert Agnew, "The Contribution of Social Psychological Strain Theory to the Explanation of Crime and Delinquency," in *Advances in Criminological Theory*, vol. 6, *The Legacy of Anomie*, eds. Freda Adler and William Laufer (New Brunswick, NJ: Transaction Press, 1995), pp. 111–122.
127. These criticisms are articulated in Messner and Rosenfeld, *Crime and the American Dream*, p. 60.
128. Scott Menard, "A Developmental Test of Mertonian Anomie Theory," *Journal of Research in Crime and Delinquency* 32 (1995): 136–174.
129. John Hagan, Hans Merckens, and Klaus Boehnke, "Delinquency and Disdain: Social Capital and Control of Right-Wing Extremism among East and West Berlin Youth," *American Journal of Sociology* 100 (1995): 1,028–1,052.
130. Messner and Rosenfeld, *Crime and the American Dream*.
131. Steven Messner and Richard Rosenfeld, "An Institutional-Anomie Theory of the Social Distribution of Crime." Paper presented at the annual meeting of the American Society of Criminology, Phoenix, November 1993.
132. Jon Gunnar Bernburg, "Anomie, Social Change, and Crime: A Theoretical Examination of Institutional-Anomie Theory," *British Journal of Criminology* 42 (2002): 729–743.
133. John Hagan, Gerd Heffler, Gabriele Classen, Klaus Boehnke, and Hans Merckens, "Subterranean Sources of Subcultural Delinquency Beyond the American Dream," *Criminology* 36 (1998): 309–340.
134. Mitchell Chamlin and John Cochran, "Assessing Messner and Rosenfeld's Institutional Anomie Theory: A Partial Test," *Criminology* 33 (1995): 411–429.
135. Stephen Cernkovich, Peggy Giordano, and Jennifer Rudolph, "Race, Crime, and the American Dream," *Journal of Research in Crime and Delinquency* 37 (2000): 131–170.
136. Jukka Savolainen, "Inequality, Welfare State and Homicide: Further Support for the Institutional Anomie Theory," *Criminology* 38 (2000): 1,021–1,042.
137. Jeffrey Morenoff, Robert Sampson, and Stephen Raudenbush, "Neighborhood Inequality, Collective Efficacy, and the Spatial Dynamics of Urban Violence," *Criminology* 39 (2001): 517–560.
138. P. M. Krueger, Huie S. A. Bond, R. G. Rogers, and R. A. Hummer, "Neighborhoods and Homicide Mortality: An Analysis of Race/Ethnic Differences," *Journal of Epidemiology and Community Health* 58 (2004): 223–230.
139. John Braithwaite, "Poverty Power, White-Collar Crime, and the Paradoxes of Criminological Theory," *Australian and New Zealand Journal of Criminology* 24 (1991): 40–58.
140. Wilson and Daly, "Life Expectancy, Economic Inequality, Homicide, and Reproductive Timing in Chicago Neighborhoods."
141. Judith Blau and Peter Blau, "The Cost of Inequality: Metropolitan Structure and

- Violent Crime," *American Sociological Review* 147 (1982): 114–129.
142. Gary LaFree and Kriss Drass, "The Effect of Changes in Intraracial Income Inequality and Educational Attainment on Changes in Arrest Rates for African Americans and Whites, 1957 to 1990," *American Sociological Review* 61 (1996): 614–634; Taylor and Covington, "Neighborhood Changes in Ecology and Violence," p. 582; Richard Block, "Community Environment and Violent Crime," *Criminology* 17 (1979): 46–57; Robert Sampson, "Structural Sources of Variation in Race-Age-Specific Rates of Offending across Major U.S. Cities," *Criminology* 23 (1985): 647–673; Richard Rosenfeld, "Urban Crime Rates: Effects of Inequality, Welfare Dependency, Region and Race," in *The Social Ecology of Crime*, eds. James Byrne and Robert Sampson (New York: Springer Verlag, 1985), pp. 116–130.
 143. Tomislav Kovandzic, Lynne Vieraitis, and Mark Yeisley, "The Structural Covariates of Urban Homicide: Reassessing the Impact of Income Inequality and Poverty in the Post-Reagan Era," *Criminology* 36 (1998): 569–600.
 144. John King, "Paradise Lost? Crime in the Caribbean: A Comparison of Barbados and Jamaica," *Caribbean Journal of Criminology and Social Psychology* 2 (1997): 30–44.
 145. Ramiro Martinez, Jr., *Latino Homicide: Immigration, Violence, and Community* (New York: Routledge, 2002), pp. xiv, 204.
 146. Robert Agnew, "A Durkheimian Strain Theory of Delinquency." Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990.
 147. Nikos Passas, "Anomie and Relative Deprivation." Paper presented at the annual meeting of the Eastern Sociological Society, Boston, 1987.
 148. Robert Agnew, "Foundation for a General Strain Theory of Crime and Delinquency," *Criminology* 30 (1992): 47–87.
 149. Ibid., p. 57.
 150. Tami Videon, "The Effects of Parent–Adolescent Relationships and Parental Separation on Adolescent Well-Being," *Journal of Marriage and the Family* 64 (2002): 489–504.
 151. Cesar Rebellon, "Reconsidering the Broken Homes/Delinquency Relationship and Exploring Its Mediating Mechanism(s)," *Criminology* 40 (2002): 103–135.
 152. Ronald Simons, Yi Fu Chen, and Eric Stewart, "Incidents of Discrimination and Risk for Delinquency: A Longitudinal Test of Strain Theory with an African American Sample," *Justice Quarterly* 20 (2003): 827–854.
 153. Timothy Brezina, "Adolescent Maltreatment and Delinquency: The Question of Intervening Processes," *Journal of Research in Crime and Delinquency* 35 (1998): 71–99.
 154. Paul Mazerolle and Alex Piquero, "Linking General Strain with Anger: Investigating the Instrumental, Escapist, and Violent Adaptations to Strain." Paper presented at the American Society of Criminology meeting, Boston, November 1995.
 155. Paul Mazerolle, Velmer Burton, Francis Cullen, T. David Evans, and Gary Payne, "Strain, Anger, and Delinquent Adaptations Specifying General Strain Theory," *Journal of Criminal Justice* 28 (2000): 89–101; Paul Mazerolle and Alex Piquero, "Violent Responses to Strain: An Examination of Conditioning Influences," *Violence and Victimization* 12 (1997): 323–345.
 156. George E. Capowich, Paul Mazerolle, and Alex Piquero, "General Strain Theory, Situational Anger, and Social Networks: An Assessment of Conditioning Influences," *Journal of Criminal Justice* 29 (2001): 445–461.
 157. Robert Agnew, Timothy Brezina, John Paul Wright, and Francis T. Cullen, "Strain, Personality Traits, and Delinquency: Extending General Strain Theory," *Criminology* 40 (2002): 43–71.
 158. Timothy Brezina, "The Functions of Aggression: Violent Adaptations to Interpersonal Violence." Paper presented at the American Society of Criminology Meeting, San Diego, 1997.
 159. Agnew, Brezina, Wright, and Cullen, "Strain, Personality Traits, and Delinquency"; Robert Agnew, "Stability and Change in Crime over the Life Course: A Strain Theory Explanation," in *Advances in Criminological Theory*, vol. 7, *Developmental Theories of Crime and Delinquency*, ed. Terence Thornberry (New Brunswick, NJ: Transaction Books, 1995), pp. 113–137.
 160. Lawrence Wu, "Effects of Family Instability, Income, and Income Instability on the Risk of Premarital Birth," *American Sociological Review* 61 (1996): 386–406.
 161. Anthony Walsh, "Behavior Genetics and Anomie/Strain Theory," *Criminology* 38 (2000): 1075–1108.
 162. Robert Agnew and Helene Raskin White, "An Empirical Test of General Strain Theory," *Criminology* 30 (1992): 475–499.
 163. John Hoffman and Alan Miller, "A Latent Variable Analysis of General Strain Theory," *Journal of Quantitative Criminology* 13 (1997): 111–113; Raymond Paternoster and Paul Mazerolle, "General Strain Theory and Delinquency: A Replication and Extension," *Journal of Research in Crime and Delinquency* 31 (1994): 235–263.
 164. G. Roger Jarjoura, "The Conditional Effect of Social Class on the Dropout–Delinquency Relationship," *Journal of Research in Crime and Delinquency* 33 (1996): 232–255.
 165. Robert Agnew, "Experienced, Vicarious, and Anticipated Strain: An Exploratory Study on Physical Victimization and Delinquency," *Justice Quarterly* 19 (2002): 603–633.
 166. Lisa Broidy, "A Test of General Strain Theory," *Criminology* 39 (2001): 9–36.
 167. Robert Agnew and Timothy Brezina, "Relational Problems with Peers, Gender and Delinquency," *Youth and Society* 29 (1997): 84–111.
 168. John Hoffmann and S. Susan Su, "The Conditional Effects of Stress on Delinquency and Drug Use: A Strain Theory in Assessment of Sex Differences," *Journal of Research in Crime and Delinquency* 34 (1997): 46–78.
 169. Lisa Broidy, "The Role of Gender in General Strain Theory." Paper presented at the American Society of Criminology meeting, Boston, November 1995.
 170. Lisa Broidy and Robert Agnew, "Gender and Crime: A General Strain Theory Perspective," *Journal of Research in Crime and Delinquency* 34 (1997): 275–306.
 171. Robbin Ogle, Daniel Maier-Katkin, and Thomas Bernard, "A Theory of Homicidal Behavior among Women," *Criminology* 33 (1995): 173–193.
 172. Teresa LaGrange and Robert Silverman, "Investigating the Interdependence of Strain and Self-Control," *Canadian Journal of Criminology and Criminal Justice* 45 (2003): 431–464.

173. Thorsten Sellin, *Culture Conflict and Crime*, Bulletin No. 41 (New York: Social Science Research Council, 1938).
174. *Ibid.*, p. 22.
175. *Ibid.*, p. 29.
176. *Ibid.*, p. 68.
177. Walter Miller, "Lower-Class Culture as a Generating Milieu of Gang Delinquency," *Journal of Social Issues* 14 (1958): 5–19.
178. *Ibid.*, pp. 14–17.
179. Fred Markowitz and Richard Felson, "Social-Demographic Attitudes and Violence," *Criminology* 36 (1998): 117–138.
180. Jeffrey Fagan, *Adolescent Violence: A View from the Street*, NIJ Research Preview (Washington, DC: National Institute of Justice, 1998).
181. Albert Cohen, *Delinquent Boys* (New York: Free Press, 1955).
182. *Ibid.*, p. 25.
183. *Ibid.*, p. 28.
184. *Ibid.*
185. Clarence Schrag, *Crime and Justice American Style* (Washington, DC: U.S. Government Printing Office, 1971), p. 74.
186. Cohen, *Delinquent Boys*, p. 30.
187. *Ibid.*, p. 31.
188. *Ibid.*, p. 133.
189. J. Johnstone, "Social Class, Social Areas, and Delinquency," *Sociology and Social Research* 63 (1978): 49–72; Joseph Harry, "Social Class and Delinquency: One More Time," *Sociological Quarterly* 15 (1974): 294–301.
190. Richard Cloward and Lloyd Ohlin, *Delinquency and Opportunity* (New York: Free Press, 1960).
191. *Ibid.*, p. 7.
192. *Ibid.*, p. 85.
193. *Ibid.*, p. 171.
194. *Ibid.*, p. 23.
195. *Ibid.*, p. 73.
196. *Ibid.*, p. 24.
197. Christopher Uggen, "Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment and Recidivism," *American Sociological Review* 65 (2000): 529–546.
198. Finn-Aage Esbensen and David Huizinga, "Gangs, Drugs and Delinquency in a Survey of Urban Youth," *Criminology* 31 (1993): 565–587.
199. Robert Sampson and William Julius Wilson, "Toward a Theory of Race, Crime and Urban Inequality," in *Crime and Inequality*, eds. John Hagan and Ruth Peterson (Stanford: Stanford University Press, 1995), pp. 37–54.
200. For a general criticism, see Kornhauser, *Social Sources of Delinquency*.
201. Charles Tittle, "Social Class and Criminal Behavior: A Critique of the Theoretical Foundations," *Social Forces* 62 (1983): 334–358.
202. James Q. Wilson and Richard Herrnstein, *Crime and Human Nature* (New York: Simon & Schuster, 1985).
203. Kenneth Polk and F. Lynn Richmond, "Those Who Fail," in *Schools and Delinquency*, eds. Kenneth Polk and Walter Schafer (Englewood Cliffs, NJ: Prentice-Hall, 1974), p. 67.
204. Kathleen Maguire and Ann Pastore, *Sourcebook of Criminal Justice Statistics, 1996* (Washington, D.: U.S. Government Printing Office, 1996), pp. 150–166.
205. James DeFronzo, "Welfare and Burglary," *Crime and Delinquency* 42 (1996): 223–230.
206. Solomon Kobrin, "The Chicago Area Project—25-Year Assessment," *Annals of the American Academy of Political and Social Science* 322 (1959): 20–29.
207. Community Capacity Development Office website: <http://www.ojp.usdoj.gov/eows/nutshell.htm#Strategy>. Accessed August 1, 2004.

CHAPTER 7



Under the Alaska Sex Offender Registration Act, an incarcerated sex offender or child kidnapper must register with the Department of Corrections before release from prison. The law requires that the offender's name, aliases, address, photograph, and physical description be published on the Internet. Both the act's registration and notification requirements were made retroactive to previously convicted offenders.

In a recent case, the Supreme Court

upheld the Alaska Sex Offender Registration Act's requirement that offenders who had been incarcerated prior to its passage be made to conform to its provisions.¹ Reasoning that the law was nonpunitive, the Court ruled that the Alaska legislature's intent was to protect the public from sex offenders.

While some lawmakers may view sex offender registration as an effective method of alerting citizens to the presence of dangerous predators in their community, such methods may also have their downside. Sex registration stigmatizes people who have already paid their debt to society and labels them as a continuing threat even though correctional authorities have ordered their release. Is it possible that such drastic measures, which turn former offenders into social outcasts, might actually encourage rather than deter deviant behaviors?

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SOCIAL PROCESS THEORIES

CHAPTER OUTLINE

Socialization and Crime

Family Relations
Educational Experience
Peer Relations

Policy and Practice in Criminology: Keeping Kids in Schools: The Communities In Schools Program

Institutional Involvement and Belief
The Effects of Socialization on Crime

Social Learning Theory

Differential Association Theory
Differential Reinforcement Theory
Neutralization Theory
Are Learning Theories Valid?

Social Control Theory

Self-Concept and Crime
Hirschi's Social Bond Theory

Social Reaction Theory

Crime and Labeling Theory
Differential Enforcement
Becoming Labeled
Consequences of Labeling
Primary and Secondary Deviance
Research on Social Reaction Theory
Is Labeling Theory Valid?

Evaluating Social Process Theories

Public Policy Implications of Social Process Theory

Policy and Practice in Criminology: Head Start

CHAPTER OBJECTIVES

1. Be familiar with the concept of socialization
2. Discuss the effect of schools, family, and friends on crime
3. Be able to discuss the differences of learning, control, and reaction
4. Be familiar with the concept of differential association
5. Be able to discuss what is meant by a definition toward criminality
6. Understand the concept of neutralization
7. Be able to discuss the relationship between self-concept and crime
8. Know the elements of the social bond
9. Describe the labeling process and how it leads to criminal careers
10. Be familiar with the concepts of primary and secondary deviance
11. Show how the process of labeling leads to criminal careers

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To some criminologists, an individual's relationship with critical elements of the social process is the key to understanding the onset and continuation of criminal behaviors. They believe that criminality is a function of individual socialization and the interactions people have with various organizations, institutions, and processes of society. Most people are influenced by their family relationships, peer group associations, educational experiences, and interactions with authority figures, including teachers, employers, and agents of the justice system. If these relationships are positive and supportive, people can succeed within the rules of society; if these relationships are dysfunctional and destructive, conventional success may be impossible, and criminal solutions may become a feasible alternative. Taken together, this view of crime is referred to as **social process theory**.

||||||| CONNECTIONS |||||

Chapter 2's analysis of the class–crime relationship showed why this association is still a hotly debated topic. Although serious criminals may be found disproportionately in lower-class areas, self-report studies show that criminality cuts across class lines. The discussion of drug use in Chapter 13, which shows that members of the middle class use and abuse recreational substances, suggests that law violators are not necessarily economically motivated.

Many criminologists question whether a person's place in the social structure alone can control or predict the onset of criminality. After all, the majority of people residing in the nation's most deteriorated urban areas are law-abiding citizens who hold conventional values and compensate for their lack of social standing and financial problems with hard work, frugal living, and keeping an eye to the future. Conversely, self-report studies tell us that many members of the privileged classes engage in theft, drug use, and other crimes.

Today, more than 30 million Americans live below the poverty line. Even were we to assume that all criminals come from the lower class—which they do not—it is evident that the great majority of the most indigent Americans do not commit criminal acts even though they may have a great economic incentive to do so. As discussed in Chapter 6, neighborhood deterioration and disorganization alone cannot explain why one individual embarks on a criminal career while another, living in the same environment, obeys the law, gets an education, and seeks legitimate employment.²

Relatively few delinquent offenders living in the most deteriorated areas remain persistent, chronic offenders; most desist despite the continuing pressure of social decay. Some other social forces, then, must be at work to explain why the majority of at-risk individuals do not become persistent criminal offenders.

SOCIALIZATION AND CRIME

To explain these contradictory findings, attention has been focused on social-psychological processes and interactions common to people at all segments of the social structure. Social process theories share one basic concept: all people, regardless of their race, class, or gender, have the potential to become delinquents or criminals. Although members of the lower class may have the added burdens of poverty, racism, poor schools, and disrupted family lives, these social forces may be counteracted by positive peer relations, a supportive family, and educational success. In contrast, even the most affluent members of society may turn to antisocial behavior if their life experiences are intolerable or destructive.

The influence of social process theories has endured because the relationship between social class and crime is still uncertain. Most residents of inner-city areas refrain from criminal activity, and few of those who do commit crimes remain persistent chronic offenders into their adulthood. If poverty were the sole cause of crime, then indigent adults would be as criminal as indigent teenagers. The association between economic status and crime has been called problematic because class position alone cannot explain crime rates.³

Criminologists have long studied the critical elements of socialization to determine how they contribute to a burgeoning criminal career. Prominent among these elements are the family, the peer group, and the school.

Family Relations

For some time, family relationships have been considered a major determinant of behavior.⁴ In fact, there is abundant evidence that parenting factors, such as the ability to communicate and to provide proper discipline, may play a critical role in determining whether people misbehave as children and even later as adults. This is one of the most replicated findings in the criminological literature.⁵

||||||| CONNECTIONS |||||

Chapter 3 noted that victims of abuse may suffer significant social problems and emotional stress related to criminal activity. Process theories recognize the role of family relations in escalating criminal activity.

Youth who grow up in households characterized by conflict and tension, where parents are absent or separated, or where there is a lack of familial love and support are susceptible to the crime-promoting forces in the environment. Even those children living in so-called high-crime areas will be better able to resist the temptations of the streets if they receive fair discipline, care, and support from parents who provide them with strong, positive role models.⁶ Nonetheless, living in a disadvantaged neighborhood places terrific strain on family functioning, especially in single-parent



According to social process theory, youths who grow up in a household characterized by conflict and tension, where parents are absent or separated, or where there is a lack of familial love and support, are susceptible to the crime-promoting forces in the environment. In contrast, children will be able to resist crime if they receive fair discipline, care, and support from parents and other family members who provide them with strong, positive role models.

families that experience social isolation from relatives, friends, and neighbors. Children who are raised within such distressed families are at risk for delinquency.⁷

- 1 Use “parental deprivation” as a subject guide in InfoTrac College Edition to find out the effects of parental absence on children.

The relationship between family structure and crime is critical when the high rates of divorce and single parents are considered. The U.S. Census Bureau estimates that the percentage of children living in homes headed by married couples is on the decline and should be further reduced from about 35 percent today to about 29 percent in 2010.⁸ This trend is important when we consider the fact that since 1960 the number of single-parent households in the population has been significantly related to arrest rates.⁹

At one time, growing up in a so-called broken home was considered a primary cause of criminal behavior. However, many criminologists today discount the association between family structure and the onset of criminality, claiming that family conflict and discord are more important determinants of behavior than family structure.¹⁰ Not all experts discount the effects of family structure on crime, however. Even if single mothers (or fathers) can make up for the loss of a second parent, the argument goes, it is simply more difficult to do so, and the chances of failure increase. Single parents may find it difficult to provide adequate supervision. Kids whose parents are divorced are more likely to engage in delinquency, especially if they hang out with peers who engage in

criminal behaviors. The lack of supervision in the aftermath of divorce may expose some kids to the negative effects of antisocial peers.¹¹ There is evidence that children who live with single parents receive less encouragement and less help with schoolwork. Poor school achievement and limited educational aspirations have been associated with delinquent behavior. Also, because they are receiving less attention as a result of having just one parent, these children may be more prone to rebellious acts, such as running away and truancy.¹² Children in two-parent households, on the other hand, are more likely to want to go on to college than kids in single-parent homes.¹³

Because their incomes may decrease substantially in the aftermath of marital breakup, some divorced mothers are forced to move to residences in deteriorated neighborhoods. Some of these disorganized neighborhoods may place children at risk of crime and drug abuse.¹⁴ In poor neighborhoods single parents cannot call upon neighborhood resources to take up the burden of controlling children,

and, as a result, a greater burden is placed on families to provide adequate supervision.¹⁵

When a mother remarries, it does not seem to mitigate the effects of divorce on youth. Children living with a step-parent exhibit as many problems as youth in single-parent families and considerably more problems than those who are living with both biological parents.¹⁶

- 1 Does remarriage help the educational achievement of kids who live in single-parent households? To find out, read this article in InfoTrac College Edition: William Jaynes, “Effects of Remarriage following Divorce on the Academic Achievement of Children,” *Journal of Youth and Adolescence* 28 (June 1999): 385.

Other family factors with predictive value include inconsistent discipline, poor supervision, and the lack of a warm, loving, supportive parent–child relationship.¹⁷ Parents who are supportive and effectively control their children in a noncoercive fashion (*parental efficacy*) are more likely to raise children who refrain from delinquency.¹⁸ Delinquency will be reduced if parents provide the type of structure that integrates children into families while giving them the ability to assert their individuality and regulate their own behavior.¹⁹ Kids who report having troubled home lives also exhibit lower levels of self-esteem and are more prone to anti-social behaviors.²⁰ In contrast, children who have warm and affectionate ties to their parents report greater levels of self-esteem beginning in adolescence and extending into their adulthood; high self-esteem is inversely related to criminal behavior.²¹



The goal of the **Institute for Child and Family** is to stimulate and coordinate the cross-disciplinary work required to make progress on the most difficult child and family policy issues facing the United States. Visit their website at <http://www.childpolicy.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Children growing up in homes where a parent suffers from mental impairment are also at risk for delinquency.²² Even children as young as 2 years old who are the children of drug abusers exhibit personality defects such as excessive anger and negativity.²³ These children, and those who are older, are more likely to become persistent substance abusers than the children of nonabusers.²⁴ John Laub and Robert Sampson find that parents who engage in criminality and substance abuse are more likely to raise children who engage in law-violating behavior than the offspring of conventional law-abiding parents.²⁵

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Sampson and Laub's research will be discussed more fully in Chapter 9. Although deviant parents may encourage offending, Sampson and Laub believe that life experiences can either encourage crime-prone people to offend or conversely aid them in their return to a conventional lifestyle.

CHILD ABUSE AND CRIME There is also a suspected link between child abuse, neglect, sexual abuse, and crime.²⁶ Mental health and delinquency experts have found that abused kids experience mental and social problems across their life span, ranging from substance abuse to possession of a damaged personality.²⁷ A number of studies show that there is a significant association between child maltreatment and serious self-reported and official delinquency, even when taking into account gender, race, and class.²⁸ Children who are subject to even minimum amounts of physical punishment may be more likely to use violence themselves in personal interactions. The effect seems greatest among white children and less among African American and Latino children.²⁹ In nonviolent societies, parents rarely punish their children physically; in more violent societies, there is a link between corporal punishment, delinquency, anger, spousal abuse, depression, and adult crime.³⁰

The effect of abuse on delinquency has also been observed in other cultures. Research conducted in ten European countries shows that the degree to which parents and teachers approve of corporal punishment is related to the overall homicide rate as well as the infant homicide rate.³¹ Studies of Chinese families show that those who provide firm support inhibit delinquency, whereas families that have one or both parents who are deviant are more likely to have children who are involved in deviant activities.³²



What values are being transmitted as children are being socialized in the home? Do kids really understand their parents? To find out read: Ariel Knafo and Shalom Schwartz, "Parenting and Adolescents' Accuracy in Perceiving Parental Values," *Child Development* 74 (2003): 595–611.



For a site devoted to **family issues** of all types, go to <http://www.unitedfamilyservices.com/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Educational Experience

The educational process and adolescent achievement in school have been linked to criminality. Studies show that children who do poorly in school, lack educational motivation, and feel alienated are the most likely to engage in criminal acts.³³ Children who fail in school have been found to offend more frequently than those who are successful in school. These children commit more serious and violent offenses and persist in their offending into adulthood.³⁴



Does delinquency cause educational failure? Or does educational failure cause delinquency? To find out, read this article in InfoTrac College Edition: Julian Tanner, Scott Davies, and Bill O'Grady, "Whatever Happened to Yesterday's Rebels? Longitudinal Effects of Youth Delinquency on Education and Employment," *Social Problems* 46 (1999): 250.


Schools contribute to criminality when they label problem youths and set them apart from conventional society. One way in which schools perpetuate this stigmatization is the "track system," which identifies some students as college bound and others as academic underachievers or potential dropouts.³⁵ Those children placed in tracks labeled advanced placement, college prep, or honors will develop positive self-images and achievement motivation, whereas those assigned to lower level or general courses of study may believe academic achievement is closed to someone of their limited skills.

Another significant educational problem is that many students leave high school without gaining a diploma. Though national dropout rates are in decline, more than 10 percent of Americans ages 16 to 24 have left school permanently without a diploma; of these more than 1 million withdrew before completing 10th grade. According to a recent report by the nonprofit Urban Institute, the national graduation rate is 68 percent, with nearly one-third of all public high school students failing to graduate. These researchers found tremendous racial gaps in graduation rates. Students from historically disadvantaged minority groups (American Indian, Latino, black) have little more than a fifty-fifty chance of finishing high school with a diploma; by comparison, graduation rates for whites and Asians are 75 and 77 percent nationally.³⁶ These results are disturbing because research


indicates that many school dropouts, especially those who have been expelled, face a significant chance of entering a criminal career.³⁷ In contrast, doing well in school and developing attachments to teachers have been linked to crime resistance.³⁸ Efforts to keep children in school are discussed in the Policy and Practice in Criminology feature highlighting a program called Communities In Schools.

Schools can also be the scene of crime and violence. For example, bullying is a sad but common occurrence in the U.S. educational system that occurs in almost every school system.³⁹ Research by Tonja Nansel found that more than 16 percent of U.S. schoolchildren say they have been bullied by other students during the current school term, and approximately 30 percent of 6th- through 10th-grade students reported being involved in some aspect of moderate to frequent bullying, either as a bully, the target of bullying, or both.⁴⁰

The latest national survey on school crime (2003) estimates that about 1.5 million violent incidents occur in public elementary and secondary schools each year.⁴¹ Few schools are immune: More than 70 percent of public schools experienced one or more violent incidents, and 36 percent of schools reported one or more such incidents to the police. Twenty percent of schools experienced one or more serious violent incidents including rape, possession of a weapon, and threat of and actual armed robbery; almost half of all public schools experienced one or more thefts. These translate into an estimated 61,000 serious violent incidents and 218,000 thefts at public schools each year. About 15 percent of public schools report one or more serious violent incidents to the police, and 28 percent report one or more thefts to the police.

 To learn what is being done to improve school security, read: Teresa Anderson, "School Security," *Security Management* 45 (2001): 96–98.

School level and size have a significant impact on the likelihood of experiencing theft and violence. Secondary schools are more likely to have a violent incident than elementary, middle, or combined schools. Likewise, larger schools are more likely to have a violent incident and report one or more violent incidents to the police than smaller schools: About 90 percent of all schools with 1,000 students or more had a violent incident, compared with 60 percent of schools with less than 300 students. School location also seems to have a significant influence on school crime. Urban schools are more likely than suburban and rural schools to experience or report crime to the police.

 To access the **school crime survey**, go to <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2004004>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The presence of weapons and violence is not lost on the average student. Data from a recent (2004) survey of high school students found that almost half report having seen other students carry knives at school, roughly one in ten report having seen other students carry guns at school, and more than one in five reported being fearful of weapon-associated victimization at school.⁴²

Peer Relations

Psychologists have long recognized that the peer group has a powerful effect on human conduct and can have a dramatic influence on decision making and behavior choices.⁴³ Peer influence on behavior has been recorded in different cultures and may be a universal norm.⁴⁴

Early in children's lives, parents are the primary source of influence and attention. Between the ages of 8 and 14, children begin to seek out a stable peer group. If all goes as it should, both the number and variety of friendships increase as children go through adolescence. Soon, friends begin having a greater influence over decision making than parents.⁴⁵

By their early teens, children report that their friends give them emotional support when they are feeling badly and that they can confide intimate feelings to peers without worrying about their confidences being betrayed. As children begin to talk to their friends about deviant behavior—such as getting together to use drugs—their level of participation in antisocial behavior increases as well.⁴⁶ In later adolescence, peer approval has a major impact on socialization. As they go through adolescence, children form cliques, small groups of friends who share activities and confidences. They also belong to crowds, loosely organized groups of



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As kids mature, peers replace parents as the primary source of influence and attention. Kids seek out a stable peer group and both the number and variety of friendships increase as children go through adolescence. By their early teens, friends give emotional support; they can be told intimate feelings. Close connections with peers who are antisocial may encourage young people to engage in antisocial behavior themselves.

Keeping Kids in School: The Communities In Schools Program

Millions of Americans have not completed high school; they are dropouts. Research indicates that they will earn less over their lifetimes and be at risk for criminality. Four in ten dropouts said they left high school because they were failing or they did not like school; an equal number of males and females reported they were leaving school because of personality conflicts with teachers. More males than females dropped out because of school suspension or expulsion.

A popular program designed to reduce the number of students who drop out of school is the Communities In Schools (CIS) network (formerly known as Cities In Schools). This program includes a web of local, state, and national partnerships working together to bring at-risk youth four basic necessities to help motivate them to stay in school:

- A personal one-on-one relationship with a caring adult
- A safe place to learn and grow
- A marketable skill to use upon graduation
- A chance to give back to peers and community

A student's decision to drop out of school may result from a variety of social and emotional problems, such as family dissention, drug and alcohol abuse, illiteracy, or teenage pregnancy. Therefore, the entire community, not just the schools, must take responsibility for preventing youth from dropping out. CIS brings together businesses and public and private agencies in communities—welfare and health professionals, employment counselors, social workers and recreation leaders, the clergy, and members of community groups—to help the schools. CIS caters to the student and his or her family, bringing together in one place a support system of caring adults. They ensure that the student has access to the resources that can help him or her build self-worth and the skills needed to embark on a productive and constructive life.

Most CIS programs take place inside traditional schools, but another method of service delivery is the CIS academy, an easily identifiable free-standing facility or wing of an existing school, sponsored largely by an individual corporation or organization.

In general, CIS projects are grouped into three broad categories:

- Traditional school site projects that pattern themselves as closely as possible after the normal classroom routine

- Projects in which repositioned health and human services staff assume the primary role
- Projects that function as alternative schools

The first two categories apply to the classroom model; the third applies to the academy model.

The *CIS classroom model* enables students to sign up for the program as an elective class. Instruction focuses on life-skills education, such as employment, remedial education, and tutoring. CIS classrooms often involve community volunteers who mentor and tutor students. The classroom model also can provide in-school activities such as conflict resolution, violence abatement, and community service. The classroom structure is patterned closely after a normal routine. Teachers assigned by the school district to the CIS program lead these activities. In certain situations, repositioned health and human services staff assume the primary leadership role.

The *academy model* has all the basic elements of the CIS classroom model but is organized as an alternative school. These academies can be “schools within schools,” located in a separate wing or section of the school where the CIS students attend classes together or can occupy a completely

children who share interests and activities. While clique members share intimate knowledge, crowds are brought together by mutually shared activities, such as sports, religion, or hobbies. Though bonds in this wider circle of friends may not be intimate, adolescents learn a lot about themselves and their world while navigating through these relationships.⁴⁷ Some adolescents who are considered popular may be members of a variety of cliques and crowds. The most popular youths, in general, tend to do well in school and are socially astute. In contrast, children who are rejected by their peers are more likely to display aggressive behavior and disrupt group activities through bickering, bullying, or other

antisocial behavior.⁴⁸ Peer relations, then, are a vital aspect of maturation.

Because of the powerful influence adolescents feel from their peers, they feel a persistent pressure to conform to group values. When peer pressure is exerted from positive relationships, peers guide one another and help their friends learn to share and cooperate, cope with aggressive impulses, and discuss feelings they would not dare bring up at home. In these relationships, youths can compare their own experiences and learn that others have similar concerns and problems. Through these friendships, they realize they are not alone. When the peer group is not among friends

separate building. A student who meets CIS program eligibility criteria and has parental permission is assigned a case manager who assesses the student's needs. The case manager then contacts the proper agencies to provide the specific services needed. Through the CIS program, the young person can receive counseling either individually or as part of a group. If the CIS program cannot provide a needed service directly, the student, and sometimes parents and family members, are referred to an appropriate service agency.

CIS programs serve a target population of at-risk youth and youth who have already crossed the line into risky behaviors and consequences. If not for the CIS program, most of these students would be expected to leave school before graduation.

CIS has been quite popular. As of 2004:

- There are 194 operational CIS programs in 28 states, serving nearly 3,000 education sites.
- Nearly 2 million students have access to services through CIS.
- Approximately 985,000 students receive direct services through CIS.
- More than 180,000 parents, families and guardians of students also receive services.

Evaluations of the program show the following results:

- The overall dropout rate for CIS-tracked students was 1 percent.
- Eighty-seven percent of eligible CIS seniors graduated from high school.
- CIS students who had had serious to moderately severe problems in attendance and academic performance improved their performance in these areas. About 70 percent of students with high absenteeism prior to participation in CIS improved their attendance, and 60 percent with low initial grades improved.

Of those students with the lowest grades (GPA below 1.0), 79 percent raised their GPA, with an average increase of a full grade point. The majority of the students believed they had benefited from CIS and expressed high levels of satisfaction with the program.

Schools that have the program show overall improvement:

- Eighty-seven percent of schools that were assigned a grade for annual overall school performance improved or maintained a satisfactory school grade.
- Ninety-two percent of schools assessed for overall school safety improved or maintained their safety assessment.

- Almost 89 percent improved or maintained satisfactory overall student academic achievement.

Critical Thinking

1. Why does the CIS program seem to be making a difference for at-risk youth?
2. What is it about the way the program is structured that allows students the opportunity to succeed?
3. What other alternatives may be available to help motivate kids to stay in school? What other special programs may be helpful?

InfoTrac College Edition Research

To learn more, read these articles:

Adel Wassef, Gayle Mason, Melissa Lassiter Collins, Michael O'Boyle, and Denise Ingham, "Student Assessment of School-Based Support Groups," *Adolescence* 31 (spring 1996): 1; Clyde A. Winters, "Learning Disabilities, Crime, Delinquency, and Special Education Placement," *Adolescence* 32 (summer 1997): 451–458.

Sources: *Communities In Schools*, <http://www.cisnet.org/>. Accessed on August 1, 2004; Susan Siegel, *Communities In Schools Network Report 2002–2003, Improving Schools, Changing Lives, Choosing Success* (Alexandria, VA: Communities In Schools, 2004); Sharon Cantelon and Donni LeBoeuf, *Keeping Young People in School: Community Programs that Work* (Washington, DC: National Institute of Justice, 1997).

who are positive influences on one another, however, adolescent criminal activity can begin to be initiated as a group process.⁴⁹

- 1 There are many studies examining the relationship of peer influence on crime. Read one on InfoTrac College Edition: David Fergusson, Nicola Swain-Campbell, and L. John Horwood, "Deviant Peer Affiliations, Crime, and Substance Use: A Fixed Effects Regression Analysis," *Journal of Abnormal Child Psychology* 34 (2002): 419–430.

PEER REJECTION/PEER ACCEPTANCE Kids who are considered unpopular, out of control, or unruly may be abandoned or snubbed by their peers. Peer rejection helps lock these already aggressive kids into a cycle of persistent violence that is likely to continue into early adulthood.⁵⁰

Peer rejection may help increase and sustain antisocial behaviors because outcast kids become suspicious of other people's motives, see them as hostile, and become more likely to respond in an antisocial manner. Because the most popular kids reject them, these troubled youth have fewer positive social options and may be drawn to lower-status and

deviant peer groups. Hoping to belong and to be accepted in at least one peer group, no matter its damaged reputation, they feel compelled to engage in more antisocial activity in an effort to gain standing and approval.

If peer rejection promotes criminality, can peer acceptance reverse its tide? Having prosocial friends who are committed to conventional success may help shield kids from crime-producing inducements in their environment. Recently, using data from a national survey of youth, John Paul Wright and Francis Cullen found that associating with prosocial friends and coworkers helped lure adolescents away from delinquent peer networks. Peer acceptance helped reduce adolescent criminal behavior and drug use; the effect continued on to their adulthood.⁵¹

PEERS AND CRIMINALITY Though experts have long debated the exact relationship between peer group interaction and delinquency, research shows that adolescents who report inadequate or strained peer relations, and who say they are not popular with the “opposite sex,” are the ones most likely to become delinquent.⁵² The association between peers and the onset and continuation of criminality may take one of a number of different paths:

- Delinquent friends cause law-abiding youth to “get in trouble.” Kids who fall in with a “bad crowd” are at risk for delinquency. Youths who maintain friendships with antisocial peers are more likely to become delinquent regardless of their own personality or the type of supervision they receive at home.⁵³ Even previously law-abiding youths are more likely to get involved in delinquency if they become associated with friends who initiate them into delinquent careers.⁵⁴
- Antisocial youths seek out and join up with like-minded friends; deviant peers sustain and amplify delinquent careers.⁵⁵ Those who choose aggressive or violent friends are more likely to begin engaging in antisocial behavior themselves and suffer psychological deficits.⁵⁶
- As children move through the life course, antisocial friends help youths maintain delinquent careers and obstruct the aging-out process.⁵⁷ In contrast, nondelinquent friends moderate delinquency.⁵⁸ If adulthood brings close and sustaining ties to conventional friends, marriage, and family, the level of deviant behavior will decline.⁵⁹
- Troubled kids choose delinquent peers out of necessity rather than desire. The social baggage they cart around prevents them from developing associations with conventional peers. Because they are impulsive, they may hook up with friends who are dangerous and get them into trouble.⁶⁰ Deviant peers do not cause straight kids to go bad, but they amplify the likelihood of a troubled kid getting further involved in antisocial behaviors.⁶¹

Regardless of how they are chosen, criminal peers may exert tremendous influence on behavior, attitudes, and be-

liefs.⁶² In every level of the social structure, youths who fall in with a “bad crowd” become more susceptible to criminal behavior patterns.⁶³ These deviant peers provide friendship networks that support delinquency and drug use.⁶⁴ Activities such as riding around, staying out late, and partying with deviant peers provide these groups with the opportunity to commit deviant acts.⁶⁵ Because delinquent friends tend to be, as criminologist Mark Warr puts it, “sticky” (once acquired, they are not easily lost), peer influence may continue throughout the life span.⁶⁶

Some children join more than one deviant group, playing a leadership role in one and being a follower in another. Even when some of these groups are short lived, being exposed to so many deviant influences in multiple groups may help explain why deviant group membership is highly correlated with personal offending rates.⁶⁷ The more antisocial the peer group, the more likely its members will engage in delinquency; nondelinquent friends will help moderate delinquency.⁶⁸

As children grow and move forward, friends will influence their behavior, and their behavior will influence their friends.⁶⁹ Antisocial friends guide delinquent careers so they withstand the aging-out process.⁷⁰ People who maintain close relations with antisocial peers will sustain their own criminal behavior into their adulthood.

Institutional Involvement and Belief

It follows that people who hold high moral values and beliefs, who have learned to distinguish “right from wrong,” and who regularly attend religious services should also eschew crime and other antisocial behaviors. Religion binds people together and forces them to confront the consequences of their behavior. Committing crimes would violate the principles of all organized religions.

Sociologists Travis Hirschi and Rodney Stark found in a classic study that, contrary to expectations, the association between religious attendance and belief and delinquent behavior patterns is negligible and insignificant.⁷¹ However, some research efforts have reached an opposite conclusion, finding that attending religious services significantly helps reduce crime.⁷² Kids living in disorganized high-crime areas who attend religious services are better able to resist illegal drug use.⁷³ Interestingly, participation seems to be a more significant inhibitor of crime than merely having religious beliefs and values.⁷⁴ Cross-national research shows that countries with high rates of church membership and attendance have lower crime rates than less “devout” nations.⁷⁵

||||||| CONNECTIONS |||||

Arousal theory would predict that church attendance is inversely correlated with crime rates because criminals are people who need large amounts of stimulation and would not be able to sit through religious services. See Chapter 5 for more on arousal theory.

The Effects of Socialization on Crime

To many criminologists, the elements of socialization described up to this point are the chief determinants of criminal behavior. According to this view, people living in even the most deteriorated urban areas can successfully resist inducements to crime if they have a positive self-image, learn moral values, and have the support of their parents, peers, teachers, and neighbors. The girl with a positive self-image who is chosen for a college scholarship has the warm, loving support of her parents and is viewed as someone “going places” by friends and neighbors. She is less likely to adopt a criminal way of life than another adolescent who is abused at home, lives with criminal parents, and whose bond to her school and peer group is shattered because she is labeled a troublemaker.⁷⁶ The boy who has learned criminal behavior from his parents and siblings and then joins a neighborhood gang is much more likely to become an adult criminal than his next-door neighbor who idolizes his hard-working, deeply religious parents. It is socialization, not the social structure, which determines life chances. The more social problems encountered during the socialization process, the greater the likelihood that youths will encounter difficulties and obstacles as they mature, such as being unemployed or becoming a teenage mother.

Theorists who believe that an individual’s socialization determines the likelihood of criminality adopt the social process approach to human behavior. The social process approach has several independent branches (Figure 7.1).

The first branch, **social learning theory**, suggests that people learn the techniques and attitudes of crime from close and intimate relationships with criminal peers; crime is a learned behavior. The second, **social control theory**, maintains that everyone has the potential to become a criminal but that most people are controlled by their bonds to society. Crime occurs when the forces that bind people to society are weakened or broken. The third branch, **social reaction theory (labeling theory)**, says people become criminals when significant members of society label them as such, and they accept those labels as a personal identity.

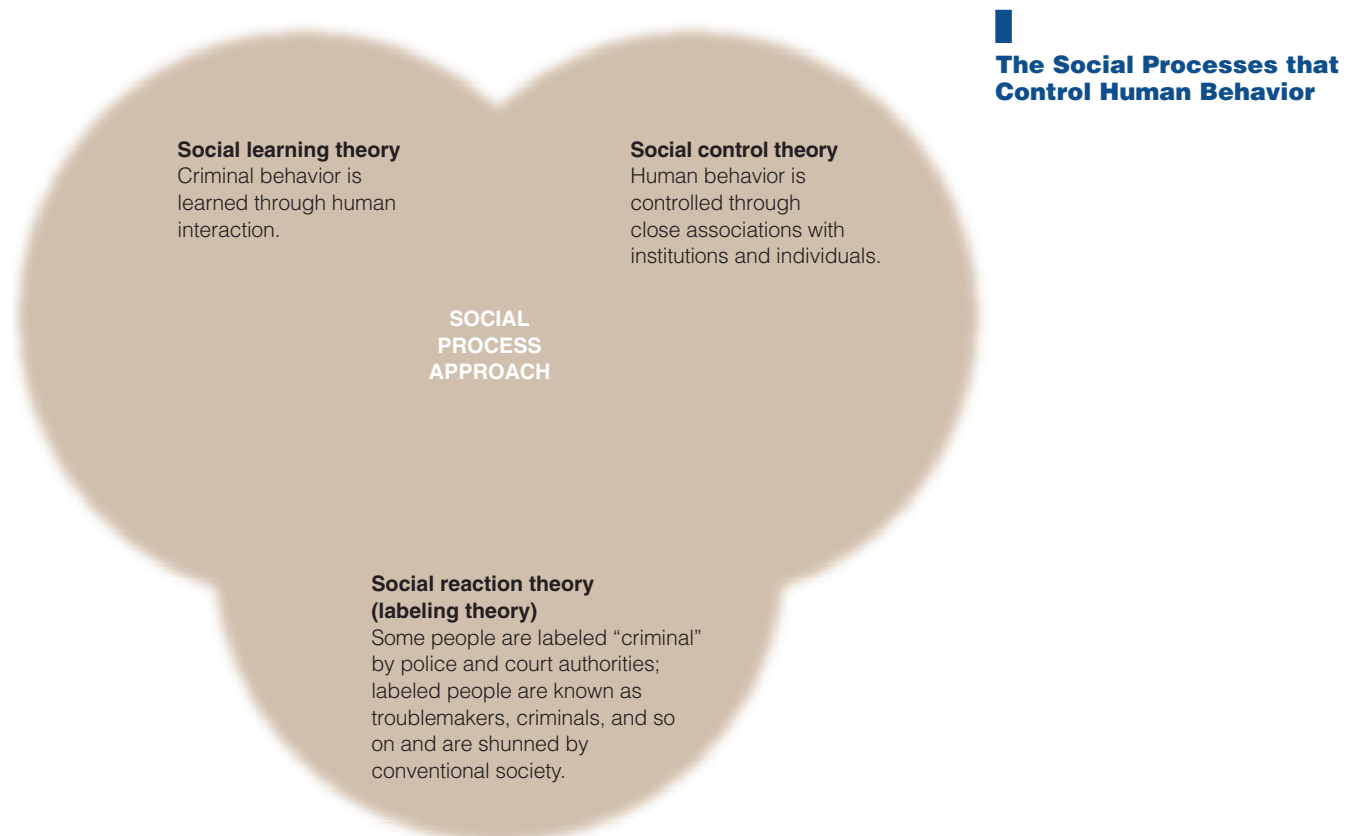
Put another way, social learning theory assumes people are born good and learn to be bad; social control theory assumes people are born bad and must be controlled in order to be good; social reaction theory assumes that, whether good or bad, people are controlled by the reactions of others. Each of these independent branches will be discussed separately.



To quiz yourself on this material, go to the Criminology 9e website.

SOCIAL LEARNING THEORY

Social learning theorists believe crime is a product of learning the norms, values, and behaviors associated with criminal activity. Social learning can involve the actual techniques



of crime—how to hot-wire a car or roll a joint—as well as the psychological aspects of criminality—how to deal with the guilt or shame associated with illegal activities. This section briefly reviews the three most prominent forms of social learning theory: differential association theory, differential reinforcement theory, and neutralization theory.

Not only can learning theories be applied to a wide assortment of criminal activity, they are also used to explain noncriminal activities. To find out more, go to InfoTrac College Edition and use “learning theory” as a key word.

Differential Association Theory

One of the most prominent social learning theories is Edwin H. Sutherland’s **differential association theory**. Often considered the preeminent U.S. criminologist, Sutherland first put forth his theory in his 1939 text, *Principles of Criminology*.⁷⁷ The final version of the theory appeared in 1947. When Sutherland died in 1950, Donald Cressey, his long-time associate, continued his work. Cressey was so successful in explaining and popularizing his mentor’s efforts that differential association remains one of the most enduring explanations of criminal behavior.

Sutherland’s research on white-collar crime, professional theft, and intelligence led him to dispute the notion that crime was a function of the inadequacy of people in the lower classes.⁷⁸ To Sutherland, criminality stemmed neither from individual traits nor from socioeconomic position; instead, he believed it to be a function of a learning process that could affect any individual in any culture. Acquiring a behavior is a social learning process, not a political or legal process. Skills and motives conducive to crime are learned as a result of contacts with pro-crime values, attitudes, and definitions and other patterns of criminal behavior.



Edwin H. Sutherland served as the twenty-ninth president of the American Sociological Society. His presidential address, “White-Collar Criminality,” was delivered at the organization’s annual meeting in Philadelphia in December 1939. To read Sutherland’s groundbreaking talk on white-collar crime, go to <http://www.asanet.org/governance/PresidentialAddress1939.pdf>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

PRINCIPLES OF DIFFERENTIAL ASSOCIATION The basic principles of differential association are explained as follows:⁷⁹

- *Criminal behavior is learned:* This statement differentiates Sutherland’s theory from prior attempts to classify criminal behavior as an inherent characteristic of criminals. By suggesting that delinquent and criminal behavior is learned, Sutherland implied that it can be classified in the same manner as any other learned behavior, such as writing, painting, or reading.

- *Learning is a by-product of interaction:* Criminal behavior is learned as a by-product of interacting with others. Sutherland believed individuals do not start violating the law simply by living in a criminogenic environment or by manifesting personal characteristics, such as low IQ or family problems, associated with criminality. People actively participate in the learning process as they interact with other individuals. Thus, criminality cannot occur without the aid of others; it is a function of socialization.

- *Learning occurs within intimate groups:* Learning criminal behavior occurs within intimate personal groups. People’s contacts with their most intimate social companions—family, friends, peers—have the greatest influence on their deviant behavior and attitude development. Relationships with these influential individuals color and control the way individuals interpret everyday events. For example, research shows that children who grow up in homes where parents abuse alcohol are more likely to view drinking as being socially and physically beneficial.⁸⁰ The intimacy of these associations far outweighs the importance of any other form of communication—for example, movies or television. Even on those rare occasions when violent motion pictures seem to provoke mass criminal episodes, these outbreaks can be more readily explained as a reaction to peer group pressure than as a reaction to the films themselves.

- *Criminal techniques are learned:* Learning criminal behavior involves learning the techniques of committing the crime, which are sometimes very complicated and sometimes very simple. This requires learning the specific direction of motives, drives, rationalizations, and attitudes. Young delinquents learn from their associates the proper way to pick a lock, shoplift, and obtain and use narcotics. In addition, novice criminals learn to use the proper terminology for their acts and then acquire “proper” reactions to law violations. For example, getting high on marijuana and learning the proper way to smoke a joint are behavior patterns usually acquired from more experienced companions. Moreover, criminals must learn how to react properly to their illegal acts, such as when to defend them, rationalize them, or show remorse for them.

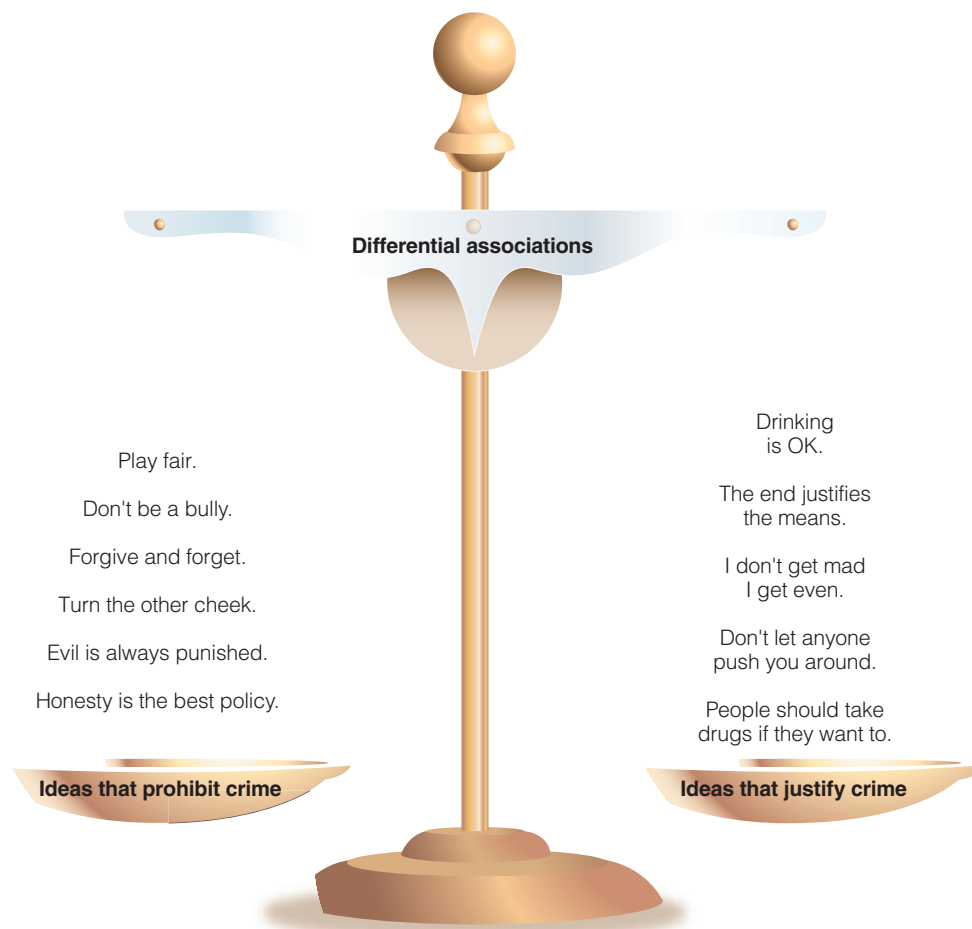
- *Perceptions of legal code influence motives and drives:* The specific direction of motives and drives is learned from perceptions of various aspects of the legal code as being favorable or unfavorable. The reaction to social rules and laws is not uniform across society, and people constantly come into contact with others who maintain different views on the utility of obeying the legal code. Some people they admire may openly disdain or flout the law or ignore its substance. People experience what Sutherland calls *culture conflict* when they are exposed to different and opposing attitudes

toward what is right and wrong, moral and immoral. The conflict of social attitudes and cultural norms is the basis for the concept of differential association.

- *Differential associations may vary in frequency, duration, priority, and intensity:* Whether a person learns to obey the law or to disregard it is influenced by the quality of social interactions. Those of lasting *duration* have greater influence than those that are brief. Similarly, *frequent* contacts have greater effect than rare and haphazard contacts. Sutherland did not specify what he meant by *priority*, but Cressey and others have interpreted the term to mean the age of children when they first encounter definitions of criminality. Contacts made early in life probably have a greater and more far-reaching influence than those developed later on. Finally, *intensity* is generally interpreted to mean the importance and prestige attributed to the individual or groups from whom the definitions are learned. For example, the influence of a father, mother, or trusted friend far outweighs the effect of more socially distant figures.

- *The process of learning criminal behavior by association with criminal and antiscriminal patterns involves all of the mechanisms involved in any other learning process:* This suggests that learning criminal behavior patterns is similar to learning nearly all other patterns and is not a matter of mere imitation.
- *Criminal behavior is an expression of general needs and values, but it is not excused by those general needs and values because noncriminal behavior is also an expression of those same needs and values:* This principle suggests that the motives for criminal behavior cannot logically be the same as those for conventional behavior. Sutherland rules out such motives as desire to accumulate money or social status, personal frustration, or low self-concept as causes of crime because they are just as likely to produce noncriminal behavior, such as getting a better education or working harder on a job. It is only the learning of deviant norms through contact with an excess of definitions favorable toward criminality that produces illegal behavior.

Differential Associations



A person becomes a criminal when he or she perceives more favorable than unfavorable consequences to violating the law (Figure 7.2). According to Sutherland's theory, individuals become law violators when they are in contact with people, groups, or events that produce an excess of definitions favorable toward criminality and are isolated from counteracting forces. A definition favorable toward criminality occurs, for example, when a person is exposed to friends sneaking into a theater to avoid paying for a ticket or talking about the virtues of getting high on drugs. A definition unfavorable toward crime occurs when friends or parents demonstrate their disapproval of crime. Neutral behavior, such as reading a book, is neither positive nor negative with respect to law violation. Cressey argues that neutral behavior is important; for example, when a child is occupied doing something neutral, it prevents him or her from being in contact with those involved in criminal behaviors.⁸¹

In sum, differential association theory holds that people learn criminal attitudes and behavior while in their adolescence from close and trusted friends and/or relatives. A criminal career develops if learned antisocial values and behaviors are not at least matched or exceeded by conventional attitudes and behaviors. Criminal behavior, then, is learned in a process that is similar to learning any other human behavior.

TESTING DIFFERENTIAL ASSOCIATION THEORY Despite the importance of differential association theory, research devoted to testing its assumptions has been relatively sparse. It has proven difficult to conceptualize the principles of the theory so that they can be empirically tested. For example, social scientists find it difficult to evaluate such vague concepts as "definition toward criminality." It is also difficult to follow people over time, establish precisely when definitions toward criminality begin to outweigh prosocial definitions, and determine if this imbalance produces criminal behavior.

Despite these limitations, several notable research efforts have supported the core principles of this theory. These generally show a correlation between (a) having deviant friends, (b) holding deviant attitudes, and (c) committing deviant acts.⁸² People who report having attitudes that support deviant behavior are also likely to engage in deviant behavior.⁸³ In a classic work, criminologist James Short surveyed institutionalized youths and found that they had, in fact, maintained close associations with delinquent youths prior to their law-violating acts.⁸⁴ Association with deviant peers has been found to sustain the deviant attitudes that support crime both in group settings and in solo ventures.⁸⁵ Mark Warr found that antisocial children who maintain delinquent friends over a long duration are much more likely to persist in their delinquent behavior than those without such peer support.⁸⁶ Scales measuring differential association have been significantly correlated with criminal behaviors among samples taken in other nations and cultures.⁸⁷

Differential association also seems especially relevant in trying to explain the onset of substance abuse and a career in the drug trade. This requires learning proper techniques and attitudes from an experienced user or dealer.⁸⁸ In his inter-

view study of low-level drug dealers, Kenneth Tunnell found that many novices were tutored by a more experienced criminal dealer who helped them make connections with buyers and sellers. One told him:

I had a friend of mine who was an older guy, and he introduced me to selling marijuana to make a few dollars. I started selling a little and made a few dollars. For a young guy to be making a hundred dollars or so, it was a lot of money. So I got kind of tied up in that aspect of selling drugs.⁸⁹

Tunnell found that making connections is an important part of the dealer's world. Adolescent drug users are likely to have intimate relationships with a peer friendship network that supports their substance abuse and teaches them how to deal within the drug world.⁹⁰

Differential association may also be used to explain the gender difference in the crime rate. Males are more likely to socialize with deviant peers than females and, when they do, are more deeply influenced by peer relations.⁹¹ Females are shielded by their unique moral sense, which makes caring about people and avoiding social harm a top priority. Males, in contrast, have a more cavalier attitude toward others and are more interested in their own self-interests. They are therefore more susceptible to the influence of deviant peers.

ANALYSIS OF DIFFERENTIAL ASSOCIATION THEORY There have been a number of important critiques of the theory. According to the *cultural deviance critique*, differential association is invalid because it suggests that criminals are people "properly" socialized into a deviant subculture; that is, they are taught criminal norms by significant others. Supporters counter that differential association also recognizes that individuals can embrace criminality because they have been improperly socialized into the normative culture.⁹²

Differential association theory also fails to explain why one youth who is exposed to delinquent definitions eventually succumbs to them, while another, living under the same conditions, is able to avoid criminal entanglements. It fails to account for the origin of delinquent definitions. How did the first "teacher" learn delinquent attitudes and definitions in order to pass them on? Another apparently valid criticism of differential association is that it assumes criminal and delinquent acts to be rational and systematic. This ignores spontaneous and wanton acts of violence and damage that appear to have little utility or purpose, such as the isolated psychopathic killing or serial rapist.

Another critique concerns the relationship between deviant peers and criminality. It is possible that youths learn about crime and then commit criminal acts, but it is also possible that experienced delinquents and criminals seek out like-minded peers after they engage in antisocial acts and that the internalization of deviant attitudes follows, rather than precedes, criminality ("birds of a feather flock together").⁹³

Despite these criticisms, differential association theory maintains an important place in the study of criminal behavior. For one thing, it provides a consistent explanation of all

types of delinquent and criminal behavior. Unlike social structure theories, it is not limited to the explanation of a single facet of antisocial activity, such as lower-class gang activity. The theory can also account for the extensive delinquent behavior found even in middle- and upper-class areas, where youths may be exposed to a variety of pro-delinquent definitions from such sources as overly opportunistic parents and friends.

Differential Reinforcement Theory

Differential reinforcement theory is another attempt to explain crime as a type of learned behavior. First proposed by Ronald Akers in collaboration with Robert Burgess in 1966, it is a version of the social learning view that employs both differential association concepts along with elements of psychological learning theory.

||||||| CONNECTIONS |||||

Psychological learning theories were first discussed in Chapter 5. These trait theories maintain that human actions are developed through learning experiences. Behavior is supported by rewards and extinguished by negative reactions or punishments. Behavior is constantly being shaped by life experiences.

According to Akers, the same process is involved in learning both deviant and conventional behavior. People learn to be neither “all deviant” nor “all conforming” but rather strike a balance between the two opposing poles of behavior. This balance is usually stable, but it can undergo revision over time.⁹⁴

A number of learning processes shape behavior. **Direct conditioning**, also called **differential reinforcement**, occurs when behavior is reinforced by being either rewarded or punished while interacting with others. When behavior is punished, this is referred to as **negative reinforcement**. This type of reinforcement can be distributed by using either negative stimuli (punishment) or loss of a positive reward. Whether deviant or criminal behavior has been initiated or persists depends on the degree to which it has been rewarded or punished and the rewards or punishments attached to its alternatives.

According to Akers, people learn to evaluate their own behavior through their interactions with significant others and groups in their lives. These groups control sources and patterns of reinforcement, define behavior as right or wrong, and provide behaviors that can be modeled through observational learning. The more individuals learn to define their behavior as good or at least as justified, rather than as undesirable, the more likely they are to engage in it. For example, adolescents who hook up with a drug-abusing peer group whose members value drugs and alcohol, encourage their use, and provide opportunities to observe people abusing substances will be encouraged, through this social learning experience, to use drugs themselves.

Akers's theory posits that the principal influence on behavior comes from “those groups which control individuals' major sources of reinforcement and punishment and expose them to behavioral models and normative definitions.”⁹⁵ The important groups are the ones with which a person is in differential association—peer and friendship groups, schools, churches, and similar institutions. Within the context of these critical groups, according to Akers, “deviant behavior can be expected to the extent that it has been differentially reinforced over alternative behavior . . . and is defined as desirable or justified.”⁹⁶ Once people are indoctrinated into crime, their behavior can be reinforced by being exposed to deviant behavior models, associating with deviant peers, and lacking negative sanctions from parents or peers. The deviant behavior, originally executed by imitating someone else's behavior, is sustained by social support. It is possible that differential reinforcements help establish criminal careers and are a key factor in explaining persistent criminality.

TESTING DIFFERENTIAL REINFORCEMENT The principles of differential reinforcement have been subject to empirical review by Akers and other criminologists.⁹⁷ In an important test of his theory, Akers and his associates surveyed 3,065 male and female adolescents on drug- and alcohol-related activities and their perception of variables related to social learning and differential reinforcement. Items in the scale included the respondents' perceptions of esteemed peers' attitudes toward drug and alcohol abuse, the number of people they admired who actually used controlled substances, and whether people they admired would reward or punish them for substance abuse. Akers found a strong association between drug and alcohol abuse and social learning variables: Those who believed they would be rewarded for deviance by those they respect were the ones most likely to engage in deviant behavior.⁹⁸

Akers also found that the learning–deviant behavior link is not static. The learning experience continues within a deviant group as behavior is both influenced by, and exerts influence over, group processes. For example, adolescents may learn to smoke because their friends are smoking and, therefore, approve of this behavior. Over time, smoking influences friendships and peer group memberships as smokers seek out one another for companionship and support.⁹⁹

Differential reinforcement theory is an important perspective that endeavors to determine the cause of criminal activity. It considers how the content of socialization conditions crime. Because not all socialization is positive, it accounts for the fact that negative social reinforcements and experiences can produce criminal results. This concurs with research that demonstrates that parental deviance is related to adolescent antisocial behavior.¹⁰⁰ Parents may reinforce their children's deviant behavior by supplying negative social reinforcements. Akers's work also fits well with rational choice theory because they both suggest that people learn the techniques and attitudes necessary to commit crime. Criminal knowledge is gained through experience. After considering the outcome of their past experiences, potential offenders

decide which criminal acts will be profitable and which are dangerous and should be avoided.¹⁰¹ Integrating these perspectives, people make rational choices about crime because they have learned to balance risks against the potential for criminal gain.

Neutralization Theory

Neutralization theory is identified with the writings of David Matza and his associate Gresham Sykes.¹⁰² They view the process of becoming a criminal as a learning experience in which potential delinquents and criminals master techniques that enable them to counterbalance or neutralize conventional values and drift back and forth between illegitimate and conventional behavior. One reason this is possible is the subterranean value structure of American society. **Subterranean values** are morally tinged influences that have become entrenched in the culture but are publicly condemned. They exist side by side with conventional values and while condemned in public may be admired or practiced in private. Examples include viewing pornographic films, drinking alcohol to excess, and gambling on sporting events. In American culture, it is common to hold both subterranean and conventional values; few people are “all good” or “all bad.”

Matza argues that even the most committed criminals and delinquents are not involved in criminality all the time; they also attend schools, family functions, and religious services. Their behavior can be conceived as falling along a continuum between total freedom and total restraint. This process, which he calls **drift**, refers to the movement from one extreme of behavior to another, resulting in behavior that is sometimes unconventional, free, or deviant and at other times constrained and sober.¹⁰³ Learning techniques of neutralization enables a person to temporarily “drift away” from conventional behavior and get involved in more subterranean values and behaviors including crime and drug abuse.¹⁰⁴

Sykes and Matza base their theoretical model on these observations:¹⁰⁵

- *Criminals sometimes voice a sense of guilt over their illegal acts:* If a stable criminal value system existed in opposition to generally held values and rules, it would be unlikely that criminals would exhibit any remorse for their acts, other than regret at being apprehended.
- *Offenders frequently respect and admire honest, law-abiding people:* Really honest people are often revered; and if for some reason such people are accused of misbehavior, the criminal is quick to defend their integrity. Those admired may include sports figures, priests and other clergy, parents, teachers, and neighbors.
- *Criminals draw a line between those whom they can victimize and those whom they cannot:* Members of

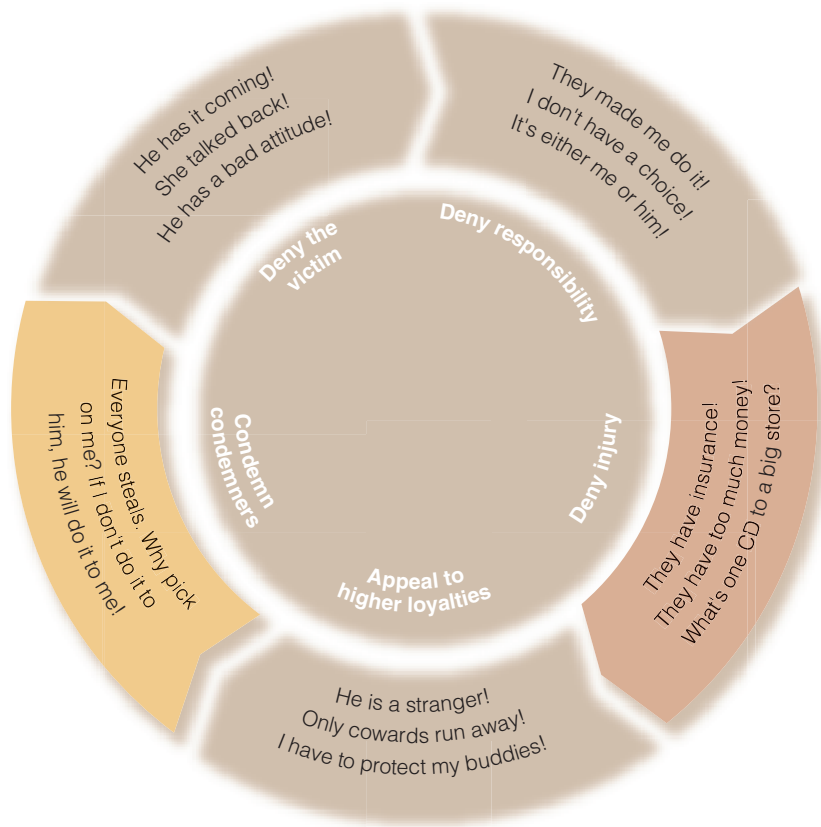
similar ethnic groups, churches, or neighborhoods are often off limits. This practice implies that criminals are aware of the wrongfulness of their acts.

- *Criminals are not immune to the demands of conformity:* Most criminals frequently participate in many of the same social functions as law-abiding people—for example, in school, church, and family activities.

Because of these factors, Sykes and Matza conclude that criminality is the result of the neutralization of accepted social values through the learning of a standard set of techniques that allow people to counteract the moral dilemmas posed by illegal behavior.¹⁰⁶

TECHNIQUES OF NEUTRALIZATION Sykes and Matza suggest that people develop a distinct set of justifications for their law-violating behavior. These neutralization techniques enable them to temporarily drift away from the rules of the normative society and participate in subterranean behaviors. These techniques of neutralization include the following patterns:

- *Deny responsibility:* Young offenders sometimes claim their unlawful acts were simply not their fault. Criminals' acts resulted from forces beyond their control or were accidents.
- *Deny injury:* By denying the wrongfulness of an act, criminals are able to neutralize illegal behavior. For example, stealing is viewed as borrowing; vandalism is considered mischief that has gotten out of hand. Delinquents may find that their parents and friends support their denial of injury. In fact, they may claim that the behavior was merely a prank, helping affirm the offender's perception that crime can be socially acceptable.
- *Deny victim:* Criminals sometimes neutralize wrongdoing by maintaining that the victim of crime “had it coming.” Vandalism may be directed against a disliked teacher or neighbor; or homosexuals may be beaten up by a gang because their behavior is considered offensive. Denying the victim may also take the form of ignoring the rights of an absent or unknown victim: for example, stealing from the unseen owner of a department store. It becomes morally acceptable for the criminal to commit such crimes as vandalism when the victims, because of their absence, cannot be sympathized with or respected.
- *Condemn condemners:* An offender views the world as a corrupt place with a dog-eat-dog code. Because police and judges are on the take, teachers show favoritism, and parents take out their frustrations on their kids, it is ironic and unfair for these authorities to condemn his or her misconduct. By shifting the blame to others, criminals are able to repress the feeling that their own acts are wrong.



- **Appeal to higher loyalties:** Novice criminals often argue that they are caught in the dilemma of being loyal to their own peer group while at the same time attempting to abide by the rules of the larger society. The needs of the group take precedence over the rules of society because the demands of the former are immediate and localized (Figure 7.3).

CONNECTIONS

Denial of the victim may help explain the hate crime phenomenon in which people are victimized simply because they belong to the wrong race, religion, ethnic group, or because of their sexual orientation. Hate crimes are discussed in Chapter 10.

In sum, the theory of neutralization presupposes a condition that allows people to neutralize unconventional norms and values by using such slogans as “I didn’t mean to do it,” “I didn’t really hurt anybody,” “They had it coming to them,” “Everybody’s picking on me,” and “I didn’t do it for myself.” These excuses allow people to drift into criminal modes of behavior.

TESTING NEUTRALIZATION THEORY Attempts have been made to verify the assumptions of neutralization theory empirically, but the results have been inconclusive.¹⁰⁷ One area of research has been directed at determining whether there

really is a need for law violators to neutralize moral constraints. The thinking behind this research is this: If criminals hold values *in opposition* to accepted social norms, then there is really no need to neutralize. So far, the evidence is mixed. Some studies show that law violators approve of criminal behavior, such as theft and violence, and still others find evidence that even though they may be active participants themselves criminals voice disapproval of illegal behavior.¹⁰⁸ Some studies indicate that law violators approve of social values such as honesty and fairness; others come to the opposite conclusion.¹⁰⁹

Although the existing research findings may be ambiguous, the weight of the evidence is that (a) most adolescents generally *disapprove* of deviant behaviors such as violence and that (b) neutralizations do in fact enable youths to engage in socially disapproved of behavior.¹¹⁰ Equally important is some recent evidence showing that, as Matza predicted, people drift in and out of antisocial behavior. Jeffery Fagan’s interviews with 150 young men who had experiences with violent crimes while living in some of New York City’s toughest neighborhoods found that many alternated their demeanor between “decent” and “street” codes of behavior, language, and dress. Both orientations lived side by side within the same individuals. The street code’s rules for getting and maintaining respect through aggressive behavior forced many “decent” youths to situationally adopt a tough demeanor and perhaps behave violently in order to survive an otherwise hostile and possibly dangerous environment.¹¹¹

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The concept of “decent” and “street” codes of behavior is discussed in the Race, Culture, Gender, and Criminology feature “The Code of the Streets” in Chapter 6.

The theory of neutralization, then, is a major contribution to the literature of crime and delinquency. It can account for the aging-out process: Youths can forgo criminal behavior as adults because they never really rejected the morality of normative society. It helps explain the behavior of the occasional or nonchronic delinquent, who is able to successfully age out of crime. Because teens are not committed to criminality, as they mature they simply drift back into conventional behavior patterns. While they are young, justifications and excuses neutralize guilt and enable individuals to continue to feel good about themselves.¹¹² In contrast, people who remain criminals as adults may be using newly learned techniques to neutralize the wrongfulness of their actions and avoid guilt. For example, psychotherapists accused of sexually exploiting their clients blame the victim for “seducing them”; some claim there was little injury caused by the sexual encounter; others seek scapegoats to blame for their actions.¹¹³

Are Learning Theories Valid?

Learning theories make a significant contribution to our understanding of the onset of criminal behavior. Nonetheless, the general learning model has been subject to some criticism. One complaint is that learning theorists fail to account for the origin of criminal definitions. How did the first “teacher” learn criminal techniques and definitions? Who came up with the original neutralization technique?

Learning theories also imply that people systematically learn techniques that enable them to be active and successful criminals, but they fail to adequately explain spontaneous and wanton acts of violence and damage and other expressive crimes that appear to have little utility or purpose. Principles of differential association can easily explain shoplifting, but is it possible that a random shooting is caused by excessive deviant definitions? It is estimated that about 70 percent of all arrestees were under the influence of drugs and alcohol when they committed their crime: Do “crack heads” pause to neutralize their moral inhibitions before mugging a victim? Do drug-involved kids stop to consider what they have “learned” about moral values?¹¹⁴

Little evidence exists substantiating that people learn the techniques that enable them to become criminals before they actually commit criminal acts. It is equally plausible that people who are already deviant seek out others with similar lifestyles. Early onset of deviant behavior is now considered a key determinant of criminal careers. It is difficult to see how extremely young adolescents had the opportunity to learn criminal behavior and attitudes within a peer group setting.

Despite these criticisms, learning theories maintain an important place in the study of delinquent and criminal

behavior. Unlike social structure theories, these theories are not limited to the explanation of a single facet of antisocial activity—for example, lower-class gang activity; they may be used to explain criminality across all class structures. Even corporate executives may be exposed to a variety of pro-criminal definitions and learn to neutralize moral constraints.



To quiz yourself on this material, go to the Criminology 9e website.

SOCIAL CONTROL THEORY

Social control theories maintain that all people have the potential to violate the law and that modern society presents many opportunities for illegal activity. Criminal activities, such as drug abuse and car theft, are often exciting pastimes that hold the promise of immediate reward and gratification.

Considering the attractions of crime, the question control theorists pose is, Why do people obey the rules of society? A choice theorist would respond that it is the fear of punishment; structural theorists would say that obedience is a function of having access to legitimate opportunities; learning theorists would explain that obedience is acquired through contact with law-abiding parents and peers. In contrast, social control theorists argue that people obey the law because behavior and passions are being controlled by internal and external forces. Some individuals have **self-control**, manifested through a strong moral sense, which renders them incapable of hurting others and violating social norms. Other people develop a **commitment to conformity**, which is adhered to because there is a real, present, and logical reason to obey the rules of society.¹¹⁵ Individuals may believe that getting caught at criminal activity will hurt a dearly loved parent or jeopardize their chance at a college scholarship, or perhaps they feel that their job will be forfeited if they get in trouble with the law. In other words, people’s behavior, including criminal activity, is controlled by their attachment and commitment to conventional institutions, individuals, and processes. If that commitment is absent, they are free to violate the law and engage in deviant behavior. Those who are “uncommitted” are not deterred by the threat of legal punishments.¹¹⁶

Self-Concept and Crime

Early versions of control theory speculated that low self-control was a product of weak self-concept and poor self-esteem. Youths who felt good about themselves and maintained a positive attitude were able to resist the temptations of the streets. As early as 1951, sociologist Albert Reiss described how delinquents had weak egos and lacked the self-control to produce conforming behavior.¹¹⁷ Scott Briar and Irving Piliavin noted that youths who believe criminal activity will damage their self-image and their relationships

with others will be most likely to conform to social rules; they have a commitment to conformity. In contrast, those less concerned about their social standing are free to violate the law.¹¹⁸ In his **containment theory**, pioneering control theorist Walter Reckless argued that a strong self-image insulates a youth from the pressures and pulls of criminogenic influences in the environment.¹¹⁹ In a series of studies conducted within the school setting, Reckless and his colleagues found that nondelinquent youths are able to maintain a positive self-image in the face of environmental pressures toward delinquency.¹²⁰

How does self-concept influence delinquent and criminal behavior? To find out, read this article in InfoTrac College Edition: Kenneth St.C. Levy, "The Contribution of Self-Concept in the Etiology of Adolescent Delinquents," *Adolescence* 32 (1997): 671–686.

Sociologist Howard Kaplan believes youths with poor self-concepts are the ones most likely to engage in delinquent behavior; successful participation in criminality actually helps raise their self-esteem.¹²¹ Kaplan's self-enhancement theory suggests that adolescents structure their behavior to enhance their self-image and to minimize negative self-attitudes.

According to Kaplan, youth conform to social rules of society, seek membership in **normative groups** (for example, the high school "in-crowd"), and perform conventional tasks as long as their efforts pay off in positive, esteem-enhancing feedback. If they feel threatened, rebuked, or belittled, they may experience "self-rejection" (for example, "I feel I do not have much to be proud of"; "I feel useless at times"). Because of this rejection, they may then turn to deviant groups made up of youths who have been similarly rejected to meet their need for self-esteem. While conventional society may reject them, their new criminal friends give them positive feedback and support. To further enhance their new identity, they may engage in deviant behaviors.¹²² Youths who

maintain both the lowest self-image and the greatest need for approval are the ones most likely to seek self-enhancement by engaging in criminal activities. There is also evidence that perceptions of relative deprivation may produce the negative self-feelings imagined by Kaplan: Kids who perceive economic deprivation relative to their friends, neighbors, and the general population also develop negative self-feelings, which motivate antisocial behaviors.¹²³

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Kaplan's views help explain the deviance-producing effect of relative deprivation discussed in Chapter 6. Tying relative deprivation to self-concept helps to explain why some people, but not all, in disadvantaged areas are crime prone. It also suggests means to reduce crime rates: for example, by providing self-concept enhancing opportunities for relatively disadvantaged youth.

Hirschi's Social Bond Theory

Social bond theory (also called *social control theory*), articulated by Travis Hirschi in his 1969 book *Causes of Delinquency*, is now the dominant version of control theory.¹²⁴ Hirschi links the onset of criminality to the weakening of the ties that bind people to society. Hirschi assumes that all individuals are potential law violators, but they are kept under control because they fear that illegal behavior will damage their relationships with friends, parents, neighbors, teachers, and employers. Without these social ties or bonds, and in the absence of sensitivity to and interest in others, a person is free to commit criminal acts. Hirschi does not view society as containing competing subcultures with unique value systems. Most people are aware of the prevailing moral and legal code. He suggests, however, that in all elements of society people vary in how they respond to conventional social rules and values. Among all ethnic, religious, racial, and social groups, people whose bond to society is weak may fall prey to criminogenic behavior patterns.



Universal/The Kobal Collection/Zink, Vivian

In the three *American Pie* films, high school buddies Jim Levinstein (Jason Biggs), Chris "Oz" Ostreicher (Chris Klein), Kevin Myers (Thomas Ian Nicholas), Paul Finch (Eddie Kaye Thomas), and Steve Stiffler (Seann William Scott) scheme their way through various indescribable plots and escapades. Their friendship extends to the marriage of Jim and his high school girlfriend, Michelle Flaherty (Alyson Hannigan). While the boys may have had their share of adolescent escapades, Hirschi would argue that their attachment to one another and their commitment to the future were factors that helped them escape involvement in serious antisocial behaviors.

||||| CONNECTIONS |||||

Though his work has achieved a prominent place in criminological literature, Hirschi, along with Michael Gottfredson, has restructured his concept of control by integrating biosocial, psychological, and rational choice theory ideas into a “general theory of crime.” This theory is essentially developmental and integrated, and it will be discussed more fully in Chapter 9.

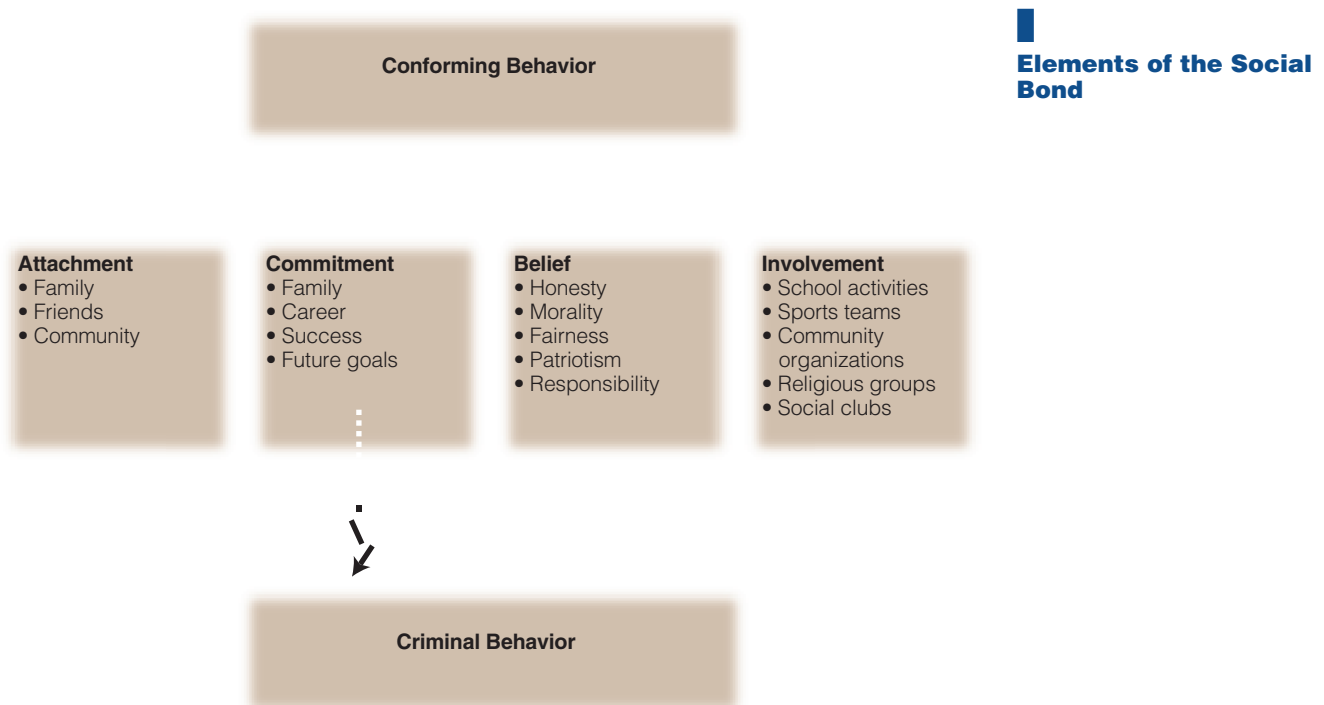
ELEMENTS OF THE SOCIAL BOND Hirschi argues that the **social bond** a person maintains with society is divided into four main elements: attachment, commitment, involvement, and belief (Figure 7.4).

- **Attachment:** Attachment refers to a person’s sensitivity to and interest in others.¹²⁵ Without a sense of attachment, psychologists believe a person becomes a psychopath and loses the ability to relate coherently to the world. The acceptance of social norms and the development of a social conscience depend on attachment to and caring for other human beings.

Hirschi views parents, peers, and schools as the important social institutions with which a person should maintain ties. Attachment to parents is the most important. Even if a family is shattered by divorce or separation, a child must retain a strong attachment to one or both parents. Without this attachment, it is unlikely that feelings of respect for others in authority will develop.

- **Commitment:** Commitment involves the time, energy, and effort expended in conventional lines of action, such as getting an education and saving money for the future. If people build a strong commitment to conventional society, they will be less likely to engage in acts that will jeopardize their hard-won position. Conversely, the lack of commitment to conventional values may foreshadow a condition in which risk-taking behavior, such as crime, becomes a reasonable behavior alternative.
- **Involvement:** Heavy involvement in conventional activities leaves little time for illegal behavior. When people become involved in school, recreation, and family, Hirschi believes it insulates them from the potential lure of criminal behavior, whereas idleness enhances it.
- **Belief:** People who live in the same social setting often share common moral beliefs; they may adhere to such values as sharing, sensitivity to the rights of others, and admiration for the legal code. If these beliefs are absent or weakened, individuals are more likely to participate in antisocial or illegal acts.

Hirschi further suggests that the interrelationship of social bond elements controls subsequent behavior. For example, people who feel kinship and sensitivity to parents and friends should be more likely to adopt and work toward legitimate goals. A person who rejects such social relationships is more likely to lack commitment to conventional goals. Similarly, people who are highly committed to conventional acts and beliefs are more likely to be involved in conventional activities.



TESTING SOCIAL BOND THEORY One of Hirschi's most significant contributions was his attempt to test the principal hypotheses of social bond theory. He administered a detailed self-report survey to a sample of more than 4,000 junior and senior high school students in Contra Costa County, California.¹²⁶ In a detailed analysis of the data, Hirschi found considerable evidence to support the control theory model. Among Hirschi's more important findings are the following:

- Youths who were strongly attached to their parents were less likely to commit criminal acts.
- Commitment to conventional values, such as striving to get a good education and refusing to drink alcohol and "cruise around," was indicative of conventional behavior.
- Youths involved in conventional activity, such as homework, were less likely to engage in criminal behavior.
- Youths involved in unconventional behavior, such as smoking and drinking, were more delinquency prone.
- Youths who maintained weak and distant relationships with people tended toward delinquency.
- Those who shunned unconventional acts were attached to their peers.
- Delinquents and nondelinquents shared similar beliefs about society.

SUPPORTING RESEARCH Hirschi's data lent important support to the validity of control theory. Even when the statistical significance of his findings was less than he expected, the direction of his research data was notably consistent. Only in very rare instances did his findings contradict the theory's most critical assumptions.

Hirschi's version of social control theory has been corroborated by numerous research studies showing that delinquent youth often feel detached from society.¹²⁷ Their relationships within the family, peer group, and school often appear strained, indicative of a weakened social bond.¹²⁸ Associations among indicators of lack of attachment, belief, commitment, and involvement with measures of delinquency have tended to be positive and significant.¹²⁹ In contrast, strong positive attachments help control delinquency.¹³⁰

- *Attachment:* Research indicates that, as Hirschi predicts, kids who are attached to their families, friends, and school are less likely to get involved in a deviant peer group and consequently less likely to engage in criminal activities.¹³¹ Teens who are attached to their parents are also able to develop the social skills that equip them both to maintain harmonious social ties and to escape life stresses such as school failure.¹³² In contrast, family detachment—including intrafamily conflict, abuse of children, and lack of affection,

supervision, and family pride—are predictive of delinquent conduct.¹³³

Attachment to education is equally important. Youths who are detached from the educational experience are at risk to criminality; those who are committed to school are less likely to engage in delinquent acts.¹³⁴ Youths who fail at school and are detached from the educational experience are at risk of criminality; those who seem attached to school are less likely to engage in delinquent acts.¹³⁵ In a recent study of adolescent motherhood, Trina Hope, Esther Wilder, and Toni-Terling Watt found important support for social control theory. They discovered that adolescent mothers did not have delinquency levels higher than those of their never-pregnant peers. They found that in contrast to adolescent females who end their pregnancies with an abortion, those who keep their babies reduce deviant activities such as smoking and marijuana use. The birth of a child serves as a mechanism of social control and reduces the likelihood of delinquent behavior. Attachment to a child, even during difficult circumstances, may produce the behavior change predicted by Hirschi.¹³⁶

- *Belief:* Other research efforts have shown that holding positive beliefs are inversely related to criminality. Children who are involved in religious activities and hold conventional religious beliefs are less likely to become involved in substance abuse.¹³⁷ Kids who live in areas marked by strong religious values and who hold strong religious beliefs themselves are less likely to engage in delinquent activities than adolescents who do not hold such beliefs or who live in less devout communities.¹³⁸
- *Commitment:* As predicted by Hirschi, kids who are committed to school and educational achievement are less likely to become involved in delinquent behaviors than those who lack such commitment.¹³⁹
- *Involvement:* Research shows that youths who are involved in conventional leisure activities, such as supervised social activities and noncompetitive sports, are less likely to engage in delinquency than those who are involved in unconventional leisure activities and unsupervised, peer-oriented social pursuits.¹⁴⁰ One study found that students who engage in a significant amount of extracurricular activities from 8th grade through 12th grade are more likely to experience high academic achievement and prosocial behaviors extending into young adulthood.¹⁴¹

Cross-national surveys have also supported the general findings of Hirschi's control theory.¹⁴² For example, one study of Canadian youth found that perceptions of parental attachment were the strongest predictor of delinquent or law-abiding behavior. Teens who are attached to their parents may develop the social skills that equip them both to

maintain harmonious social ties and to escape life stresses such as school failure.¹⁴³

OPPOSING VIEWS More than seventy published attempts have been made to corroborate social control theory by replicating Hirschi's original survey techniques.¹⁴⁴ There has been significant empirical support for Hirschi's work, but there are also those who question some or all of its elements. Here are some elements that have come under criticism and need further study.

- **Friendship:** One significant criticism concerns Hirschi's contention that delinquents are detached loners whose bond to their family and friends has been broken. Some critics have questioned whether delinquents (1) do have strained relations with family and peers and (2) whether they may be influenced by close relationships with deviant peers and family members. A number of research efforts do show that delinquents maintain relationships with deviant peers and are influenced by members of their deviant peer group.¹⁴⁵ Delinquents, however, may not be "lone wolves" whose only personal relationships are exploitive; their friendship patterns seem quite close to those of conventional youth.¹⁴⁶ In fact, some types of offenders, such as drug abusers, may maintain even more intimate relations with their peers than nonabusers.¹⁴⁷
- **Not all elements of the bond are equal:** Hirschi makes little distinction between the importance of each element of the social bond, yet research evidence suggests that there may be differences. Some adolescents who report high levels of "involvement," which Hirschi suggests should reduce delinquency, are involved in criminal behavior. As kids get involved in behaviors outside the home, it is possible that parental control weakens, and youths have greater opportunity to commit crime.¹⁴⁸ When asked, children report that concepts such as "involvement" and "belief" have relatively little influence over behavior patterns.¹⁴⁹
- **Deviant peers and parents:** Hirschi's conclusion that any form of social attachment is beneficial, even to deviant peers and parents, has also been disputed. Rather than deter delinquency attachment to deviant peers, it may support and nurture antisocial behavior. Though his classic study supported the basic principles of control theory, criminologist Michael Hindelang found that attachment to delinquent peers escalated rather than restricted criminality.¹⁵⁰ In a similar fashion, a number of research efforts have found that youths attached to drug-abusing parents are more likely to become drug users themselves.¹⁵¹ Attachment to deviant family members, peers, and associates may help motivate youths to commit crime and facilitate their antisocial acts.¹⁵²

- **Restricted in scope:** There is some question as to whether the theory can explain all modes of criminality (as Hirschi maintains) or is restricted to particular groups or forms of criminality. For example, control variables seem better able to explain minor delinquency (such as alcohol and marijuana abuse) than more serious criminal acts.¹⁵³ Research efforts have found control variables are more predictive of female than male behavior.¹⁵⁴ Perhaps girls are more deeply influenced by the quality of their bond to society.
- **Changing bonds:** Social bonds seem to change over time, a phenomenon ignored by Hirschi.¹⁵⁵ It is possible then that at one age level weak bonds (to parents) lead to delinquency, while at another strong bonds (to peers) lead to delinquency.
- **Crime and social bonds:** The most severe criticism of control theory has been leveled by sociologist Robert Agnew, who claims that Hirschi miscalculated the direction of the relationship between criminality and a weakened social bond.¹⁵⁶ Hirschi's theory projects that a weakened bond leads to delinquency, but Agnew suggests that the chain of events may flow in the opposite direction. In other words, perhaps kids who break the law find that their bond to parents, schools, and society eventually becomes weak and attenuated. Other studies have also found that criminal behavior weakens social bonds and not vice versa.¹⁵⁷

Although these criticisms need to be addressed with further research, the weight of existing empirical evidence supports control theory, and it has emerged as one of the preeminent theories in criminology.¹⁵⁸ For many criminologists, it is perhaps the most important way of understanding the onset of youthful misbehavior.



To quiz yourself on this material, go to the Criminology 9e website.



To read more about **Hirschi's work**, go to <http://home.comcast.net/~ddemelo/crime/hirschi.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

SOCIAL REACTION THEORY

Social reaction theory, commonly called labeling theory (the two terms are used interchangeably here), explains how criminal careers form based on destructive social interactions and encounters. Its roots are found in the **symbolic interaction theory** of sociologists Charles Horton Cooley and George Herbert Mead, and later, Herbert Blumer.¹⁵⁹ Symbolic interaction theory holds that people communicate

via symbols—gestures, signs, words, or images—that stand for or represent something else.

People interpret symbolic gestures from others and incorporate them in their self-image. Symbols are used by others to let people know how well they are doing and whether they are liked or appreciated. How people view reality then depends on the content of the messages and situations they encounter, the subjective interpretation of these interactions, and how they shape future behavior. There is no objective reality. People interpret the reactions of others, and this interpretation assigns meaning. Because interpretation changes over time, so do the meanings of concepts and symbols.

Social reaction theory picks up on these concepts of *interaction* and *interpretation*.¹⁶⁰ Throughout their lives, people are given a variety of symbolic labels and ways to interact with others. These labels represent behavior and attitude characteristics; labels help define not just one trait but the whole person. For example, people labeled insane are also assumed to be dangerous, dishonest, unstable, violent, strange, and otherwise unsound. Valued labels, including smart, honest, and hard-working, suggest overall competence. These labels can improve self-image and social standing. Research shows that people who are labeled with one positive trait, such as being physically attractive, are assumed to maintain other traits, such as being intelligent and competent.¹⁶¹ In contrast, negative labels—including troublemaker, mentally ill, and stupid—help stigmatize the recipients of these labels and reduce their self-image. Those who have accepted these labels are more prone to engage in delinquent behaviors than those whose self-image has not been so tarnished.¹⁶²

Both positive and negative labels involve subjective interpretation of behavior: A troublemaker is merely someone who people label as troublesome. There need not be any objective proof or measure indicating that the person is actually a troublemaker. Though a label may be a function of rumor, innuendo, or unfounded suspicion, its adverse impact can be immense.

If a devalued status is conferred by a significant other—teacher, police officer, elder, parent, or valued peer—the negative label may cause permanent harm. The degree to which a person is perceived as a social deviant may affect his or her treatment at home, at work, at school, and in other social situations. Children may find that their parents consider them a bad influence on younger brothers and sisters. School officials may limit them to classes reserved for people with behavioral problems. Likewise, when adults are labeled as criminal, ex-con, or drug addict, they may find their eligibility for employment severely restricted. Furthermore, if the label is bestowed as the result of conviction for a criminal offense, the labeled person may be subjected to official sanctions ranging from a mild reprimand to incarceration.

Beyond these immediate results, labeling advocates maintain that, depending on the visibility of the label and the manner and severity with which it is applied, a person will have an increasing commitment to a deviant career. As one

The Labeling Process



national commission put it: “Thereafter he may be watched; he may be suspect . . . he may be excluded more and more from legitimate opportunities.”¹⁶³ Labeled people may find themselves turning to others similarly stigmatized for support and companionship. Isolated from conventional society, they may identify themselves as members of an outcast group and become locked into a deviant career. Figure 7.5 illustrates this process.

Because the process of acquiring stigma is essentially interactive, labeling theorists blame criminal career formation on the social agencies originally designed for its control. Often mistrustful of institutions—such as police, courts, and correctional agencies—labeling advocates find it logical

that these institutions produce the stigma that is so harmful to the very people they are trying to help, treat, or correct. Rather than reduce deviant behavior, for which they were designed, such label-bestowing institutions actually help to maintain and amplify criminal behavior.



To check out **stigma impacts on the mentally ill**, go to <http://www.mentalhealthworks.ca/facts/sheets/stigma.asp>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Crime and Labeling Theory

Labeling theorists use an interactionist definition of crime. In a defining statement, sociologist Kai Erickson argues, “Deviance is not a property inherent in certain forms of behavior, it is a property conferred upon those forms by the audience which directly or indirectly witnesses them.”¹⁶⁴ Crime and deviance, therefore, are defined by the social audience’s reaction to people and their behavior and the subsequent effects of that reaction; they are not defined by the moral content of the illegal act itself.¹⁶⁵

In a famous statement, Becker sums up the importance of the audience’s reaction:

Social groups create deviance by making rules whose infractions constitute deviance, and 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 a person commits, but rather a consequence of the application by others of rules and sanctions to an “offender.” The deviant is one to whom the label has successfully been applied; deviant behavior is behavior that people so label.¹⁶⁶

In its purest form, social reaction theory argues that such crimes as murder, rape, and assault are only bad or evil because people label them as such. After all, the difference between an excusable act and a criminal one is often a matter of legal definition, which changes from place to place and from year to year. For example, acts such as abortion, marijuana use, possession of a handgun, and gambling have been legal at some points and places in history and illegal at others.

Howard Becker refers to people who create rules as *moral entrepreneurs*. An example of a moral entrepreneur today might be members of an ultra orthodox religious group who target the gay lifestyle and mount a campaign to prevent gays from adopting children or conducting same-sex marriages.¹⁶⁷

A social reaction theorist views crime as a subjective concept whose definition is totally dependent on the viewing audience. An act that is considered illegal and/or criminal to one person may be perfectly acceptable behavior to another. Because crime is defined by those in power, the shape of the criminal law is defined by the values of those who rule and not by an objective standard of moral conduct.

Differential Enforcement

An important principle of social reaction theory is that the law is differentially applied, benefiting those who hold economic and social power and penalizing the powerless. The probability of being brought under the control of legal authority is a function of a person’s race, wealth, gender, and social standing. A core concept of social reaction theory is that police officers are more likely to formally arrest males, minority group members, and those in the lower class and to use their discretionary powers to give beneficial treatment to more favored groups.¹⁶⁸ Minorities and the poor are more likely to be prosecuted for criminal offenses and to receive harsher punishments when convicted.¹⁶⁹ Judges may sympathize with white defendants and help them avoid criminal labels, especially if they seem to come from “good families,” whereas minority youth are not afforded that luxury.¹⁷⁰

This evidence is used to support the labeling concept that personal characteristics and social interactions are more important variables in developing criminal careers than merely violating the law. Social reaction theorists also argue that the content of the law reflects power relationships in society. They point to the evidence that white-collar crimes—economic crimes usually committed by members of the upper class—are most often punished by a relatively small fine and rarely result in a prison sentence. This treatment contrasts with long prison sentences given to those convicted of “street crimes,” such as burglary or car theft, which are the province of the lower, powerless classes.¹⁷¹

In sum, a major premise of social reaction theory is that the law is differentially constructed and applied, depending on the offenders. It favors the powerful members of society who direct its content and penalizes people whose actions represent a threat to those in control, such as minority group members and the poor who demand equal rights.¹⁷²

Becoming Labeled

Social reaction theory is not especially concerned with why people originally engage in acts that result in their being labeled.¹⁷³ Crime may be a result of greed, personality, social structure, learning, or control. Regardless of why they commit crime, the less personal power and resources a person has, the greater the chance he or she will become labeled. Race, class, and ethnic differences between those in power and those who are not influence the likelihood of labeling. For example, the poor or minority group teenager may run a greater chance of being officially processed for criminal acts by police, courts, and correctional agencies than the wealthy white youth. This helps to explain why there are significant racial and economic differences in the crime rate.

Not all labeled people have chosen to engage in label-producing activities, such as crime. Some negative labels are bestowed on people for behaviors over which they have little control. Negative labels of this sort include mentally ill and mentally deficient. In these categories, the probability of being labeled may depend on how visible that person is in the



The Scary Guy (his legal name) is covered from head to toe in tattoos. What do you think he is like? What are his personality traits? Would you want him to meet your family? Are you labeling him?

community, the tolerance of the community for unusual behavior, and the person's own power to combat labels.

Consequences of Labeling

Social reaction theorists are most concerned with two effects of labeling: the creation of **stigma** and the effect on self-image. Labels are believed to produce stigma. The labeled deviant becomes a social outcast who may be prevented from enjoying a higher education, well-paying jobs, and other social benefits. Such alienation leads to a low self-image.

Labeling theorists consider public condemnation an important part of the label-producing process. It may be accomplished in such ceremonies as a hearing, in which a person is found to be mentally ill, or a trial, in which an individual is convicted of a crime. A public record of the deviant acts, such as an arrest or conviction record, causes the denounced person to be ritually separated from the legitimate order and placed outside the world occupied by citizens of good standing. Harold Garfinkle has called transactions that produce irreversible, permanent labels “successful degradation ceremonies.”¹⁷⁴

||||| CONNECTIONS |||||

Fear of stigma has prompted efforts to reduce the impact of criminal labels through such programs as pretrial diversion and community treatment programs. In addition, some criminologists have called for noncoercive “peacemaking” solutions to interpersonal conflict. This peacemaking, or restorative justice movement, is reviewed in Chapter 8.

DIFFERENTIAL SOCIAL CONTROL According to the concept of **differential social control**, the process of labeling may produce a re-evaluation of the self, which reflects actual or perceived appraisals made by others. Kids who view themselves as delinquents after being labeled as such are giving an inner voice to their perceptions of how parents, teachers, peers, and neighbors view them. When they believe that others view them as antisocial or troublemakers, they take on attitudes and roles that reflect this assumption; they expect to become suspects and then to be rejected.¹⁷⁵ This process has been linked to delinquent behavior and other social problems including depression.¹⁷⁶

Tempering or enhancing the effect of this **reflective role taking** are informal and institutional social control processes. Families, schools, peers, and the social system can either help control children and dissuade them from crime or encourage and sustain deviance. When these groups are dysfunctional, such as when parents use drugs, they encourage, rather than control, antisocial behavior.¹⁷⁷

JOINING DEVIANT CLIQUES When children are labeled as deviant, they may join up with similarly outcast delinquent peers who facilitate their behavior. Eventually, antisocial behavior becomes habitual and automatic.¹⁷⁸ The desire to join deviant cliques and groups may stem from a self-rejecting attitude (“At times, I think I am no good at all”), which eventually results in a weakened commitment to conventional values and behaviors. In turn, these children may acquire motives to deviate from social norms. Facilitating this attitude and value transformation is the bond social outcasts form with similarly labeled peers in the form of a deviant subculture.¹⁷⁹

Membership in a deviant subculture often involves conforming to group norms that conflict with those of conventional society. Deviant behaviors that defy conventional values can serve a number of different purposes. Some acts are defiant, designed to show contempt for the source of the negative labels. Other acts are planned to distance the transgressor from further contact with the source of criticism (for example, an adolescent runs away from critical parents).¹⁸⁰

RETROSPECTIVE READING Beyond any immediate results, labels tend to redefine the whole person. For example, the label ex-con may create in people's imaginations a whole series of behavior descriptions—tough, mean, dangerous, aggressive, dishonest, sneaky—that a person who has been in prison may or may not possess. People begin to react to the label description and what it signifies instead of reacting to the actual behavior of the person who bears it. This is referred to as **retrospective reading**, a process in which the past of the labeled person is reviewed and re-evaluated to fit his or her current status. For example, boyhood friends of an assassin are interviewed by the media and report that the suspect was withdrawn, suspicious, and negativistic as a youth. By a retrospective reading, we can now understand what prompted his current behavior; therefore, the label must be accurate.¹⁸¹

DRAMATIZATION OF EVIL Labels become the basis of personal identity. As the negative feedback of law enforcement agencies, parents, friends, teachers, and other figures amplifies the force of the original label, stigmatized offenders may begin to re-evaluate their own identities. If they are not really evil or bad, they may ask themselves, why is everyone making such a fuss? Frank Tannenbaum, a social reaction theory pioneer, referred to this process as the **dramatization of evil**. With respect to the consequences of labeling delinquent behavior, Tannenbaum stated:

The process of making the criminal, therefore, is a process of tagging, defining, identifying, making conscious and self-conscious; it becomes a way of stimulating, suggesting and evoking the very traits that are complained of. If the theory of relation of response to stimulus has any meaning, the entire process of dealing with the young delinquent is mischievous insofar as it identifies him to himself or to the environment as a delinquent person. The person becomes the thing he is described as being.¹⁸²

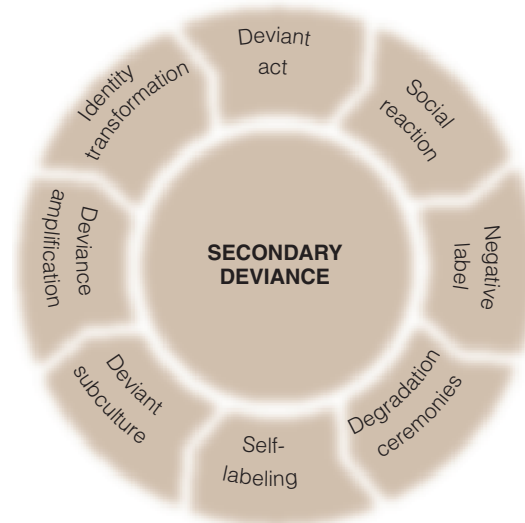
Primary and Secondary Deviance

One of the best-known views of the labeling process is Edwin Lemert's concept of primary deviance and secondary deviance.¹⁸³ According to Lemert, **primary deviance** involves norm violations or crimes that have very little influence on the actor and can be quickly forgotten. For example, a college student takes a "five-finger discount" at the campus bookstore. He successfully steals a textbook, uses it to get an A in a course, goes on to graduate, is admitted into law school, and later becomes a famous judge. Because his shoplifting goes unnoticed, it is a relatively unimportant event that has little bearing on his future life.

In contrast, **secondary deviance** occurs when a deviant event comes to the attention of significant others or social control agents who apply a negative label. The newly labeled offender then reorganizes his or her behavior and personality around the consequences of the deviant act. The shoplifting student is caught by a security guard and expelled from college. With his law school dreams dashed and his future cloudy, his options are limited; people who know him say he "lacks character," and he begins to share their opinion. He eventually becomes a drug dealer and winds up in prison (Figure 7.6).

Secondary deviance involves resocialization into a deviant role. The labeled person is transformed into one who, according to Lemert, "employs his behavior or a role based upon it as a means of defense, attack, or adjustment to the overt and covert problems created by the consequent social reaction to him."¹⁸⁴ Secondary deviance produces a deviance amplification effect. Offenders feel isolated from the mainstream of society and become firmly locked within their deviant role. They may seek out others similarly labeled to form deviant subcultures or groups. Ever more firmly enmeshed in their deviant role, they are locked into an escalating cycle of deviance, apprehension, more powerful labels, and identity transformation. Lemert's concept of secondary deviance

Primary and Secondary Deviance



expresses the core of social reaction theory: deviance is a process in which one's identity is transformed. Efforts to control the offenders, whether by treatment or punishment, simply help lock them in their deviant role.

Research on Social Reaction Theory


Research on social reaction theory can be classified into two distinct categories. The first focuses on the characteristics of offenders who are chosen for labels. The theory maintains that these offenders should be relatively powerless people who are unable to defend themselves against the negative labeling. The second type of research attempts to discover the effects of being labeled. Labeling theorists predict that people who are negatively labeled should view themselves as deviant and commit increasing amounts of criminal behavior.

WHO GETS LABELED? The poor and powerless people are victimized by the law and justice system; labels are not equally distributed across class and racial lines. Critics charge that although substantive and procedural laws govern almost every aspect of the American criminal justice system, discretionary decision making controls its operation at every level. From the police officer's decision on whom to arrest, to the prosecutor's decisions on whom to charge and for how many and what kind of charges, to the court's decision on whom to release or on whom to permit bail, to the grand jury's decision on indictment, to the judge's decision on the length of the sentence, discretion works to the detriment of minorities, including African Americans, Latinos, Asian Americans, and Native Americans.¹⁸⁵ Reviews indicate that race bias adversely influences decision making in many critical areas of the justice system.¹⁸⁶ There is also evidence that those in power try to streamline the labeling process by discounting or ignoring the "protestations of innocence" made by suspects accused of socially undesirable acts such as rape, sex crimes, and child abuse.¹⁸⁷

Although these arguments are persuasive, little definitive evidence exists that the justice system is inherently unfair and biased. Procedures such as arrest, prosecution, and sentencing seem to be more often based on legal factors, such as prior record and severity of the crime, than on personal characteristics, such as class and race.¹⁸⁸ However, it is possible that discriminatory practices in the labeling process are subtle and hidden. For example, in a thorough review of sentencing disparity, Samuel Walker, Cassia Spohn, and Miriam DeLone identify what they call **contextual discrimination**. This term refers to judges' practices in some jurisdictions of imposing harsher sentences on African Americans only in some instances, such as when they victimize whites and not other African Americans.¹⁸⁹ They may also be more likely to impose prison sentences on racial minorities in "borderline" cases for which whites get probation. According to their view, racism is very subtle and hard to detect, but it still exerts an influence in the distribution of criminal sanctions.

THE EFFECTS OF LABELING There is empirical evidence that negative labels actually have a dramatic influence on self-image and subsequent behavior. Considerable empirical evidence indicates that social sanctions lead to self-labeling and deviance amplification.¹⁹⁰

Family interaction can influence the labeling process. Children negatively labeled by their parents routinely suffer a variety of problems, including antisocial behavior and school failure.¹⁹¹ This process is important because once they are labeled troublemakers, adolescents begin to reassess their self-image. Parents who label their kids as troublemakers promote deviance amplification: Labeling causes parents to become alienated from their child; negative labels reduce a child's self-image and increase delinquency.¹⁹²

 To read more about the process of reflected appraisals and how it reflects gender differences, read: Dawn Jeglum Bartusch and Ross L. Matsueda, "Gender, Reflected Appraisals, and Labeling: A Cross-Group Test of an Interactionist Theory of Delinquency," *Social Forces* 75 (1996): 145–176.

As they mature, children are in danger of receiving repeat and intensive official labeling, which has been shown to produce self-labeling and damaged identities.¹⁹³ Kids labeled troublemakers in school are the ones most likely to drop out; dropping out has been linked to delinquent behavior.¹⁹⁴ Even as adults, the labeling process can take its toll. Male drug users labeled as addicts by social control agencies eventually become self-labeled and increase their drug use.¹⁹⁵ People arrested in domestic violence cases, especially those with a low "stake in conformity" (for example, jobless and unmarried), increase offending after being given official labels.¹⁹⁶ And once in prison, inmates labeled high risk are more likely to have disciplinary problems than those who are spared such negative labels.¹⁹⁷

LABELING AND CRIMINAL CAREERS Until recently, scant attention had been paid to the fact that stigma and negative

labels may be critical factors in a criminal career.¹⁹⁸ In fact, the very definition of a chronic offender is a person who has been arrested and therefore labeled multiple times over the course of his or her offending career.

Empirical evidence supports the fact that labeling plays an important role in persistent offending.¹⁹⁹ Maintaining a damaged identity after official labeling may, along with other negative social reactions from society, produce a "cumulative disadvantage," which provokes some adolescents into repeating their antisocial behaviors.²⁰⁰ Using longitudinal data obtained from youths ages 13 to 22, Jön Gunnar Bernburg and Marvin Krohn found evidence that, rather than deterring future offending, the "cumulative disadvantage" created by official intervention actually increases the probability that a labeled person will get involved in subsequent involvement in antisocial behavior. A label triggers exclusionary processes that limit conventional opportunities, such as educational attainment and employment. Kids who were labeled in adolescence were much more likely to engage in crime in early adulthood unless they were able to overcome labels and do well in school and obtain meaningful employment opportunities.²⁰¹

In sum, there is considerable evidence that people who are negatively labeled by parents, schools, and the criminal justice system are likely to partake in criminal behaviors. However, it is still unclear whether this outcome is actually a labeling effect or the product of some other personal and social factors that also caused the labeling to occur.

Is Labeling Theory Valid?

Labeling theory has been the subject of academic debate in criminological circles. Those who criticize it point to its inability to specify the conditions that must exist before an act or individual is labeled deviant; that is, why some people are labeled and others remain "secret deviants."²⁰² Critics also charge that social reaction theory fails to explain differences in crime rates; if crime is a function of stigma and labels, why are crime rates higher in some parts of the country at particular times of the year?²⁰³ Labeling also ignores the onset of deviant behavior (that is, it fails to ask why people commit the initial deviant act) and does not deal with the reasons delinquents and criminals decide to forgo a deviant career.²⁰⁴

In an in-depth analysis of research on the crime-producing effects of labels, criminologist Charles Tittle found little evidence that stigma produces crime.²⁰⁵ Tittle claims that many criminal careers occur without labeling; that labeling often comes after, rather than before, chronic offending; and that criminal careers may not follow even when labeling takes place. There is growing evidence that the onset of criminal careers occurs early in life and that those who go on to a "life of crime" are burdened with so many social, physical, and psychological problems that negative labeling may be a relatively insignificant event.²⁰⁶

LABELING REEXAMINED Criticisms of social reaction theory have reduced the importance of labeling in the criminological literature, but its use to explain crime and deviance

should not be dismissed. Criminologists Raymond Paternoster and Leeann Iovanni have identified some other features of the labeling perspective that are important contributions to the study of criminality:²⁰⁷

- The labeling perspective identifies the role played by social control agents in the process of crime causation. Criminal behavior cannot be fully understood if the agencies and individuals empowered to control and treat it are neglected.
- Labeling theory recognizes that criminality is not a disease or pathological behavior. It focuses attention on the social interactions and reactions that shape individuals and their behavior.
- Labeling theory distinguishes between criminal acts (primary deviance) and criminal careers (secondary deviance) and shows that these concepts must be interpreted and treated differently.

Labeling theory is also important because of its focus on interaction as well as the situations surrounding the crime. Rather than view the criminal as a robotlike creature whose actions are predetermined, it recognizes that crime is often the result of complex interactions and processes. The decision to commit crime involves actions of a variety of people including peers, the victim, the police, and other key characters. Labels may expedite crime because they guide the actions of all parties involved in these criminal interactions. Actions deemed innocent when performed by one person are considered provocative when someone who has been labeled as deviant engages in them. Similarly, labeled people may be quick to judge, take offense, or misinterpret behavior of others because of past experience.

Labeling theory is also supported by research showing that convicted criminals who are placed in treatment programs aimed at reconfiguring their self-image may be able to develop revamped identities and desist from crime. Some are able to go through “redemption rituals” in which they are able to cast off their damaged identities and develop new ones. As a result, they develop an improved “looking-glass self-concept,” which reflects the positive reinforcement they receive while in treatment.²⁰⁸ Finally, international data seems to support the impact of stigma on crime, a finding that suggests that the labeling process is universal.²⁰⁹



To quiz yourself on this material, go to the Criminology 9e website.

EVALUATING SOCIAL PROCESS THEORIES

The branches of social process theory—social learning, social control, and social reaction—are compatible because they suggest that criminal behavior is part of the socialization

process. Criminals are people whose interactions with critically important social institutions and processes—the family, schools, justice system, peer groups, employers, and neighbors—are troubled and disturbed. Though there is some disagreement about the relative importance of those influences and the form they take, there seems to be little question that social interactions shape the behavior, beliefs, values, and self-image of the offender. People who have learned deviant social values, find themselves detached from conventional social relationships, or are the subject of stigma and labels from significant others will be the most likely to fall prey to criminal behavior. These negative influences can affect people in all walks of life, beginning in their youth and continuing through their majority. The major strength of the social process view is the vast body of empirical data showing that delinquents and criminals are people who grew up in dysfunctional families, who had troubled childhoods, and who failed at school, at work, and in marriage. Prison data show that these characteristics are typical of inmates.

Although persuasive, these theories do not always account for the patterns and fluctuations in the crime rate. If social process theories are valid, for example, people in the West and South must be socialized differently from those in the Midwest and New England because these latter regions have much lower crime rates. How can the fact that crime rates are lower in October than in July be explained if crime is a function of learning or control? How can social processes explain why criminals escalate their activity or why they desist from crime as they age? Once a social bond is broken, how can it be “reattached”? Once crime is “learned,” how can it be “unlearned”?

Concept Summary 7.1 sets out the premises, strengths, and research focus of social process theories.



To quiz yourself on this material, go to the Criminology 9e website.

PUBLIC POLICY IMPLICATIONS OF SOCIAL PROCESS THEORY

Social process theories have had a major influence on policy-making since the 1950s. Learning theories have greatly influenced the way criminal offenders are dealt with and treated. The effect of these theories has mainly been felt by young offenders, who are viewed as being more salvageable than “hardened” criminals. If people become criminal by learning definitions and attitudes toward criminality, advocates of the social learning approach argue that they can “unlearn” them by being exposed to definitions toward conventional behavior. It is common today for residential and nonresidential programs to offer treatment programs that teach offenders about the harmfulness of drugs, to forgo delinquent behavior, and to stay in school. If learning did not affect behavior, such exercises would be futile.

Social Process Theories

Theory	Major Premise	Strengths	Research Focus
Social Learning Theories			
Differential association theory	People learn to commit crime from exposure to antisocial definitions.	Explains onset of criminality. Explains the presence of crime in all elements of social structure. Explains why some people in high-crime areas refrain from criminality. Can apply to adults and juveniles.	Measuring definitions toward crime; influence of deviant peers and parents
Differential reinforcement theory	Criminal behavior depends on the person's experiences with rewards for conventional behaviors and punishment for deviant ones. Being rewarded for deviance leads to crime.	Adds psychological learning theory principles to differential associational. Links sociological and psychological principles.	Differential reinforcement theory studies the cause of criminal activity. It considers how the content of socialization conditions crime.
Neutralization theory	Youths learn ways of neutralizing moral restraints and periodically drift in and out of criminal behavior patterns.	Explains why many delinquents do not become adult criminals. Explains why youthful law violators can participate in conventional behavior.	Do people who use neutralizations commit more crimes? Beliefs, values, and crime
Social Control Theory			
Hirschi's control theory	A person's bond to society prevents him or her from violating social rules. If the bond weakens, the person is free to commit crime.	Explains the onset of crime; can apply to both middle- and lower-class crime. Explains its theoretical constructs adequately so they can be measured. Has been empirically tested.	The association between commitment, attachment, involvement, belief, and crime
Social Reaction Theory			
Labeling theory	People enter into law-violating careers when they are labeled for their acts and organize their personalities around the labels.	Explains the role of society in creating deviance. Explains why some juvenile offenders do not become adult criminals. Develops concepts of criminal careers.	Self-concept and crime; differential application of labels; effect of stigma



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Head Start has been a highly successful program for many years. Here, children play outside of the Brown E. Moore Head Start Center in Shreveport, Louisiana. During the summer the Moore Head Start Center has a student body of 220 pre-school students. There may be some changes in the administration of Head Start. Louisiana is among eight states that could be involved in a proposed federal program that shifts the funding for Head Start to state control.

Head Start

Head Start is probably the best-known effort to help lower-class youths achieve proper socialization and, in so doing, reduce their potential for future criminality. Head Start programs were instituted in the 1960s as part of President Johnson's War on Poverty. In the beginning, Head Start was a 2-month summer program for children who were about to enter school that was aimed at embracing the "whole child." In embracing the whole child, the school offered comprehensive programming that helped improve physical health, enhance mental processes, and improve social and emotional development, self-image, and interpersonal relationships. Preschoolers were provided with an enriched educational environment to develop their learning and cognitive skills. They were given the opportunity to use pegs and pegboards, puzzles, toy animals, dolls, letters and numbers, and other materials that middle-class children take for granted. These opportunities provided the children a leg up in the educational process. The program is divided into four segments:

- **Education:** Head Start's educational program is designed to meet the needs of each child, the community served, and its ethnic and cultural characteristics. Every child receives a variety of learning experiences to foster intellectual, social, and emotional growth.

- **Health:** Head Start emphasizes the importance of the early identification of health problems. Every child is involved in a comprehensive health program, which includes immunizations; medical, dental, and mental health; and nutritional services.

- **Parent involvement:** An essential part of Head Start is the involvement of parents in parent education, program planning, and operating activities.

- **Social services:** Specific services are geared to each family including community outreach; referrals; family need assessments; recruitment and enrollment of children; and emergency assistance and/or crisis intervention.

Today, with annual funding of more than \$6.5 billion, the Head Start program is administered by the Head Start Bureau; the Administration on Children, Youth, and Families (ACYF); the Administration for Children and Families (ACF); and the Department of Health and Human Services (DHHS). Head Start teachers strive to provide a variety of learning experiences appropriate to the child's age and development. These experiences encourage the child to read books, to understand cultural diversity, to express feelings, and to play with and relate to peers in an appropriate fashion. Students are guided in developing gross and fine motor skills and self-confidence.

Healthcare is also an issue, and most children enrolled in the program receive comprehensive health screening, physical and dental examinations, and appropriate followup. Many programs provide meals, and in so doing help children receive proper nourishment.

Head Start programs now serve parents in addition to their preschoolers. Some programs allow parents to enroll in classes, which cover parenting, literacy, nutrition/weight loss, domestic violence prevention, and other social issues; social services, health, nutrition, and educational services are also available.

Considerable controversy has surrounded the success of the Head Start program. In 1970, the Westinghouse Learning Corporation issued an evaluation of the Head Start effort and concluded that there was no evidence of lasting cognitive gains on the part of the participating children. While disappointing, this evaluation focused on IQ levels and gave short shrift to improvement in social competence and other survival skills. More recent research has produced dramatically different results. One report found that, by age 5, children who experienced the enriched daycare offered by Head Start averaged more than 10 points higher on their IQ scores than their peers who did not participate in the program. Other research that carefully compared Head Start children to similar youngsters who did not attend

Control theories have also influenced criminal justice and other public policy. Programs have been developed to increase people's commitment to conventional lines of action. Some work at creating and strengthening bonds early in life before the onset of criminality. The educational system has been the scene of numerous programs designed to improve basic skills and create an atmosphere in which youths will develop a bond to their schools. The most famous of these efforts, the Head Start Program, is profiled in the Policy and Practice in Criminology feature.

Control theories have focused on the family and have played a key role in putting into operation programs designed to strengthen the bond between parent and child. Others attempt to repair bonds that have been broken and frayed. Examples of this approach are the career, work furlough, and educational opportunity programs being developed in the nation's prisons. These programs are designed to help inmates maintain a stake in society so they will be less willing to resort to criminal activity on their release.

the program found that the former made significant intellectual gains. Head Start children were less likely to have been retained in a grade or placed in classes for slow learners; they outperformed peers on achievement tests; and they were more likely to graduate from high school.

Head Start kids also made strides in nonacademic areas: They appear to have better health, immunization rates, nutrition, and enhanced emotional characteristics after leaving the program. Research also shows that the Head Start program can have important psychological benefits for the mothers of participants, such as decreasing depression and anxiety and increasing feelings of life satisfaction. The best available evidence suggests that:

- Head Start is associated with short-term gains in cognitive skills as well as longer-term gains in school completion, and even greater gains are possible if children receive good follow-up in the early grades.
- Head Start may be focused too heavily on social supports at the expense of language and literacy training.
- Although Head Start centers vary in quality, on average they are better than privately run childcare centers, have achieved short-term benefits, and would pay for themselves if they produced even a fraction of

the long-term benefits associated with model programs. For this reason, they merit some expansion and greater attention paid to their quality.

If, as many experts believe, there is a close link between school performance, family life, and crime, programs such as Head Start can help some potentially criminal youths avoid problems with the law. By implication, their success indicates that programs that help socialize youngsters can be used to combat urban criminality. While some problems have been identified in individual centers, the government has shown its faith in Head Start as a socialization agent. Head Start's mission is to help low-income children start school ready to learn by providing early childhood education, child development, comprehensive health, and social services.

Since 1965, local Head Start programs across the country have served more than 21 million children and built strong partnerships with parents and families. Table 7-A illustrates the size of this vast program:

Head Start, 2003	
Number of grantees	1,670
Number of classrooms	47,000
Number of centers	19,200
Average cost per child	\$7,092
Paid staff	206,000
Volunteers	1,372,000

Labeling theorists caution against too much intervention. Rather than ask social agencies to attempt to rehabilitate people having problems with the law, they argue, "less is better." Put another way, the more institutions try to "help" people, the more these people will be stigmatized and labeled. For example, a special education program designed to help problem readers may cause them to label themselves and others as slow or stupid. Similarly, a mental health rehabilitation program created with the best intentions may cause clients to be labeled as crazy or dangerous.

The influence of labeling theory can be viewed in the development of diversion and restitution programs. **Diversion programs** are designed to remove both juvenile and adult offenders from the normal channels of the criminal justice process by placing them in programs designed for rehabilitation. For example, a college student whose drunken driving causes injury to a pedestrian may, before a trial occurs, be placed for 6 months in an alcohol treatment program. If he successfully completes the program, charges against him will be dismissed. Thus, he avoids the stigma of a criminal

Critical Thinking

1. If crime were a matter of human traits, as some criminologists suggest, would a program such as Head Start help kids avoid criminal careers?
2. Are there any other types of programs that would help parents or children avoid involvement in drugs and/or crime?
3. Were you in Head Start? If so, did it help you attain your current academic success?

InfoTrac College Edition Research

To learn more about the Head Start program and its current status, use "Head Start" as a subject guide in InfoTrac College Edition.

Sources: Head Start statistics can be accessed at the Head Start bureau website: <http://www.acf.hhs.gov/programs/hsb/research/2004.htm>. Accessed August 1, 2004; Janet Currie, *A Fresh Start for Head Start?* (Washington, DC: Brookings Institute, March 2001); Statement by Wade F. Horn, Assistant Secretary for Children and Families, "Head Start and Child Care in the Context of Early Learning," before the House Committee on Appropriations, Subcommittee on Labor, Health, and Human Services, and Education, April 17, 2002; Edward Zigler and Sally Styfco, "Head Start, Criticisms in a Constructive Context," *American Psychologist* 49 (1994): 127–132; Nancy Kassebaum, "Head Start, Only the Best for America's Children," *American Psychologist* 49 (1994): 123–126; Faith Lamb Parker, Chaya Piorkowski, and Lenore Peay, "Head Start as Social Support for Mothers: The Psychological Benefits of Involvement," *American Journal of Orthopsychiatry* 57 (1987): 220–233.

label. Such programs are common throughout the nation. Often, they offer counseling; vocational, educational, and family services; and medical advice.

Another label-avoiding innovation that has gained popularity is restitution. Rather than face the stigma of a formal trial, an offender is asked to either pay back the victim of the crime for any loss incurred or do some useful work in the community in lieu of receiving a court-ordered sentence.

Despite their good intentions, stigma-reducing programs have not met with great success. Critics charge that

they substitute one kind of stigma for another—for instance, attending a mental health program in place of a criminal trial. In addition, diversion and restitution programs usually screen out violent offenders and repeat offenders. Finally, there is little hard evidence that the recidivism rate of people placed in alternative programs is less than that of people sent to traditional programs.



To quiz yourself on this material, go to the Criminology 9e website.

SUMMARY

- Social process theories view criminality as a function of people's interaction with various organizations, institutions, and processes in society.
- People in all walks of life have the potential to become criminals if they maintain destructive social relationships. Improper socialization is a key component of crime.
- Social process theories say that the way people are socialized controls their behavior choices, and there is strong evidence that social relations influence behavior.
- Children growing up with conflict, abuse, and neglect are at risk for crime and delinquency. As well, educational failure has been linked to criminality.
- Adolescents who associate with deviant peers are more likely to engage in crime than those who maintain conventional peer group relations. Kids who are socialized to have proper values and beliefs are less likely to get involved in crime than those without normative belief systems.
- Social process theory has three main branches: Social learning theory stresses that people learn how to commit crimes. Social control theory analyzes the failure of society to control criminal tendencies. Labeling theory maintains that negative labels produce criminal careers.
- Social learning theory suggests that people learn criminal behaviors much as they learn conventional behavior.
- Differential association theory, formulated by Sutherland, holds that criminality is a result of a person perceiving an excess of definitions in favor of crime over definitions that uphold conventional values.
- Differential reinforcement theory recasts differential association in terms of operant conditioning. It stresses reward and punishment.
- Sykes and Matza's theory of neutralization stresses that youths learn behavior rationalizations that enable them to overcome societal values and norms and break the law.
- Social control theories maintain that behavior is a function of the attachment that people feel toward society. People who have a weak commitment to conformity are free to commit crime. Control theory maintains that all people have the potential to become criminals, but their bonds to conventional society prevent them from violating the law. This view suggests that a person's self-concept aids his or her commitment to conventional action. A strong self-image may insulate people from crime.
- Hirschi's social control theory describes the social bond as containing elements of attachment, commitment, involvement, and belief. Weakened bonds allow youths to behave antisocially.
- Social reaction or labeling theory holds that criminality is promoted by becoming negatively labeled by significant others. Such labels as criminal, ex-con, and junkie isolate people from society and lock them into lives of crime.
- Labels create expectations that the labeled person will act in a certain way; labeled people are always watched and suspected. Eventually these people begin to accept their labels as personal identities, locking them further into lives of crime and deviance.
- Lemert suggests that people who accept labels are involved in secondary deviance while primary deviants are able to maintain an undamaged identity.
- Some critics have charged that labeling theory lacks credibility as a description of crime causation. However, supporters reply that it helps explain the continuity of crime and the maintenance of a criminal career.
- Social process theories have greatly influenced social policy. They have controlled treatment orientations as well as community action policies.

Thinking Like a Criminologist

As a criminologist, you have been asked by the governor to help her deal with the state's emerging gang problem. The head of the state police views the gang problem as part of a criminal conspiracy designed to provide profits for highly motivated young criminals. Kids turn to gangs, he argues, as a method of obtaining desired goods and services, either directly through theft and extortion or indirectly through the profits generated by drug dealing and weapons sales. He argues that the best method to control this rational choice is to increase police

gang control units and pass legislation heavily penalizing gang activity.

As a social process theorist, you believe the gang is a refuge for young men and women who have learned criminal attitudes and behaviors at home. Many have weak ties to their parents and families. Many do poorly in school. You are aware of research that shows that significant numbers of gang members have been sexually abused at home and that their homes are very likely to include drug users and people arrested for crimes. Considering these data, you

believe joining a gang can be an assertion of independence not only from the family but also from cultural and class constraints; the gang is a substitute institution that can provide meaning and identity.

If gang control is the objective, what programs would you suggest the governor implement? Do you believe a "get tough" program could actually work, or may it backfire? How would you convince the governor that your ideas are valid and worthwhile?

Doing Research on the Web

Before you tackle the question above, go to InfoTrac College Edition and read the following two articles in order to gain insight on gang life and culture: L. Thomas Winfree, Jr., Frances Bernat, and Finn-Aage Esbensen, "Hispanic and Anglo Gang Membership in Two Southwest-

ern Cities," *Social Science Journal* 38 (2001): 105–118; John M. Hagedorn, Jose Torres, and Greg Giglio, "Cocaine, Kicks, and Strain: Patterns of Substance Use in Milwaukee Gangs," *Contemporary Drug Problems* 25 (spring 1998): 113–145.

For a general overview of gangs in America, see <http://www.ncjrs.org/pdffiles/167249.pdf> and the National Youth Gang Center, www.iir.com/nygc/faq.htm#.

KEY TERMS

social process theory (218)
social learning theory (225)
social control theory (225)
social reaction theory (225)
labeling theory (225)
differential association theory (226)
differential reinforcement theory (229)
direct conditioning (229)
differential reinforcement (229)
negative reinforcement (229)

neutralization theory (230)
subterranean values (230)
drift (230)
self-control (232)
commitment to conformity (232)
containment theory (233)
normative groups (233)
social bond (234)
symbolic interaction theory (236)
stigma (239)

differential social control (239)
reflective role taking (239)
retrospective reading (239)
dramatization of evil (240)
primary deviance (240)
secondary deviance (240)
contextual discrimination (241)
diversion programs (245)

CRITICAL THINKING QUESTIONS

1. Do negative labels cause crime? Or do people who commit crime become negatively labeled? That is, are labels a cause of crime or a result?
2. Once weakened, can a person's bonds to society become reattached? What social processes might help reattachment?
3. Can you devise a test of Sutherland's differential association theory? How would you go about measuring an excess of definitions toward criminality?
4. Can you think of ways you may have supported your peers' or siblings' antisocial behavior by helping them learn criminal techniques or attitudes?
5. Do you recall neutralizing any guilt you might have felt for committing a criminal or illegal act? Did your neutralizations come before or after you committed the act in question?

1. Smith et al. v. Doe et al. No. 01—729. Decided March 5, 2003.
2. Alan Lizotte, Terence Thornberry, Marvin Krohn, Deborah Chard-Wierschem, and David McDowall, "Neighborhood Context and Delinquency: A Longitudinal Analysis," in *Cross-National Longitudinal Research on Human Development and Criminal Behavior*, eds. E. M. Weitekamp and H. J. Kerner (Netherlands: Kluwer, 1994), pp. 217–227.
3. Charles Tittle and Robert Meier, "Specifying the SES/Delinquency Relationship," *Criminology* 28 (1990): 271–299, at 274.
4. Sheldon Glueck and Eleanor Glueck, *Unraveling Juvenile Delinquency* (Cambridge, MA: Harvard University Press, 1950); Ashley Weeks, "Predicting Juvenile Delinquency," *American Sociological Review* 8 (1943): 40–46.
5. Denise Kandel, "The Parental and Peer Contexts of Adolescent Deviance: An Algebra of Interpersonal Influences," *Journal of Drug Issues* 26 (1996): 289–315; Ann Goetting, "The Parenting Crime Connection," *Journal of Primary Prevention* 14 (1994): 167–184.
6. Joseph Weis, Katherine Worsley, and Carol Zeiss, "The Family and Delinquency: Organizing the Conceptual Chaos." Monograph. (Seattle: Center for Law and Justice, University of Washington, 1982).
7. Susan Stern and Carolyn Smith, "Family Processes and Delinquency in an Ecological Context," *Social Service Review* 37 (1995): 707–731.
8. *Families with Children under 18 by Type: 1995 to 2010*, Series 1, 2, and 3 (Washington, DC: U.S. Bureau of the Census, 1996).
9. Jukka Savolainen, "Relative Cohort Size and Age-Specific Arrest Rates: A Conditional Interpretation of the Easterlin Effect," *Criminology* 38 (2000): 117–136.
10. Lawrence Rosen and Kathleen Neilson, "Broken Homes," in *Contemporary Criminology*, eds. Leonard Savitz and Norman Johnston (New York: Wiley, 1982), pp. 126–132.
11. Cesar Rebellon, "Reconsidering the Broken Homes/Delinquency Relationship and Exploring Its Mediating Factors," *Criminology* 40 (2002): 103–136.
12. L. Edward Wells and Joseph Rankin, "Families and Delinquency: A Meta-Analysis of the Impact of Broken Homes," *Social Problems* 38 (1991): 71–90.
13. Nan Marie Astone and Sara McLanahan, "Family Structure, Parental Practices, and High School Completion," *American Sociological Review* 56 (1991): 309–320.
14. Mary Pat Traxler, "The Influence of the Father and Alternative Male Role Models on African-American Boys' Involvement in Antisocial Behavior." Paper presented at the annual meeting of the American Society of Criminology, New Orleans, November 1992.
15. Jennifer Beyers, John Bates, Gregory Pettit, and Kenneth Dodge, "Neighborhood Structure, Parenting Processes, and the Development of Youths' Externalizing Behaviors: A Multilevel Analysis," *American Journal of Community Psychology* 31 (2003): 35–53.
16. Paul Amato and Bruce Keith, "Parental Divorce and the Well-Being of Children: A Meta-Analysis," *Psychological Bulletin* 110 (1991): 26–46.
17. Joseph Rankin and L. Edward Wells, "The Effect of Parental Attachments and Direct Controls on Delinquency," *Journal of Research in Crime and Delinquency* 27 (1990): 140–165.
18. John Paul Wright and Francis Cullen, "Parental Efficacy and Delinquent Behavior: Do Control and Support Matter?" *Criminology* 39 (2001): 677–706.
19. Carter Hay, "Parenting, Self-Control, and Delinquency: A Test of Self-Control Theory," *Criminology* 39 (2001): 707–736.
20. Robert Vermeiren, Jef Bogaerts, Vladislav Ruchkin, Dirk Deboutte, and Mary Schwab-Stone, "Subtypes of Self-Esteem and Self-Concept in Adolescent Violent and Property Offenders," *Journal of Child Psychology and Psychiatry* 45 (2004): 405–411.
21. Robert Roberts and Vern Bengtson, "Affective Ties to Parents in Early Adulthood and Self-Esteem across 20 Years," *Social Psychology Quarterly* 59 (1996): 96–106.
22. Robert Johnson, S. Susan Su, Dean Gerstein, Hee-Choon Shin, and John Hoffman, "Parental Influences on Deviant Behavior in Early Adolescence: A Logistic Response Analysis of Age- and Gender-Differentiated Effects," *Journal of Quantitative Criminology* 11 (1995): 167–192.
23. Judith Brook and Li-Jng Tseng, "Influences of Parental Drug Use, Personality, and Child Rearing on the Toddler's Anger and Negativity," *Genetic, Social and General Psychology Monographs* 122 (1996): 107–128.
24. Thomas Ashby Wills, Donato Vaccaro, Grace McNamara, and A. Elizabeth Hirky, "Escalated Substance Use: A Longitudinal Grouping Analysis from Early to Middle Adolescence," *Journal of Abnormal Psychology* 105 (1996): 166–180.
25. John Laub and Robert Sampson, "Unraveling Families and Delinquency: A Reanalysis of the Gluecks' Data," *Criminology* 26 (1988): 355–380.
26. Richard Famularo, Karen Stone, Richard Barnum, and Robert Wharton, "Alcoholism and Severe Child Maltreatment," *American Journal of Orthopsychiatry* 56 (1987): 481–485; Richard Gelles, "Child Abuse and Violence in Single-Parent Families: Parent Absence and Economic Deprivation," *American Journal of Orthopsychiatry* 59 (1989): 492–501; Cecil Willis and Richard Wells, "The Police and Child Abuse: An Analysis of Police Decisions to Report Illegal Behavior," *Criminology* 26 (1988): 695–716; Carolyn Webster-Stratton, "Comparison of Abusive and Nonabusive Families with Conduct-Disordered Children," *American Journal of Orthopsychiatry* 55 (1985): 59–69.
27. Fred Rogosch and Dante Cicchetti, "Child Maltreatment and Emergent Personality Organization: Perspectives from the Five-Factor Model," *Journal of Abnormal Child Psychology* 32 (2004): 123–145.
28. Carolyn Smith and Terence Thornberry, "The Relationship between Childhood Maltreatment and Adolescent Involvement in Delinquency," *Criminology* 33 (1995): 451–479.
29. Eric Slade and Lawrence Wissow, "Spanking in Early Childhood and Later Behavior Problems: A Prospective Study of Infants and Young Toddlers," *Pediatrics* 113 (2004): 1,321–1,330.

30. Murray A. Straus, "Spanking and the Making of a Violent Society: The Short- and Long-Term Consequences of Corporal Punishment," *Pediatrics* 98 (1996): 837–843.
31. Ibid.
32. Lening Zhang and Steven Messner, "Family Deviance and Delinquency in China," *Criminology* 33 (1995): 359–387.
33. *The Forgotten Half: Pathways to Success for America's Youth and Young Families* (Washington, DC: William T. Grant Foundation, 1988); Lee Jussim, "Teacher Expectations: Self-Fulfilling Prophecies, Perceptual Biases, and Accuracy," *Journal of Personality and Social Psychology* 57 (1989): 469–480.
34. Eugene Maguin and Rolf Loeber, "Academic Performance and Delinquency," in *Crime and Justice: A Review of Research*, vol. 20, ed. Michael Tonry (Chicago: University of Chicago Press, 1996), pp. 145–264.
35. Jeannie Oakes, *Keeping Track, How Schools Structure Inequality* (New Haven, CT: Yale University Press, 1985).
36. Christopher B. Swanson, *Who Graduates? Who Doesn't? A Statistical Portrait of Public High School Graduation, Class of 2001* (Washington, DC: Urban Institute, 2004).
37. G. Roger Jarjoura, "Does Dropping Out of School Enhance Delinquent Involvement? Results from a Large-Scale National Probability Sample," *Criminology* 31 (1993): 149–172; Terence Thornberry, Melaine Moore, and R. L. Christenson, "The Effect of Dropping Out of High School on Subsequent Criminal Behavior," *Criminology* 23 (1985): 3–18.
38. Carolyn Smith, Alan Lizotte, Terence Thornberry, and Marvin Krohn, *Resilient Youth: Identifying Factors that Prevent High-Risk Youth from Engaging in Delinquency and Drug Use* (Albany, NY: Rochester Youth Development Study, 1994), pp. 19–21.
39. Catherine Dulmus, Matthew Theriot, Karen Sowers, and James Blackburn, "Student Reports of Peer Bullying Victimization in a Rural School," *Stress, Trauma & Crisis: An International Journal* 7 (2004): 1–15;
40. Tonja Nansel, Mary Overpeck, and Ramani Pilla, "Bullying Behaviors among U.S. Youth: Prevalence and Association with Psychosocial Adjustment," *Journal of the American Medical Association* 285 (2001): 2,094–3,100.
41. Jill DeVoe, Katharin Peter, Sally Ruddy, Amanda Miller, Mike Planty, Thomas Snyder, and Michael Rand, *Indicators of School Crime and Safety, 2003* (Washington, DC: U.S. Department of Education and Bureau of Justice Statistics, 2004).
42. Ben Brown and William Reed Benedict, "Bullets, Blades, and Being Afraid in Hispanic High Schools: An Exploratory Study of the Presence of Weapons and Fear of Weapon-Associated Victimization among High School Students in a Border Town," *Crime and Delinquency* 50 (2004): 372–395.
43. Irving Janis, *Groupthink: Psychological Studies of Policy Decisions and Fiascoes* (Boston: Houghton Mifflin, 1982).
44. Zhang and Messner, "Family Deviance and Delinquency in China."
45. Thomas Berndt, "The Features and Effects of Friendships in Early Adolescence," *Child Development* 53 (1982): 1,447–1,469; Thomas Berndt and T. B. Perry, "Children's Perceptions of Friendships as Supportive Relationships," *Developmental Psychology* 22 (1986): 640–648; Spencer Rathus, *Understanding Child Development* (New York: Holt, Rinehart & Winston, 1988), p. 462.
46. Isabela Granic and Thomas Dishion, "Deviant Talk in Adolescent Friendships: A Step toward Measuring a Pathogenic Attractor Process," *Social Development* 12 (2003): 314–334.
47. Peggy Giordano, "The Wider Circle of Friends in Adolescence," *American Journal of Sociology* 101 (1995): 661–697.
48. Delbert Elliott, David Huizinga, and Suzanne Ageton, *Explaining Delinquency and Drug Use* (Beverly Hills: Sage, 1985); Helene Raskin White, Robert Padina, and Randy LaGrange, "Longitudinal Predictors of Serious Substance Use and Delinquency," *Criminology* 6 (1987): 715–740.
49. See, generally, John Hagedorn, *People and Folks: Gangs, Crime and the Underclass in a Rustbelt City* (Chicago: Lakeview Press, 1988).
50. This section is adapted from Gail Wasserman, Kate Keenan, Richard Tremblay, John Coie, Todd Herrenkohl, Rolf Loeber, and David Petechuk, "Risk and Protective Factors of Child Delinquency," *Child Delinquency Bulletin Series* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2003).
51. John Paul Wright and Francis Cullen, "Employment, Peers, and Life-Course Transitions," *Justice Quarterly* 21 (2004): 183–205.
52. Robert Agnew and Timothy Brezina, "Relational Problems with Peers, Gender, and Delinquency," *Youth and Society* 29 (1997): 84–111.
53. Kate Keenan, Rolf Loeber, Quanwu Zhang, Magda Stouthamer-Loeber, and Welmoet Van Kammen, "The Influence of Deviant Peers on the Development of Boys' Disruptive and Delinquent Behavior: A Temporal Analysis," *Development and Psychopathology* 7 (1995): 715–726.
54. John Cole, Robert Terry, Shari-Miller Johnson, and John Lochman, "Longitudinal Effects of Deviant Peer Groups on Criminal Offending in Late Adolescence." Paper presented at the American Society of Criminology meeting, Boston, November 1995.
55. Terence Thornberry and Marvin Krohn, "Peers, Drug Use, and Delinquency," in *Handbook of Antisocial Behavior*, eds. David Stoff, James Breiling, and Jack Maser (New York: Wiley, 1997), pp. 218–233; Thomas Dishion, Deborah Capaldi, Kathleen Spracklen, and Fuzhong Li, "Peer Ecology of Male Adolescent Drug Use," *Development and Psychopathology* 7 (1995): 803–824.
56. Sylvie Mrug, Betsy Hoza, and William Bukowski, "Choosing or Being Chosen by Aggressive-Disruptive Peers: Do They Contribute to Children's Externalizing and Internalizing Problems?" *Journal of Abnormal Child Psychology* 32 (2004): 53–66.
57. Mark Warr, "Age, Peers, and Delinquency," *Criminology* 31 (1993): 17–40.
58. Sara Battin, Karl Hill, Robert Abbott, Richard Catalano, and J. David Hawkins, "The Contribution of Gang Membership to Delinquency beyond Delinquent Friends," *Criminology* 36 (1998): 93–116.
59. Mark Warr, "Life-Course Transitions and Desistance from Crime," *Criminology* 36 (1998): 502–536.
60. Stephen W. Baron, "Self-Control, Social Consequences, and Criminal Behavior: Street Youth and the General Theory of Crime," *Journal of Research in Crime and Delinquency* 40 (2003): 403–425.

61. Daneen Deptula and Robert Cohen, "Aggressive, Rejected, and Delinquent Children and Adolescents: A Comparison of Their Friendships," *Aggression and Violent Behavior* 9 (2004): 75–104.
62. Scott Menard, "Demographic and Theoretical Variables in the Age-Period Cohort Analysis of Illegal Behavior," *Journal of Research in Crime and Delinquency* 29 (1992): 178–199.
63. Patrick Jackson, "Theories and Findings about Youth Gangs," *Criminal Justice Abstracts* (June 1989): 313–327.
64. Marvin Krohn and Terence Thornberry, "Network Theory: A Model for Understanding Drug Abuse among African-American and Hispanic Youth," in *Drug Abuse among Minority Youth: Advances in Research and Methodology*, eds. Mario De La Rosa and Juan-Luis Recio Adrados (Washington, DC: U.S. Department of Health and Human Services, 1993).
65. D. Wayne Osgood, Janet Wilson, Patrick O'Malley, Jerald Bachman, and Lloyd Johnston, "Routine Activities and Individual Deviant Behavior," *American Sociological Review* 61 (1996): 635–655.
66. Mark Warr, "Age, Peers, and Delinquency," *Criminology* 31 (1993): 17–40.
67. Mark Warr, "Organization and Instigation in Delinquent Groups," *Criminology* 34 (1996): 11–35.
68. Sara Battin, Karl Hill, Robert Abbott, Richard Catalano, and J. David Hawkins, "The Contribution of Gang Membership to Delinquency beyond Delinquent Friends," *Criminology* 36 (1998): 93–116.
69. Terence Thornberry, Alan Lizotte, Marvin Krohn, Margaret Farnworth, and Sung Joon Jang, "Delinquent Peers, Beliefs, and Delinquent Behavior: A Longitudinal Test of Interactional Theory." Working paper no. 6, rev. (Albany, NY: Rochester Youth Development Study, Hindelang Criminal Justice Research Center, 1992), pp. 8–30.
70. Warr, "Age, Peers and Delinquency."
71. Travis Hirschi and Rodney Stark, "Hellfire and Delinquency," *Social Problems* 17 (1969): 202–213.
72. Colin Baier and Bradley Wright, "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 (2001): 3–21; Byron Johnson, Sung Joon Jang, David Larson, and Spencer De Li, "Does Adolescent Religious Commitment Matter? A Reexamination of the Effects of Religiosity on Delinquency," *Journal of Research in Crime and Delinquency* 38 (2001): 22–44.
73. Sung Joon Jang and Byron Johnson, "Neighborhood Disorder, Individual Religiosity, and Adolescent Use of Illicit Drugs: A Test of Multilevel Hypothesis," *Criminology* 39 (2001): 109–144.
74. T. David Evans, Francis Cullen, R. Gregory Dunaway, and Velmer Burton, Jr., "Religion and Crime Reexamined: The Impact of Religion, Secular Controls, and Social Ecology on Adult Criminality," *Criminology* 33 (1995): 195–224.
75. Lee Ellis and James Patterson, "Crime and Religion: An International Comparison among Thirteen Industrial Nations," *Personal Individual Differences* 20 (1996): 761–768.
76. Walter Miller, *Violence by Youth Gangs and Youth Groups as a Crime Problem in Major American Cities* (Washington, DC: U.S. Government Printing Office, 1975).
77. Edwin H. Sutherland, *Principles of Criminology* (Philadelphia: Lippincott, 1939).
78. See, for example, Edwin Sutherland, "White-Collar Criminality," *American Sociological Review* 5 (1940): 2–10.
79. See Edwin Sutherland and Donald Cressey, *Criminology*, 8th ed. (Philadelphia: Lippincott, 1970), pp. 77–79.
80. Sandra Brown, Vicki Creamer, and Barbara Stetson, "Adolescent Alcohol Expectancies in Relation to Personal and Parental Drinking Patterns," *Journal of Abnormal Psychology* 96 (1987): 117–121.
81. Ibid.
82. Matthew Ploeger, "Youth Employment and Delinquency: Reconsidering A Problematic Relationship," *Criminology* 35 (1997): 659–675.
83. Paul Vowell and Jieming Chen, "Predicting Academic Misconduct: A Comparative Test of Four Sociological Explanations," *Sociological Inquiry* 74 (2004): 226–249.
84. James Short, "Differential Association as a Hypothesis: Problems of Empirical Testing," *Social Problems* 8 (1960): 14–25.
85. Andy Hochstetler, Heith Copes, and Matt DeLisi, "Differential Association in Group and Solo Offending," *Journal of Criminal Justice* 30 (2002): 559–566.
86. Warr, "Age, Peers, and Delinquency."
87. Clayton Hartjen and S. Priyadarsini, "Gender, Peers, and Delinquency," *Youth and Society* 34 (2003): 387–414.
88. Denise Kandel and Mark Davies, "Friendship Networks, Intimacy, and Illicit Drug Use in Young Adulthood: A Comparison of Two Competing Theories," *Criminology* 29 (1991): 441–467.
89. Kenneth Tunnell, "Inside the Drug Trade: Trafficking from the Dealer's Perspective," *Qualitative Sociology* 16 (1993): 361–381, at 367.
90. Krohn and Thornberry, "Network Theory," pp. 123–124.
91. Daniel Mears, Matthew Ploeger, and Mark Warr, "Explaining the Gender Gap in Delinquency: Peer Influence and Moral Evaluations of Behavior," *Journal of Research in Crime and Delinquency* 35 (1998): 251–266.
92. Ronald Akers, "Is Differential Association/Social Learning Cultural Deviance Theory," *Criminology* 34 (1996): 229–247; for an opposing view, see Travis Hirschi, "Theory without Ideas: Reply to Akers," *Criminology* 34 (1996): 249–256.
93. Robert Burgess and Ronald Akers, "A Differential Association–Reinforcement Theory of Criminal Behavior," *Social Problems* 14 (1966): 128–147.
94. Ronald Akers, *Deviant Behavior: A Social Learning Approach*, 2nd ed. (Belmont, CA: Wadsworth, 1977).
95. Ronald Akers, Marvin Krohn, Lonn Lanza-Kaduce, and Marcia Radosevich, "Social Learning and Deviant Behavior: A Specific Test of a General Theory," *American Sociological Review* 44 (1979): 638.
96. Ibid.
97. Marvin Krohn, William Skinner, James Massey, and Ronald Akers, "Social Learning Theory and Adolescent Cigarette Smoking: A Longitudinal Study," *Social Problems* 32 (1985): 455–471.
98. L. Thomas Winfree, Christine Sellers, and Dennis L. Clason, "Social Learning and Adolescent Deviance Abstention: Toward Understanding the Reasons for Initiating, Quitting, and Avoiding Drugs," *Journal of Quantitative Criminology* 9 (1993): 101–125.

99. Ronald Akers and Gang Lee, "A Longitudinal Test of Social Learning Theory: Adolescent Smoking," *Journal of Drug Issues* 26 (1996): 317–343.
100. Gary Jensen and David Brownfield, "Parents and Drugs," *Criminology* 21 (1983): 543–554.
101. Ronald Akers, "Rational Choice, Deterrence and Social Learning Theory in Criminology: The Path Not Taken," *Journal of Criminal Law and Criminology* 81 (1990): 653–676.
102. Gresham Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review* 22 (1957): 664–670; David Matza, *Delinquency and Drift* (New York: Wiley, 1964).
103. Matza, *Delinquency and Drift*, p. 51.
104. Sykes and Matza, "Techniques of Neutralization," pp. 664–670; see also David Matza, "Subterranean Traditions of Youths," *Annals of the American Academy of Political and Social Science* 378 (1961): 116.
105. Sykes and Matza, "Techniques of Neutralization," pp. 664–670.
106. Ibid.
107. Ian Shields and George Whitehall, "Neutralization and Delinquency among Teenagers," *Criminal Justice and Behavior* 21 (1994): 223–235; Robert A. Ball, "An Empirical Exploration of Neutralization Theory," *Criminologica* 4 (1966): 22–32. See also M. William Minor, "The Neutralization of Criminal Offense," *Criminology* 18 (1980): 103–120; Robert Gordon, James Short, Desmond Cartwright, and Fred Strodtbeck, "Values and Gang Delinquency: A Study of Street Corner Groups," *American Journal of Sociology* 69 (1963): 109–128.
108. Michael Hindelang, "The Commitment of Delinquents to Their Misdeeds: Do Delinquents Drift?" *Social Problems* 17 (1970): 500–509; Robert Regoli and Eric Poole, "The Commitment of Delinquents to Their Misdeeds: A Reexamination," *Journal of Criminal Justice* 6 (1978): 261–269.
109. Larry Siegel, Spencer Ratus, and Carol Ruppert, "Values and Delinquent Youth: An Empirical Reexamination of Theories of Delinquency," *British Journal of Criminology* 13 (1973): 237–244.
110. Robert Agnew, "The Techniques of Neutralization and Violence," *Criminology* 32 (1994): 555–580.
111. Jeffrey Fagan, "Adolescent Violence: A View from the Street," *NIJ Research Preview* (Washington, DC: National Institute of Justice, 1998).
112. John Hamlin, "Misplaced Role of Rational Choice in Neutralization Theory," *Criminology* 26 (1988): 425–438.
113. Mark Pogrebin, Eric Poole, and Amos Martinez, "Accounts of Professional Misdeeds: The Sexual Exploitation of Clients by Psychotherapists," *Deviant Behavior* 13 (1992): 229–252.
114. Eric Wish, *Drug Use Forecasting 1990* (Washington, DC: National Institute of Justice, 1991).
115. Scott Briar and Irving Piliavin, "Delinquency: Situational Inducements and Commitment to Conformity," *Social Problems* 13 (1965–1966): 35–45.
116. Lawrence Sherman and Douglas Smith, with Janell Schmidt and Dennis Rogan, "Crime, Punishment, and Stake in Conformity: Legal and Informal Control of Domestic Violence," *American Sociological Review* 57 (1992): 680–690.
117. Albert Reiss, "Delinquency as the Failure of Personal and Social Controls," *American Sociological Review* 16 (1951): 196–207.
118. Briar and Piliavin, "Delinquency: Situational Inducements and Commitment to Conformity."
119. Walter Reckless, *The Crime Problem* (New York: Appleton-Century-Crofts, 1967), pp. 469–483.
120. Among the many research reports by Reckless and his colleagues are Frank Scarpitti, Ellen Murray, Simon Dinitz, and Walter Reckless, "The Good Boy in a High Delinquency Area: Four Years Later," *American Sociological Review* 23 (1960): 555–558; Walter Reckless, Simon Dinitz, and Ellen Murray, "The Good Boy in a High Delinquency Area," *Journal of Criminal Law, Criminology, and Police Science* 48 (1957): 12–26; idem, "Self-Concept as an Insulator against Delinquency," *American Sociological Review* 21 (1956): 744–746; Walter Reckless and Simon Dinitz, "Pioneering with Self-Concept as a Vulnerability Factor in Delinquency," *Journal of Criminal Law, Criminology, and Police Science* 58 (1967): 515–523; Walter Reckless, Simon Dinitz, and Barbara Kay, "The Self-Component in Potential Delinquency and Potential Non-Delinquency," *American Sociological Review* 22 (1957): 566–570.
121. Howard Kaplan, *Deviant Behavior in Defense of Self* (New York: Academic Press, 1980); idem, "Self-Attitudes and Deviant Response," *Social Forces* 54 (1978): 788–801.
122. Kaplan, *Deviant Behavior in Defense of Self*, pp. 30–50.
123. Beverly Stiles, Xiaoru Liu, and Howard Kaplan, "Relative Deprivation and Deviant Adaptations: The Mediating Effects of Negative Self-Feelings," *Journal of Research in Crime and Delinquency* 37 (2000): 64–90.
124. Travis Hirschi, *Causes of Delinquency* (Berkeley: University of California Press, 1969).
125. Ibid., p. 231.
126. Ibid., pp. 66–74.
127. Michael Wiatrowski, David Griswold, and Mary K. Roberts, "Social Control Theory and Delinquency," *American Sociological Review* 46 (1981): 525–541.
128. Patricia Van Voorhis, Francis Cullen, Richard Mathers, and Connie Chenoweth Garner, "The Impact of Family Structure and Quality on Delinquency: A Comparative Assessment of Structural and Functional Factors," *Criminology* 26 (1988): 235–261.
129. Marc LeBlanc, "Family Dynamics, Adolescent Delinquency, and Adult Criminality." Paper presented at the Society for Life History Research conference, Keystone, Colorado, October 1990, p. 6.
130. Bobbi Jo Anderson, Malcolm Holmes, and Erik Ostresh, "Male and Female Delinquent's Attachments and Effects of Attachments on Severity of Self-Reported Delinquency," *Criminal Justice and Behavior* 26 (1999): 435–452.
131. Helen Garnier and Judith Stein, "An 18-Year Model of Family and Peer Effects on Adolescent Drug Use and Delinquency," *Journal of Youth and Adolescence* 31 (2002): 45–56.
132. Teresa LaGrange and Robert Silverman, "Perceived Strain and Delinquency Motivation: An Empirical Evaluation of General Strain Theory." Paper presented at the American Society of Criminology meeting, Boston, November 1995.
133. Voorhis, Cullen, Mathers, and Garner, "The Impact of Family Structure and Quality on Delinquency."
134. Thomas Vander Ven, Francis Cullen, Mark Carrozza, and John Paul Wright,

- "Home Alone: The Impact of Maternal Employment on Delinquency," *Social Problems* 48 (2001): 236–257; Patricia Jenkins, "School Delinquency and the School Social Bond," *Journal of Research in Crime and Delinquency* 34 (1997): 337–367.
135. Patricia Jenkins, "School Delinquency and the School Social Bond," *Journal of Research in Crime and Delinquency* 34 (1997): 337–367.
 136. Trina Hope, Esther Wilder, and Toni-Terling Watt, "The Relationships among Adolescent Pregnancy, Pregnancy Resolution, and Juvenile Delinquency," *Sociological Quarterly* 44 (2003): 555–576.
 137. John Cochran and Ronald Akers, "An Exploration of the Variable Effects of Religiosity on Adolescent Marijuana and Alcohol Use," *Journal of Research in Crime and Delinquency* 26 (1989): 198–225.
 138. Mark Regnerus and Glen Elder, "Religion and Vulnerability among Low-Risk Adolescents," *Social Science Research* 32 (2003): 633–658; Mark Regnerus, "Moral Communities and Adolescent Delinquency: Religious Contexts and Community Social Control," *Sociological Quarterly* 44 (2003): 523–554.
 139. Michael Cretacci, "Religion and Social Control: An Application of a Modified Social Bond of Violence," *Criminal Justice Review* 28 (2003): 254–277.
 140. Robert Agnew and David Peterson, "Leisure and Delinquency," *Social Problems* 36 (1989): 332–348.
 141. Jonathan Zaff, Kristin Moore, Angela Romano Papillo, and Stephanie Williams, "Implications of Extracurricular Activity Participation during Adolescence on Positive Outcomes," *Journal of Adolescent Research* 18 (2003): 599–631.
 142. Marianne Junger and Ineke Haen Marshall, "The Interethnic Generalizability of Social Control Theory: An Empirical Test," *Journal of Research in Crime and Delinquency* 34 (1997): 79–112; Josine Junger-Tas, "An Empirical Test of Social Control Theory," *Journal of Quantitative Criminology* 8 (1992): 18–29.
 143. LaGrange and Silverman, "Perceived Strain and Delinquency Motivation."
 144. Kimberly Kempf, "The Empirical Status of Hirschi's Control Theory," in *Advances in Criminological Theory*, eds. Bill Laufer and Freda Adler (New Brunswick, NJ: Transaction Books, 1992).
 145. Vander Ven, Cullen, Carrozza, and Wright, "Home Alone: The Impact of Maternal Employment on Delinquency," p. 253.
 146. Peggy Giordano, Stephen Cernkovich, and M.D. Pugh, "Friendships and Delinquency," *American Journal of Sociology* 91 (1986): 1170–1202.
 147. Denise Kandel and Mark Davies, "Friendship Networks, Intimacy, and Illicit Drug Use in Young Adulthood: A Comparison of Two Competing Theories," *Criminology* 29 (1991): 441–467.
 148. Velmer Burton, Francis Cullen, T. David Evans, R. Gregory Dunaway, Sessa Kethineni, and Gary Payne, "The Impact of Parental Controls on Delinquency," *Journal of Criminal Justice* 23 (1995): 111–126.
 149. Kimberly Kempf Leonard and Scott Decker, "The Theory of Social Control: Does It Apply to the Very Young," *Journal of Criminal Justice* 22 (1994): 89–105.
 150. Michael Hindelang, "Causes of Delinquency: A Partial Replication and Extension," *Social Problems* 21 (1973): 471–487.
 151. Gary Jensen and David Brownfield, "Parents and Drugs," *Criminology* 21 (1983): 543–554. See also M. Wiatrowski, D. Griswold, and M. Roberts, "Social Control Theory and Delinquency," *American Sociological Review* 46 (1981): 525–541.
 152. Leslie Samuelson, Timothy Hartnagel, and Harvey Krahn, "Crime and Social Control among High School Dropouts," *Journal of Crime and Justice* 18 (1990): 129–161.
 153. Marvin Krohn and James Massey, "Social Control and Delinquent Behavior: An Examination of the Elements of the Social Bond," *Sociological Quarterly* 21 (1980): 529–543.
 154. Jill Leslie Rosenbaum and James Lasley, "School, Community Context, and Delinquency: Rethinking the Gender Gap," *Justice Quarterly* 7 (1990): 493–513.
 155. Randy LaGrange and Helene Raskin White, "Age Differences in Delinquency: A Test of Theory," *Criminology* 23 (1985): 19–45.
 156. Robert Agnew, "Social Control Theory and Delinquency: A Longitudinal Test," *Criminology* 23 (1985): 47–61.
 157. Alan E. Liska and M. D. Reed, "Ties to Conventional Institutions and Delinquency: Estimating Reciprocal Effects," *American Sociological Review* 50 (1985): 547–560.
 158. Michael Wiatrowski, David Griswold, and Mary K. Roberts, "Social Control Theory and Delinquency," *American Sociological Review* 46 (1981): 525–541.
 159. George Herbert Mead, *Mind, Self and Society* (Chicago: University of Chicago Press, 1934); idem, *The Philosophy of the Act* (Chicago: University of Chicago Press, 1938); Charles Horton Cooley, *Human Nature and the Social Order* (New York: Schocken, 1964), originally published in 1902; Herbert Blumer, *Symbolic Interactionism: Perspective and Method* (Englewood Cliffs, NJ: Prentice-Hall, 1969).
 160. Bruce Link, Elmer Streuning, Francis Cullen, Patrick Shrout, and Bruce Dohrenwend, "A Modified Labeling Theory Approach to Mental Disorders: An Empirical Assessment," *American Sociological Review* 54 (1989): 400–423.
 161. Linda Jackson, John Hunter, and Carole Hodge, "Physical Attractiveness and Intellectual Competence: A Meta-Analytic Review," *Social Psychology Quarterly* 58 (1995): 108–122.
 162. Mike Adams, Craig Robertson, Phyllis Gray-Ray, and Melvin Ray, "Labeling and Delinquency," *Adolescence* (2003): 171–186.
 163. *President's Commission on Law Enforcement and the Administration of Youth Crime, Task Force Report: Juvenile Delinquency and Youth* (Washington, DC: U.S. Government Printing Office, 1967), p. 43.
 164. Kai Erickson, "Notes on the Sociology of Deviance," *Social Problems* 9 (1962): 397–414.
 165. Edwin Schur, *Labeling Deviant Behavior* (New York: Harper & Row, 1972), p. 21.
 166. Howard Becker, *Outsiders, Studies in the Sociology of Deviance* (New York: Macmillan, 1963), p. 9.
 167. Laurie Goodstein, "The Architect of the 'Gay Conversion' Campaign," *New York Times*, 13 August 1998, p. A10.
 168. Christy Visser, "Gender, Police Arrest Decision, and Notions of Chivalry," *Criminology* 21 (1983): 5–28.
 169. Marjorie Zatz, "Race, Ethnicity and Determinate Sentencing," *Criminology* 22 (1984): 147–171.
 170. Christina DeJong and Kenneth Jackson, "Putting Race into Context: Race, Juvenile Justice Processing, and

- Urbanization," *Justice Quarterly* 15 (1998): 487–504.
171. Roland Chilton and Jim Galvin, "Race, Crime and Criminal Justice," *Crime and Delinquency* 31 (1985): 3–14.
 172. Joan Petersilia, "Racial Disparities in the Criminal Justice System: A Summary," *Crime and Delinquency* 31 (1985): 15–34.
 173. Walter Gove, *The Labeling of Deviance: Evaluating a Perspective* (New York: Wiley, 1975), p. 5.
 174. Harold Garfinkle, "Conditions of Successful Degradation Ceremonies," *American Journal of Sociology* 61 (1956): 420–424.
 175. Karen Heimer and Ross Matsueda, "Role-Taking, Role-Commitment, and Delinquency: A Theory of Differential Social Control," *American Sociological Review* 59 (1994): 400–437.
 176. Stacy DeCoster and Karen Heimer, "The Relationship between Law Violation and Depression: An Interactionist Analysis," *Criminology* 39 (2001): 799–837.
 177. Karen Heimer, "Gender, Race, and the Pathways to Delinquency: An Interactionist Explanation," in *Crime and Inequality*, eds. John Hagan and Ruth Peterson (Stanford, CA: Stanford University Press, 1995), pp. 32–57.
 178. Heimer and Matsueda, "Role-Taking, Role-Commitment, and Delinquency."
 179. See, for example, Howard Kaplan and Hiroshi Fukurai, "Negative Social Sanctions, Self-Rejection, and Drug Use," *Youth and Society* 23 (1992): 275–298; Howard Kaplan and Robert Johnson, "Negative Social Sanctions and Juvenile Delinquency: Effects of Labeling in a Model of Deviant Behavior," *Social Science Quarterly* 72 (1991): 98–122; Howard Kaplan, Robert Johnson, and Carol Bailey, "Deviant Peers and Deviant Behavior: Further Elaboration of a Model," *Social Psychology Quarterly* 30 (1987): 277–284.
 180. Howard Kaplan, *Toward a General Theory of Deviance: Contributions from Perspectives on Deviance and Criminality* (College Station: Texas A&M University, n.d.).
 181. John Lofland, *Deviance and Identity* (Englewood Cliffs, NJ: Prentice-Hall, 1969).
 182. Frank Tannenbaum, *Crime and the Community* (New York: Columbia University Press, 1938), pp. 19–20.
 183. Edwin Lemert, *Social Pathology* (New York: McGraw-Hill, 1951).
 184. Ibid., p. 75.
 185. National Minority Advisory Council on Criminal Justice, *The Inequality of Justice* (Washington, DC: author, 1981), p. 200.
 186. Carl Pope and William Feyerherm, "Minority Status and Juvenile Justice Processing," *Criminal Justice Abstracts* 22 (1990): 327–236; see also Carl Pope, "Race and Crime Revisited," *Crime and Delinquency* 25 (1979): 347–357.
 187. Leslie Margolin, "Deviance on Record: Techniques for Labeling Child Abusers in Official Documents," *Social Problems* 39 (1992): 58–68.
 188. Charles Corley, Stephen Cernkovich, and Peggy Giordano, "Sex and the Likelihood of Sanction," *Journal of Criminal Law and Criminology* 80 (1989): 540–553.
 189. Samuel Walker, Cassia Spohn, and Miriam DeLone, *The Color of Justice, Race, Ethnicity, and Crime in America* (Belmont, CA: Wadsworth, 1996), pp. 145–146.
 190. Kaplan and Johnson, "Negative Social Sanctions and Juvenile Delinquency."
 191. Ruth Triplett, "The Conflict Perspective, Symbolic Interactionism, and the Status Characteristics Hypothesis," *Justice Quarterly* 10 (1993): 540–558.
 192. Ross Matsueda, "Reflected Appraisals: Parental Labeling, and Delinquency: Specifying a Symbolic Interactionist Theory," *American Journal of Sociology* 97 (1992): 1577–1611.
 193. Suzanne Ageton and Delbert Elliott, *The Effect of Legal Processing on Self-Concept* (Boulder, CO: Institute of Behavioral Science, 1973).
 194. Christine Bowditch, "Getting Rid of Troublemakers: High School Disciplinary Procedures and the Production of Dropouts," *Social Problems* 40 (1993): 493–507.
 195. Melvin Ray and William Downs, "An Empirical Test of Labeling Theory Using Longitudinal Data," *Journal of Research in Crime and Delinquency* 23 (1986): 169–194.
 196. Sherman and Smith, with Schmidt and Rogan, "Crime, Punishment, and Stake in Conformity."
 197. Lawrence Bench and Terry Allen, "Investigating the Stigma of Prison Classification: An Experimental Design," *Prison Journal* 83 (2003): 367–382.
 198. Charles Tittle, "Two Empirical Regularities (Maybe) in Search of an Explanation: Commentary on the Age/Crime Debate," *Criminology* 26 (1988): 75–85.
 199. Ibid.
 200. Robert Sampson and John Laub, "A Life-Course Theory of Cumulative Disadvantage and the Stability of Delinquency," in *Developmental Theories of Crime and Delinquency*, ed. Terence Thornberry (New Brunswick, NJ: Transaction Books, 1997), pp. 133–161.
 201. Jön Gunnar Bernburg and Marvin Krohn, "Labeling, Life Chances, and Adult Crime: The Direct and Indirect Effects of Official Intervention in Adolescence on Crime in Early Adulthood," *Criminology* 41 (2003): 1287–1319.
 202. Jack Gibbs, "Conceptions of Deviant Behavior: The Old and the New," *Pacific Sociological Review* 9 (1966): 11–13.
 203. Schur, *Labeling Deviant Behavior*, p. 14.
 204. Ronald Akers, "Problems in the Sociology of Deviance," *Social Problems* 46 (1968): 463.
 205. Charles Tittle, "Labeling and Crime: An Empirical Evaluation," in *The Labeling of Deviance: Evaluating a Perspective*, ed. Walter Gove (New York: Wiley, 1975), pp. 157–179.
 206. David Farrington, "Early Predictors of Adolescent Aggression and Adult Violence," *Violence and Victims* 4 (1989): 79–100.
 207. Raymond Paternoster and Leeann Iovanni, "The Labeling Perspective and Delinquency: An Elaboration of the Theory and an Assessment of the Evidence," *Justice Quarterly* 6 (1989): 358–394.
 208. Shadd Maruna, Thomas Lebel, Nick Mitchell, and Michelle Maples, "Pygmalion in the Reintegration Process: Desistance from Crime through the Looking Glass," *Psychology, Crime, and Law* 10 (2004): 271–281.
 209. Lening Zhang, "Official Offense Status and Self-Esteem among Chinese Youths," *Journal of Criminal Justice* 31(2003): 99–105.

CHAPTER 8



During the past few years, millions of people have marched in over sixty countries protesting the U.S. involvement in Iraq. Foreigners were not alone in venting their anger against U.S. military operations; there were also widespread demonstrations on American soil including a large march in New York City where around 100,000 people marched, filling twenty city blocks.

This anger against American policies culminated in demonstrations at the

Republican National Convention in New York City in late August 2004. A 2-mile torrent of demonstrators poured through the valleys of Manhattan in one of the city's largest political protests in decades. The protesters came to challenge the policies of President George W. Bush and to demand regime change in Washington. The protests were organized by a group called United for Peace and Justice. An estimated 500,000 people marched past Madison Square Garden, the site of the convention, chanting that George W. Bush was a misfit who had plunged America into an un-winnable war in Iraq, created runaway debt, undermined civil and constitutional rights, lied to the people, despoiled the environment, and used the presidency to benefit corporations and millionaires. Outside of convention hall some 5,000 protesters formed a symbolic unemployment line to show dissatisfaction with the economy. AIDS activists also held protests calling for more government involvement in and support for research.

While the police had geared up for major confrontations, the protests were relatively peaceful. Most were young college students, but many were parents—some pushing baby strollers. Though there were more than 1,700 arrests, according to some reports, and a few isolated incidents of violence, the demonstrators were calm, and the police did their job to keep order.

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

SOCIAL CONFLICT THEORIES: CRITICAL CRIMINOLOGY AND RESTORATIVE JUSTICE

CHAPTER OUTLINE

Marxist Thought

Productive Forces and Productive Relations
Surplus Value
Marx on Crime

Developing a Conflict-Based Theory of Crime

The Contribution of Willem Bonger
The Contribution of Ralf Dahrendorf
The Contribution of George Vold

Social Conflict Theory

Social Conflict Research

Critical Criminology

Fundamentals of Critical Criminology
Instrumental versus Structural Theory
Research on Critical Criminology
Critique of Critical Criminology

Contemporary Forms of Critical Theory

Left Realism
Critical Feminist Theory
Power–Control Theory

Race, Culture, Gender, and Criminology: Capitalism and Patriarchy

Postmodern Theory
Peacemaking Theory

Public Policy Implications of Social Conflict Theory: Restorative Justice

Reintegrative Shaming
The Concept of Restorative Justice
The Process of Restoration
The Challenge of Restorative Justice

Comparative Criminology: Practicing Restorative Justice Abroad

CHAPTER OBJECTIVES

1. Be familiar with the concept of social conflict and how it shapes behavior
2. Be able to discuss elements of conflict in the justice system
3. Be familiar with the idea of critical criminology
4. Be able to discuss the difference between structural and instrumental Marxism
5. Know the various techniques of critical research
6. Be able to discuss the term *left realism*
7. Understand the concept of patriarchy
8. Know what is meant by feminist criminology
9. Be able to discuss peacemaking
10. Understand the concept of restorative justice

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It would be unusual to pick up the morning paper and not see headlines loudly proclaiming renewed strife between the United States and its overseas adversaries, between union negotiators and management attorneys, between citizens and police authorities, or between feminists and reactionary males protecting their turf. The world is filled with conflict. Conflict can be destructive when it leads to war, violence, and death; it can be functional when it results in positive social change.

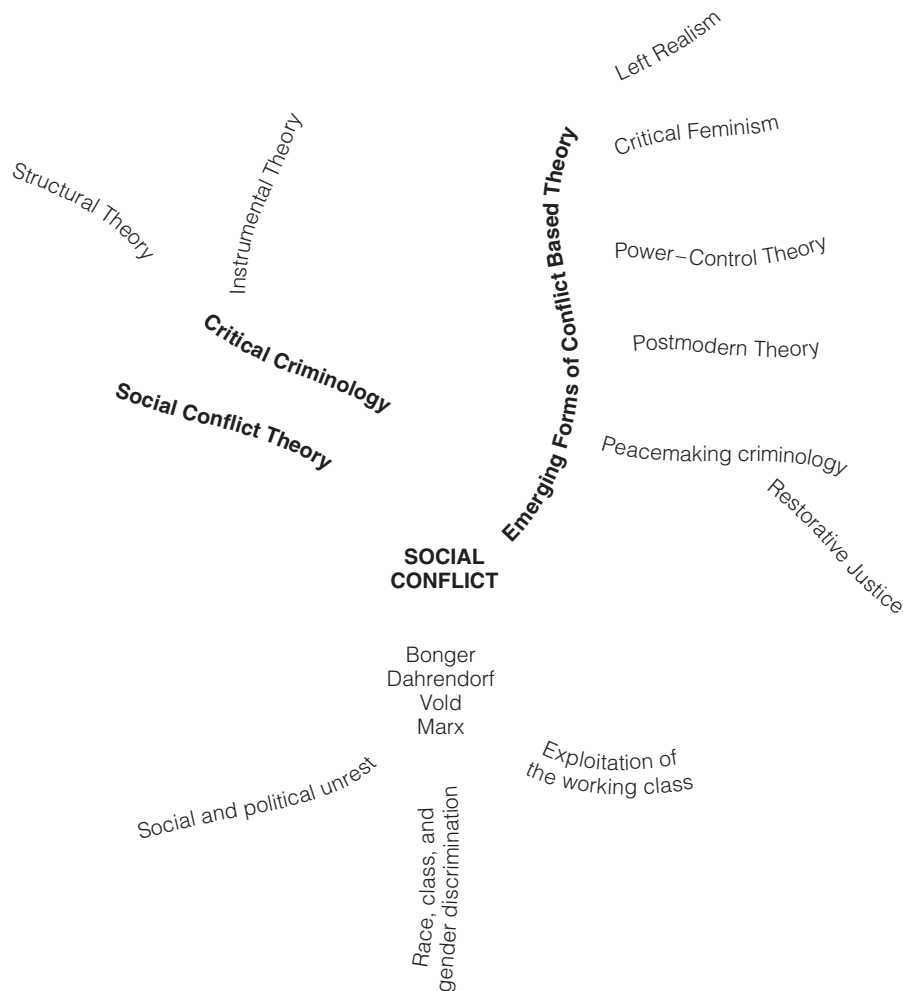
Criminologists who view crime as a function of social conflict and economic rivalry are called social conflict theorists. Some conflict theorists stress the role that the capitalist economic system has on crime rates. These scholars are

sometimes called **Marxist criminologists** or **radical criminologists**, but here we will refer to them generically as *critical criminologists* and their field of study as **critical criminology**. Among their affiliated sub-branches are peacemaking, left realism, radical feminism, and postmodernism (also called deconstructionism).

Social conflict/critical criminologists explain crime within economic and social contexts and to express the connection among social conflict, crime, and social control.¹ They are concerned with issues such as

- The role that government plays in creating a criminogenic environment

The Branches of Social Conflict Theory



- The relationship between personal or group power and the shaping of criminal law
- The prevalence of bias in justice system operations
- The relationship between a capitalist, free enterprise economy and crime rates

Conflict promotes crime by creating a social atmosphere in which the law is a mechanism for controlling dissatisfied, have-not members of society while the wealthy maintain their power. This is why crimes that are the province of the wealthy, such as illegal corporate activities, are sanctioned much more leniently than those, such as burglary, that are considered lower-class activities.

This chapter reviews criminological theories that allege that criminal behavior is a function of conflict, a reaction to the unfair distribution of wealth and power in society. It looks at the development of critical criminology and important critical concepts. It also discusses emerging forms of **social conflict theory** including left realism, feminist, peacemaking, and postmodern thought. Figure 8.1 illustrates these and other independent branches of social conflict theory. Finally, the chapter will review how critical concepts have been meshed into a new way of looking at the use and misuse of criminal punishment, which is referred to as restorative justice.

MARXIST THOUGHT

As you may recall (Chapter 1), Karl Marx identified the economic structures in society that control all human relations. Those criminologists who gain their inspiration from Marx reject the notion that criminals are malevolent people who wish to trample the rights of others and the criminal law is designed to control them and maintain a tranquil, fair society. If it were, then acts of racism, sexism, imperialism, unsafe working conditions, inadequate childcare, substandard housing, pollution of the environment, and warmaking as a tool of foreign policy would be the “true crimes.” The crimes of the helpless—burglary, robbery, and assault—are more expressions of rage over unjust conditions than actual crimes.²

Marx’s view of society was shaped by the economic trends and structures of that period. He lived in an era of unrestrained capitalist expansion.³ The tools of the Industrial Revolution had become regular features of society by 1850. Mechanized factories, the use of coal to drive steam engines, and modern transportation all inspired economic development. Production had shifted from cottage industries to large factories. Industrialists could hire workers on their own terms; as a result, conditions in factories were atrocious. Owners and government agents, who were the agents of capitalists, ruthlessly suppressed trade unions that promised workers salvation from these atrocities.

Marx’s early career as a journalist was interrupted by government suppression of the newspaper where he worked because of the paper’s liberal editorial policy. He then moved

to Paris, where he met Friedrich Engels (1820–1895), who would become his friend and economic patron. By 1847, Marx and Engels had joined with a group of primarily German socialist revolutionaries known as the Communist League.

Productive Forces and Productive Relations

In 1848, Marx issued his famous **communist manifesto**. In this document, Marx focused his attention on the economic conditions perpetuated by the capitalist system. He stated that its development had turned workers into a dehumanized mass who lived an existence that was at the mercy of their capitalist employers. He wrote of the injustice of young children being sent to work in mines and factories from dawn to dusk. He focused on the people who were being beaten down by a system that demanded obedience and cooperation and offered little in return. These oppressive conditions led Marx to conclude that the character of every civilization is determined by its mode of production—the way its people develop and produce material goods (materialism).

Did you know that at one time Karl Marx was a reporter for the *New York Tribune*? To read more about Marx’s life, use his name as a subject guide in InfoTrac College Edition and check out the encyclopedia reference. Then read some of the many periodical selections devoted to his thought and philosophy.

Marx identified the economic structures in society that control all human relations. Production has two components: (1) **productive forces**, which include such things as technology, energy sources, and material resources; and (2) **productive relations**, which are the relationships that exist among the people producing goods and services. The most important relationship in industrial culture is between the owners of the means of production, the **capitalist bourgeoisie**, and the people who do the actual labor, the proletariat.

Throughout history, society has been organized this way—master–slave, lord–serf, and now capitalist–proletariat. According to Marx, capitalist society is subject to the development of a rigid class structure with the capitalist bourgeoisie at the top, followed by the working proletariat, who actually produce goods and services, and at the bottom, the fringe, nonproductive members who produce nothing and live, parasitically, off the work of others—the **lumpen proletariat** (Figure 8.2).

In Marxist theory, the term *class* does not refer to an attribute or characteristic of a person or a group; rather, it denotes position in relation to others. Thus, it is not necessary to have a particular amount of wealth or prestige to be a member of the capitalist class; it is more important to have the power to exploit others economically, legally, and socially. The political and economic philosophy of the dominant class influences all aspects of life. Consciously or unconsciously, artists, writers, and teachers bend their work to the whims of the capitalist system. Thus, the economic system controls all

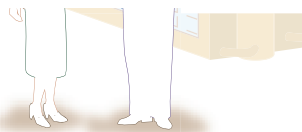
facets of human life. Consequently, people's lives revolve around the means of production.

As Marx said:

In all forms of society, there is one specific kind of production which predominates over the rest, whose relations thus assign rank and influence to the others. It is a general illumination which bathes all the other colours and modifies their particularity. It is a particular ether which determines the specific gravity of every being which has materialized within it.⁴

Marx believed societies and their structures were not stable and, therefore, could change through slow evolution or sudden violence. Historically, such change occurs because

The Marxist View of Class



The owners of production
Capitalist bourgeoisie



The worker
Proletariat



The nonproductive
Lumpen proletariat

of contradictions present in a society. These contradictions are antagonism or conflicts between elements in the existing social arrangement, which in the long run are incompatible with one another. If these social conflicts are not resolved, they tend to destabilize society, leading to social change.



To read about **Marx and his vision**, go to <http://www.philosophypages.com/ph/marx.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Surplus Value

How could social change occur in capitalist society? Marx held that the laboring class produces goods that exceed wages in value (the theory of **surplus value**). The excess value goes into the hands of the capitalists as profit; they then use most of it to acquire an ever-expanding capitalist base that relies on



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In capitalist societies, workers commonly protest unfair pay and conditions. According to the theory of surplus value, excess profits go into the hands of the capitalists who then use most of it to acquire advanced technology so that they can produce goods more efficiently and cheaply. Ways capitalists can stay competitive are to pay workers the lowest possible wages, replace them with labor-saving machinery, or ship jobs overseas.

advanced technology for efficiency. Capitalists are in constant competition with one another, so they must find ways of producing goods more efficiently and cheaply. One way is to pay workers the lowest possible wages or to replace them with labor-saving machinery (Figure 8.3). Soon the supply of efficiently made goods outstrips the ability of the laboring classes to purchase them, a condition that precipitates an economic crisis. During this period of crisis, weaker enterprises go under and are consequently incorporated into ever-expanding, monopolistic mega-corporations strong enough to further exploit the workers. For example, between the 1980s and today, many giant corporations have merged to form even larger enterprises: Disney and ABC; AOL and Time Warner; Exxon and Mobil, and Mercedes Benz and Chrysler. This allowed management to control costs, cut excess labor, and reduce the power of workers to demand benefits or wage increases. Also, in an era of globalization, mergers enable companies to have a worldwide reach and to exploit labor in developing nations.

Marx believed the ebb and flow of the capitalist business cycle contained the seeds of its own destruction. He predicted that from its ashes would grow a socialist state in which the workers themselves would own the means of production. In his analysis, Marx used the **dialectic method**, based on the analysis developed by the philosopher Georg Hegel (1770–1831). Hegel argued that for every idea, or **thesis**, there exists an opposing argument, or **antithesis**. Since neither position can ever be truly accepted, the result is a merger of the two ideas, a **synthesis**. Marx adapted this analytic method for his study of class struggle. History, argued Marx, is replete with examples of two opposing forces whose conflict promotes social change. When conditions are bad enough, the oppressed will rise up to fight the owners and eventually replace them. Thus, in the end, the capitalist system will destroy itself.



The theory of **surplus value** can be quite complex. Read more about it at <http://www.marxists.org/archive/marx/works/1863/theories-surplus-value/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Marx on Crime

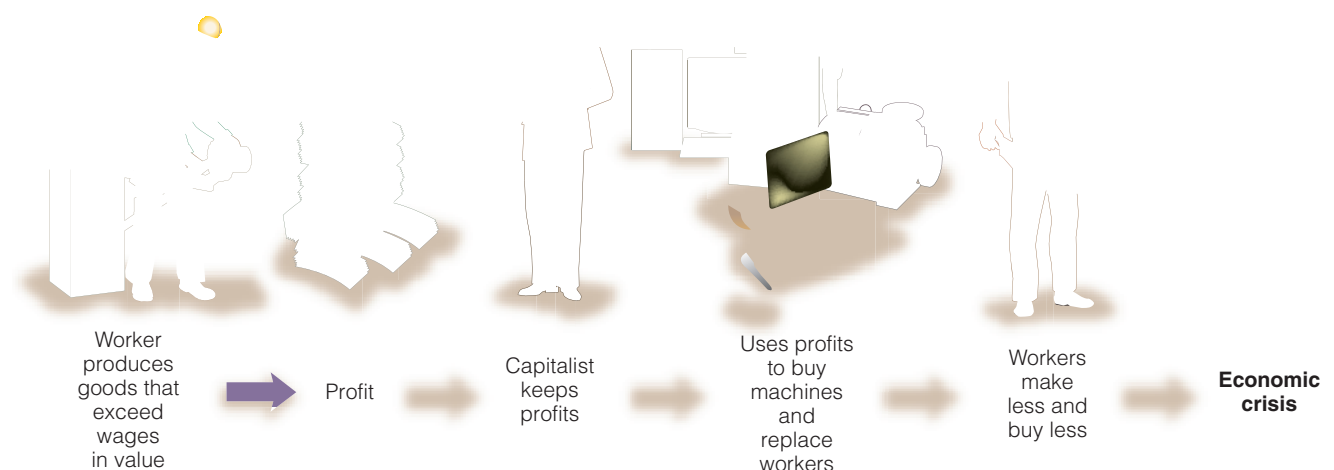
Marx did not write a great deal on the subject of crime, but he mentioned it in a variety of passages scattered throughout his writing. He viewed crime as the product of law enforcement policies akin to a labeling process theory.⁵ He also saw a connection between criminality and the inequities found in the capitalist system. He reasoned: “There must be something rotten in the very core of a social system which increases in wealth without diminishing its misery, and increases in crime even more rapidly than in numbers.”⁶

His collaborator, Friedrich Engels, however, did spend some time on the subject in his work, *The Condition of the Working Class in England in 1844*.⁷ Engels portrayed crime as a function of social demoralization—a collapse of people’s humanity reflecting a decline in society. Workers, demoralized by capitalist society, are caught up in a process that leads to crime and violence. According to Engels, workers are social outcasts, ignored by the structure of capitalist society and treated as brutes.⁸ Left to their own devices, working people committed crime because their choice is a slow death of starvation or a speedy one at the hands of the law. The brutality of the capitalist system, he believed, turns workers into animal-like creatures without a will of their own.



To quiz yourself on this material, go to the Criminology 9e website.

Surplus Value



DEVELOPING A CONFLICT-BASED THEORY OF CRIME

The writings of Karl Marx greatly influenced the development of the view of crime that rested on the concept of social conflict. Even though Marx himself did not write much on the topic of crime, his views on the relationship between the economic structure and social behavior deeply influenced other thinkers.

The concept of social conflict was first applied to criminology by three distinguished scholars: Willem Bongers, Ralf Dahrendorf, and George Vold. In some instances, their works share the Marxist view that industrial society is wracked by conflict between the proletariat and the bourgeoisie; in other instances, their writings diverge from Marxist dogma. The writing of each of these pioneers is briefly discussed next.

The Contribution of Willem Bongers

Willem Bongers was born in 1876 in Holland and committed suicide in 1940 rather than submit to Nazi rule. He is famous for his Marxist socialist concepts of crime causation, which were first published in 1916.⁹

Bongers believed crime is of social and not biological origin, and that with the exception of a few special cases, crime lies within the boundaries of normal human behavior. According to Bongers, no act is naturally immoral or criminal. He viewed crimes as antisocial acts that reflect current morality. Because the social structure changes continually, ideas of what is moral and what is not also are in constant flux.

Bongers believed society is divided into haves and have-not groups, not on the basis of people's innate ability, but because of the system of production that is in force. In every society that is divided into a ruling class and an inferior class, penal law serves the will of the ruling class. Even though criminal laws may appear to protect members of both classes, hardly any act is punished that does not injure the interests of the dominant ruling class. Crimes, then, are considered to be antisocial acts because they are harmful to those who have the power at their command to control society.

Bongers argued that attempts to control law violations through force are a sign of a weak society. He viewed the capitalist system, characterized by extreme competition, as being held together by force rather than consensus, thus making it a weak system. As a consequence of this force, he claimed, the social order is maintained for the benefit of the capitalists at the expense of the population as a whole. Everyone may desire wealth, but it is only the most privileged people, with the most capital, who can enjoy luxuries and advantages. Within this society, people care only for their own lives and pleasures and ignore the plight of the disadvantaged. Because of this dramatic inequity between the haves and have-nots, Bongers claimed, people have become very egotistical and more capable of crime than if the system had developed under a socialist philosophy.

Although the capitalist system makes both the proletariat and the bourgeoisie crime prone, only the former are likely to become officially recognized criminals. The reason for this is twofold. First, the legal system discriminates against the poor by defending the actions of the wealthy, and second, it is the proletariat who are deprived of the materials that are monopolized by the bourgeoisie.

Upper-class individuals will commit crime if (1) they sense a good opportunity to make a financial gain, and (2) their lack of moral sense enables them to violate social rules. It is the drive toward success at any price that pushes wealthier individuals toward criminality.

Recognized, official crimes are a function of poverty. The relationship can be direct, as when a person steals to survive, or indirect, as when poverty kills the social sentiments in each person and between people.

It is not the absolute amount of wealth that affects crime, but its distribution, posits Bongers. If wealth is distributed unequally throughout the social structure and people are taught to equate economic advantage with superiority, then those who are poor and therefore inferior will be crime prone. The economic system will intensify any personal disadvantage people have—for example, psychological problems—and increase their propensity to commit crime.

Bongers concluded that almost all crime will disappear if society progresses from competitive capitalism, to monopoly capitalism (in which a relatively few enterprises control the means of production), to having the means of production held in common, to the ultimate state of society. In other words, Bongers believed that redistribution of property according to the maxim “each according to his needs” would be the demise of crime. If this stage of society cannot be reached, a residue of crime will always remain. If socialism can be achieved, however, then remaining crimes will be of the irrational psychopathic type caused by individual mental problems. Bongers's writing continues to be one of the most oft-cited sources of Marxist thought.

The Contribution of Ralf Dahrendorf

In formulating their views, today's conflict theorists also rely heavily on the writings of pioneering social thinker Ralf Dahrendorf, who argues that modern society is organized into what he called **imperatively coordinated associations**.¹⁰ These associations comprise two groups: those who possess authority and use it for social domination and those who lack authority and are dominated. Because the domination of one segment of society (for example, industry) does not mean dominating another (such as government), society is a plurality of competing interest groups.

In his classic work *Class and Class Conflict in Industrial Society*, Dahrendorf attempted to show how society has changed since Marx formulated his concepts of class, state, and conflict. Dahrendorf argued that Marx did not foresee the changes that have occurred in the laboring classes. “The working class of today,” Dahrendorf stated, “far from being a homogeneous group of equally unskilled and impoverished

people, is in fact a stratum differentiated by numerous subtle and not so subtle distinctions.^{9,11} Workers are divided into the unskilled, semiskilled, and skilled; the interests of one group may not match the needs of the others. Accordingly, Marx's concept of a cohesive proletarian class has proved inaccurate. As a result of his differing perspectives, Dahrendorf embraced a non-Marxist conflict orientation. Dahrendorf proposed a unified conflict theory of human behavior, which can be summarized as follows:

- Every society is at every point subject to processes of change; social change is everywhere.
- Every society displays at every point dissent and conflict; social conflict is everywhere.
- Every element in a society renders a contribution to its disintegration and change.
- Every society is based on the coercion of some of its members by others.

Dahrendorf did not speak directly to the issue of crime, but his model of conflict serves as a pillar of modern conflict criminology.



To review an in-depth interview with **Ralf Dahrendorf**, go to <http://globetrotter.berkeley.edu/Elberg/Dahrendorf/dahrendorf0.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The Contribution of George Vold

Although Dahrendorf contributed its theoretical underpinnings, conflict theory was actually adapted to criminology by George Vold.¹² Vold argued that crime can also be explained by social conflict. Laws are created by politically oriented groups, who seek the government's assistance to help them defend their rights and protect their interests. If a group can marshal enough support, a law will be created to hamper and curb the interests of some opposition group. Every stage of the process—from passing the law, to prosecuting the case, to developing relationships between inmate and guard, parole agent and parolee—is marked by conflict. Vold found that criminal acts are a consequence of direct contact between forces struggling to control society. Although their criminal content may mask their political meaning, closer examination of even the most basic violent acts often reveals political undertones.

Vold's model cannot be used to explain all types of crime. It is limited to situations in which rival group loyalties collide. It cannot explain impulsive, irrational acts unrelated to any group's interest. Despite this limitation, Vold found that a great deal of criminal activity results from inter-group clashes.



To quiz yourself on this material, go to the Criminology 9e website.

SOCIAL CONFLICT THEORY

The association between social conflict and crime began to be a focus of criminological scholarship during the 1960s, when self-report studies began to yield data suggesting that the class–crime correlation found in official crime data was spurious. The self-reports showed that crime and delinquency were distributed much more evenly through the social structure than indicated by official statistics, which reported more crime in lower-class environments.¹³ If these self-reports were accurate, middle-class participation in crime was going unrecorded while the lower class was subjected to discriminatory law enforcement practices.¹⁴

The theme that dominated much of this scholarship was the contention that criminal legislation was determined by the relative power of groups determined to use criminal law to advance their own special interests or to impose their own moral preferences on others.¹⁵ This movement was aided by the widespread social and political upheaval of the late 1960s and early 1970s. These social forces included anti-Vietnam War demonstrations, counterculture movements, and various forms of political protest. Conflict theory flourished within this framework because it provided a systematic basis for challenging the legitimacy of the government's creation and application of law. The federal government's crackdown on political dissidents and prosecution of draft resisters seemed designed to maintain control in the hands of political power brokers.

As social conflict theory began to influence criminological study, several influential scholars embraced its ideas. William Chambliss and Robert Seidman wrote the well-respected treatise *Law, Order, and Power*, which documented how the justice system protects the rich and powerful.¹⁶ Some common objectives of conflict criminology that appear in Chambliss and Seidman's writing include

- Describing how control of the political and economic system affects the way criminal justice is administered
- Showing how definitions of crime favor those who control the justice system
- Analyzing the role of conflict in contemporary society

In another influential work, Richard Quinney spelled out what he terms the **social reality of crime**.¹⁷ According to Quinney, criminal definitions (law) represent the interests of those who hold power in society. Where there is conflict between social groups—for example, the wealthy and the poor—those who hold power will be the ones to create the laws that benefit themselves and hold rivals in check. Law is not an abstract body of rules that represents an absolute moral code; rather, law is an integral part of society, a force that represents a way of life and a method of doing things. Crime is a function of power relations and an inevitable result of social conflict. Criminals are not simply social misfits, but people who have come up short in the struggle for success

and are seeking alternative means of achieving wealth, status, or even survival.

This scholarship showed that the justice system in the United States was tilted toward the wealthy and powerful. Crime is defined by those in power. The term **power**, as used here, refers to the ability of persons and groups to determine and control the behavior of others and to shape public opinion to meet their personal interests. Because those in power shape the content of the law, it comes as no surprise that their behavior is often exempt from legal sanctions. Those who deserve the most severe sanctions (wealthy white-collar criminals whose crimes cost society millions of dollars) usually receive lenient punishments while those whose relatively minor crimes are committed out of economic necessity (petty thieves and drug dealers) receive stricter penalties especially if they are minority group members who lack social and economic power.¹⁸

|||||| CONNECTIONS |||||

The enforcement of laws against illegal business activities such as price fixing, restraint of trade, environmental crimes, and false advertising is discussed in Chapter 12. Although some people are sent to prison for these white-collar offenses, many offenders are still punished with a fine or economic sanction.

Social Conflict Research

Criminologists have used a variety of methods to determine whether indicators of social conflict are highly correlated with rates and trends in crime. One method is to compare the crime rates of members of powerless groups with those of members of the elite classes. Because of social and economic inequality, members of the lower class are forced to commit larceny and burglary, engage in robberies, and sell drugs as a means of social and economic survival. In some instances, the disenfranchised will engage in rape, assault,

and senseless homicides as a means of expressing their rage, frustration, and anger. There is a considerable body of research supporting this view. Criminologists routinely have found evidence that measures of social inequality—such as income level, deteriorated living conditions, and relative economic deprivation—are highly associated with crime rates.¹⁹ For example, recent research by Travis Pratt and Christopher Lowenkamp found a significant relationship between economic conditions and homicide rates; the effect was strongest for felony murders that typically accompany robberies and burglaries.²⁰ Their conclusion is that with economic **marginalization**, people turn to violent crime for survival, producing an inevitable upswing in the murder rate.

|||||| CONNECTIONS |||||

For more on the different categories of murder, go to Chapter 11. A felony murder is one committed in connection with some other crime, such as a burglary, and is typically punished severely. All those involved in the felony can be charged even if they did not take part in the murder.

Criminologists have also examined the justice system to uncover whether it hands out fair and even-handed justice or is rife with bias and discrimination, factors related to social conflict. For example, research shows that a suspect's race is an important factor in shaping police discretion and decision making. Using data from a nationally drawn survey of citizen attitudes and behavior, Ronald Weitzer and Steven Tuch found that about 40 percent of African American respondents claimed they were stopped by police because of their race as compared to just 5 percent of whites; almost three-quarters of young African American men, ages 18 to 34, said they were the victim of profiling.²¹ Recent research by Albert Meehan and Michael Ponder found that police are more likely to use racial profiling to stop black motorists as they travel farther into the boundaries of predominantly



Research on social conflict may look at efforts of hate groups to control or intimidate minorities and the poor. Here, police keep protesters away from Richard Barrett, the head of the Mississippi-based Nationalist Movement, as Barrett spoke in support of racial profiling July 4, 2001, in Morristown. Critical criminologists view racial profiling as a function of social conflict.

white neighborhoods: A black motorist discovered driving in an all-white neighborhood sends up a “red flag” because they are “out of place.”²² Research also shows that police brutality complaints are highest in minority neighborhoods, especially those that experience relative deprivation (African American residents earn significantly less money than the white majority).²³

Criminal courts are also more likely to dole out harsh punishments to members of powerless, disenfranchised groups.²⁴ Both white and black offenders have been found to receive stricter sentences if their personal characteristics (single, young, urban, male) show them to be members of the “dangerous classes.”²⁵ Unemployed racial minorities may be perceived as “social dynamite” who present a real threat to society and must be controlled and incapacitated.²⁶ Race also plays a role in prosecution and punishment. African American defendants are more likely to be prosecuted under habitual offender statutes if they commit crimes where there is a greater likelihood of a white victim—for example, larceny and burglary—than if they commit violent crimes that are largely intraracial; where there is a perceived “racial threat” punishment is enhanced.²⁷

Considering these examples of how conflict controls the justice process, it is not surprising when analysis of national population trends and imprisonment rates shows that as the percentage of minority group members increases in a population, the imprisonment rate does likewise.²⁸ Similarly, states with a substantial minority population have a much higher imprisonment rate than those with predominantly white populations.²⁹



To quiz yourself on this material, go to the Criminology 9e website.

CRITICAL CRIMINOLOGY

In the 1960s, theories that focused on the relationship between crime and conflict in any society began to be supplanted by more radical critical theories that examined the specific role of capitalism in law and criminality. In 1968, a group of British sociologists formed the National Deviancy Conference (NDC). With about 300 members, this organization sponsored several national symposiums and dialogues. Members came from all walks of life, but at its core was a group of academics who were critical of the positivist criminology being taught in British and American universities. More specifically, they rejected the conservative stance of criminologists and their close financial relationship with government funding agencies.

The NDC was not conceived as a Marxist-oriented group; rather, it investigated the concept of deviance from a labeling perspective. It called attention to ways in which social control might actually cause deviance rather than just respond to antisocial behavior. Many conference members became concerned about the political nature of social

control. In time, a schism developed within the NDC, with one group clinging to the interactionist/labeling perspective while the second embraced Marxist thought.

In 1973, critical theory was given a powerful academic boost when British scholars Ian Taylor, Paul Walton, and Jock Young published *The New Criminology*.³⁰ This brilliant, thorough, and well-constructed critique of existing concepts in criminology called for the development of new methods of criminological analysis and critique. *The New Criminology* became the standard resource for scholars critical of both the field of criminology and the existing legal process.

To learn more about the early development of critical criminology, read: Ian Taylor, “Crime and Social Criticism,” *Social Justice* 26 (1999): 150–161; and Gregory Shank, “Looking Back: Radical Criminology and Social Movements,” *Social Justice* 26 (1999): 114–127.

During the same period, a small group of scholars in the United States also began to follow a new critical approach to criminology. The locus of the critical school was the criminology program at the University of California at Berkeley. The most noted Marxist scholars at that institution were Anthony Platt, Paul Takagi, Herman Schwendinger, and Julia Schwendinger. At other U.S. academic institutions, some scholars who had earlier embraced social conflict theory—including Richard Quinney, William Chambliss, Steven Spitzer, and Barry Krisberg—became more critical in their approach.

In the United States, critical criminologists were influenced by the widespread social ferment during the late 1960s and early 1970s. The war in Vietnam, prison struggles, and the civil rights and feminist movements produced a climate in which criticism of the ruling class seemed a natural by-product. Mainstream, positivist criminology was criticized as being overtly conservative, pro-government, and antihuman. Critical criminologists scoffed when their fellow scholars used statistical analysis of computerized data to describe criminal and delinquent behavior.

In the early 1980s, the left realism school was started by scholars affiliated with Middlesex Polytechnic and the University of Edinburgh in Great Britain. In the United States, scholars influenced in part by the pioneering work of Dennis Sullivan and Larry Tift laid the foundation for what eventually became known as the peacemaking movement, which calls for a humanist vision of justice.³¹ At the same time, feminist scholars began to critically analyze the relationship between gender, power, and criminality.

Since the 1980s critical criminologists have been deeply concerned with the conservative trend in American politics and the creation of what they consider to be an American empire. The conservative agenda, initiated by Ronald Reagan, called for the lowering of labor costs through union busting, welfare limitations, tax cuts that favor the wealthy, ending affirmative action, and reducing environmental control and regulation. While spending was cut on social programs, spending on the military expanded. The rapid buildup of the

prison system and passage of draconian criminal laws that threatened civil rights and liberties—for example, three strikes laws and the Patriot Act—are other elements of the conservative agenda. Critical criminologists believe that they are responsible for informing the public about the dangers of these developments.³²

Critical criminologists have turned their attention to the threat competitive capitalism presents to the working class. In addition to perpetuating male supremacy and racialism, they believe that modern global capitalism helps destroy the lives of workers in less developed countries. For example, capitalists hailed China's entry into the World Trade Organization in 2001 as a significant economic event. However, critical thinkers point out that the economic boom has significant costs: The average manufacturing wage in China is 20 to 25 cents per hour; during the first half of 2001, 47,000 workers were killed, and 35.2 million Chinese workers were permanently or temporarily disabled at work.³³

Fundamentals of Critical Criminology

Critical criminologists view crime as a function of the capitalist mode of production and not the social conflict which might occur in any society regardless of its economic system. According to **critical criminology**, capitalism produces haves and have-nots, each engaging in a particular branch of criminality.³⁴ The mode of production shapes social life. Because economic competitiveness is the essence of capitalism, conflict increases and eventually destabilizes social institutions and the individuals within them.³⁵

In a capitalist society, those with economic and political power control the definition of crime and the manner in which the criminal justice system enforces the law.³⁶ Consequently, the only crimes available to the poor, or proletariat, are the severely sanctioned “street crimes”: rape, murder, theft, and mugging. Members of the middle class, or *petite bourgeoisie*, cheat on their taxes and engage in petty corporate crime (employee theft), acts that generate social disapproval but are rarely punished severely. The wealthy bourgeoisie are involved in acts that should be described as crimes but are not, such as racism, sexism, and profiteering. Although regulatory laws control illegal business activities, these are rarely enforced, and violations are lightly punished. One reason is that an essential feature of capitalism is the need to expand business and create new markets. This goal often comes in conflict with laws designed to protect the environment and creates clashes with those who seek their enforcement. In advanced capitalist society the need for expansion usually triumphs. For example, corporate spokespeople and their political allies will brand environmentalists as “tree huggers” who stand in the way of jobs and prosperity.³⁷

The rich are insulated from street crimes because they live in areas far removed from crime. Those in power use the fear of crime as a tool to maintain their control over society. The poor are controlled through incarceration, and the middle class is diverted from caring about the crimes of

the powerful by their fear of the crimes of the powerless.³⁸ Ironically, they may have more to lose from the economic crimes committed by the rich than the street crimes of the poor. Stock market swindles and savings and loan scams cost the public billions of dollars but are typically settled with fines and probationary sentences.

Because private ownership of property is the true measure of success in capitalism (as opposed to being, say, a worthy person), the state becomes an ally of the wealthy in protecting their property interests. As a result, theft-related crimes are often punished more severely than are acts of violence because while the former may be interclass, the latter are typically intraclass.

GLOBALIZATION Critical criminologists believe that the nature of a society controls the direction of its criminality; criminals are not social misfits, but products of the society and its economic system. Capitalism as a mode of production has always produced a relatively high level of crime and violence.³⁹ Critical thinkers are wary of how capitalism is becoming the predominant economic system in the world, replacing the socialist regimes in the former Soviet Union and eastern Europe. China is now a center for free market enterprise. This new global capitalist economy is a particular vexing development for critical theorists and impacts the concept of surplus value; globalization of industry has shifted the focus of critical inquiry to a world perspective.

Globalization is hard to define. It usually refers to the process of creating transnational markets, politics, and legal systems—that is, creating a global economy. Globalization began when large companies decided to establish themselves in foreign markets by adapting their products or services to the local culture. The process took off with the fall of the Soviet Union, which opened new European markets. The development of China into a super-industrial power encouraged foreign investors to take advantage of China's huge supply of workers. As the Internet and communication revolution unfolded, companies were able to establish instant communications with their far-flung corporate empires, a technological breakthrough that further aided trade and foreign investments. A series of transnational corporate mergers (for example, Daimler Chrysler) and takeovers (Ford and Volvo) produced ever-larger transnational corporations.

While some experts believe that globalization can improve the standard of living in Third World nations by providing jobs and training, critical thinkers question the altruism of multinational corporations.⁴⁰ Their motives, critical thinkers charge, are the exploitation of natural resources, avoiding regulation, and taking advantage of desperate workers. When these giant corporations set up a factory in a developing nation it is not to help the local population but to get around environmental laws and take advantage of needy workers who may be forced to labor in substandard conditions. Globalization has replaced imperialism and colonization as a new form of economic domination and oppression. Conflict thinkers David Friedrichs and Jessica Friedrichs

warn that globalization presents the following four-pronged threat to the world economy:

1. The growing global dominance and reach of the free-market capitalist system that disproportionately benefits wealthy and powerful organizations and individuals
2. The increasing vulnerability of indigenous people with a traditional way of life to the forces of globalized capitalism
3. The growing influence and impact of international financial institutions (such as the World Bank) and the related relative decline of power of local or state-based institutions
4. The nondemocratic operation of international financial institutions⁴¹

While many critical criminologists blame globalization for the recent upswing in international crime rates, legal scholar Jean-Germain Gros argues that it alone cannot increase crime unless it occurs in so-called failed or collapsed states.⁴² Globalization may produce crime in places such as the Congo, Liberia, Somalia, Sierra Leone, and Chechnya where there is widespread looting and banditry, where criminal warlords have more power than the government, and where arms traffickers can ply their trade unimpeded by government regulation.⁴³

Instrumental versus Structural Theory

Although these themes can be found throughout critical criminology, there are actually two different schools of thought on the relationship between capitalism and crime. These are the instrumental and structural models set out below.

THE INSTRUMENTAL VIEW According to **instrumental critical theory**, criminal law and the criminal justice system act solely as instruments for controlling the poor, have-not members of society. The state and its agencies of control—police, courts, and correctional system—are solely the tool of capitalists.

According to the instrumental view, capitalist justice serves the powerful and rich and enables them to impose their morality and standards of behavior on the entire society. Under capitalism, those who wield economic power are able to extend their self-serving definition of illegal or criminal behavior to encompass those who might threaten the status quo or interfere with their quest for ever-increasing profits.⁴⁴ For example, the concentration of economic assets in the nation's largest industrial firms translates into the political power needed to control tax laws to limit the firms' tax liabilities.⁴⁵ Some have the economic clout to hire top attorneys to defend themselves against antitrust actions, making them almost immune to regulation. For example, in 2004 Congress was presented with legislation to change the tax

structure for professional sports teams that would allow their owners benefits of such magnitude that they would significantly increase the value of the franchise. If the legislation is signed into law, the value of the teams, currently estimated to be about \$41 billion, would increase 5 percent or \$2 billion.⁴⁶

The poor, according to this branch of critical theory, may or may not commit more crimes than the rich, but they certainly are arrested and punished more often. Under the capitalist system, the poor are driven to crime because a natural frustration exists in a society in which affluence is well publicized but unattainable. When class conflict becomes unbearable, frustration can spill out in riots, such as the one that occurred in Los Angeles on April 29, 1992, which was described as a "class rebellion of the underprivileged against the privileged."⁴⁷ Because of class conflict, a deep-rooted hostility is generated among members of the lower class toward a social order they are not allowed to shape and whose benefits are unobtainable.⁴⁸

An important goal of instrumental theorists is to **demystify** law and justice—that is, to unmask its true purpose. Criminological theories that focus on family structure, intelligence, peer relations, and school performance keep the lower classes servile by showing why they are more criminal, less intelligent, and more prone to school failure and family problems than the middle class. Demystification involves identifying the destructive intent of capitalist inspired and funded criminology.⁴⁹

THE STRUCTURAL VIEW According to **structural critical theory**, the relationship between law and capitalism is unidirectional, not always working for the rich and against the poor.⁵⁰ Law is not the exclusive domain of the rich but rather is used to maintain the long-term interests of the capitalist system and control members of any class who threaten its existence. If law and justice were purely instruments of the capitalist class, why would laws controlling corporate crimes, such as price fixing, false advertising, and illegal restraint of trade, have been created and enforced?

To a structuralist, the law is designed to keep the capitalist system operating efficiently, and anyone, capitalist or proletarian, who rocks the boat is targeted for sanction. For example, antitrust legislation is designed to prevent any single capitalist from dominating the system. If the capitalist system is to function, no single person can become too powerful at the expense of the economic system as a whole. Structuralists would regard the efforts of the U.S. government to break up large corporations such as AT&T and Microsoft as examples of capitalists controlling capitalists to keep the system on an even keel. The long prison sentences given to corporate executives who engage in insider trading is a warning to capitalists that they must play by the rules. Though some may view the conviction of Martha Stewart as unfair, a structuralist sees Stewart as a sacrificial lamb, thrown to the wolves in order to prove the system works for everyone. Meanwhile, wealthy capitalists enjoy tax breaks and protection from prosecutions.



On September 15, 2004, in New York City, Martha Stewart made a statement to the media that she had decided to surrender for prison as soon as possible, citing the need to get on with her life. Stewart, the millionaire businesswoman, was sentenced in July of 2004 to five months in prison and five months of house arrest after she was convicted of lying about a stock sale. Some critical thinkers who use the structural view might see Stewart's punishment as indicating that the system requires even the wealthiest people to play by the rules of the capitalist economy.

Research on Critical Criminology

Critical criminologists rarely use standard social science methodologies to test their views because many believe the traditional approach of measuring research subjects is anti-human and insensitive.⁵¹ They believe that the research conducted by mainstream liberal and positivist criminologists is designed to unmask weak and powerless members of society so they can be better dealt with by the legal system. They are particularly offended by purely empirical studies, such as those designed to show that minority group members have

lower IQs than whites or that the inner city is the site of the most serious crime whereas middle-class areas are relatively crime-free.


Empirical research, however, is not considered totally incompatible with critical criminology, and there have been some important efforts to test its fundamental assumptions quantitatively.⁵² For example, research has shown that the property crime rate reflects a change in the level of surplus value; the capitalist system's emphasis on excessive profits accounts for the need of the working class to commit property crime.⁵³ Nonetheless, critical research tends to be historical and analytical, not quantitative and empirical. Social trends are interpreted with regard to how capitalism has affected human interaction. Critical criminologists investigate both macro-level issues, such as how the accumulation of wealth affects crime rates, and micro-level issues, such as the effect of criminal interactions on the lives of individuals living in a capitalist society. Of particular importance to critical thinkers is analyzing the historical development of capitalist social control institutions, such as criminal law, police agencies, courts, and prison systems.

CRIME, THE INDIVIDUAL, AND THE STATE Critical criminologists devote considerable attention to the relationships among crime, victims, the criminal, and the state. Two common themes emerge: (1) Crime and its control are a function of capitalism; (2) the justice system is biased against the working class and favors upper-class interests.

Critical analysis of the criminal justice system is designed to identify the often-hidden processes that control people's lives. It takes into account how conditions, processes, and structures evolved into what they are today. One issue considered is the process by which deviant behavior is defined as criminal or delinquent in U.S. society.⁵⁴ Another issue is the degree to which class affects the justice system's decision-making process.⁵⁵ Also subject to analysis is how power relationships help undermine any benefit the lower class receives from sentencing reforms.⁵⁶

In general, critical research efforts have yielded evidence linking operations of the justice system to class bias.⁵⁷ In addition, some researchers have attempted to show how capitalism intervenes across the entire spectrum of crime-related phenomena. In addition to conducting studies showing the relationship between crime and the state, some critical researchers have attempted to show how capitalism influences the distribution of punishment. Robert Weiss found that the expansion of the prison population is linked to the need for capitalists to acquire a captive and low-paid labor force in order to compete with overseas laborers and domestic immigrant labor. Employing immigrants has its political downside because it displaces "American" workers and antagonizes their legal representatives. In contrast, using prison labor can be viewed as a humanitarian gesture. Weiss also observes that an ever-increasing prison population is politically attractive because it masks unemployment rates. Many inmates were chronically unemployed before their imprisonment;

incarcerating the chronically unemployed allows politicians to claim they have lowered unemployment. When the millions of people who are on probation and parole and who must maintain jobs are added to the mix, the correctional system is now playing an ever-more important role in suppressing wages and maintaining the profitability of capitalism.⁵⁸

 Research shows that African Americans are sent to prison on drug charges at up to fifty times the rate of whites. To read more about the effects of racial discrimination, use "race discrimination" as a subject guide in InfoTrac College Edition.

This type of research does not set out to prove statistically that capitalism causes crime but rather to show that it creates an environment in which crime is inevitable. Critical research is humanistic, situational, descriptive, and analytical rather than statistical, rigid, and methodological. Critical theorists argue that there must be a thorough rethinking of the role and purpose of the criminal justice system, giving the powerless a greater voice to express their needs and concerns, if these inequities are to be addressed.⁵⁹

HISTORICAL ANALYSIS Another type of critical research focuses on the historical background of commonly held institutional beliefs and practices. One goal is to show how changes in criminal law correspond to the development of the capitalist economy. The second goal is to investigate the development of modern police agencies.

To examine the changes in criminal law, historian Michael Rustigan analyzed historical records to show that law reform in nineteenth-century England was largely a response to pressure from the business community to increase punishment for property law violations in order to protect their rapidly increasing wealth.⁶⁰ Other research has focused on topics such as how the relationship between convict work and capitalism evolved during the nineteenth century. During this period, prisons became a profitable method of centralized state control over lower-class criminals, whose labor was exploited by commercial concerns. These criminals were forced to labor in order to pay off wardens and correctional administrators.⁶¹

Critique of Critical Criminology

Critical criminology has been sharply criticized by some members of the criminological mainstream, who charge that its contribution has been "hot air, heat, but no real light."⁶² In turn, critical criminologists have accused mainstream criminologists of being culprits in developing state control over individual lives and selling out their ideals for the chance to receive government funding.

Mainstream criminologists have also attacked the substance of critical thought. Some argue that critical theory simply rehashes the old tradition of helping the underdog, in which the poor steal from the rich to survive.⁶³ In reality,

most theft is for luxury, not survival. While the wealthy do commit their share of illegal acts, these are nonviolent and leave no permanent injuries.⁶⁴ People do not live in fear of corrupt businessmen and stock traders; they fear muggers and rapists.

Other critics suggest that critical criminologists unfairly neglect the capitalist system's efforts to regulate itself—for example, by instituting antitrust regulations and putting violators in jail. Similarly, they ignore efforts to institute social reforms aimed at helping the poor.⁶⁵ There seems to be no logic in condemning a system that helps the poor and empowers them to take on corporate interests in a court of law. Even inherently conservative institutions such as police departments have made attempts at self-regulation when they become aware of class- and race-based inequality such as the use of racial profiling in making traffic stops.⁶⁶

Some argue that critical criminologists refuse to address the problems and conflicts that exist in socialist countries, such as the gulags and purges of the Soviet Union under Stalin. Similarly, they fail to explain why some highly capitalist countries, such as Japan, have extremely low crime rates. Critical criminologists are too quick to blame capitalism for every human vice without adequate explanation or regard for other social and environmental factors.⁶⁷ In so doing, they ignore objective reality and refuse to acknowledge that members of the lower classes tend to victimize one another. Critical criminologists ignore the plight of the lower classes, who must live in crime-ridden neighborhoods, while condemning the capitalist system from the security of the ivory tower.

Critical scholars claim their detractors rely on "traditional" variables, such as class and poverty, in their analysis of radical thought. Although important, these factors do not reflect the key issues in the structural and economic process. In fact, like crime, they too may be the outcome of the capitalist system.⁶⁸ Critical criminologists also point out that although other capitalist nations may have lower crime rates, this does not mean they are crime-free. Even Japan has significant problems with teen prostitution and organized crime.



To quiz yourself on this material, go to the Criminology 9e website.

CONTEMPORARY FORMS OF CRITICAL THEORY

We have noted that contemporary critical theory can be subdivided into the structural and instrumental branches. In addition, there are a number of new branches of thought and scholarship which have sprung from the same roots: the appreciation of social conflict and the economic determinism of Marxist thought. Some of the more important of these are discussed below.

Left Realism

Some critical scholars are now addressing the need for the left wing to respond to the increasing power of right-wing conservatives. They are troubled by the emergence of a strict “law and order” philosophy, which has as its centerpiece a policy of severe and strict punishment. At the same time, they find the focus of most left-wing scholarship—the abuse of power by the ruling elite—too narrow. It is wrong, they argue, to ignore inner-city gang crime and violence, which often target indigent people.⁶⁹ The approach of scholars who share these concerns is referred to as **left realism**.⁷⁰

Left realism is most often connected to the writings of British scholars John Lea and Jock Young. In their well-respected 1984 work, *What Is to Be Done About Law and Order?* they reject the utopian views of “idealistic” critical criminologists who portray street criminals as revolutionaries.⁷¹ They take the more “realistic” approach that street criminals prey on the poor and disenfranchised, thus making the poor doubly abused, first by the capitalist system and then by members of their own class.

Lea and Young’s view of crime causation borrows from conventional sociological theory and closely resembles the relative deprivation approach, which posits that experiencing poverty in the midst of plenty creates discontent and breeds crime. As they put it, “The equation is simple: relative deprivation equals discontent; discontent plus lack of political solution equals crime.”⁷²

In a more recent book, *Crime in Context: A Critical Criminology of Market Societies*, Ian Taylor recognizes that critical criminologists who expect an instant socialist revolution to take place are simply engaging in wishful thinking.⁷³ He uses data from both Europe and North America to show that the world is currently in the midst of multiple crises that are shaping all human interaction, including criminality. These crises include those involving job creation, social inequality, social fear, political incompetence and failure, gender conflict, and family and parenting. They have led to a society in which the government seems incapable of creating positive social change, where people have become more fearful and isolated from one another and some are excluded from the mainstream because of racism and discrimination, and where manufacturing jobs have been exported overseas to nations that pay extremely low wages and in which fiscal constraints inhibit the possibility of reform. These problems often fall squarely on the shoulders of young black men who not only suffer from exclusion and poverty but who have also suffered from economic dislocation caused by the erosion of manufacturing jobs due to globalization of the economy. In response, they engage in a hyper-form of masculinity that helps increase their crime rates.⁷⁴

CRIME PROTECTION Left realists argue that crime victims in all classes need and deserve protection; crime control reflects community needs. They do not view police and the courts as inherently evil tools of capitalism whose tough tactics alienate the lower classes. In fact, they recognize that

these institutions offer life-saving public services. The left realists wish, however, that police would reduce their use of force and increase their sensitivity to the public.⁷⁵

Preemptive deterrence is an approach in which community organization efforts eliminate or reduce crime before police involvement becomes necessary. The reasoning behind this approach is that if the number of marginalized youths (those who feel they are not part of society and have nothing to lose by committing crime) could be reduced, then delinquency rates would decline.⁷⁶

Although implementing a socialist economy might help eliminate the crime problem, left realists recognize that something must be done to control crime under the existing capitalist system. To develop crime control policies, left realists not only welcome radical ideas but also build on the work of strain theorists, social ecologists, and other mainstream views. Community-based efforts seem to hold the greatest promise of crime control.

Left realism has been criticized by radical thinkers as legitimizing the existing power structure: By supporting existing definitions of law and justice, it suggests that the “deviant” and not the capitalist system causes society’s problems. Critics question whether left realists advocate the very institutions that “currently imprison us and our patterns of thought and action.”⁷⁷ In rebuttal, left realists would say that it is unrealistic to speak of a socialist state lacking a police force or a system of laws and justice. They believe that the criminal code does, in fact, represent public opinion.

Critical Feminist Theory

Most of the efforts of critical theorists have been devoted to explaining male criminality.⁷⁸ To remedy this theoretical lapse, a number of critical scholars have attempted to explain the cause of crime, gender differences in crime rates, and the exploitation of female victims from a **critical feminist** perspective. Critical feminists view gender inequality as stemming from the unequal power of men and women in a capitalist society, which leads to the exploitation of women by fathers and husbands. Under this system, women are considered a commodity worth possessing, like land or money.⁷⁹

The origin of gender differences can be traced to the development of private property and male domination of the laws of inheritance, which led to male control over property and power.⁸⁰ A patriarchal system developed in which men’s work was valued and women’s work was devalued. As capitalism prevailed, the division of labor by gender made women responsible for the unpaid maintenance and reproduction of the current and future labor force, which was derisively called “domestic work.” Although this unpaid work done by women is crucial and profitable for capitalists, who reap these free benefits, such labor is exploitative and oppressive for women.⁸¹ Even when women gained the right to work for pay, they were exploited as cheap labor. The dual exploitation of women within the household and in the labor market means that women produce far greater surplus value for capitalists than men.



Critical feminists view gender inequality as a function of female exploitation by men. Women have become a “commodity” worth possessing, like land or money. The origin of gender differences can be traced to the development of private property and male domination over the laws of inheritance, which led to their control over property and power. Are these teen prostitutes—shown here waiting to be booked at the Maricopa, Arizona, jail—a by-product of this view of women as commodities, which was engendered by the capitalist system?

Capitalism lends itself to male supremacy and capitalist societies are built around **patriarchy**, a system in which men dominate public, social, economic, and political affairs. This system sustains female oppression at home and in the workplace.⁸² Although the number of traditional patriarchal families is in steep decline, in those that still exist, a wife’s economic dependence ties men more securely to wage-earning jobs, further serving the interests of capitalists by undermining potential rebellion against the system.

PATRIARCHY AND CRIME Critical feminists link criminal behavior patterns to the gender conflict created by the economic and social struggles common in postindustrial societies. In his book *Capitalism, Patriarchy, and Crime*, James Messerschmidt argues that capitalist society is marked by both patriarchy and class conflict. Capitalists control the labor of workers, while men control women both economically and biologically.⁸³ This “double marginality” explains why females in a capitalist society commit fewer crimes than males. Because they are isolated in the family, they have fewer opportunities to engage in elite deviance (white-collar and economic crimes). Although powerful females as well as males will commit white-collar crimes, the female crime rate is restricted because of the patriarchal nature of the capitalist system.⁸⁴ Women are also denied access to male-dominated street crimes. Because capitalism renders lower-class women powerless, they are forced to commit less serious, nonviolent, self-destructive crimes, such as abusing drugs.

Powerlessness also increases the likelihood that women will become targets of violent acts.⁸⁵ When lower-class males are shut out of the economic opportunity structure, they try to build their self-image through acts of machismo; such acts may involve violent abuse of women. This type of reaction accounts for a significant percentage of female victims who are attacked by a spouse or intimate partner.

In *Masculinities and Crime*, Messerschmidt expands on these themes.⁸⁶ He suggests that in every culture, males try to emulate “ideal” masculine behaviors. In Western culture, this means being authoritative, in charge, combative, and controlling. Failure to adopt these roles leaves men feeling effeminate and unmanly. Their struggle to dominate women in order to prove their manliness is called “doing gender.” Crime is a vehicle for men to “do gender” because it separates them from the weak and allows them to demonstrate physical bravery. Violence directed toward women is an especially economical way to demonstrate manhood. Would a weak, effeminate male ever attack a woman?

Feminist writers have supported this view by maintaining that in contemporary society men achieve masculinity at the expense of women. In the best case scenario they must convince others that in no way are they feminine or have female qualities—for example, they are sloppy and do no cooking or housework because these are “female” activities. More ominously, they may work at excluding, hurting, denigrating, exploiting, or otherwise abusing actual women. Even in all-male groups men often prove their manhood by treating the weakest member of the group as “woman-like” and abusing them accordingly. Men’s need to defend themselves at all costs from being contaminated with femininity, and these efforts begin in children’s playgroups and continue into adulthood and marriage.⁸⁷

According to this view, female victimization should decline as women’s place in society is elevated, and they are able to obtain more power at home, in the workplace, and in government. A recent (2004) cross-national study of educational and occupational status of women supports this hypothesis. In nations where the status of women is generally high, sexual violence rates are significantly lower than in nations where women do not enjoy similar educational and occupational opportunities.⁸⁸

EXPLOITATION AND CRIMINALITY Critical feminists also focus on the social forces that shape women's lives and experiences to explain female criminality.⁸⁹ For example, they attempt to show how the sexual victimization of females is a function of male socialization because so many young males learn to be aggressive and to exploit females. Males seek out same-sex peer groups for social support; these groups encourage members to exploit and sexually abuse females. On college campuses, peers encourage sexual violence against women who are considered "teasers," "bar pickups," or "loose women." These derogatory labels allow the males to justify their actions; a code of secrecy then protects the aggressors from retribution.⁹⁰

According to the critical feminist view, exploitation triggers the onset of female delinquent and deviant behavior. When female victims run away and abuse substances, they may be reacting to abuse they have suffered at home or at school. Their attempts at survival are labeled as deviant or delinquent behavior.⁹¹ In a sense, the female criminal is herself a victim.

Research shows that a significant number of girls who are sent to hospital emergency rooms to be treated for sexual abuse later report engaging in physical fighting as teens or as adults. Many of these abused girls later form romantic attachments with abusive partners. Clearly many girls involved in delinquency, crime, and violence have themselves been the victims of violence in their youth and later as adults.⁹²

Critical feminist opinions differ on certain issues. For example, some feminist scholars charge that the movement focuses on the problems and viewpoints of white, middle-class, heterosexual women without taking into account the special interests of lesbians and women of color.⁹³ The *Race, Culture, Gender, and Criminology* feature traces the history of patriarchy.

HOW THE JUSTICE SYSTEM PENALIZES WOMEN Radical feminists have indicted the justice system and its patriarchal hierarchy as contributing to the onset of female delinquency. Some have studied the early history of the justice system and uncovered an enduring pattern of discrimination. From its inception, the juvenile justice system has viewed most female delinquents as sexually precocious girls who have to be brought under control. Writing about the "girl problem," Ruth Alexander has described how working-class young women desiring autonomy and freedom in the 1920s were considered delinquents and placed in reformatories. Lacking the ability to protect themselves from the authorities, these young girls were considered outlaws in a male-dominated society because they flouted the very narrow rules of appropriate behavior that were applied to females. Girls who rebelled against parental authority or who engaged in sexual behavior deemed inappropriate were incarcerated in order to protect them from a career in prostitution.⁹⁴

Mary Odem and Steven Schlossman researched the lives of young women who entered the Los Angeles Juvenile Court in 1920 and found that the majority were petitioned for

either suspected sexual activity or behavior that placed them at risk of sexual relations. Despite the limited seriousness of these charges, most of the girls were detained before their trials, and while in juvenile hall, all were given a compulsory pelvic exam. Girls adjudged sexually delinquent on the basis of the exam were segregated from the merely incorrigible girls to prevent moral corruption. Those testing positive for venereal disease were usually confined in the juvenile hall hospital for 1 to 3 months. More than 29 percent of these female adolescents were eventually committed to custodial institutions.⁹⁵

A well-known feminist writer, Meda Chesney-Lind, has written extensively about the victimization of female delinquents by agents of the juvenile justice system.⁹⁶ She suggests that because female adolescents have a much narrower range of acceptable behavior than male adolescents, any sign of misbehavior in girls is seen as a substantial challenge to authority and to the viability of the double standard of sexual inequality. Female delinquency is viewed as relatively more serious than male delinquency and therefore is more likely to be severely sanctioned.

Power-Control Theory

John Hagan and his associates have created a radical feminist model that uses gender differences to explain the onset of criminality.⁹⁷ Hagan's view is that crime and delinquency rates are a function of two factors: (1) class position (power) and (2) family functions (control).⁹⁸ The link between these two variables is that, within the family, parents reproduce the power relationships they hold in the workplace; a position of dominance at work is equated with control in the household. As a result, parents' work experiences and class position influence the criminality of children.⁹⁹

In **paternalistic families**, fathers assume the traditional role of breadwinners, while mothers tend to have menial jobs or remain at home to supervise domestic matters. Within the paternalistic home, mothers are expected to control the behavior of their daughters while granting greater freedom to sons. In such a home, the parent-daughter relationship can be viewed as a preparation for the "cult of domesticity," which makes girls' involvement in delinquency unlikely, whereas boys are freer to deviate because they are not subject to maternal control. Girls growing up in patriarchal families are socialized to fear legal sanctions more than are males; consequently, boys in these families exhibit more delinquent behavior than their sisters. The result is that boys not only engage in more antisocial behaviors but have greater access to legitimate adult-type behaviors, such as working at part time jobs and/or possessing transportation. In contrast, without these legitimate behavioral outlets, girls who are unhappy or dissatisfied with their status are forced to seek out risky **role exit behaviors**, including such desperate measures as running away and contemplating suicide.

In **egalitarian families**—those in which the husband and wife share similar positions of power at home and in the

Race, Culture, Gender, and Criminology

Capitalism and Patriarchy

Feminist scholar Nancy Jurik has described the historical association between patriarchy and capitalism and how both worked to subjugate women. Patriarchy first emerged in precapitalist agricultural societies in which a male head presided over his family, controlling work and the marriages of its members. In these early societies, the household was the center of production. With the development of industrialization and the emergence of labor, capitalism interacted with patriarchy to change family life. With the advent of mass production, the factory and not the home became the center of production.

At the onset of industrialization, all family members, including children, went out to work. Gradually, however, social reformers and even some capitalists arranged for the removal of women and children from the harsh conditions of factory life. Male-controlled unions fought for job protection by forcing legislation, which prohibited women from competing for factory jobs. Capitalists eventually agreed to pay a “family wage” that would be large enough to support wives and children. Capitalism then rendered men as the sole “breadwinners” while at the same time satisfying the owners’ need for a stable and healthy workforce. Despite the ideology that all men should earn enough

to keep their wives at home, men of color, nonunion whites, and immigrants rarely earned a family wage.

Women began to be exploited because they provided free reproductive labor in their homes. Their labor, though unappreciated, allowed men to work. Women produced and cared for the next generation of laborers (their children). Women’s reproductive labor limited their ability to engage in paid work or to participate in the political process. They were denied control over their sexuality and reproduction.

Men’s domination was both a function of their control of social institutions and their constant threat of physical violence. Lack of opportunity relegated women to seek men’s protection in monogamous nuclear families. The law even denied a woman’s right to control her own sexuality by limiting access to birth control and abortions.

For those women who did hold jobs outside the home, their role in the workplace defined the way they were viewed. In the event a woman was forced to seek work, she was reduced to “help” and “support” work, which was viewed as less skilled than the work men did and was therefore lower paid. Keeping women’s wages low also helped capitalists dominate male workers by threatening to replace them with lower-paid women. This fear allowed them to deny raises and to limit benefits. This further alienated and enraged men, convincing them of the urgency of preventing women from

joining unions and from gaining employment in traditional male occupations.

Patriarchy may have preceded capitalism, but beginning with the Industrial Age both capitalism and patriarchy have been intertwined in an effort to sustain the subordination of women.

Critical Thinking

1. How would you respond to someone who claims that the social roles of men and women have converged, and, if anything, women actually have more power today?
2. Can you think of institutions and practices that show gender discrimination to be a continuing and contemporary problem?

InfoTrac College Edition Research

For more on the concept of patriarchy and how it influences women, see: Heidi Gottfried, “Beyond Patriarchy? Theorising Gender and Class,” *Sociology* 32 (August 1998): 451; Stanley Rothman and Amy E. Black, “Who Rules Now? American Elites in the 1990s,” *Society* 35 (September–October 1998): 17.

Source: Nancy Jurik, “Socialist Feminism, Criminology, and Criminal Justice,” in *Social Justice/Criminal Justice*, ed. Bruce Arrigo (Belmont, CA: West/Wadsworth, 1999), pp. 31–51.

workplace—daughters gain a kind of freedom that reflects reduced parental control. These families produce daughters whose law-violating behavior mirrors their brothers’ behavior. In an egalitarian family, girls may have greater opportunity to engage in legitimate adult-status behaviors and have less need to enact deviant role exits.¹⁰⁰

Ironically, these relationships also occur in female-headed households with absent fathers. Hagan and his associates found that when fathers and mothers hold equally

valued managerial positions, the similarity between the rates of their daughters’ and sons’ delinquency is greatest. By implication, middle-class girls are the most likely to violate the law because they are less closely controlled than their lower-class counterparts. In homes in which both parents hold positions of power, girls are more likely to have the same expectations of career success as their brothers. Consequently, siblings of both sexes will be socialized to take risks and engage in other behavior related to delinquency.

EVALUATING POWER-CONTROL This **power-control theory** has received a great deal of attention in the criminological community because it encourages a new approach to the study of criminality, one that includes gender differences, class position, and the structure of the family. Empirical analysis of its premises has generally been supportive. For example, Brenda Sims Blackwell's research supports a key element of power-control theory: Females in paternalistic households have learned to fear legal sanctions more than have their brothers.¹⁰¹

Not all research is as supportive.¹⁰² Some critics have questioned its core assumption that power and control variables can explain crime.¹⁰³ More specifically, critics fail to replicate the finding that upper-class kids are more likely to deviate than their lower-class peers or that class and power interact to produce delinquency.¹⁰⁴ Some researchers have found few gender-based supervision and behavior differences in worker-, manager-, or owner-dominated households.¹⁰⁵ It is possible that the concept of class employed by Hagan may have to be reconsidered. Moreover, power-control theory must now consider the multitude of power and control relationships that are emerging in postmodern society: for example, blended families, and families where mothers hold managerial positions and fathers are blue-collar workers, and so forth.¹⁰⁶

Postmodern Theory

A number of radical thinkers, referred to as **postmodernists** or **deconstructionists**, have embraced semiotics as a method of understanding all human relations, including criminal behavior. **Semiotics** refers to the use of language elements as signs or symbols beyond their literal meaning. Thus, deconstructionists critically analyze communication and language in legal codes to determine whether they contain language and content that institutionalize racism or sexism.¹⁰⁷

Postmodernists rely on semiotics to conduct their research efforts. For example, the term *special needs children* is designed to describe these youngsters' learning needs, but it may also characterize the children themselves as mentally challenged, dangerous, or uncontrollable. Postmodernists believe that value-laden language can promote inequities. *Truth, identity, justice, and power* are all concepts whose meaning is derived from the language dictated by those in power.¹⁰⁸ Laws, legal skill, and justice are commodities that can be bought and sold like any other service or product.¹⁰⁹ For example, the OJ Simpson case is vivid proof that the affluent can purchase a different brand of justice than the indigent.¹¹⁰

Postmodernists assert that there are different languages and ways of knowing. Those in power can use their own language to define crime and law while excluding or dismissing

those who oppose their control, such as prisoners and the poor. By dismissing these oppositional languages, certain versions of how to think, feel, or act are devalued and excluded. This exclusion is seen as the source of conflict in society.¹¹¹

Peacemaking Theory

One of the newer movements in radical theory is **peacemaking** criminology. To members of the peacemaking movement, the main purpose of criminology is to promote a peaceful, just society. Rather than standing on empirical analysis of data, peacemaking draws its inspiration from religious and philosophical teachings ranging from Quakerism to Zen.¹¹²

Peacemakers view the efforts of the state to punish and control as crime-encouraging rather than crime-discouraging. These views were first articulated in a series of books with an anarchist theme written by criminologists Larry Tifft and Dennis Sullivan in 1980.¹¹³ Tifft argues, "The violent punishing acts of the state and its controlling professions are of the same genre as the violent acts of individuals. In each instance these acts reflect an attempt to monopolize human interaction."¹¹⁴

Sullivan stresses the futility of correcting and punishing criminals in the context of our conflict-ridden society: "The reality we must grasp is that we live in a culture of severed relationships, where every available institution provides a form of banishment but no place or means for people to become connected, to be responsible to and for each other."¹¹⁵ Sullivan suggests that mutual aid rather than coercive punishment is the key to a harmonious society. In *Restorative Justice* (2001), Sullivan and Tifft reaffirm their belief that



Peacemakers believe in restoration and not revenge, even for the most heinous crimes. They are firmly against the death penalty. Here, Scott Langley, Chris Banner, and Virginia Hodges sing together for death row inmates at the U.S. Federal Penitentiary in Terre Haute, Indiana. The three participated in an 80-mile march from Indianapolis to Terre Haute in protest of the death penalty.

AP/Wide World Photos

Social Conflict/Critical Criminology Theories

Social Conflict Theory

- The major premise is that crime is a function of class conflict. Law is defined by people who hold social and political power.
- The strengths of the theory are that it accounts for class differentials in the crime rate and shows how class conflict influences behavior.

Critical Criminology

- The major premise of the theory is that the capitalist means of production creates class conflict. Crime is a rebellion of the lower class. The criminal justice system is an agent of class warfare.
- The strength of the theory is that it accounts for the associations between economic structure and crime rates.

Instrumental Critical Theory

- The major premise of the theory is that criminals are revolutionaries. The real crimes are sexism, racism, and profiteering.
- The strengths of the theory are that it broadens the definition of crime and demystifies or explains the historical development of the law.

Structural Critical Theory

- The major premise of the theory is that the law is designed to sustain the capitalist economic system.
- The major strength of the theory is that it explains the existence of white-collar crime and business control laws.

Left Realism

- The major premise of the theory is that class conflicts create crime.

- The strength of the theory is that it provides a fair and humane prescription for crime control in an unjust society.

Critical Feminist Theory

- The major premise of the theory is that gender conflict in male-dominated patriarchal societies create crime.
- The strength of the theory is that it explains how gender differences in the crime rate are a function of capitalist competition and the exploitation of women.

Power–Control Theory

- The major premise of the theory is that gender differences in crime are a function of economic power (class position, one- versus two-earner families) and parental control (paternalistic versus egalitarian families).
- The major strength of the theory is that it encourages a new approach to the study of criminality, one that includes gender differences, class position, and the structure of the family.

Postmodern Theory

- The major premise of the theory is that language and understanding are related to definitions of antisocial behavior.
- The strength of the theory is that it provides a framework for the study of modern society and its control over human behavior.

Peacemaking Theory

- The major premise of the theory is that peace and humanism can reduce crime; conflict resolution strategies can work.
- The strength of the theory is that it offers a new approach to crime control through mediation.

society must seek humanitarian forms of justice without resorting to brutal punishments:

By allowing feelings of vengeance or retribution to narrow our focus on the harmful event and the person responsible for it—as others might focus solely on a sin committed and the “sinner”—we tell ourselves we are taking steps to free ourselves from the effects of the harm or the sin in question. But, in fact, we are putting ourselves in a servile position with respect to life, human growth, and the further enjoyment of relationships with others.¹¹⁶

Today, advocates of the peacemaking movement, such as Harold Pepinsky and Richard Quinney (who has shifted his theoretical orientation from conflict theory to Marxism and now to peacemaking), try to find humanist solutions to crime and other social problems.¹¹⁷ Rather than punishment and prison, they advocate such policies as mediation and conflict resolution.¹¹⁸

Concept Summary 8.1 sets out the major sub-branches of social conflict theory and critical criminology.

PUBLIC POLICY IMPLICATIONS OF SOCIAL CONFLICT THEORY: RESTORATIVE JUSTICE

At the core of all the varying branches of critical criminology is the fact that conflict causes crime. If conflict and competition in society could somehow be reduced, it is possible that crime rates would fall. Some critical theorists believe this goal can only be accomplished by thoroughly reordering society so that capitalism is destroyed and a socialist state is created. Others call for a more practical application of critical principles. Nowhere has this been more successful than in the **restorative justice** movement.

Influenced by the peacemaking movement, restorative justice advocates have made an ongoing effort to reduce the conflict created by the criminal justice system when it hands out harsh punishments to offenders, many of whom are powerless social outcasts. Based on the principle of reducing social harm, restorative justice advocates argue that

the old methods of punishment are a failure and that upwards of two-thirds of all prison inmates recidivate soon after their release. They scoff at claims that the crime rate has dropped because the number of people in prison is at an all-time high, countering these claims with studies that show that imprisonment rates are not at all related to crime rates; there is no consistent finding that locking people up helps reduce crimes.¹¹⁹

|||||| CONNECTIONS |||

Contrast this approach with the crime-control deterrence policies advocated by rational choice theorists in Chapter 4.

Encompassing both academic thinkers and justice system personnel, the restorative approach relies on nonpunitive strategies for crime prevention and control.¹²⁰ The next sections discuss the foundation and principles of restorative justice.

Reintegrative Shaming

One of the key foundations of the restoration movement is contained in John Braithwaite's influential book *Crime, Shame, and Reintegration*.¹²¹ Braithwaite notes that countries such as Japan, in which conviction for crimes brings an inordinate amount of shame, have extremely low crime rates. In Japan, criminal prosecution proceeds only when the normal process of public apology, compensation, and the victim's forgiveness breaks down.

Shame is a powerful tool of informal social control. Citizens in cultures in which crime is not shameful, such as the United States, do not internalize an abhorrence for crime because when they are punished, they view themselves as mere victims of the justice system. Their punishment comes at the hands of neutral strangers, like police and judges, who are being paid to act. In contrast, reintegrative shaming relies on the victim's participation.¹²²

Braithwaite divides the concept of shame into two distinct types. The most common form of shaming typically involves stigmatization. This form of shaming involves an ongoing process of degradation in which the offender is branded as an evil person and cast out of society. Shaming can occur at a school disciplinary hearing or a criminal court trial. Bestowing stigma and degradation may have a general deterrent effect: It makes people afraid of social rejection and public humiliation. As a specific deterrent, stigma is doomed to failure: people who suffer humiliation at the hands of the justice system are just as likely to "reject their rejectors" by joining a deviant subculture of like-minded people who collectively resist social control. Despite these dangers, there has been an ongoing effort to brand offenders and make their shame both public and permanent. Most states have passed sex offender registry and notification laws that make public the names of those convicted of sex offenses and warn neighbors of their presence in the community.¹²³

Braithwaite argues that crime control can be better achieved through a policy of **reintegrative shaming**. Here disapproval is extended to the offenders' evil deeds, while at the same time they are cast as respected people who can be reaccepted by society. A critical element of reintegrative shaming occurs when the offenders begin to understand and recognize their wrongdoing and shame themselves. To be reintegrative, shaming must be brief and controlled and then followed by ceremonies of forgiveness, apology, and repentance.

To prevent crime, Braithwaite charges, society must encourage reintegrative shaming. For example, the women's movement can reduce domestic violence by mounting a crusade to shame spouse abusers.¹²⁴ Similarly, parents who use reintegrative shaming techniques in their childrearing practices may improve parent-child relationships and ultimately reduce the delinquent involvement of their children.¹²⁵ Because informal social controls may have a greater impact than legal or formal ones, it may not be surprising that the fear of personal shame can have a greater deterrent effect than the fear of legal sanctions. It may also be applied to produce specific deterrence. Offenders can meet with victims so that the offenders can experience shame. Family members and peers can be present to help the offender reintegrate.¹²⁶ Such efforts can humanize a system of justice that today relies on repression rather than forgiveness as the basis of specific deterrence.

|||||| CONNECTIONS |||

The use of reintegrative shaming has been advocated by criminologists who consider harsh punishment counterproductive. If shame can convince people to refrain from crime, then it follows that they are following a logical process in choosing criminal over conventional solutions to their problems. This jibes with the choice theory model discussed in Chapter 4.

The Concept of Restorative Justice

According to Howard Zehr, a leader of the restorative justice movement, the term *restorative justice* is often hard to define because it encompasses a variety of programs and practices. Zehr observes that, "Restorative justice requires, at minimum, that we address victims' harms and needs, hold offenders accountable to put right those harms, and involve victims, offenders, and communities in this process." Its core value can be put into one word: respect. He states: "Respect for all, even those who are different from us, even those who seem to be our enemies. Respect reminds us of our interconnectedness but also of our differences. Respect insists that we balance concern for all parties." At its core it is "a set of principles, a philosophy, an alternate set of guiding questions" that provide an alternative framework for thinking about "wrongdoing."¹²⁷

The traditional justice system has done little to involve the community in the process of dealing with this "wrongdoing." What has developed is a system of coercive punish-

The Basic Principles of Restorative Justice

- Crime is an offense against human relationships.
- Victims and the community are central to justice processes.
- The first priority of justice processes is to assist victims.
- The second priority is to restore the community, to the degree possible.
- The offender has personal responsibility to victims and to the community for crimes committed.
- The offender will develop improved competency and understanding as a result of the restorative justice experience.
- Stakeholders share responsibilities for restorative justice through partnerships for action.

Source: Anne Seymour, National Victim Assistance Academy, *Restorative Justice/Community Justice* (Washington, DC: National Victim Assistance Academy, 2001). Updated July 2002.

ments, administered by bureaucrats, that are inherently harmful to offenders and that reduce the likelihood they will ever become productive members of society. This system relies on punishment, stigma, and disgrace. In his controversial book *The Executed God: The Way of the Cross in Lockdown America*, theology professor Mark Lewis Taylor discusses the similarities between this contemporary, coercive justice system and that which existed in imperial Rome, when Jesus and many of his followers were executed because they were considered a threat who served as an inspiration to the poor and slave populations. Jesus created a popular movement that threatened the power structure and had to be put down if the system of imperial privilege was to remain intact. So too is our modern justice system designed to keep the downtrodden in place. Taylor suggests that there should be a movement to reduce coercive elements of justice such as police brutality and the death penalty before our “lockdown society” becomes the model around the globe.¹²⁸

Advocates of restorative justice argue that rather than today’s lockdown mentality, what is needed instead is a justice policy that repairs the harm caused by crime and that includes all parties who have suffered from that harm, including the victim, the community, and the offender. The principles of this approach are set out in Exhibit 8.1.

An important aspect of achieving these goals is for offenders to accept accountability for their actions and accept the responsibility for the harm their actions caused. Only then can they be restored as productive members of their community. Restoration involves turning the justice system into a healing process rather than being a distributor of retribution and revenge.

Most people involved in offender–victim relationships actually know each other or were related in some way before the criminal incident took place. Instead of treating one of the involved parties as a victim deserving of sympathy and the other as a criminal deserving of punishment, it is more productive to address the issues that produced conflict between

these people. Rather than take sides and choose whom to isolate and punish, society should try to reconcile the parties involved in conflict.¹²⁹ The effectiveness of justice ultimately depends on the stake a person has in the community (or a particular social group). If people do not value their membership in the group, they will be unlikely to accept responsibility, show remorse, or repair the injuries caused by their actions. In contrast, people who have a stake in the community and its principal institutions—such as work, home, and school—find that their involvement enhances their personal and familial well-being.¹³⁰ If offenders can truly understand the problems and hurt they cause and are remorseful for their acts, they are less likely to re-offend.¹³¹



The **Center for Restorative Justice and Peacemaking** provides links and information on the ideals of restoration and programs based on its principles: <http://2ssw.che.umn.edu/rjp/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The Process of Restoration

The restoration process begins by redefining crime in terms of a conflict among the offender, the victim, and the affected constituencies (families, schools, workplaces, and so on). Therefore, it is vitally important that the resolution take place within the context in which the conflict originally occurred rather than be transferred to a specialized institution that has no social connection to the community or group from which the conflict originated. In other words, most conflicts are better settled in the community than in a court. By maintaining “ownership” or jurisdiction over the conflict, the community is able to express its shared outrage about the offense. Shared community outrage is directly communicated to the offender. The victim is also given a chance to voice his or her story, and the offender can directly communicate his or her need for social reintegration and treatment.

DEVELOPING RESTORATION Restoration programs typically involve the parties caught in the complex web of a criminal act—the victim, the offender, families, witnesses, neighbors, and the community—in a mutual healing process. Although programs may differ in structure and style, they generally include:

1. An element in which the offender is asked to recognize that he or she caused injury to personal and social relations and a determination and acceptance of responsibility (ideally accompanied by a statement of remorse)
2. A commitment to both material restitution (for instance, monetary) and symbolic reparation (for instance, an apology)
3. A determination of community support and assistance for both victim and offender

The intended result of the process is to repair injuries suffered by the victim and the community while assuring reintegration of the offender.



Kay Pranis, a trainer and consultant on restorative philosophy and peacemaking practices, has conducted trainings on the use of peacemaking circles in schools, universities, social services, the workplace, juvenile residential facilities, prisons, neighborhoods and families.

RESTORATION PROGRAMS Negotiation, mediation, consensus building, and peacemaking have been part of the dispute resolution process in European and Asian communities for centuries.¹³² North American native peoples have long used the type of community participation in the adjudication process (for example, sentencing circles, sentencing panels, elders panels) that restorative justice advocates are now embracing.¹³³ The adaptation of these programs holds the promise of bringing a more humanistic approach to the treatment of people enmeshed in the justice system.¹³⁴



To read more about **sentencing circles**, go to http://www.ojp.usdoj.gov/nij/rest-just/CH5/3_sntcir.htm. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

In some Native American communities, people accused of breaking the law will meet with community members, victims (if any), village elders, and agents of the justice system in a **sentencing circle**. Members of the circle express their feelings about the act that was committed and raise questions or concerns. The accused can express regret about his or her actions and a desire to change the harmful behavior. People may suggest ways the offender can make things up to

the community and those he or she harmed. A treatment program, such as Alcoholics Anonymous, can be suggested, if appropriate.

Restorative justice is now being embraced on many levels within the society and the justice system.

- **Community:** Communities that isolate people and have few mechanisms for interpersonal interaction encourage and sustain crime. Those that implement forms of community dialogue to identify problems and plan tactics for their elimination, guided by restorative justice practices and principles, may create a climate in which violent crime is less likely to occur.¹³⁵
- **Schools:** Some schools have embraced restorative justice practices in order to deal with students who are involved in drug and alcohol abuse without having to resort to more punitive measures such as expulsion. Schools in Minnesota, Colorado, and elsewhere are now trying to involve students in “relational rehabilitation” programs, which strive to improve the person’s relationships with key figures in the community who may have been harmed by the student’s actions.¹³⁶
- **Police:** Restorative justice has also been implemented when crime is first encountered by police. Community policing, which views police officers as mediators and community counselors, is an attempt to bring restorative concepts into law enforcement. Restorative justice relies on the fact that criminal justice policymakers need to listen and respond to the needs of those who are to be affected by their actions, and community policing relies on policies established with input and exchanges between officers and citizens.¹³⁷ Restorative justice programs are not unique to American policing and have been tried abroad. For example, New Zealand employs police officers called youth aid officers whose duties include restoring community balance that may have been upset by the actions of juvenile offenders.¹³⁸
- **Courts:** In the court system, restorative programs typically involve diverting the formal court process; these programs instead encourage meeting and reconciling the conflicts between offenders and victims via victim advocacy, mediation programs, and sentencing circles, in which crime victims and their families are brought together with offenders and their families in an effort to formulate a sanction that addresses the needs of each party. Victims are given a chance to voice their stories, and offenders can help compensate them financially or provide some service (such as fixing damaged property).¹³⁹ The goal is to enable offenders to appreciate the damage they have caused, to make amends, and to be reintegrated back into society.

BALANCED AND RESTORATIVE JUSTICE (BARJ) According to a number of restorative justice experts (Gordon Bazemore and his associates), restorative justice should be centered on

the principle of balance.¹⁴⁰ According to this approach, the justice system should give equal weight to:

1. Holding offenders accountable to victims. *Offender accountability* refers specifically to the requirement that offenders “make amends” for the harm resulting from their crimes by repaying or restoring losses to victims and the community.
2. Providing competency development for offenders in the system so they can pursue legitimate endeavors after release. *Competency development*, the rehabilitative goal for intervention, requires that people who enter the justice system should exit the system more capable of being productive and responsible in the community.
3. Ensuring community safety. The *community protection* goal explicitly acknowledges and endorses a long-term public expectation: a safe and secure community.

The balanced approach means that justice policies and priorities should seek to address each of the three goals in each case and that system balance should be pursued. The goal of achieving balance suggests that no one objective take precedence over any other (avoiding creating a system that is “out of balance”) and implies that efforts to achieve one goal should not hinder efforts to achieve other goals.

BARJ is founded on the belief that justice is best served when the victim, community, and offender are viewed as equal clients of the justice system who will receive fair and balanced attention, be actively involved in the justice process, and gain tangible benefits from their interactions with the justice system. Most BARJ programs are located today within the juvenile justice system. (See the Comparative Criminology feature “Practicing Restorative Justice Abroad.”)

The Challenge of Restorative Justice

While restorative justice holds great promise, there are also some concerns. John Braithwaite warns that even though restorative justice recognizes that individual differences between offenders must be taken into account when dispensing justice, restorative programs must create standards so that clients are treated more or less equally. Fairness cannot be sacrificed for the sake of restoration.¹⁴¹

As well, restorative justice programs must be wary of the cultural and social differences that can be found throughout our heterogeneous society. What may be considered “restorative” in one subculture may be considered insulting and damaging in another.¹⁴² Similarly, there are so many diverse programs that call themselves “restorative” that it is difficult to assess their effectiveness as each may have a unique objective. In other words, there is still no single definition of what constitutes restorative justice.¹⁴³

Possibly the greatest challenge to restorative justice is the difficult task of balancing the needs of offenders with those of their victims. If programs focus solely on reconciling victims’ needs, they may risk ignoring the offender’s needs and increasing the likelihood of re-offending. This one-sided view,

argues critic Declan Roche, a lecturer in law at the London School of Economics in *Accountability in Restorative Justice*, may blind admirers to the benefits of traditional methods and prevent them from understanding or appreciating the pitfalls of restoration. Is there danger inherent in restorative justice’s reliance on informal process, without lawyers, and with little or no oversight on the outcome? He warns of giving participants in the justice process unchecked power; procedural safeguards should be installed in restoration programs.¹⁴⁴

Sharon Levrant and her colleagues suggest that restorative justice programs that feature short-term interactions with victims fail to help offenders learn prosocial ways of behaving. Restorative justice advocates may falsely assume that relatively brief interludes of public shaming will change deeply rooted criminal predispositions.¹⁴⁵ In contrast, programs that focus on the offender may turn off victims and their advocates. Some victim advocacy groups have voiced concerns about the focus of restorative justice programs (Exhibit 8.2).

Victim Concerns about Restorative Justice

- Restorative justice processes can cast victims as little more than props in a psychodrama focused on the offender, to restore him and thereby render him less likely to offend again.
- A victim, supported by family and intimates while engaged in restorative conferencing, and feeling genuinely free to speak directly to the offender, may press a blaming rather than restorative shaming agenda.
- The victim’s movement has focused for years on a perceived imbalance of “rights.” Criminal defendants enjoy the presumption of innocence, the right to proof beyond a reasonable doubt, the right not to have to testify, and lenient treatment when found guilty of crime. Victims were extended no rights at all in the legal process. Is restorative justice another legal giveaway to criminals?
- Victim’s rights are threatened by some features of the restorative justice process, such as respectful listening to the offender’s story and consensual dispositions. These features seem to be affronts to a victim’s claim of the right to be seen as a victim, to insist on the offender being branded a criminal, to blame the offender, and not to be “victimized all over again by the process.”
- Many victims do want an apology, if it is heartfelt and easy to get, but some want, even more, to put the traumatic incident behind them; to retrieve stolen property being held for use at trial; to be assured that the offender will receive treatment he is thought to need if he is not to victimize someone else. For victims such as these, restorative justice processes can seem unnecessary at best.
- Restorative processes depend, case by case, on victims’ active participation in a role more emotionally demanding than that of complaining witness in a conventional criminal prosecution—which is itself a role avoided by many, perhaps most, victims.

Source: Michael E. Smith, *What Future for “Public Safety” and “Restorative Justice” in Community Corrections* (Washington, DC: National Institute of Justice, 2001).

Comparative Criminology

Practicing Restorative Justice Abroad

While the restorative justice philosophy is catching on in the United States, it is widely practiced abroad. Below are just a few of the many programs found around the world.

South Africa

After fifty years of oppressive white rule in South Africa, the race-dividing apartheid policy was abolished in the early 1990s, and in 1994 Nelson Mandela, leader of the African National Congress (ANC), was elected president. Some black leaders wanted revenge for the political murders carried out during the apartheid era, but Mandela established the Truth and Reconciliation Commission. Rather than seeking vengeance for the crimes, this government agency investigated the atrocities with the mandate of granting amnesty to those individuals who confessed their roles in the violence and could prove that their actions served some political motive rather than being based on personal factors such as greed or jealousy. Supporters of the commission believe that this approach would help heal the nation's wounds and prevent years of racial and ethnic strife. Mandela, who had been unjustly jailed for twenty-seven years by the regime, had reason

to desire vengeance. Yet, he wanted to move the country forward after the truth of what happened in the past had been established. Though many South Africans, including some ANC members, believe that the commission is too lenient, Mandela's attempts at reconciliation have prevailed. The commission is a model of restoration over revenge.

Australia

The justice system in Australia makes use of the conferencing process to divert offenders from the justice system. This offers offenders the opportunity to attend a conference to discuss and resolve their offense instead of being charged and appearing in court. (Those who deny guilt are not offered conferencing.) The conference, normally lasting 1 to 2 hours, is attended by the victims and their supporters, the defendant and his or her supporters, and other concerned parties. The conference coordinator focuses the discussion on condemning the act without condemning the character of the actor. Offenders are asked to tell their side of the story, what happened, how they have felt about the crime, and what they think should be done. The victims and others are asked to describe the physical, financial, and emotional consequences of the crime. This discussion may lead the offenders,

their families, and their friends to experience the shame of the act, prompting an apology to the victim. A plan of action is developed and signed by key participants. The plan may include the offender paying compensation to the victim, doing work for the victim or the community, or similar solutions. It is the responsibility of the conference participants to determine the outcomes that are most appropriate for these particular victims and these particular offenders.

All eight states and territories in Australia have used the conference model, but there are five in which conferencing is active. Of these five jurisdictions, all but one (the Australian Capital Territory or ACT) has legislatively established conferencing. South Australia began to use conferences routinely in 1994, Western Australia and the ACT in 1995, and New South Wales in 1998. While Queensland is an active jurisdiction, it is experimenting with several formats of organizational placement and delivery, and conferencing is not available on a statewide basis. Tasmania passed legislation in 1997, which gave statutory authority to establish conferences, but a conferencing program has not yet started. The State of Victoria, like the ACT, is without a statutory scheme, but a community organization,

These are a few of the obstacles that restorative justice programs must overcome in order for it to be successful and productive. Yet, because the method holds so much promise, criminologists are now conducting numerous demonstration projects to find the most effective means of returning the ownership of justice to the people and the community.



To quiz yourself on this material, go to the Criminology 9e website.



The **Justice Studies Association (JSA)** is a non-for-profit group established in 1998 to foster progressive writing, research, and practice in all areas of criminal, social, and restorative justice. Visit their website at <http://www.justicestudies.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

working in partnership with state agencies, uses the conference model in selected cases as a presentencing option.

Ireland

The Nenagh Community Reparation Project is managed by a local committee representing different community interests in partnership with the Probation and Welfare Service. It began on the initiative of Judge Michael Reilly, who with the cooperation of the community and various agencies has sought to use reparation in his court. In cases where an offender has admitted guilt, the judge can, at his or her discretion, offer the offender the choice of either the normal course of jail or participation in the community reparation project. At this point the court adjourns for approximately 30 minutes while the probation officer explains the project to the offender. If the offender decides to participate in the project, a meeting will be called in the near future.

This meeting is always attended by the offender, two panel members representing the community, the police officers who have been involved in the case, and the probation officer. If the crime involves victims, they are also invited to attend the meeting, although their participation is not mandatory.

At the meeting, offenders are asked to explain the circumstances of the offense, why it happened, how they felt about it then, and how they feel about their actions now. Together, the group decides how the offender might make reparation to the victim and/or the community for the damage caused by the offense.

Once agreement is reached about the form of the reparation, a contract is drawn up that sets out treatment courses (for example, treatment for alcoholism, substance abuse, anger management, and so on as appropriate) the offender will be expected to take. Reparation may include letters of apology to the victim, monetary restitution, and other proportionate and appropriate activities. Contracts generally cover a period of approximately 6 months and are monitored by the probation officer. If the terms of the contract are successfully completed, the record of the offense will be dropped. If the terms are not met, the case will go back to court and proceed in the normal manner.

Critical Thinking

Restorative justice may be the model that best serves alternative sanctions. How can this essentially humanistic approach be sold to the general public that now supports more punitive sanctions? For example, would it be

reasonable to expect that using restorative justice with nonviolent offenders frees up resources for the relatively few dangerous people in the criminal population? Explain.

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To learn more about the restorative justice approach, see: Gordon Bazemore, "Restorative Justice and Earned Redemption: Communities, Victims, and Offender Reintegration," *American Behavioral Scientist* 41 (1998): 768; Tag Evers, "A Healing Approach to Crime," *The Progressive* 62 (1998): 30; Carol La Prairie, "The Impact of Aboriginal Justice Research on Policy: A Marginal Past and an Even More Uncertain Future," *Canadian Journal of Criminology* 41 (1999): 249.

Sources: Leena Kurki, *Incorporating Restorative and Community Justice into American Sentencing and Corrections* (Washington, DC: National Institute of Justice, 1999); Australian Government, Australian Institute of Criminology, "Restorative Justice: An Australian Perspective," <http://www.aic.gov.au/rjustice/australia.html>. Accessed August 4, 2004; Restorative Justice in Ireland, Nenagh Community Reparation Project, Co. Tipperary: <http://www.extern.org/restorative/>. Accessed August 4, 2004; John W. De Gruchy, *Reconciliation: Restoring Justice*. (Minneapolis: Fortress, 2002).

SUMMARY

- Social conflict theorists view crime as a function of the conflict that exists in society.
- Social conflict has its theoretical basis in the works of Karl Marx, as interpreted by Bonger, Dahrendorf, and Vold.
- Conflict theorists suggest that crime in any society is caused by class

conflict. Laws are created by those in power to protect their rights and interests.

- Social conflict theory is aimed at identifying "real" crimes in U.S. society, such as profiteering, sexism, and racism. It seeks to evaluate how criminal law is used as a mechanism of social control, and it describes

how power relations create inequities in U.S. society. Racism and classism pervade the U.S. justice system and shape crime rates.

- All criminal acts have political undertones. Quinney has called this concept "the social reality of crime."
- Research efforts to validate the conflict approach have not

produced significant findings. One of conflict theory's most important premises is that the justice system is biased and designed to protect the wealthy. Research has not been unanimous in supporting this point.

- Critical criminology views the competitive nature of the capitalist system as a major cause of crime. The poor commit crimes because of their frustration, anger, and need. The wealthy engage in illegal acts because they are used to competition and because they must do so to keep their positions in society. In this view, the state serves the interests of the ruling capitalist class.
- Criminal law is an instrument of economic oppression. Capitalism demands that the subordinate classes remain oppressed.
- Critical scholars have attempted to show that the law is designed to protect the wealthy and powerful and to control the poor, have-not members of society.

- There are two main branches of critical theory referred to as instrumental and structural theory. Instrumental theorists believe that the legal system supports the owners at the expense of the workers. Structural theorists believe that the law also ensures that no capitalist becomes too powerful. The law is used to maintain the long-term interests of the capitalist system.
- Research on critical theory focuses on how the system of justice is designed to protect the interests of the upper classes. Critical research uses historical analysis to show how the capitalist classes have exerted their control over the police, courts, and correctional agencies. Critical criminology has been heavily criticized by conservatives who believe that it contains fundamental errors in the concept of ownership and class interest.
- Left realists take a centrist position on crime by showing its rational and destructive nature.

- Critical feminist writers draw attention to the influence of patriarchal society on crime and how abusive relationships lead to female criminality.
- Power–control theory considers that that gender differences in crime are a function of economic power (class position, one- versus two-earner families) and parental control (paternalistic versus egalitarian families).
- Postmodernism and deconstructionism look at the symbolic meaning of law and culture.
- Peacemaking theory brings a call for humanism to criminology.
- According to restorative justice, rather than punishing, shaming, and excluding those who violate the law, efforts should be made to use humanistic techniques that reintegrate people into society. Restorative programs rely on victims, relatives, neighbors, and community institutions rather than courts and prisons.

Thinking Like a Criminologist

An interim evaluation of Restoration House's New Hope for Families program, a community-based residential treatment program for women with dependent children, shows that 70 percent of women who complete follow-up interviews 6 months after treatment have maintained abstinence or reduced their drug use. The other 30 percent, however, lapse back into their old habits.

The program relies on restorative justice techniques in which community

people meet with the women to discuss the harm drug use can cause and how it can damage both them and their children. The community members show their support and help the women find a niche in the community.

Women who complete the Restoration House program improve their employment, reduce parenting stress, retain custody of their children, and restore their physical, mental, and emotional health. The program focuses not only on

reducing drug and alcohol use but also on increasing health, safety, self-sufficiency, and positive attitudes.

As a criminologist, would you consider this program a success? What questions would have to be answered before it gets your approval? How do you think the program should handle women who do not succeed in the program? Are there any other approaches you would try with these women? If so, explain.



Doing Research on the Web

Go to Restorative Justice Online, a nonpartisan source of information on restorative justice, to begin researching your answer: <http://www.restorativejustice.org/>.

The Centre for Restorative Justice, at Simon Fraser University in British Columbia, Canada, in partnership with individuals, the community, and justice agencies, exists to support and promote the principles and practices of restorative

justice by providing education, training, evaluation, and research. Visit their website at <http://www.sfu.ca/crj/>.

You might also want to use “restorative justice” in a key word search in InfoTrac College Edition.

KEY TERMS

Marxist criminologists (256)
 radical criminologists (256)
 social conflict theory (257)
 communist manifesto (257)
 productive forces (257)
 productive relations (257)
 capitalist bourgeoisie (257)
 lumpen proletariat (257)
 surplus value (258)
 dialectic method (259)
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 role exit behaviors (270)
 egalitarian families (270)
 power–control theory (272)
 postmodernists (272)
 deconstructionists (272)
 semiotics (272)
 peacemaking (272)
 restorative justice (273)
 reintegrative shaming (274)
 sentencing circle (276)

CRITICAL THINKING QUESTIONS

1. How would a conservative reply to a call for more restorative justice? How would a restorative justice advocate respond to a conservative call for more prisons?
2. Considering recent changes in American culture, how would a power–control theorist explain recent drops in the U.S. crime rate?
3. Is conflict inevitable in all cultures? If not, what can be done to reduce the level of conflict in our own society?
4. If Marx were alive today, what would he think about the prosperity enjoyed by the working class in industrial societies? Might he alter his vision of the capitalist system?

NOTES

1. Michael Lynch, "Rediscovering Criminology: Lessons from the Marxist Tradition," in *Marxist Sociology: Surveys of Contemporary Theory and Research*, eds. Donald McQuarrie and Patrick McGuire (New York: General Hall Press, 1994).
2. Michael Lynch and W. Byron Groves, *A Primer in Radical Criminology*, 2nd ed. (Albany, NY: Harrow & Heston, 1989), pp. 32–33.
3. See, generally, Karl Marx and Friedrich Engels, *Capital: A Critique of Political Economy*, trans. E. Aveling (Chicago: Charles Kern, 1906); Karl Marx, *Selected Writings in Sociology and Social Philosophy*, trans. P. B. Bottomore (New York: McGraw-Hill, 1956). For a general discussion of Marxist thought, see Lynch and Groves, *A Primer in Radical Criminology*, pp. 6–26.
4. Karl Marx, *Grundrisse: Introduction to the Critique of Political Economy*, trans. Martin Nicolaus (New York: Vintage, 1973), pp. 106–107.
5. Lynch, "Rediscovering Criminology."
6. Karl Marx, "Population, Crime and Pauperism," in *Karl Marx and Friedrich Engels, Ireland and the Irish Question* (Moscow: Progress, 1859, reprinted 1971), p. 92.
7. Friedrich Engels, *The Condition of the Working Class in England in 1844* (London: Allen & Unwin, 1950).
8. Lynch, "Rediscovering Criminology," p. 5.
9. Willem Bongers, *Criminality and Economic Conditions*, abridged ed. (Bloomington: Indiana University Press, 1969). [Originally published 1916]
10. Ralf Dahrendorf, *Class and Class Conflict in Industrial Society* (Palo Alto, CA: Stanford University Press, 1959).
11. *Ibid.*, p. 48.
12. George Vold, *Theoretical Criminology* (New York: Oxford University Press, 1958).
13. James Short and F. Ivan Nye, "Extent of Undetected Delinquency: Tentative Conclusions," *Journal of Criminal Law, Criminology, and Police Science* 49 (1958): 296–302.
14. See, generally, Robert Meier, "The New Criminology: Continuity in Criminological Theory," *Journal of Criminal Law and Criminology* 67 (1977): 461–469.
15. David Greenberg, ed., *Crime and Capitalism* (Palo Alto, CA: Mayfield, 1981), p. 3.
16. William Chambliss and Robert Seidman, *Law, Order, and Power* (Reading, MA: Addison-Wesley, 1971), p. 503.
17. Richard Quinney, *The Social Reality of Crime* (Boston: Little, Brown, 1970).
18. John Braithwaite, "Retributivism, Punishment, and Privilege," in *Punishment and Privilege*, eds. W. Byron Groves and Graeme Newman (Albany, NY: Harrow & Heston, 1986), pp. 55–66.
19. Judith Blau and Peter Blau, "The Cost of Inequality: Metropolitan Structure and Violent Crime," *American Sociological Review* 47 (1982): 114–129; Richard Block, "Community Environment and

- Violent Crime," *Criminology* 17 (1979): 46–57; Robert Sampson, "Structural Sources of Variation in Race-Age-Specific Rates of Offending across Major U.S. Cities," *Criminology* 23 (1985): 647–673.
20. Travis Pratt and Christopher Lowenkamp, "Conflict Theory, Economic Conditions, and Homicide: A Time-Series Analysis," *Homicide Studies* 6 (2002): 61–84.
 21. Ronald Weitzer and Steven Tuch, "Perceptions of Racial Profiling: Race, Class, and Personal Experience," *Criminology* 40 (2002): 435–456.
 22. Albert Meehan and Michael Ponder, "Race and Place: The Ecology of Racial Profiling African American Motorists," *Justice Quarterly* 29 (2002): 399–431.
 23. Malcolm Holmes, "Minority Threat and Police Brutality: Determinants of Civil Rights Criminal Complaints in U.S. Municipalities," *Criminology* 38 (2000): 343–368.
 24. Darrell Steffensmeier and Stephen Demuth, "Ethnicity and Judges' Sentencing Decisions: Hispanic-Black-White Comparisons," *Criminology* 39 (2001): 145–178; Alan Lizotte, "Extra-Legal Factors in Chicago's Criminal Courts: Testing the Conflict Model of Criminal Justice," *Social Problems* 25 (1978): 564–580.
 25. Terance Miethe and Charles Moore, "Racial Differences in Criminal Processing: The Consequences of Model Selection on Conclusions about Differential Treatment," *Sociological Quarterly* 27 (1987): 217–237.
 26. Tracy Nobiling, Cassia Spohn, and Miriam DeLone, "A Tale of Two Counties: Unemployment and Sentence Severity," *Justice Quarterly* 15 (1998): 459–485.
 27. Charles Crawford, Ted Chiricos, and Gary Kleck, "Race, Racial Threat, and Sentencing of Habitual Offenders," *Criminology* 36 (1998): 481–511.
 28. Thomas Arvanites, "Increasing Imprisonment: A Function of Crime or Socioeconomic Factors?" *American Journal of Criminal Justice* 17 (1992): 19–38.
 29. David Greenberg and Valerie West, "State Prison Populations and their Growth, 1971–1991," *Criminology* 39 (2001): 615–654.
 30. Ian Taylor, Paul Walton, and Jock Young, *The New Criminology: For a Social Theory of Deviance* (London: Routledge and Kegan Paul, 1973).
 31. See, for example, Larry Tifft and Dennis Sullivan, *The Struggle to Be Human: Crime, Criminology, and Anarchism* (Over-the-Water-Sanday, Scotland: Cienfuegos Press, 1979); Dennis Sullivan, *The Mask of Love* (Port Washington, NY: Kennikat Press, 1980).
 32. Tony Platt and Cecilia O'Leary, "Patriot Acts," *Social Justice* 30 (2003): 5–21.
 33. Garrett Brown, "The Global Threats to Workers' Health and Safety on the Job," *Social Justice* 29 (2002): 12–25.
 34. This section borrows heavily from Richard Sparks, "A Critique of Marxist Criminology," in *Crime and Justice*, vol. 2, eds. Norval Morris and Michael Tonry (Chicago: University of Chicago Press, 1980), pp. 159–208.
 35. Barbara Sims, "Crime, Punishment, and the American Dream: Toward a Marxist Integration," *Journal of Research in Crime and Delinquency* 34 (1997): 5–24.
 36. Jeffery Reiman, *The Rich Get Richer and the Poor Get Prison* (New York: Wiley, 1984), pp. 43–44.
 37. Rob White, "Environmental Harm and the Political Economy of Consumption," *Social Justice* 29 (2002): 82–102.
 38. Sims, "Crime, Punishment, and the American Dream."
 39. *Ibid.*, p. 4.
 40. Bill Dixon, "In Search of Interactive Globalisation: Critical Criminology in South Africa's Transition," *Crime, Law, and Social Change* 41 (2004): 359–384.
 41. David Friedrichs and Jessica Friedrichs, "The World Bank and Crimes of Globalization: A Case Study," *Social Justice* 29 (2002): 13–36.
 42. Jean-Germain Gros, "Trouble in Paradise: Crime and Collapsed States in the Age of Globalization," *British Journal of Criminology* 43 (2003): 63–80.
 43. Robert Rotberg, *State Failure and State Weakness in a Time of Terror* (Washington, DC: World Peace Foundation, 2003).
 44. Gresham Sykes, "The Rise of Critical Criminology," *Journal of Criminal Law and Criminology* 65 (1974): 211–229.
 45. David Jacobs, "Corporate Economic Power and the State: A Longitudinal Assessment of Two Explanations," *American Journal of Sociology* 93 (1988): 852–881.
 46. Associated Press, "Bill Could Raise Values of Sports Teams," *New York Times*, 2 August 2004, p. A1.
 47. Deanna Alexander, "Victims of the L.A. Riots: A Theoretical Consideration." Paper presented at the annual meeting of the American Society of Criminology, Phoenix, November 1993.
 48. Richard Quinney, "Crime Control in Capitalist Society," in *Critical Criminology*, eds. Ian Taylor, Paul Walton, and Jock Young (London: Routledge and Kegan Paul, 1975), p. 199.
 49. *Ibid.*
 50. John Hagan, *Structural Criminology* (New Brunswick, NJ: Rutgers University Press, 1989), pp. 110–119.
 51. Roy Bhaskar, "Empiricism," in *A Dictionary of Marxist Thought*, ed. T. Bottomore (Cambridge, MA: Harvard University Press, 1983), pp. 149–150.
 52. Byron Groves, "Marxism and Positivism," *Crime and Social Justice* 23 (1985): 129–150; Michael Lynch, "Quantitative Analysis and Marxist Criminology: Some Old Answers to a Dilemma in Marxist Criminology," *Crime and Social Justice* 29 (1987): 110–117.
 53. Alan Lizotte, James Mercy, and Eric Monkkenen, "Crime and Police Strength in an Urban Setting: Chicago, 1947–1970," in *Quantitative Criminology*, ed. John Hagan (Beverly Hills: Sage, 1982), pp. 129–148.
 54. William Chambliss, "The State, the Law, and the Definition of Behavior as Criminal or Delinquent," in *Handbook of Criminology*, ed. D. Glazer (Chicago: Rand McNally, 1974), pp. 7–44.
 55. Timothy Carter and Donald Clelland, "A Neo-Marxian Critique, Formulation, and Test of Juvenile Dispositions as a Function of Social Class," *Social Problems* 27 (1979): 96–108.
 56. David Greenberg, "Socio-Economic Status and Criminal Sentences: Is There an Association?" *American Sociological Review* 42 (1977): 174–175; David Greenberg and Drew Humphries, "The Co-Optation of Fixed Sentencing Reform," *Crime and Delinquency* 26 (1980): 206–225.
 57. Steven Box, *Power, Crime and Mystification* (London: Tavistock, 1984); Gregg Barak, *In Defense of Whom? A Critique of Criminal Justice Reform* (Cincinnati: Anderson, 1980). For an opposing view, see Franklin Williams,

- "Conflict Theory and Differential Processing: An Analysis of the Research Literature," in *Radical Criminology: The Coming Crisis*, ed. J. Inciardi (Beverly Hills: Sage, 1980), pp. 213–231.
58. Robert Weiss, "Repatriating Low-Wage Work: The Political Economy of Prison Labor Reprivatization in the Postindustrial United States," *Criminology* 39 (2001): 253–292.
 59. Dragan Milovanovic, "Postmodern Criminology: Mapping the Terrain," *Justice Quarterly* 13 (1996): 567–610.
 60. Michael Rustigan, "A Reinterpretation of Criminal Law Reform in Nineteenth-Century England," in *Crime and Capitalism*, ed. D. Greenberg (Palo Alto, CA: Mayfield, 1981), pp. 255–278.
 61. Rosalind Petchesky, "At Hard Labor: Penal Confinement and Production in Nineteenth-Century America," in *Crime and Capitalism*, ed. D. Greenberg (Palo Alto, CA: Mayfield, 1981), pp. 341–357; Paul Takagi, "The Walnut Street Jail: A Penal Reform to Centralize the Powers of the State," *Federal Probation* 49 (1975): 18–26.
 62. Jack Gibbs, "An Incurable Positivist," *Criminologist* 12 (1987): 2–3.
 63. Jackson Toby, "The New Criminology Is the Old Sentimentality," *Criminology* 16 (1979): 513–526.
 64. Sparks, "A Critique of Marxist Criminology."
 65. Carl Klockars, "The Contemporary Crises of Marxist Criminology," in *Radical Criminology: The Coming Crisis*, ed. J. Inciardi (Beverly Hills: Sage, 1980), pp. 92–123.
 66. Matthew Petrocelli, Alex Piquero, and Michael Smith, "Conflict Theory and Racial Profiling: An Empirical Analysis of Police Traffic Stop Data," *Journal of Criminal Justice* 31 (2003): 1–10.
 67. Ibid.
 68. Michael Lynch, W. Byron Groves, and Alan Lizotte, "The Rate of Surplus Value and Crime: A Theoretical and Empirical Examination of Marxian Economic Theory and Criminology," *Crime, Law, and Social Change* 18 (1994): 1–11.
 69. Anthony Platt, "Criminology in the 1980s: Progressive Alternatives to 'Law and Order,'" *Crime and Social Justice* 21–22 (1985): 191–199.
 70. See, generally, Roger Matthews and Jock Young, eds., *Confronting Crime* (London: Sage, 1986); for a thorough review of left realism, see Martin Schwartz and Walter DeKeseredy, "Left Realist Criminology: Strengths, Weaknesses, and the Feminist Critique," *Crime, Law, and Social Change* 15 (1991): 51–72.
 71. John Lea and Jock Young, *What Is to Be Done About Law and Order?* (Harmondsworth, England: Penguin, 1984).
 72. Ibid., p. 88.
 73. Ian Taylor, *Crime in Context: A Critical Criminology of Market Societies* (Boulder, CO: Westview Press, 1999).
 74. Ibid., pp. 30–31.
 75. Richard Kinsey, John Lea, and Jock Young, *Losing the Fight against Crime* (London: Blackwell, 1986).
 76. Martin Schwartz and Walter DeKeseredy, *Contemporary Criminology* (Belmont, CA: Wadsworth, 1993), p. 249.
 77. Schwartz and DeKeseredy, "Left Realist Criminology."
 78. For a general review of this issue, see Kathleen Daly and Meda Chesney-Lind, "Feminism and Criminology," *Justice Quarterly* 5 (1988): 497–538; Douglas Smith and Raymond Paternoster, "The Gender Gap in Theories of Deviance: Issues and Evidence," *Journal of Research in Crime and Delinquency* 24 (1987): 140–172; and Pat Carlen, "Women, Crime, Feminism, and Realism," *Social Justice* 17 (1990): 106–123.
 79. Herman Schwendinger and Julia Schwendinger, *Rape and Inequality* (Newbury Park, CA: Sage, 1983).
 80. Daly and Chesney-Lind, "Feminism and Criminology."
 81. Janet Saltzman Chafetz, "Feminist Theory and Sociology: Underutilized Contributions for Mainstream Theory," *Annual Review of Sociology* 23 (1997): 97–121.
 82. Ibid.
 83. James Messerschmidt, *Capitalism, Patriarchy, and Crime* (Totowa, NJ: Rowman and Littlefield, 1986); for a critique of this work, see Herman Schwendinger and Julia Schwendinger, "The World According to James Messerschmidt," *Social Justice* 15 (1988): 123–145.
 84. Kathleen Daly, "Gender and Varieties of White-Collar Crime," *Criminology* 27 (1989): 769–793.
 85. Jane Roberts Chapman, "Violence against Women as a Violation of Human Rights," *Social Justice* 17 (1990): 54–71.
 86. James Messerschmidt, *Masculinities and Crime: Critique and Reconceptualization of Theory* (Lanham, MD: Rowman and Littlefield, 1993).
 87. Angela P. Harris, "Gender, Violence, Race, and Criminal Justice," *Stanford Law Review* 52 (2000): 777–810.
 88. Carrie Yodanis, "Gender Inequality, Violence against Women, and Fear," *Journal of Interpersonal Violence* 19 (2004): 655–675.
 89. Suzie Dod Thomas and Nancy Stein, "Criminality, Imprisonment, and Women's Rights in the 1990s," *Social Justice* 17 (1990): 1–5.
 90. Walter DeKeseredy and Martin Schwartz, "Male Peer Support and Woman Abuse: An Expansion of DeKeseredy's Model," *Sociological Spectrum* 13 (1993): 393–413.
 91. Daly and Chesney-Lind, "Feminism and Criminology." See also Drew Humphries and Susan Caringella-MacDonald, "Murdered Mothers, Missing Wives: Reconsidering Female Victimization," *Social Justice* 17 (1990): 71–78.
 92. Jane Siegel and Linda Meyer Williams, "Aggressive Behavior among Women Sexually Abused as Children." Paper presented at the annual meeting of the American Society of Criminology, Phoenix, 1993, revised version.
 93. Susan Ehrlich Martin and Nancy Jurik, *Doing Justice, Doing Gender* (Thousand Oaks, CA: Sage, 1996), p. 27.
 94. Ruth Alexander, *The "Girl Problem": Female Sexual Delinquency in New York, 1900–1930* (Ithaca, NY: Cornell University Press, 1995).
 95. Mary Odem and Steven Schlossman, "Guardians of Virtue: The Juvenile Court and Female Delinquency in Early 20th-Century Los Angeles," *Crime and Delinquency* 37 (1991): 186–203.
 96. Meda Chesney-Lind, "Judicial Enforcement of the Female Sex Role: The Family Court and the Female Delinquent," *Issues in Criminology* 8 (1973): 51–69. See also Meda Chesney-Lind, "Women and Crime: The Female Offender," *Signs: Journal of Women in Culture and Society* 12 (1986): 78–96; "Female Offenders: Paternalism Reexamined," in *Women, the Courts, and Equality*, eds. Laura L. Crites and Winifred L. Hepperle (Newbury Park, CA: Sage, 1987): 114–139; "Girls' Crime and a Woman's Place: Toward a Feminist Model of Female Delinquency."

- Paper presented at the annual meeting of the American Society of Criminology, Montreal, 1987.
97. Hagan, *Structural Criminology*.
 98. John Hagan, A. R. Gillis, and John Simpson, "The Class Structure and Delinquency: Toward a Power-Control Theory of Common Delinquent Behavior," *American Journal of Sociology* 90 (1985): 1151–1178; John Hagan, John Simpson, and A. R. Gillis, "Class in the Household: A Power-Control Theory of Gender and Delinquency," *American Journal of Sociology* 92 (1987): 788–816.
 99. John Hagan, Bill McCarthy, and Holly Foster, "A Gendered Theory of Delinquency and Despair in the Life Course," *Acta Sociologica* 45 (2002): 37–47.
 100. Brenda Sims Blackwell, Christine Sellers, and Sheila Schlaupitz, "A Power-Control Theory of Vulnerability to Crime and Adolescent Role Exits—Revisited," *Canadian Review of Sociology and Anthropology* 39 (2002): 199–219.
 101. Brenda Sims Blackwell, "Perceived Sanction Threats, Gender, and Crime: A Test and Elaboration of Power-Control Theory," *Criminology* 38 (2000): 439–488.
 102. Christopher Uggen, "Class, Gender, and Arrest: An Intergenerational Analysis of Workplace Power and Control," *Criminology* 38 (2001): 835–862.
 103. Gary Jensen, "Power-Control versus Social-Control Theory: Identifying Crucial Differences for Future Research." Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990.
 104. Gary Jensen and Kevin Thompson, "What's Class Got to Do with It? A Further Examination of Power-Control Theory," *American Journal of Sociology* 95 (1990): 1009–1023. For some critical research, see Simon Singer and Murray Levine, "Power Control Theory, Gender, and Delinquency: A Partial Replication with Additional Evidence on the Effects of Peers," *Criminology* 26 (1988): 627–648.
 105. Kevin Thompson, "Gender and Adolescent Drinking Problems: The Effects of Occupational Structure," *Social Problems* 36 (1989): 30–38.
 106. See, generally, Uggen, "Class, Gender, and Arrest."
 107. See, generally, Lynch, "Rediscovering Criminology," pp. 27–28.
 108. See, generally, Stuart Henry and Dragan Milovanovic, *Constitutive Criminology: Beyond Postmodernism* (London: Sage, 1996).
 109. Dragan Milovanovic, *A Primer in the Sociology of Law* (Albany, NY: Harrow & Heston, 1988), pp. 127–128.
 110. See, generally, Henry and Milovanovic, *Constitutive Criminology*.
 111. Bruce Arrigo and Thomas Bernard, "Postmodern Criminology in Relation to Radical and Conflict Criminology," *Critical Criminology* 8 (1997): 39–60.
 112. Liz Walz, "One Blood," *Contemporary Justice Review* 6 (2003): 25–36.
 113. See, for example, Tift and Sullivan, *The Struggle to Be Human*; Sullivan, *The Mask of Love*.
 114. Larry Tift, "Foreword," in Sullivan, *The Mask of Love*, p. 6.
 115. Sullivan, *The Mask of Love*, p. 141.
 116. Dennis Sullivan and Larry Tift, *Restorative Justice* (Monsey, NY: Willow Tree Press, 2001).
 117. Richard Quinney, "The Way of Peace: On Crime, Suffering, and Service," in *Criminology as Peacemaking*, eds. Harold Pepinsky and Richard Quinney (Bloomington: Indiana University Press, 1991), pp. 8–9.
 118. For a review of Quinney's ideas, see Kevin B. Anderson, "Richard Quinney's Journey: The Marxist Dimension," *Crime and Delinquency* 48 (2002): 232–242.
 119. Robert DeFina and Thomas Arvanites, "The Weak Effect of Imprisonment on Crime: 1971–1998," *Social Science Quarterly* 83 (2002): 635–654.
 120. Kathleen Daly and Russ Immarigeon, "The Past, Present, and Future of Restorative Justice: Some Critical Reflections," *Contemporary Justice Review* 1 (1998): 21–45.
 121. John Braithwaite, *Crime, Shame, and Reintegration* (Melbourne, Australia: Cambridge University Press, 1989).
 122. *Ibid.*, p. 81.
 123. Anthony Petrosino and Carolyn Petrosino, "The Public Safety Potential of Megan's Law in Massachusetts: An Assessment from a Sample of Criminal Sexual Psychopaths," *Crime and Delinquency* 45 (1999): 140–158.
 124. For more on this approach, see Jane Mugford and Stephen Mugford, "Shame and Reintegration in the Punishment and Deterrence of Spouse Assault." Paper presented at the annual meeting of the American Society of Criminology, San Francisco, 1991.
 125. Carter Hay, "An Exploratory Test of Braithwaite's Reintegrative Shaming Theory," *Journal of Research in Crime and Delinquency* 38 (2001): 132–153.
 126. Mugford and Mugford, "Shame and Reintegration in the Punishment and Deterrence of Spouse Assault."
 127. Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), pp. 1–10.
 128. Mark Lewis Taylor, *The Executed God: The Way of the Cross in Lockdown America* (Minneapolis: Fortress Press, 2001).
 129. Gene Stephens, "The Future of Policing: From a War Model to a Peace Model," in *The Past, Present, and Future of American Criminal Justice*, eds. Brendan Maguire and Polly Radosh (Dix Hills, NY: General Hall, 1996), pp. 77–93.
 130. Rick Shifley, "The Organization of Work as a Factor in Social Well-Being," *Contemporary Justice Review* 6 (2003): 105–126.
 131. Hennessey Hayes and Kathleen Daly, "Youth Justice Conferencing and Reoffending," *Justice Quarterly* 20 (2003): 725–764.
 132. Kay Pranis, "Peacemaking Circles: Restorative Justice in Practice Allows Victims and Offenders to Begin Repairing the Harm," *Corrections Today* 59 (1007): 74; see also, Kay Pranis, Stuart Barry, and Mark Wedge, *Peacemaking Circles: From Crime to Community* (St. Paul, MN: Living Justice Press, 2003).
 133. Carol LaPrairie, "The 'New' Justice: Some Implications for Aboriginal Communities," *Canadian Journal of Criminology* 40 (1998): 61–79.
 134. Edward Gumz, "American Social Work, Corrections, and Restorative Justice: An Appraisal," *International Journal of Offender Therapy & Comparative Criminology* 48 (2004): 449–460.
 135. Diane Schaefer, "A Disembodied Community Collaborates in a Homicide: Can Empathy Transform a Failing Justice System?" *Contemporary Justice Review* 6 (2003): 133–143.
 136. David R. Karp and Beau Breslin, "Restorative Justice in School Communities," *Youth and Society* 33 (2001): 249–272.

137. Paul Jesilow and Deborah Parsons, "Community Policing as Peacemaking," *Policing and Society* 10 (2000): 163–183.
138. L. Thomas Winfree, Jr., "New Zealand Police and Restorative Justice Philosophy," *Crime and Delinquency* 50 (2004): 189–213.
139. Gordon Bazemore and Curt Taylor Griffiths, "Conferences, Circles, Boards, and Mediations: The 'New Wave' of Community Justice Decision Making," *Federal Probation* 61 (1997): 25–37.
140. This section is based on Gordon Bazemore and Mara Schiff, "Paradigm Muddle or Paradigm Paralysis? The Wide and Narrow Roads to Restorative Justice Reform (or, a Little Confusion May Be a Good Thing)," *Contemporary Justice Review* 7 (2004): 37–57.
141. John Braithwaite, "Setting Standard for Restorative Justice," *British Journal of Criminology* 42 (2002): 563–577.
142. David Altschuler, "Community Justice Initiatives: Issues and Challenges in the U.S. Context," *Federal Probation* 65 (2001): 28–33.
143. Lois Presser and Patricia Van Voorhis, "Values and Evaluation: Assessing Processes and Outcomes of Restorative Justice Programs," *Crime and Delinquency* 48 (2002): 162–189.
144. Declan Roche, *Accountability in Restorative Justice* (Clarendon Studies in Criminology) (London: Oxford University Press, 2004).
145. Sharon Levrant, Francis Cullen, Betsy Fulton, and John Wozniak, "Reconsidering Restorative Justice: The Corruption of Benevolence Revisited?" *Crime and Delinquency* 45 (1999): 3–28.

CHAPTER 9



William Janklow was a major force in South Dakota politics, serving terms as attorney general, governor, and then congressman. On August 16, 2003, he killed Randy Scott, who was on a motorcycle when Janklow ran a stop sign. Despite his political prominence, Janklow, 64, was charged with manslaughter, reckless driving, running a stop sign, and speeding. At his trial the defense argued that Janklow, a diabetic, was suffering the effects of low blood sugar at the time of the

crash but did not know it because the symptoms were masked by heart medication. Witnesses rebuked that defense and testified that Janklow was driving in a reckless fashion, plowing through a stop sign at more than 70 miles per hour.

Though the prosecution wanted to enter evidence of Janklow's long history of irresponsible behavior, the trial judge prohibited prosecutors from mentioning his twelve prior speeding tickets and three accidents. Yet, most South Dakotans knew that Janklow loved roaring down the South Dakota roads, flaunting the speed limits. He bragged about his uncontrolled driving in speeches, and, as the state's attorney general and governor, he had his car equipped with a siren and flashing red light. On December 18, 2003, he was found guilty of all four charges. After serving 100 days he walked out of the Minnehaha County Jail on May 17, 2004.

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

DEVELOPMENTAL THEORIES: LIFE COURSE AND LATENT TRAIT

CHAPTER OUTLINE

The Life Course View

The Glueck Research
Life Course Concepts
Problem Behavior Syndrome
Pathways to Crime
Age of Onset/Continuity of Crime

The Criminological Enterprise: Desisting from Crime

Theories of the Criminal Life Course

The Social Development Model
Farrington's ICAP Theory
Interactional Theory
General Theory of Crime and Delinquency (GTCD)
Sampson and Laub: Age-Graded Theory

Latent Trait View

Crime and Human Nature

Latent Trait Theories

The Criminological Enterprise: Shared Beginnings, Divergent Lives

General Theory of Crime
Differential Coercion Theory
Control Balance Theory

Evaluating Developmental Theories

Policy and Practice in Criminology: The Fast Track Project

Public Policy Implications of Developmental Theory


CHAPTER OBJECTIVES

1. Be familiar with the concept of developmental theory
2. Know the factors that influence the life course
3. Recognize that there are different pathways to crime
4. Be able to discuss the social development model
5. Describe what is meant by interactional theory
6. Be familiar with the “turning points in crime”
7. Be able to discuss the influence of social capital on crime
8. Know what is meant by a latent trait
9. Be able to discuss Gottfredson and Hirschi's General Theory of Crime
10. Be familiar with the concepts of impulsivity and self-control

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How can the chronic, risk-taking behavior of a Bill Janklow be explained? Certainly his antisocial acts were not the product of a deprived background or troubled childhood. What could explain such reckless and impulsive risk taking?

Some experts believe antisocial behavior is a function of some personal trait, such as a low IQ or impulsive personality, which is present at birth or soon afterward. Yet, if the onset of crime is explained by abnormally low intelligence or a defective personality, why is it that most people **desist** or age out of crime as they mature? It seems unlikely that intelligence increases as young offenders mature or that personality flaws disappear. Even if the onset of criminality can be explained by a single biological or personal trait, some other factor must explain its change, development, and continuance or termination.

 To view the original criminal complaint lodged against **William Janklow**, go to <http://news.findlaw.com/hdocs/docs/janklow/sdjanklow82903cmp.pdf>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

||||| CONNECTIONS |||||

Chapter 2 addressed the issues of both chronic offending and aging out. These two issues are the cornerstones of contemporary criminological theories.

Concern over these critical issues has prompted the development of some contemporary visions of criminality referred to here as **developmental theories**. They seek to identify, describe, and understand the developmental factors that explain the onset and continuation of a criminal career. Rather than look at a single factor, such as poverty or low intelligence, and suggest that people who maintain this trait

are predisposed to crime, developmental theories attempt to provide a more global vision of a criminal career encompassing its onset, continuation, and termination. It is not uncommon for developmental theories to interconnect *personal factors* such as personality and intelligence, *social factors* such as income and neighborhood, *socialization factors* such as marriage and military service, *cognitive factors* such as information processing and attention/perception, and *situational factors* such as criminal opportunity, effective guardianship, and apprehension risk into complex multifactor explanations of human behavior. In this sense they are **integrated theories** that do not focus on the relatively simple question: Why do people commit crime? but on more complex issues: Why do some offenders persist in criminal careers while others desist from or alter their criminal activity as they mature?¹ Why do some people continually escalate their criminal involvement while others slow down and turn their lives around? Are all criminals similar in their offending patterns, or are there different types of offenders and paths to offending? Developmental theorists want to know not only why people enter a criminal way of life but why, once they do, they are able to alter the trajectory of their criminal involvement.

Developmental theories seem to fall into two distinct groups: life course and latent trait theories. **Life course theories** view criminality as a dynamic process, influenced by a multitude of individual characteristics, traits, and social experiences. As people travel through the life course, they are constantly bombarded by changing perceptions and experiences, and as a result their behavior will change directions, sometimes for the better and sometimes for the worse (Figure 9. 1).

In contrast to this view, **latent trait theories** hold that human development is controlled by a “master trait,” present at birth or soon after. Some criminologists believe that this master trait remains stable and unchanging throughout a

Latent Trait Theory

Master trait guides behavior

- Impulsivity
- Control-Balance
- Oppression

Life Course Theory

The propensity for crime changes over the life course.

Multiple pathways to crime.
Multiple classes of criminals.
Crime and its causes are interactional: They affect each other.

Criminal careers are a passage; Personal, social, and/or environmental factors influence the decision to commit crime; Crime not a constant but may increase or decrease in severity, frequency, and variety; Developmental factors produce not only crime but other antisocial, risky behaviors.

Life Course and Latent Trait Theories

person's lifetime whereas others suggest that it can be altered, influenced, or changed by subsequent experience. In either event, as people travel through their life course, this trait is always there, directing their behavior and shaping the course of their life. Because this master trait is enduring, the ebb and flow of criminal behavior is directed by the impact of external forces such as criminal opportunity and the reaction of others. Each of these positions is discussed in detail in the following sections.

THE LIFE COURSE VIEW

According to life course theory, even as toddlers people begin relationships and behaviors that will determine their adult life course. At first they must learn to conform to social rules and function effectively in society. Later they are expected to begin to think about careers, leave their parental homes, find permanent relationships, and eventually marry and begin their own families.² These transitions are expected to take place in order—beginning with finishing school, then entering the workforce, getting married, and having children.

Some individuals, however, are incapable of maturing in a reasonable and timely fashion because of family, environmental, or personal problems. In some cases, transitions can occur too early—for example, when adolescents engage in precocious sex. In other cases, transitions may occur too late, such as when a student fails to graduate on time because of bad grades or too many incompletes. Sometimes disruption of one trajectory can harm another. A teenager who becomes pregnant may find that her educational and career development is disrupted. These negative life events can become cumulative: As people acquire more personal deficits, the chances of acquiring additional ones increases.³ So the boy who experiences significant amounts of anger in early adolescence is the one more likely to become involved in antisocial behavior as a teen and mature into a depressed adult who abuses alcohol.⁴

||||| CONNECTIONS |||||

In Chapter 8 the “cumulative disadvantage” created by official intervention and labels was discussed. Labeling may obstruct the developmental process by increasing the likelihood of antisocial behavior.

Disruptions in life's major transitions can be destructive and ultimately can promote criminality. Those who are already at risk because of socioeconomic problems or family dysfunction are the most susceptible to these awkward transitions. The cumulative impact of these disruptions sustains criminality from childhood into adulthood.

Because a transition from one stage of life to another can be a bumpy ride, the propensity to commit crimes is neither stable nor constant: It is a developmental process. A positive life experience may help some criminals desist from crime

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for a while, whereas a negative one may cause them to resume their activities. Criminal careers are said to be developmental because people are influenced by the behavior of those around them, and they, in turn, influence others' behavior. For example, a youth's antisocial behavior may turn his more conventional friends against him; their rejection solidifies and escalates his antisocial behavior.⁵

Life course theories also recognize that as people mature, the factors that influence their behavior change.⁶ At first, family relations may be most influential; in later adolescence, school and peer relations predominate; in adulthood, vocational achievement and marital relations may be the most critical influences. For example, some antisocial children who are in trouble throughout their adolescence may manage to find stable work and maintain intact marriages as adults; these life events help them desist from crime. In contrast, less fortunate adolescents who develop arrest records and get involved with the wrong crowd may find themselves limited to menial jobs and at risk for criminal careers.

Life course theories are inherently multidimensional, suggesting that criminality has multiple roots, including maladaptive personality traits, educational failure, and family

relations. It comes as no shock to life course theorists when research shows that criminality runs in families and that having criminal relatives is a significant predictor of future misbehaviors.⁷ Criminality, according to this view, cannot be attributed to a single cause, nor does it represent a single underlying tendency.⁸ People are influenced by different factors as they mature. Consequently, a factor that may have an important influence at one stage of life (such as delinquent peers) may have little influence later on.⁹

Life course theorists conclude that multiple social, personal, and economic factors can influence criminality, and as these factors change over time, so does criminal involvement.¹⁰ As people make important life transitions—from child to adolescent, from adolescent to adult, from unwed to married—the nature of social interactions changes. Throughout this progression, behavior is altered.

The Glueck Research

One of the cornerstones of recent life course theories lies in renewed interest in the research efforts of Sheldon and Eleanor Glueck. While at Harvard University in the 1930s, the Gluecks popularized research on the life cycle of delinquent careers. In a series of longitudinal research studies, they followed the careers of known delinquents to determine the factors that predicted persistent offending.¹¹ The Gluecks made extensive use of interviews and records in their elaborate comparisons of delinquents and nondelinquents.¹²

The Gluecks' research focused on early onset of delinquency as a harbinger of a criminal career: "[T]he deeper the roots of childhood maladjustment, the smaller the chance of adult adjustment."¹³ They also noted the stability of offending careers: Children who are antisocial early in life are the most likely to continue their offending careers into adulthood.

The Gluecks identified a number of personal and social factors related to persistent offending, the most important of which was family relations. This factor was considered in terms of quality of discipline and emotional ties with parents. The adolescent raised in a large, single-parent family of limited economic means and educational achievement was the most vulnerable to delinquency.

||||| CONNECTIONS |||||

Social process theories lay the foundation for assuming that peer, family, educational, and other interactions, which vary over the life course, influence behaviors. See the first few sections of Chapter 8 for a review of these issues. As you may recall from Chapter 2, a great deal of research has been conducted on the relationship of age and crime and the activities of chronic offenders. This scholarship has prompted interest in the life cycle of crime.

The Gluecks did not restrict their analysis to social variables. When they measured such biological and psychological traits as body type, intelligence, and personality, they found that physical and mental factors also played a role in

determining behavior. Children with low intelligence, who had a background of mental disease, and who had a powerful (mesomorph) physique were the most likely to become persistent offenders.

The Gluecks' research was virtually ignored for nearly thirty years as the study of crime and delinquency shifted almost exclusively to social and social-psychological factors (such as poverty, neighborhood deterioration, and socialization) that formed the nucleus of structural and process theories. The Gluecks' methodology and their integration of biological, psychological, and social factors were heavily criticized by mainstream sociologists who dominated the field. For many years their work was ignored in criminology texts and overlooked in the academic curriculum.

• Do scientists still believe that body build and physique can shape behavior? To find out, read: Alan Dixon, Gayle Halliwell, Rebecca East, Praveen Wignarajah, and Matthew Anderson, "Masculine Somatotype and Hirsuteness as Determinants of Sexual Attractiveness to Women," *Archives of Sexual Behavior* 32 (2003): 29–40.

Life Course Concepts

During the 1990s, the Glueck legacy was rediscovered in a series of papers by criminologists Robert Sampson and John Laub. These scholars argued that the Gluecks' careful empirical measurements, which had been cast aside by the criminological community, were actually an ideal platform for studying criminal careers.¹⁴ Sampson and Laub reanalyzed the Glueck data and used them in a series of articles that have gained wide readership. Their work will be discussed in greater detail later in the chapter.

A 1990 review paper (revised in 1998) by Rolf Loeber and Marc LeBlanc was another important event in the development of life course theory.¹⁵ In their landmark works, Loeber and LeBlanc proposed that criminologists should devote time and effort to understanding some basic questions about the evolution of criminal careers: Why do people begin committing antisocial acts? Why do some stop while others continue? Why do some escalate the severity of their criminality (that is, go from shoplifting to drug dealing to armed robbery) while others deescalate and commit less serious crimes as they mature? If some terminate their criminal activity, what, if anything, causes them to begin again? Why do some criminals specialize in certain types of crime, whereas others are generalists engaging in a variety of antisocial behavior? According to Loeber and LeBlanc's developmental view, criminologists must pay attention to how a criminal career unfolds.

• To read a paper cowritten by Rolf Loeber, go to: Jennifer M. Beyers and Rolf Loeber, "Untangling Developmental Relations between Depressed Mood and Delinquency in Male Adolescents," *Journal of Abnormal Child Psychology* 31 (2003): 247–266.

From these and similar efforts, a view of crime has emerged that incorporates personal change and growth. The factors that produce crime and delinquency at one point in the life cycle may not be relevant at another; as people mature, the social, physical, and environmental influences on their behavior are transformed. People may show a propensity to offend early in their lives, but the nature and frequency of their activities are often affected by forces beyond their control, which elevate and sustain their criminal activity.¹⁶

The next sections review some of the more important concepts associated with the developmental perspective and discuss some prominent life course theories.

Problem Behavior Syndrome

Most criminological theories portray crime as resulting from, rather than causing, social problems. For example, learning theorists view a troubled home life and deviant friends as precursors of criminality; structural theorists maintain that acquiring deviant cultural values leads to criminality. In contrast, the developmental view is that criminality may best be understood as one of many social problems faced by at-risk youth, a view called **problem behavior syndrome (PBS)**. According to this view, crime is one among a group of anti-social behaviors that cluster together and typically involve family dysfunction, sexual and physical abuse, substance abuse, smoking, precocious sexuality and early pregnancy, educational underachievement, suicide attempts, sensation seeking, and unemployment.¹⁷ People who suffer from one of these conditions typically exhibit many symptoms of the rest.¹⁸ All varieties of criminal behavior, including violence, theft, and drug offenses, may be part of a generalized PBS, indicating that all forms of antisocial behavior have similar developmental patterns (Exhibit 9.1).¹⁹

Many examples support the existence of PBS:²⁰

- Adolescents with a history of gang involvement are more likely to have been expelled from school, be a binge drinker, test positively for marijuana, have been in three or more fights in the past 6 months, have a nonmonogamous partner, and test positive for sexually transmitted diseases.²¹
- Kids who gamble at an early age also take drugs and commit crimes.²²
- People who exhibit one of these conditions typically exhibit many of the others.²³

Those who suffer PBS are prone to more difficulties than the general population.²⁴ They find themselves with a range of personal dilemmas ranging from drug abuse to being accident prone, to requiring more healthcare and hospitalization, to becoming teenage parents, to having mental health problems.²⁵ PBS has been linked to individual-level personality problems (such as rebelliousness and low ego), family problems (such as intrafamily conflict and parental mental disorder), and educational failure.²⁶

Problem Behaviors

Social

- Family dysfunction
- Unemployment
- Educational underachievement
- School misconduct

Personal

- Substance abuse
- Suicide attempts
- Early sexuality
- Sensation seeking
- Early parenthood
- Accident prone
- Medical problems
- Mental disease
- Anxiety
- Eating disorders (bulimia, anorexia)

Environmental

- High-crime area
- Disorganized area
- Racism
- Exposure to poverty

Using four years of longitudinal data from the Pittsburgh Youth Study, Helene Raskin White and her colleagues examined the relationship between substance abuse and aggression among adolescents and found that kids who committed offenses while “under the influence” were also more likely to be heavy alcohol and drug users, commit serious delinquent acts, have impulsive personalities, and associate with deviant peers.²⁷ Other research efforts have linked violence to a variety of family and environmental problems that seem to cluster together: low income, single parenthood, residence in isolated urban areas, lack of family support or resources, racism, and prolonged exposure to poverty.²⁸ Studies of inmates show that many had mental health problems and were also undereducated, unemployed, and had histories of alcohol, marijuana, cocaine, and heroin abuse.²⁹

The interconnection of problem behaviors increases the risk of teenage pregnancy, AIDS, and other sources of social distress that require a combination of behaviors (sex, drug use, violence). For example, gang members, who suffer many forms of social problems, have also been found to exhibit a garden variety of ills compatible with PBS, including living in a single-parent home, suffering poor school achievement, and having siblings who engaged in antisocial behaviors.³⁰ The fact that youths involved in crime have significantly higher mortality rates than the general population is perhaps the most extreme product of PBS.³¹

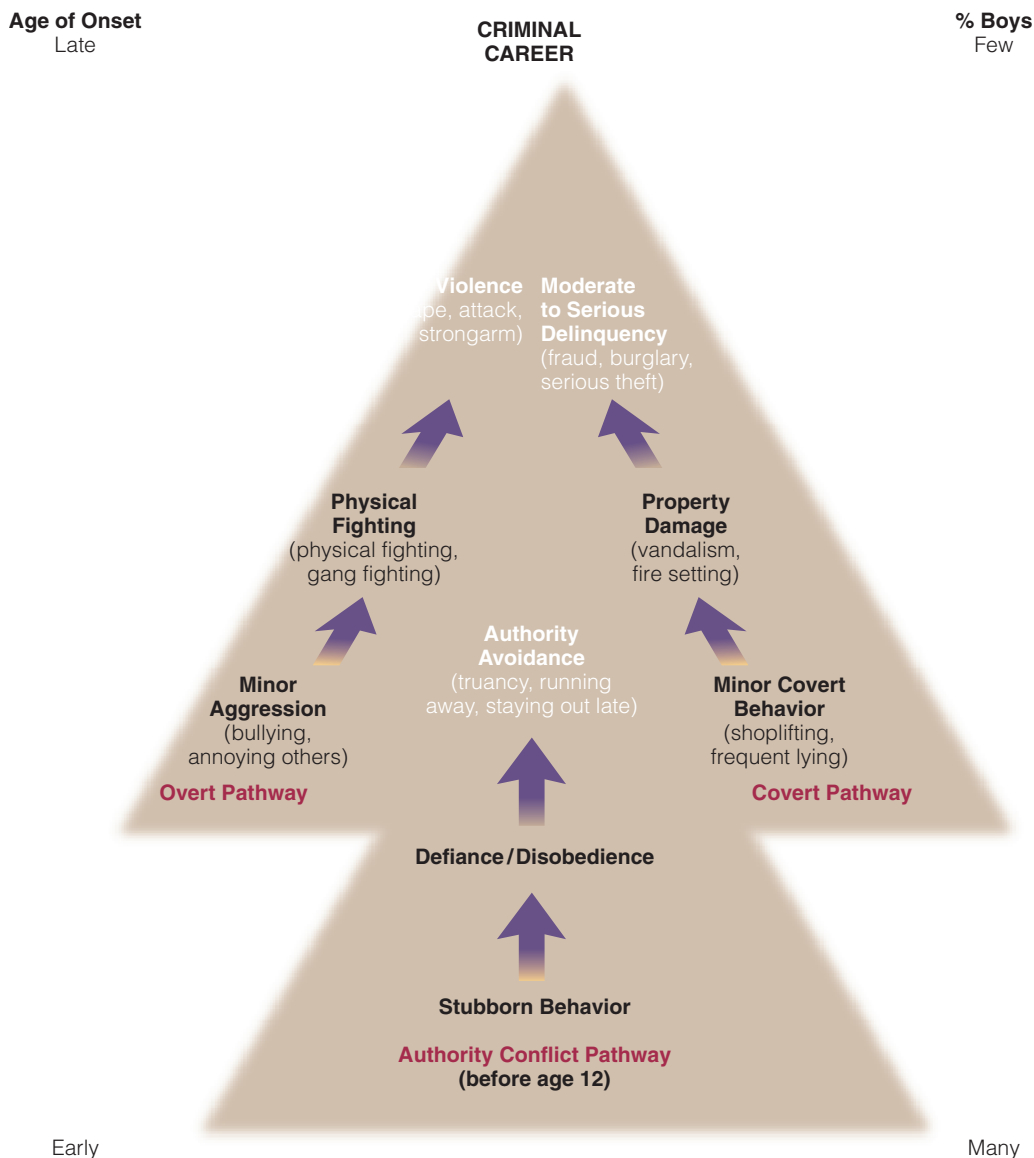
Pathways to Crime

Some life course theorists recognize that career criminals may travel more than a single road: Some may specialize in violence and extortion; some may be involved in theft and fraud; others may engage in a variety of criminal acts. Some offenders may begin their careers early in life, whereas others are late bloomers who begin committing crime when most people desist. Some are frequent offenders while others travel a more moderate path.³²

Some of the most important research on delinquent paths or trajectories has been conducted by Rolf Loeber and his associates. Using data from a longitudinal study of Pittsburgh youth, Loeber has identified three distinct paths to a criminal career (Figure 9.2).³³

1. The **authority conflict pathway** begins at an early age with stubborn behavior. This leads to defiance (doing things one's own way, disobedience) and then to authority avoidance (staying out late, truancy, running away).
2. The **covert pathway** begins with minor, underhanded behavior (lying, shoplifting) that leads to property damage (setting nuisance fires, damaging property). This behavior eventually escalates to more serious forms of criminality, ranging from joyriding, pocket picking, larceny, and fencing to passing bad checks, using stolen credit cards, stealing cars, dealing drugs, and breaking and entering.

Loeber's Pathways to Crime



Source: "Serious and Violent Juvenile Offenders," *Juvenile Justice Bulletin*, May 1998.

3. The **overt pathway** escalates to aggressive acts beginning with aggression (annoying others, bullying), leading to physical (and gang) fighting, and then to violence (attacking someone, forced theft).

The Loeber research indicates that each of these paths may lead to a sustained deviant career. Some people enter two and even three paths simultaneously: They are stubborn, lie to teachers and parents, are bullies, and commit petty thefts. These adolescents are the most likely to become persistent offenders as they mature. Although some persistent offenders may specialize in one type of behavior, others engage in varied criminal acts and antisocial behaviors as they mature. For example, they cheat on tests, bully kids in the schoolyard, take drugs, commit burglary, steal a car, and then shoplift from a store.

Some recent support for the concept of criminal career pathways was put forward by Sheila Royo Maxwell and Christopher Maxwell in their study of the career paths of young female offenders. One distinct group consisted of women who used drugs and engaged in a variety of illegal activities, including theft and prostitution, to generate capital for further drug purchases. The second group specialized in drug selling and avoided prostitution and other illegal activities.³⁴ The Maxwell research suggests the existence of a multitude of criminal career subgroupings (for example, prostitutes, drug dealers) that each have their own distinctive career paths.

Age of Onset/Continuity of Crime

Most life course theories assume that the seeds of a criminal career are planted early in life and that early onset of deviance

strongly predicts later and more serious criminality.³⁵ Research supports this by showing that children who will later become delinquents begin their deviant careers at a very early (preschool) age and that the earlier the onset of criminality the more frequent, varied, and sustained the criminal career.³⁶ A significant number of incarcerated youth began their offending careers very early in life, including heavy drinking and drug abuse at age 10 or younger.³⁷ As they emerge into adulthood, persisters report less emotional support, lower job satisfaction, distant peer relationships, and more psychiatric problems than those who desist.³⁸

A thorough review of this issue by Rolf Loeber and David Farrington finds that early-onset criminals typically have a history of disruptive behavior beginning in early childhood with truancy, cruelty to animals, lying, and theft.³⁹ Although most commit less serious forms of delinquency, since 1980 more than 600 murders have been committed by youngsters aged 12 or younger; 12 to 14 percent of all juveniles arrested for rape are between the ages of 7 and 12.

But not all persistent offenders begin at an early age. Some begin their journey at different times: Some are precocious, beginning their criminal careers early and persisting into adulthood.⁴⁰ Others stay out of trouble in adolescence and do not violate the law until their teenage years. Some offenders may peak at an early age, whereas others persist into adulthood. Some youth maximize their offending rates at a relatively early age and then reduce their criminal activity; others persist into their 20s. Some are high-rate offenders, whereas others offend at relatively low rates.⁴¹

CONTINUITY AND DESISTANCE Age of onset is associated with another key life course concept, the continuity of



According to the concept of early onset, the most serious offenders begin their offending career at a very young age and then persist in their criminality. Twelve-year-old Alex King (upper left inset) and his brother, 13-year-old Derek King, were indicted by a Grand Jury as adults on first-degree murder and arson charges December 11, 2001, for the bludgeoning death of their father Terry King, whose body was found in his burning home. Both boys were later found guilty of second-degree murder but the judge overturned the conviction. They pled to a lesser charge and are currently serving 7- and 8-year sentences in a juvenile facility in Florida.

Desisting from Crime

Why do people desist from crime? Understanding desistance has become an important target for criminological research. In one important work, *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*, criminologist Shadd Maruna, interviewed a group of serious criminals in order to understand how they could be reformed. These men, who had been in trouble for most of their lives, were able to turn their lives around although their background suggests otherwise.

Maruna found that desistance was a process, not an instantaneous event. Desisters undergo a long-term cognitive change in which they begin to see themselves as a “new person” or have a new outlook on life. They begin to try to understand their past and develop insights into why they behaved the way they did and understand why and how things went wrong. Desisters begin to feel a sense of fulfillment in engaging in productive behaviors and, in so doing, become agents of their own change. They start feeling in control of their future and have a newfound purpose in life. Importantly, rather than run from their past, they view their prior history as a learning experience, finding a silver lining in an otherwise awful situation.

Sociologists Peggy Giordano, Stephen Cernkovich, and Jennifer Rudolph also link desistance to a process of cognitive change. They believe that under some circumstances changes in their environment help some people to construct a kind of psychic “scaffolding” that makes it possible for them to create significant life change. These behavior changes can include desisting from crime.

To be eligible for desistance, individuals must discard their old bad habits and begin the process of crafting a different way of life. Because at first the new lifestyle is usually only a distant dream or faint possibility, people who want to change must find it within themselves to resonate with, move toward, or select the various environmental catalysts for change.

Cognitive Transformations

Giordano and her associates believe there are certain “hooks for change” within the environment. These hooks are positive life experiences that help people turn their lives around; people have to latch onto these opportunities when and if they become available. If they can manage to seize the right opportunity, the former offender may undergo a *cognitive transformation*—a process in which the person reshapes his or her thought and behavior

patterns into a more conventional and rewarding lifestyle. Giordano and her associates have identified four critical cognitive transformations that are the key to the healing process:

1. *A shift in the actor's basic openness to change.* In order to change a person must be ready and willing to change.
2. *Exposure to a particular hook or set of hooks for change.* While a general openness to change is necessary, by itself it is often insufficient to produce meaningful results. There must also be some environmental catalyst available to “hook on to.” The potential desister must not only regard the new environmental situation as a positive development (for example, experience high attachment to a spouse), but must define the new state of affairs as fundamentally incompatible with continued deviation.
3. To desist, the person must be able to envision and begin to fashion an appealing and conventional *replacement self* that he or she can substitute for the older, damaged identity. People can begin to escape their deviant lifestyle only when they begin to believe in their new persona and think, “It is inappropriate for someone like me to do

crime: Children who are repeatedly in trouble during early adolescence will continue to be antisocial throughout their life course.⁴² Some of the most important research efforts have been conducted by Gerald Patterson and his colleagues at the Oregon Social Learning Center. Patterson finds that poor parental discipline and monitoring was a key to the onset of criminality in early childhood. Children who are improperly socialized by unskilled parents are the most likely to rebel by wandering the streets with deviant peers.⁴³ Patterson and his colleagues conclude that although the onset of a criminal career is a function of poor parenting skills, its maintenance and support are connected to social relations that emerge later in life.⁴⁴ In middle childhood,

social rejection by conventional peers and academic failure sustained antisocial behavior; in later adolescence, commitment to a deviant peer group created a training ground for crime. While the youngest and most serious offenders may persist in their criminal activity into late adolescence and even adulthood, others are able to age out of crime or desist. Why and how some people are able to turn their lives around is the subject of The Criminological Enterprise feature “Desisting from Crime.”

GENDER SIMILARITIES AND DIFFERENCES As they mature, both males and females who have early experiences with antisocial behavior are the ones most likely to be continually

something like that.” The new identity must serve as a basis for decision making as the person moves into new and novel situations: “I may have smoked pot as a kid, but now that I am a husband the new me would never take the risk.” The concept of a replacement self is critical when the actor faces stressful life circumstances (such as divorce and unemployment), and the person is forced to make decisions that differ from the ones he or she made in the past (and which turned out to be destructive).

4. *A transformation in the way the actor views the deviant behavior or lifestyle itself.* The desistance process can be seen as complete when the actor no longer sees the past life and behaviors as positive, viable, or even personally relevant. What the person did in the past was foolish and destructive: “It is no longer cool to get high, but selfish and destructive.”

Using these cognitive shifts, the desistance process proceeds from an overall “readiness” to change, to encountering one or more environmental hooks for change, to a shift in identity, and to the maintenance of a positive identity that gradually decreases the desirability of the former deviant behavior.

Giordano and associates tested their views by using data collected from incarcerated delinquent youth who were first interviewed in 1982 and re-interviewed in 1995. They found that kids who desisted from crime as adults did in fact experience cognitive transformations. However, the hooks that got them to change were varied. For males, going to prison was a life-transforming event. For many females, having a religious conversion served as a catalyst for change. Females also believed that having children was the hook that helped them reform. Some desisters told Giordano that having a romantic relationship was a key factor in their personal turnaround because supportive partners helped them raise their self-esteem: “He said I didn’t belong where I was at.” By seeking out conventional partners, desisters are demonstrating a cognitive shift (“I am the type of person who wants to associate with this respectable man/woman”). The potential desister, tired of being dishonest, is helped when he or she is able to connect to someone who demonstrates what it means to be honest on a daily basis.

The Giordano, Cernkovich, and Rudolph research helps us better understand the life-transforming

processes that help some people desist from crime.

Critical Thinking

Many of the women told the researchers that they had crafted highly traditional replacement selves (such as child of God, the good wife, involved mother) and that these new identities helped them with their successful exits from criminal activities. Giordano fears that latching on to these identities might be helpful in the short term but may be highly repressive and cut into women’s becoming economically self-sustaining and independent in the long term. Do you agree?

InfoTrac College Edition Research

You can obtain the original Giordano research in InfoTrac College Edition. Use “cognitive transformation” as a key word to access the article.

Sources: Shadd Maruna, *Making Good: How Ex-Convicts Reform and Rebuild Their Lives* (Washington, DC: American Psychological Association, 2000); Peggy Giordano, Stephen Cernkovich, and Jennifer Rudolph, “Gender, Crime, and Desistance: Toward a Theory of Cognitive Transformation,” *American Journal of Sociology* 107 (2002): 990–1,065.

involved in this type of behavior throughout the life course. Like boys, early-onset girls continue to experience difficulties—increased drug and alcohol use, poor school adjustment, mental health problems, poor sexual health, psychiatric problems, higher rates of mortality, criminal behavior, insufficient parenting skills, relationship dysfunction, lower performance in academic and occupational environments, involvement with social service assistance, and adjustment problems—as they enter young adulthood and beyond.⁴⁵

There are also some distinct gender differences. For males, the path runs from early onset to problems at work and substance abuse. For females, antisocial behavior in youth

leads to relationship problems, depression, tendency to commit suicide, and poor health in adulthood.⁴⁶ Males seem to be more deeply influenced by an early history of childhood aggression: Males who exhibited chronic physical aggression during the elementary school years exhibit the risk of continued physical violence and delinquency during adolescence; there is less evidence of a linkage between childhood physical aggression and adult aggression among females.⁴⁷

ADOLESCENT-LIMITEDS AND LIFE COURSE PERSISTERS

According to psychologist Terrie Moffitt, the prevalence and frequency of antisocial behavior peak in adolescence and then diminish for most offenders; she calls those who follow

this path **adolescent-limited offenders**. These kids may be considered “typical teenagers” who get into minor scrapes and engage in what might be considered rebellious teenage behavior with their friends.⁴⁸

Moffitt also finds that there is a small group of **life course persisters** who begin their offending career at a very early age and continue to offend well into adulthood.⁴⁹ Life course persisters combine family dysfunction with severe neurological problems that predispose them to antisocial behavior patterns. These afflictions can be the result of maternal drug abuse, poor nutrition, or exposure to toxic agents such as lead. Life course persisters may have lower verbal ability, which inhibits reasoning skills, learning ability, and school achievement. Early starters—those who begin offending before age 14—experience (1) poor parenting, which leads them into (2) deviant behaviors and then (3) involvement with delinquent groups. There may be more than one subset of life course persisters. Some begin acting out during the preschool years; these youth show signs of ADHD and do not outgrow the levels of disobedience typical of the preschool years. The second group shows few symptoms of ADHD but, from an early age, is aggressive, underhanded, and in constant opposition to authority.⁵⁰

As they reach their mid-teens, adolescent-limited delinquents begin to mimic the antisocial behavior of more troubled teens, only to reduce the frequency of their offending as they mature to around age 18.⁵¹ This group tends to focus on a specific type of misbehavior such as drug abuse.

- Terrie Moffitt has written on a number of topics involving psychological issues and criminal involvement. Use her name as a subject guide in InfoTrac College Edition and read some of her research papers.

SUPPORTING RESEARCH Recent research has found support for Moffitt’s views and shows that the persistence patterns she predicts are valid and accurate.⁵² Research also shows that, as predicted by Moffitt’s model, early-onset delinquents are both more prevalent and more generalized in their delinquent activity and that the patterns predicted by Moffitt can be found in samples of both male and female delinquents.⁵³ There is also evidence that life course persisters manifest significantly more mental health problems, including psychiatric pathologies, than adolescent-limited offenders, a finding that may help explain their persistent offending patterns.⁵⁴ Early-onset delinquents seem to be strongly influenced by individual-level traits such as low verbal ability, hyperactivity, and negative or impulsive personality; community-level factors such as poverty and instability seem to have little effect on their behavior.⁵⁵ In contrast, late-onset adolescent delinquents are more strongly influenced by their delinquent peers and by conflict with parents. The path to their misbehavior may be as follows: (1) poor parenting leads to (2) identification with delinquent groups and then to (3) deviant involvement.⁵⁶

|||||| CONNECTIONS |||||

Moffitt views adolescent-limited kids as following the social learning perspective discussed in Chapter 7. Kids learn that violating the norms of society is an act of independence; some such actions, like smoking and drinking, may be efforts at gaining a pseudo-maturity. These acts are neither serious nor violent.

Early-onset delinquents also appear to be more violent than their older peers, who are likely to be involved in non-violent crimes such as theft.⁵⁷ They also experience pseudo-maturity, experimenting at an early age with substance abuse and sexuality.⁵⁸ Surprisingly, criminal punishment seems to have a greater deterrent effect on early rather than late starters, though the observed effect may be somewhat misleading.⁵⁹ It is possible that early starters learn from their punishment experiences and become more cunning criminals, increasing their offending rates while avoiding detection. Because they are more sensitive to the punishment associated with capture, they, rather than late starters, may be more motivated to find ways to avoid getting caught!



To quiz yourself on this material, go to the Criminology 9e website.

THEORIES OF THE CRIMINAL LIFE COURSE

A number of systematic theories have been formulated that account for onset, continuance, and desistance from crime. The following sections discuss a number of these models in some detail.

The Social Development Model

In their **social development model (SDM)**, Joseph Weis, Richard Catalano, J. David Hawkins, and their associates have attempted to integrate social control, social learning, and structural models.⁶⁰ According to the SDM, a number of community-level risk factors make some people susceptible to developing antisocial behaviors. For example, the quality of the community organization influences the child’s risk of developing antisocial behavior. Social control is less effective when the frontline socializing institutions are weak in disorganized areas. In a low-income, disorganized community, for example, families are under great stress; educational facilities are inadequate; there are fewer material goods; and respect for the law is weak. Because crime rates are high, there are more opportunities to violate the law, which puts even greater strain on the agencies of social control.

As children mature within their environment, elements of socialization control their developmental process. Pre-existing risk factors are either reinforced or neutralized

by socialization. Children are socialized and develop bonds to their families through four distinct interactions and processes:

- Perceived opportunities for involvement in activities and interactions with others
- The degree of involvement and interaction with parents
- The children's ability to participate in these interactions
- The reinforcement (such as feedback) children perceive for their participation

To control the risk of antisocial behavior, a child must maintain **prosocial bonds**. These are developed within the context of family life, which not only provides prosocial opportunities but reinforces them by consistent, positive feedback. Parental attachment affects a child's behavior for life, determining both school experiences and personal beliefs and values. For those with strong family relationships, school will be a meaningful experience marked by academic success and commitment to education. Youth in this category are likely to develop conventional beliefs and values, become committed to conventional activities, and form attachments to conventional others.

Children's antisocial behavior also depends on the quality of their attachments to parents and other influential relations. If they remain unattached or develop attachments to deviant others, their behavior may become deviant as well. Unlike Hirschi's version of control theory (discussed in Chapter 7), which assumes that all attachments are beneficial, the SDM suggests that interaction with antisocial peers and adults promotes participation in delinquency and substance abuse.⁶¹

As Figure 9.3 shows, the SDM differs from Hirschi's vision of how the social bond develops. Whereas Hirschi maintains that early family attachments are the key determinant of future behavior, the SDM suggests that later involvement in prosocial or antisocial behavior determines the quality of attachments. Adolescents who perceive opportunities and rewards for antisocial behavior will form deep attachments to deviant peers and will become committed to a delinquent way of life. In contrast, those who perceive opportunities for prosocial behavior will take a different path, getting involved in conventional activities and forming attachments to others who share their conventional lifestyle.

The SDM holds that commitment and attachment to conventional institutions, activities, and beliefs insulate youths from the criminogenic influences of their environment. The prosocial path inhibits deviance by strengthening bonds to prosocial others and activities. Without the proper level of bonding, adolescents can succumb to the influence of deviant others.

Many of the core assumptions of the SDM have been tested and verified empirically.⁶² The path predicted by the SDM seems an accurate picture of the onset and continuation of violent and antisocial behavior, both for early-onset

offenders who engage in antisocial acts in childhood and later-onset offenders who begin offending in their teens.⁶³

Kids who learn deviant attitudes and behaviors and who also have weak ties to conventional institutions are the most likely to engage in criminal behaviors. Kids who maintain antisocial opportunities and involvement, who perceive that it is easy to get away with antisocial behaviors, and who see them as "cool" and rewarding are also the ones most likely to engage in antisocial activities.⁶⁴

The SDM has also guided treatment interventions, which promote the development of strong family and school bonds and help kids use these bonds to resist any opportunity or motivation to take drugs and engage in delinquent behaviors. Preliminary evaluations of one program, the Seattle Social Development Project, indicate that SDM-based interventions can help reduce delinquency and drug abuse.⁶⁵

Farrington's ICAP Theory

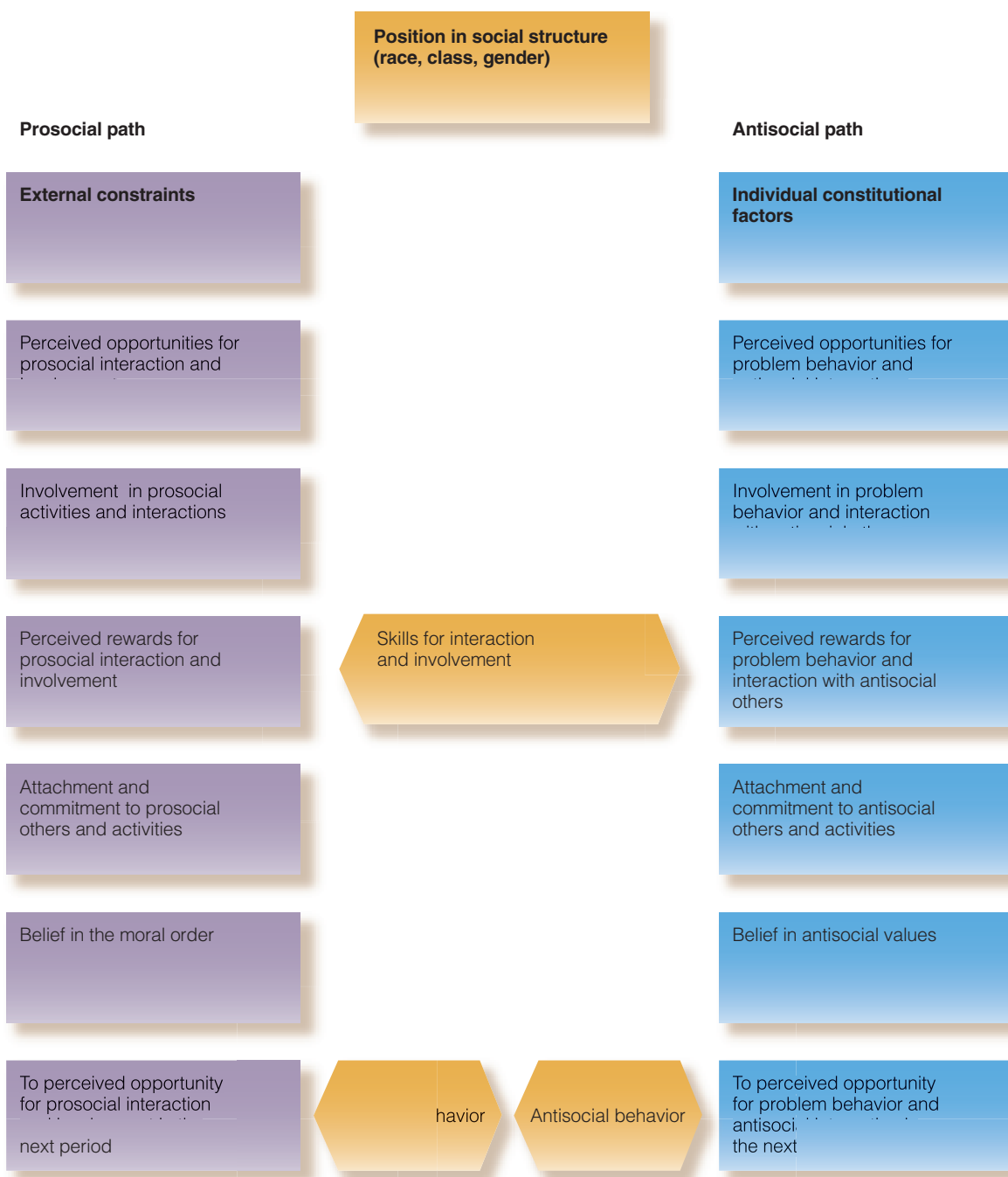
One of the most important longitudinal studies tracking persistent offenders is the Cambridge Study in Delinquent Development, which has followed the offending careers of 411 London boys born in 1953.⁶⁶ This cohort study, directed since 1982 by David Farrington, has made a serious attempt to isolate the factors that predict lifelong continuity of criminal behavior. The study uses self-report data as well as in-depth interviews and psychological testing. The boys have been interviewed eight times over 24 years, beginning at age 8 and continuing to age 32.⁶⁷

The results of the Cambridge study show that many of the same patterns found in the United States are repeated in a cross-national sample: the existence of chronic offenders, the continuity of offending, and early onset of criminal activity. Each of these patterns leads to persistent criminality.

Farrington found that traits present in persistent offenders can be observed as early as age 8. The chronic criminal, typically a male, begins as a property offender; is born into a low-income, large family headed by parents who have criminal records; and has delinquent older siblings. The future criminal receives poor parental supervision, including the use of harsh or erratic punishment and childrearing techniques; his parents are likely to divorce or separate. The chronic offender tends to associate with friends who are also future criminals. By age 8, he exhibits antisocial behavior, including dishonesty and aggressiveness; at school he tends to have low educational achievement and is restless, troublesome, hyperactive, impulsive, and often truant. After leaving school at age 18, the persistent criminal tends to take a relatively well-paid but low-status job and is likely to have an erratic work history and periods of unemployment.

Deviant behavior tends to be versatile rather than specialized. That is, the typical offender not only commits property offenses, such as theft and burglary, but also engages in violence, vandalism, drug use, excessive drinking, drunk driving, smoking, reckless driving, and sexual promiscuity—evidence of a generalized problem behavior syndrome.

The Social Development Model of Antisocial Behavior



Chronic offenders are more likely to live away from home and have conflicts with their parents. They wear tattoos, go out most evenings, and enjoy hanging out with groups of their friends. They are much more likely than nonoffenders to get involved in fights, to carry weapons, and to use them in violent encounters. The frequency of offending reaches a peak in the teenage years (about 17 or 18) and then declines in the 20s, when the offenders marry or live with women.

By the time he reaches his 30s, the former delinquent is likely to be separated or divorced from his wife and to be an absent parent. His employment record remains spotty, and he moves often between rental units. His life is still characterized by evenings out, heavy drinking, substance abuse, and more violent behavior than his contemporaries. Because the typical offender provides the same kind of deprived and disrupted family life for his own children that he

experienced, the social experiences and conditions that produce delinquency are carried on from one generation to the next.

NONOFFENDERS AND DESISTERS Farrington has also identified factors that predict the discontinuity of criminal offenses. He found that people who exhibit these factors have backgrounds that put them at risk of becoming offenders; however, either they are able to remain nonoffenders, or they begin a criminal career and then later desist. The factors that protected high-risk youths from beginning criminal careers included the following:

- Having a somewhat shy personality
- Having few friends (at age 8)
- Having nondeviant families
- Being highly regarded by their mothers

Shy children with few friends avoided damaging relationships with other adolescent boys (members of a high-risk group) and were therefore able to avoid criminality.

WHAT CAUSED OFFENDERS TO DESIST? Holding a relatively good job helped reduce criminal activity. Conversely, unemployment seemed to be related to the escalation of theft offenses; violence and substance abuse were unaffected by unemployment. In a similar vein, getting married also helped diminish criminal activity. However, finding a spouse who was also involved in criminal activity and had a criminal record increased criminal involvement. Physical relocation also helped some offenders desist because they were forced to sever ties with co-offenders. For this reason, leaving the city for a more rural or suburban area was linked to reduced criminal activity.

Although employment, marriage, and relocation helped potential offenders desist, not all desisters found success. At-risk youth who managed to avoid criminal convictions were unlikely to avoid other social problems. Rather than becoming prosperous homeowners with flourishing careers, they tended to live in unkempt homes and have large debts and low-paying jobs. They were also more likely to remain single and live alone. Youth who experienced social isolation at age 8 were also found to experience it at age 32.

Farrington summarized his observations by proposing a theory of criminality based on his long-term data collections, which he has labeled the Integrated Cognitive Antisocial Potential theory or ICAP theory.⁶⁸ Farrington's model is set out in Figure 9.4 and discussed in detail below.

THE ICAP THEORY The key element of Farrington's model is what he calls *antisocial potential (AP)*, which refers to the potential to commit antisocial acts. AP can be viewed as both a long- and short-term phenomenon.

Long-Term AP Farrington believes that people can be ordered on their antisocial potential along a continuum ranging from low to high AP. Those with high levels of AP are at risk for

offending over the life course; those with low AP levels live more conventional lives. Because relatively few people experience very high levels of AP, the number of chronic offenders in the population is limited. People with high AP are more likely to commit many different types of antisocial acts including crimes. Though AP levels are fairly consistent over time, they peak in the teenage years because of the effects of maturational factors—such as, increase in peer influence and decrease in family influence—that directly influence crime rates.

Farrington finds that long-term AP increases when people desire material goods, want to increase their status among intimates, and seek excitement and sexual satisfaction yet lack legitimate means for their attainment. Here Farrington seems to be borrowing from strain theories. A person's potential for antisocial behavior increases when he or she becomes frustrated and despondent because of the absence of legitimate opportunities and means. However, Farrington recognizes that the responses to strain depend on physical capabilities and behavioral skills; for example, a 5-year-old would have difficulty stealing a car.

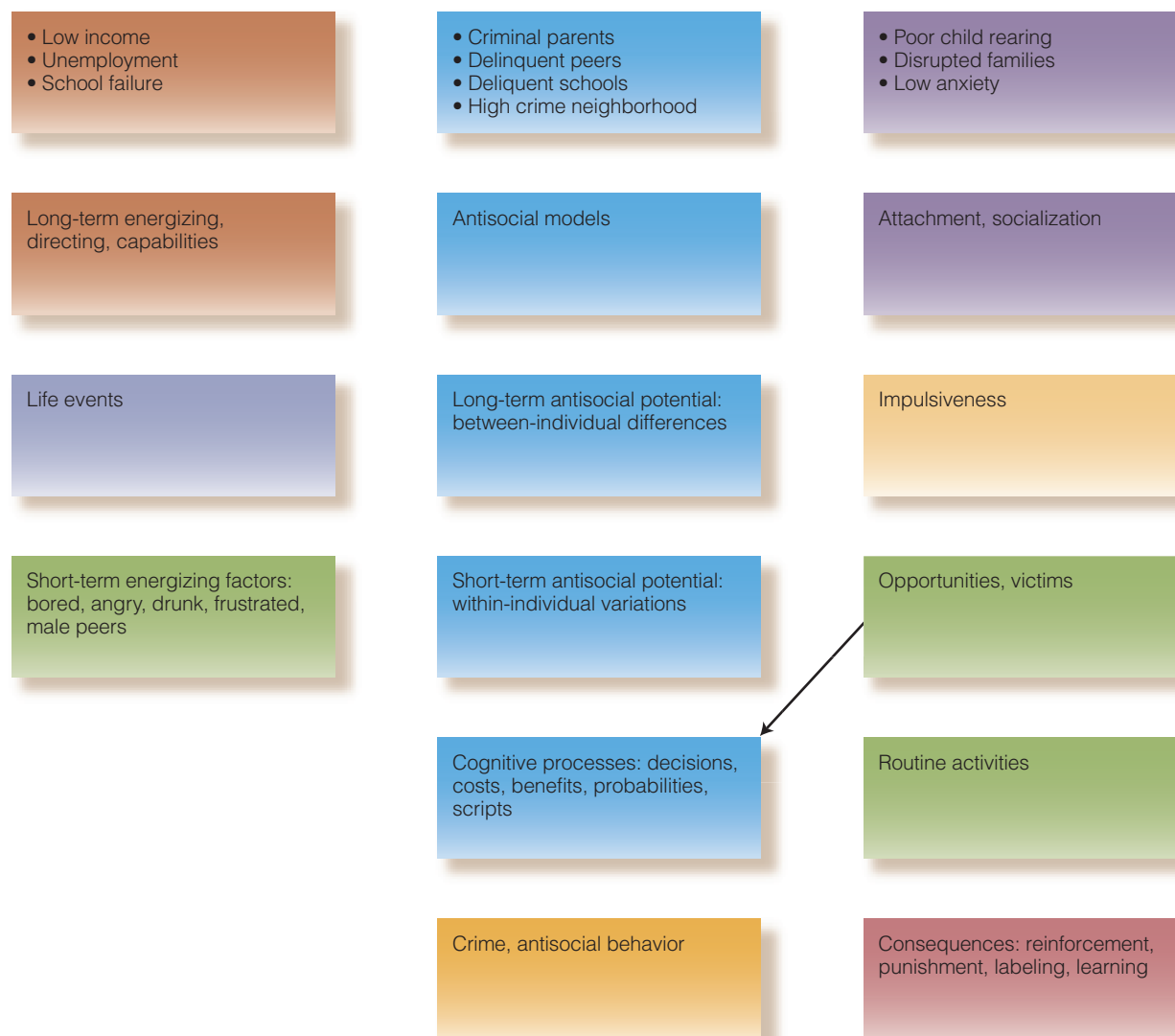
Farrington also believes that long-term AP depends on attachment and socialization. Hence, AP will be low if parents consistently reward good behavior and punish bad behavior. AP will be high if children are not attached to parents or if their parents are cold and rejecting. Disrupted families (broken homes) may impair both attachment and socialization processes. Families are not the only behavioral influence on long-term AP. People are exposed to and influenced by other antisocial models, such as criminal parents, delinquent siblings, and delinquent peers.

There may also be some biological elements to high AP. Long-term AP will be high for impulsive people because they tend to act without thinking about the consequences. The children of criminal parents could have high AP partly because of genetic transmission; school failure could depend partly on low intelligence, and high impulsiveness and low anxiety could both reflect biological factors.

Can high long-term AP be reduced? Farrington believes that changing life events can lower AP. For example, AP decreases after people get married or move out of high-crime areas, and it increases after separation from a partner. There may also be interaction effects among the influences on long-term AP. For example, people who experience strain or poor socialization may be disproportionately antisocial if they are also exposed to antisocial models or live in high-crime areas.

Short-Term AP Farrington also recognizes that a person may be influenced by situational inducements to crime. He calls this short-term AP. Immediate life events may increase a person's antisocial potential so that, in the immediate moment, people may increase their location on the AP continuum. For example, a person with a relatively low long-term AP may suffer a temporary amplification if he is bored, angry, drunk, or frustrated. Short-term AP may be experienced within a group context such as when deviant behavior is encouraged or demanded by a group of male peers.

Farrington's Integrated Cognitive Antisocial Potential (ICAP) Theory



Source: David P. Farrington, "Developmental and Life-Course Criminology: Key Theoretical and Empirical Issues." Sutherland Award Address at the American Society of Criminology meeting in Chicago, November 2002, revised March 2003.

Short-term AP also reflects criminal opportunities and the availability of victims. The effects may be reciprocal: Encountering a tempting opportunity or victim may cause a short-term increase in AP; the short-term increase in AP may motivate a person to seek out criminal opportunities and victims.

AP and Crime According to the ICAP theory, the commission of offenses and other types of antisocial acts depend on the interaction between the individual (with his immediate level of AP) and the social environment (especially criminal opportunities and victims). Whether a person with a certain level of AP commits a crime in a given situation depends on cognitive processes, including considering the subjective benefits, costs, and probabilities of the different

outcomes and stored behavioral repertoires or scripts (based on previous experiences). The subjective benefits and costs include immediate situational factors such as the material goods that can be stolen and the likelihood and consequences of being caught by the police. They also include social factors such as likely disapproval by parents or female partners and encouragement or reinforcement from peers.

In general, people tend to make decisions that seem rational to them, but those with low levels of AP will not commit offenses even when it appears rational to do so. Equally, high short-term levels of AP (such as caused by anger or drunkenness) may induce people to commit offenses when it is not rational for them to do so. Here Farrington integrates rational choice theory into his model.

The consequences of offending may, as a result of a learning process, lead to changes in long-term AP and in future cognitive decision-making processes. This is especially likely if the consequences are reinforcing (such as gaining material goods or peer approval) or punishing (for instance, receiving legal sanctions or parental disapproval). Also, if the consequences involve labeling or stigmatizing the offender, this may make it more difficult for him to achieve his aims legally and may lead to an increase in AP.

According to ICAP theory, long-term offending patterns are caused when people with relatively high AP also experience increases in their long-term motivation (such as desires for material goods, status, sex, and excitement), increases in physical capabilities and skills, and changes in socialization influences (decreasing importance of parents, increasing importance of peers).

People begin to stop offending because of decreasing long-term motivation, decreasing impulsiveness, a greater ability to satisfy needs legally, decreasing physical capabilities, changes in socialization influences (decreasing importance of peers, increasing importance of female partners and children), and life events such as getting married, having children, moving home, and getting a steady job.

In contrast, short-term offending is caused by increasing short-term motivation (such as being bored, angry, drunk, or frustrated) and increasing opportunities for offending because of changes in routine activities (for example, going out more). Short-term AP is decreased by a reduction in short-term energizing factors (less bored, angry, drunk, frustrated) and decreasing opportunities for offending because of changes in routine activities (going out less with male peers).

Farrington's theory is an important addition to the life course/developmental model of criminality. It is unique because it distinguishes between long- and short-term propensity to commit crime. It occupies a middle ground between latent trait and life course theories because it proposes a master trait (AP) that controls behavior but one that can be influenced by long- and short-term life events.

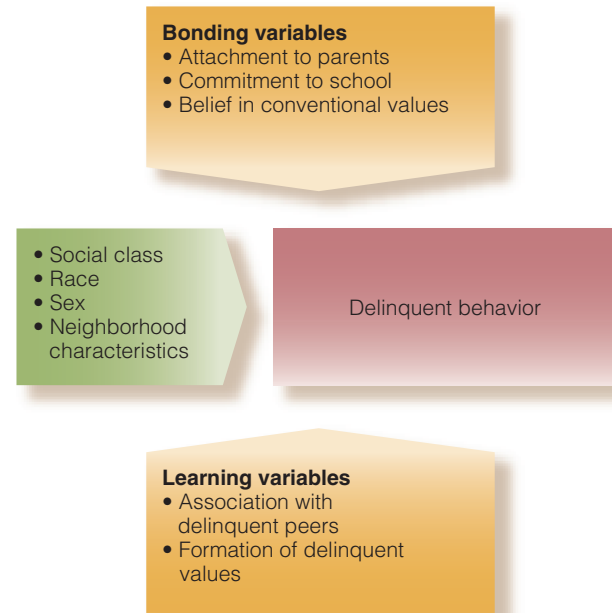


To learn more about **Farrington's work** and his findings on youth development and crime, go to http://www.ncjrs.org/html/ojjdp/report_research_2000/findings.html. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Interactional Theory

Terence Thornberry has proposed an age-graded view of crime that he calls **interactional theory** (Figure 9.5).⁶⁹ Thornberry agrees that the onset of crime can be traced to a deterioration of the social bond during adolescence, marked by weakened attachment to parents, commitment to school, and belief in conventional values. Thornberry's view similarly recognizes the influence of social class and other structural variables: Youths growing up in socially disorganized areas also stand the greatest risk of a weakened social bond and subsequent delinquency. The onset of a criminal career

The Interactional Theory of Delinquency



Source: Terence Thornberry, Margaret Farnworth, Alan Lizotte, and Susan Stern, *A Longitudinal Examination of the Causes and Correlates of Delinquency*, working paper no. 1, Rochester Youth Development Study (Albany, NY: Hindelang Criminal Justice Research Center, 1987), p. 11.

is supported by residence in a social setting in which deviant values and attitudes can be learned from and reinforced by delinquent peers.

Interactional theory also holds that seriously delinquent youth form belief systems consistent with their deviant lifestyle. They seek out the company of other kids who share their interests and who are likely to reinforce their beliefs about the world and to support their delinquent behavior. According to interactional theory, delinquents find a criminal peer group in the same way that chess buffs look for others who share their passion for the game; hanging out with other chess players helps improve their play. Similarly, deviant peers do not turn an otherwise innocent boy into a delinquent; they support and amplify the behavior of kids who have already accepted a delinquent way of life.⁷⁰

The key idea here is that causal influences are bidirectional. Weak bonds lead kids to develop friendships with deviant peers and get involved in delinquency. Frequent delinquency involvement further weakens bonds and makes it difficult to reestablish conventional ones. Delinquency-promoting factors tend to reinforce one another and sustain a chronic criminal career. Kids who go through stressful life events such as a family financial crisis, death of a parent, parents' divorce, physical illness, breaking up with a boyfriend or girlfriend, changing schools, and getting into trouble with classmates at school are more likely to later get involved in antisocial behaviors and vice versa.⁷¹

Interactional theory incorporates elements of the cognitive perspective in psychology. That is, as people mature, they pass through different stages of reasoning and

sophistication.⁷² Thornberry applies this concept when he suggests that criminality is a developmental process that takes on different meaning and form as a person matures. According to Thornberry, the causal process is a dynamic one and develops over a person's life.⁷³ During early adolescence, attachment to the family is the single most important determinant of whether a youth will adjust to conventional society and be shielded from delinquency. By mid-adolescence, the influence of the family is replaced by the "world of friends, school and youth culture."⁷⁴ By adulthood, a person's behavioral choices are shaped by his or her place in conventional society and his or her own nuclear family.

TESTING INTERACTIONAL THEORY Interactional theory is now being tested by a number of criminologists, and there is ample evidence supportive of its core premise: Crime and social relations are interactional.⁷⁵ For example, delinquent behavior has been found to influence the quality of family life, and changes in the quality of family life stimulate delinquency.

Kids who take drugs and use alcohol at a very young age are more likely to engage in other high-risk behaviors, such as dropping out of school and parenting children out of wedlock. These risky behaviors increase the chances that alcohol and drugs will be used into and during adulthood.⁷⁶

Preliminary results also support interactional theory's explanation of how peer groups influence delinquency.⁷⁷ Research indicates that associating with delinquent peers does, in fact, increase delinquent involvement and that the relationship is interactional: As delinquent behavior escalates, kids are more likely to seek out deviant friends, who in turn reinforce delinquent beliefs.⁷⁸ For example, kids who join gangs typically have long histories of prior delinquent activity. Once in a gang, fellow members facilitate and

support their criminal activity. The relationship between gang membership and criminal activity is therefore interactional.⁷⁹ In contrast, conventional youth seek equally conforming friends, who then reinforce their prosocial lifestyle. As this process unfolds, antisocial kids will become part of a deviant peer network that reinforces their behavior; conventional youth will be reinforced by their conventional friends.⁸⁰

Delinquency has also been related to other weakened attachments to family and the educational process; delinquent behavior further weakens the bonds to family and school.⁸¹ For example, Suman Kakar found that parents of gang members are subject to considerable stress and a lack of well-being.⁸² Inadequate families may promote delinquency, but engaging in antisocial behaviors may have a reciprocal effect on families as well. Other researchers have supported an interactional relationship between criminal behavior and moral values (antisocial behavior weakens moral beliefs, and weakened beliefs encourage criminality).⁸³

There is evidence that, as Thornberry suggests, associations with peers, parents, and school vary over time and have differential impacts on a youth's behavior choices.⁸⁴ Kids who grow up in indigent households that experience unemployment, high mobility, parental criminality, and who are placed in the care of social service agencies are the most at risk to crime. These experiences also help make crime intergenerational: An offender who is in trouble with the law in adolescence is unlikely to develop the skills that will make the person a nurturing parent. The lack of parental efficacy renders their own children susceptible to antisocial behaviors. Criminal fathers produce delinquent sons who in turn produce delinquent grandsons.⁸⁵

In contrast, some life events can make even high-risk youth resilient to delinquency. In later adolescence, kids who are committed to school, develop attachment to teach-



Interactional theory posits that seriously delinquent youths form belief systems consistent with their deviant lifestyles. They seek the company of other kids who share their interests and who are likely to reinforce their beliefs about the world and support their delinquent behavior. Do interactional theory concepts explain the behavior of these four Cambodian gang members? Is their gang membership the product of seeking peers who support their preexisting behavior? Without peer support, is it likely that they would have been involved in deviant behavior?

ers, and establish the goal of a college education are best able to resist criminality. Scoring high on reading and math tests is also associated with prosocial behaviors.⁸⁶

In sum, interactional theory suggests that criminality is part of a dynamic social process and not just an outcome of that process. Although crime is influenced by social forces, it also influences these processes and associations to create behavioral trajectories toward increasing law violations for some people.⁸⁷ Interactional theory integrates elements of social disorganization, social control, social learning, and cognitive theories into a powerful model of the development of a criminal career.

General Theory of Crime and Delinquency (GTCD)

In his recent General Theory of Crime and Delinquency (GTCD), sociologist Robert Agnew also finds that crime is an interactional phenomenon: Environmental, social and physical traits predict crime; crime influences social and physical traits.⁸⁸

||||| CONNECTIONS |||||

Agnew is well known for his work on General Strain theory (GST), which was covered in Chapter 6. His new theory incorporates many of the essential insights of GST, but he views the two theories as distinct and thinks that both can make a contribution to the understanding of the causes of antisocial behavior.

Family relationships, work experiences, school performance, and peer relations influence crime, while engaging in antisocial acts has a significant impact on family relationships, work experiences, school performance, and peer relations in ways that increase the likelihood of further crime. Engaging in crime, for example, may lead to problems with parents and teachers, weakening the bond to these significant others and strengthening the association with criminal peers. These effects, in turn, contribute to further crime (Figure 9.6).

Agnew also recognizes crime is most likely to occur when the constraints against crime (such as fear of punishment, stake in conformity, self-control) are low and the motivations for crime (for example, beliefs favorable to crime, exposure to criminals, criminal learning experiences) are high. However, the way an individual reacts to constraints and motivations are shaped by five key elements of human development that Agnew calls **life domains**:

1. *Self*: Irritability and/or low self-control
2. *Family*: Poor parenting and no marriage or a bad marriage
3. *School*: Negative school experiences and limited education
4. *Peers*: Delinquent friends
5. *Work*: Unemployment or having a bad job

The GTCD is essentially *developmental* because the structure and impact of each of the life domains are continuously evolving. Each has an influence over the other; they are mutually interdependent. Poor parenting practices, for example, are affected by a child's irritability and low self-control, negative school experiences, and involvement with delinquent peers. In other words, it is hard to be a good parent when your child is defiant, failing in school, and running with a bad crowd. Each life domain has a greater effect on crime when the other life domains are conducive to crime. For example, traits like irritability and low self-control have a larger effect on crime among individuals in "negative" family, school, peer, and work environments. So each life domain influences the others and is therefore constantly changing and evolving.

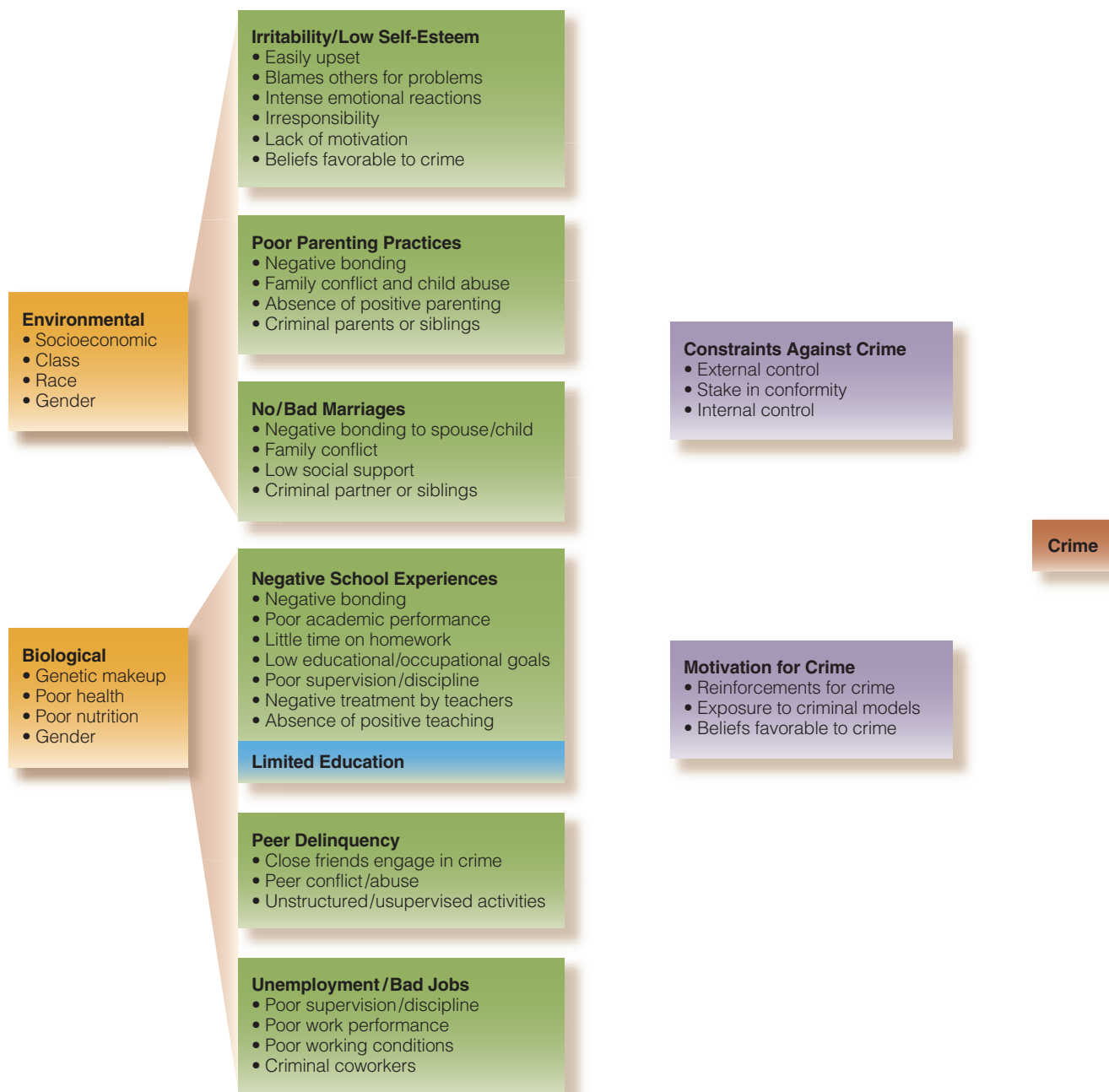
Outside or external factors such as age, sex, race or ethnicity, parental economic status, and community economic status affect all or most of the life domains. In addition, internal or personal factors like genetic inheritance and brain injury indirectly affect crime through their impact on the life domains.

Agnew finds that the life domains have largely contemporaneous effects on one another and on crime. For example, current levels of crime are largely a function of current personality traits and family, school, peer, and work experiences, rather than prior traits and prior family, school, peer, and work experiences. Also, Agnew maintains that as a life domain increases in size, it has an increasingly larger effect on crime. For example, the influence of negative school experiences on crime becomes progressively larger as school experiences become progressively worse. Agnew's GTCD provides another significant contribution to the growing body of theory that attempts to show how the dynamic nature of human development and change influences crime and criminality.

Sampson and Laub: Age-Graded Theory

If there are various pathways to crime and delinquency, are there trails back to conformity? In an important 1993 work, *Crime in the Making*, Robert Sampson and John Laub identify the **turning points** in a criminal career.⁸⁹ As devotees of the life course perspective, Sampson and Laub find that the stability of delinquent behavior can be affected by events that occur later in life, even after a chronic delinquent career has been undertaken. They agree with other criminologists that formal and informal social controls restrict criminality and that crime begins early in life and continues over the life course; they disagree that once this course is set, nothing can impede its progress. Laub and Sampson reanalyzed the data originally collected by the Gluecks more than fifty years ago. Using modern statistical analysis, Laub and Sampson found evidence supporting the developmental view. They state that children who enter delinquent careers are those who have trouble at home and at school and maintain deviant friends; these findings are similar to those from earlier research on delinquent careers.

Agnew's General Theory of Crime and Delinquency (GTCD)

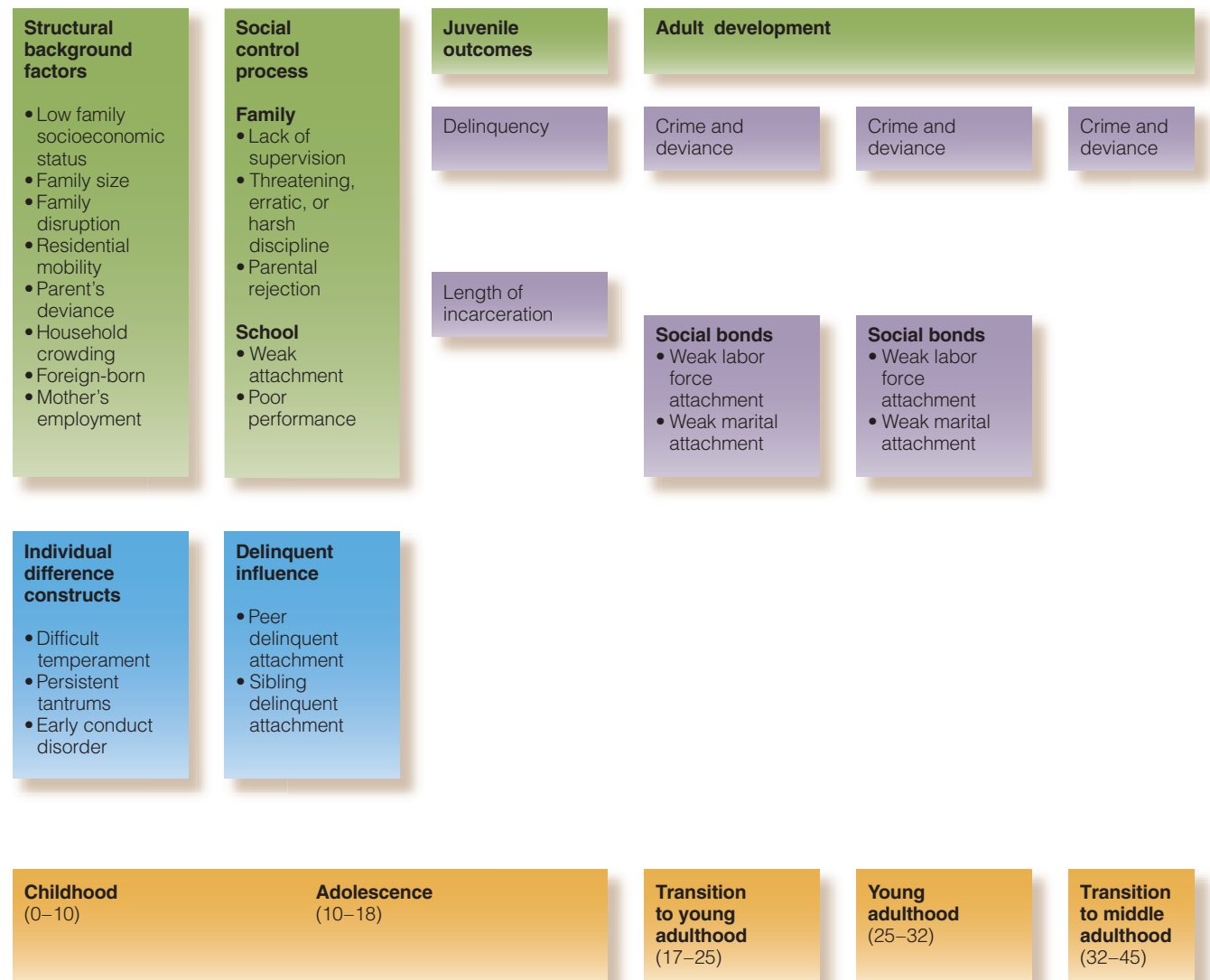


Source: Robert Agnew, *Why Do Criminals Offend? A General Theory of Crime and Delinquency* (Los Angeles: Roxbury Publishing, 2005).

TURNING POINTS Laub and Sampson's most important contribution is identifying the life events that enable adult offenders to desist from crime (Figure 9.7). Two critical turning points are marriage and career. For example, adolescents who are at risk for crime can live conventional lives if they can find good jobs or achieve successful careers. Their success may hinge on a lucky break. Even those who have been in trouble with the law may turn from crime if employers are willing to give them a chance despite their records.

When they achieve adulthood, adolescents who had significant problems with the law are able to desist from crime if they become attached to a spouse who supports and sustains them even when the spouse knows they had gotten in trouble when they were young. Happy marriages are life sustaining, and marital quality improves over time (as people work less and have fewer parental responsibilities).⁹⁰ Spending time in marital and family activities also reduces exposure to deviant peers, which in turn reduces the opportunity to

Sampson and Laub's Age-Graded Theory



Source: Robert Sampson and John Laub, *Crime in the Making: Pathways and Turning Points through Life* (Cambridge, MA: Harvard University Press, 1993), pp. 244–245.

become involved in delinquent activities.⁹¹ People who cannot sustain secure marital relations are less likely to desist from crime.

SOCIAL CAPITAL Social scientists recognize that people build **social capital**—positive relations with individuals and institutions that are life sustaining. In the same manner that building financial capital improves the chances for personal success, building social capital supports conventional behavior and inhibits deviant behavior. Laub and Sampson find that a successful marriage creates social capital when it improves a person's stature, creates feelings of self-worth, and encourages people to trust the individual. A successful career inhibits crime by creating a stake in conformity; why commit crime when you are doing well at your job? The relationship

is reciprocal. If people are chosen to be employees, they return the favor by doing the best job possible; if they are chosen as spouses, they blossom into devoted partners. In contrast, people who fail to accumulate social capital are more prone to commit criminal acts.⁹²

The fact that social capital influences the trajectory of a criminal career underscores the life course view that events that occur in later adolescence and adulthood do in fact influence behavior choices. Life events that occur in adulthood can help either terminate or sustain deviant careers.

TESTING AGE-GRADED THEORY Empirical research now shows that, as predicted by Sampson and Laub, people change over the life course and that the factors that predict delinquency in adolescence, such as a weak social bond, may

have less of an impact on adult crime.⁹³ Criminality appears to be dynamic and is affected by behaviors occurring over the life course, such as accumulating deviant peers: The more deviant friends one accumulates over time, the more likely the person is to get involved in crime.⁹⁴ Of critical importance is early labeling by the justice system: Adolescents who are convicted of crime at an early age are more likely to develop antisocial attitudes later in life. They later develop low educational achievement, declining occupational status, and unstable employment records.⁹⁵ People who get involved with the justice system as adolescents may find that their career paths are blocked well into adulthood.⁹⁶ The relationship is reciprocal: Men who are unemployed or underemployed report higher criminal participation rates than employed men.⁹⁷

Evidence is also available that confirms Sampson and Laub's suspicion that criminal career trajectories can be reversed if life conditions improve.⁹⁸ For example, youth who have a positive high school experience, facilitated by occupationally oriented course work, small class size, and positive peer climates, are less likely to become incarcerated as adults than those who do not enjoy these social benefits.⁹⁹ Kids who have long-term exposure to poverty will find that their involvement in crime escalates. However, their involvement in crime will diminish if their life circumstances improve because their parents are able to escape poverty and move to more attractive environments. Recent research by Ross Macmillan and his colleagues shows that children whose mothers were initially poor but escaped from poverty were no more likely to develop behavior problems than children whose mothers were never poor. Gaining social capital then may help erase some of the damage caused by its absence.¹⁰⁰

A number of research efforts have supported Sampson and Laub's position that accumulating social capital reduces crime rates. Youths who accumulate social capital in childhood (for example, by doing well in school or having a tightly knit family) are also the most likely to maintain steady work as adults; employment may help insulate them from crime.¹⁰¹ Delinquents who enter the military, serve overseas, and receive veterans' benefits enhance their occupational status (social capital) while reducing criminal involvement.¹⁰² Similarly, high-risk adults who are fortunate enough to obtain high-quality jobs are likely to reduce their criminal activities even if they have a prior history of offending.¹⁰³

THE MARRIAGE FACTOR People who maintain a successful marriage and become parents are the most likely to mature out of crime.¹⁰⁴ Marriage stabilizes people and helps them build social capital; it also may discourage crime by reducing contact with criminal peers. As Mark Warr states:

For many individuals, it seems, marriage marks a transition from heavy peer involvement to a preoccupation with one's spouse. That transition is likely to reduce interaction with former friends and accomplices and thereby reduce the opportunities as well as the motivation to engage in crime.¹⁰⁵

Even people who have histories of criminal activity and have been convicted of serious offenses reduce the frequency of their offending if they live with spouses and maintain employment when they are in the community.¹⁰⁶ The marriage benefit may also be intergenerational: Children who grow up in two-parent families are more likely to later have happier marriages themselves than children who are the product of divorced or never-married parents.¹⁰⁷ If people with marital problems are more crime prone, their children will also suffer a greater long-term risk of marital failure and antisocial activity.

One important new research study further confirms the benefits of marriage as a crime-reducing social event. Researchers Alex Piquero, John MacDonald, and Karen Parker tracked each of 524 men in their late teens and early 20s for a 7-year period after they were paroled from the California Youth Authority during the 1970s and 1980s. The sample of men, who had been incarcerated for lengthy periods of time, was 48.5 percent white, 33 percent black, 16.6 percent Latino, and 1.9 percent other races.¹⁰⁸ The research team found former offenders were far less likely to return to crime if they settled down into the routines of a solid marriage. Common-law marriages or living with a partner did not have the same crime-reducing effect as did traditional marriages in which the knot is tied, the union is registered at the courthouse, and there is a general expectation to lead a steady life. Among non-Caucasians, parolees cohabiting without the benefit of marriage actually increased their recidivism rates.

Piquero explains his findings by suggesting that

People who are married often have schedules where they work 9-to-5 jobs, come home for dinner, take care of children if they have them, watch television, go to bed and repeat that cycle over and over again; people who are not married have a lot of free rein to do a lot of what they want, especially if they are not employed. There's something about crossing the line of getting married that helps these men stay away from crime. If they don't cross that line, they can continue their lifestyles, which are pretty erratic.¹⁰⁹

While the Piquero research is persuasive, some important questions still need to be answered: Why do some people enter strong marriages while others fail? Does the influence of marriage have an equal effect on men and women? Research by Ronald Simons and his associates found that while marriage significantly improves a woman's life chances, it has less impact on men.¹¹⁰ However, for both males and females, having an antisocial romantic partner as a young adult increased the likelihood of later criminal behavior, a finding that supports Laub and Sampson.

FUTURE RESEARCH DIRECTIONS Although age-graded theory has received enormous attention, there are still many research questions left unanswered. For example, what is it about a military career that helps reduce future criminality? Does the connection between military service and desistance suggest universal military service as a crime prevention

alternative? Why are some troubled youth able to conform to the requirements of a job or career while others cannot? If acquiring social capital—family, friends, education, marriage, and employment—aids in the successful recovery from crime, does the effect produce an actual change in the propensity to commit crime or merely the reduction of criminal opportunity?¹¹¹ To answer some of these questions, Laub and Sampson contacted the surviving members of the Glueck cohort, and some of their findings are discussed in The Criminological Enterprise feature “Shared Beginnings, Divergent Lives.”



To quiz yourself on this material, go to the Criminology 9e website.

LATENT TRAIT VIEW

In a critical 1990 article, David Rowe, D. Wayne Osgood, and W. Alan Nicewander proposed the concept of latent traits to explain the flow of crime over the life cycle. Their model assumes that a number of people in the population have a personal attribute or characteristic that controls their inclination or propensity to commit crimes.¹¹² This disposition, or **latent trait**, may be either present at birth or established early in life, and it can remain stable over time. Suspected latent traits include defective intelligence, damaged or impulsive personality, genetic abnormalities, the physical-chemical functioning of the brain, and environmental influences on brain function such as drugs, chemicals, and injuries.¹¹³

Regardless of gender or environment, those who maintain one of these suspect traits may be at risk to crime and in danger of becoming career criminals; those who lack the traits have a much lower risk.¹¹⁴

Because latent traits are stable, people who are antisocial during adolescence are the most likely to persist in crime. The positive association between past and future criminality detected in the cohort studies of career criminals reflects the presence of this underlying crimogenic trait. That is, if low IQ contributes to delinquency in childhood, it should also cause the same people to offend as adults because intelligence is usually stable over the life span.

Whereas the propensity to commit crime is stable, the opportunity to commit crime fluctuates over time. People age out of crime: As they mature and develop, there are simply fewer opportunities to commit crimes and greater inducements to remain “straight.” They may marry, have children, and obtain jobs. The former delinquents’ newfound adult responsibilities leave them little time to hang with their friends, abuse substances, and get into scrapes with the law. For example, assume that a stable latent trait such as low IQ causes some people to commit crime. Teenagers have more opportunity to commit crime than adults, so at every level of

intelligence, adolescent crime rates will be higher. As they mature, however, teens with both high and low IQs will commit less crime because their adult responsibilities provide them with fewer criminal opportunities. Latent trait theories also assume a biological effect of the aging process. As people mature, they lose the strength and vigor to commit crimes. Even if the occasion arises, they may lack the energy to take advantage of criminal opportunity; hence crime slows down with age.

Crime and Human Nature

Latent trait theorists were encouraged when two prominent social scientists, James Q. Wilson and Richard Herrnstein, published *Crime and Human Nature* in 1985.¹¹⁵ This book and its **human nature theory** argue that personal traits—such as genetic makeup, intelligence, and body build—may outweigh the importance of social variables as predictors of criminal activity.

According to Wilson and Herrnstein, all human behavior, including criminality, is determined by its perceived consequences. A criminal incident occurs when an individual chooses criminal over conventional behavior (referred to as *non-crime*) after weighing the potential gains and losses of each: “The larger the ratio of net rewards of crime to the net rewards of non-crime, the greater the tendency to commit the crime.”¹¹⁶

Wilson and Herrnstein’s model assumes that both biological and psychological traits influence the crime–non-crime choice. They see a close link between a person’s decision to choose crime and such biosocial factors as low intelligence, mesomorphic body type, genetic influences (parental criminality), and possessing an autonomic nervous system that responds too quickly to stimuli. Psychological traits, such as an impulsive or extroverted personality or generalized hostility, also determine the potential to commit crime.

In their focus on the association between these constitutional and psychological factors and crime, Wilson and Herrnstein seem to be suggesting the existence of an elusive latent trait that predisposes people to commit crime.¹¹⁷ Their vision helped inspire other criminologists to identify the elusive latent trait that causes criminal behavior.



To quiz yourself on this material, go to the Criminology 9e website.

LATENT TRAIT THEORIES

Systematic theories have been formulated that attempt to identify a master trait and show how it impacts on behavioral choices. The following sections discuss a number of these models in some detail.

Shared Beginnings, Divergent Lives

Why are some delinquents destined to become persistent criminals as adults? John Laub and Robert Sampson are now conducting a follow-up to their reanalysis of Sheldon and Eleanor Glueck's study that matched 500 delinquent boys with 500 nondelinquents. The individuals in the original sample were re-interviewed by the Gluecks at ages 25 and 32. Now Sampson and Laub have located the survivors of the delinquent sample, the oldest 70 years old and the youngest 62, and they are re-interviewing this cohort.

Persistence and Desistance

Laub and Sampson find that delinquency and other forms of antisocial conduct in childhood are strongly related to adult delinquency and drug and alcohol abuse. Former delinquents also suffer consequences in other areas of social life, such as school, work, and family life. For example, delinquents are far less likely to finish high school than are nondelinquents and subsequently are more likely to be unemployed, receive welfare, and experience separation or divorce as adults.

In their latest research, Laub and Sampson address one of the key questions posed by life course theories: Is it possible for former delinquents to turn their lives around as adults? They find that most antisocial children do not

remain antisocial as adults. For example, of men in the study cohort who survived to age 50, 24 percent had no arrests for delinquent acts of violence and property after age 17 (6 percent had no arrests for total delinquency); 48 percent had no arrests for predatory delinquency after age 25 (19 percent for total delinquency); 60 percent had no arrests for predatory delinquency after age 31 (33 percent for total delinquency); and 79 percent had no arrests for predatory delinquency after age 40 (57 percent for total delinquency). They conclude that desistance from delinquency is the norm and that most, if not all, serious delinquents desist from delinquency.

Why Do Delinquents Desist?

Laub and Sampson's earlier research indicated that building social capital through marriage and jobs were key components of desistance from delinquency. However, in this new round of research, Laub and Sampson were able to find out more about long-term desistance by interviewing fifty-two men as they approached age 70. The follow-up showed a dramatic drop in criminal activity as the men aged: Between the ages of 17 and 24, 84 percent of the subjects had committed violent crimes; in their 30s and 40s, that number dropped to 14 percent; it fell to just 3 percent as the men

reached their 60s and 70s. Property crimes and alcohol- and drug-related crimes showed significant decreases. They found that men who desisted from crime were rooted in structural routines and had strong social ties to family and community. Drawing on the men's own words, they found that one important element for "going straight" is the "knifing off" of individuals from their immediate environment and offering the men a new script for the future. Joining the military can provide this knifing-off effect, as does marriage or changing one's residence. One former delinquent (age 69) told them:

I'd say the turning point was, number one, the Army. You get into an outfit, you had a sense of belonging, you made your friends. I think I became a pretty good judge of character. In the Army, you met some good ones, you met some foul balls. Then I met the wife. I'd say probably that would be the turning point. Got married, then naturally, kids come. So now you got to get a better job, you got to make more money. And that's how I got to the Navy Yard and tried to improve myself.

Former delinquents who "went straight" were able to put structure into their lives. Structure often led the men to disassociate from delinquent peers, reducing the opportunity to get into trouble. Getting married, for example,

General Theory of Crime

In their important work, *A General Theory of Crime*, Michael Gottfredson and Travis Hirschi modified and redefined some of the principles articulated in Hirschi's social control theory by integrating the concepts of control with those of biosocial, psychological, routine activities, and rational choice theories.¹¹⁸

CONNECTIONS

In his original version of control theory, discussed in Chapter 7, Hirschi focused on the social controls that attach people to conventional society and insulate them from criminality. In this newer work, he concentrates on self-control as a stabilizing force. The two views are connected, however, because both social control (or social bonds) and self-control are acquired through early experiences with effective parenting.

may limit the number of nights men can “hang with the guys.” As one wife of a former delinquent said, “It is not how many beers you have, it’s who you drink with.” Even multiple offenders who did time in prison were able to desist with the help of a stabilizing marriage.

Former delinquents who can turn their life around, who have acquired a degree of maturity by taking on family and work responsibilities, and who have forged new commitments are the ones most likely to make a fresh start and find new direction and meaning in life. It seems that men who desisted changed their identity as well, and this, in turn, affected their outlook and sense of maturity and responsibility. The ability to change did not reflect delinquency “specialty”: Violent offenders followed the same path as property offenders.

While many former delinquents desisted from delinquency, they still faced the risk of an early and untimely death. Thirteen percent ($N = 62$) of the delinquent as compared to only 6 percent ($N = 28$) of the nondelinquent subjects died unnatural deaths such as violence, cirrhosis of the liver caused by alcoholism, poor self-care, suicide, and so on. By age 65, 29 percent ($N = 139$) of the delinquent and 21 percent ($N = 95$) of the nondelinquent subjects had died from natural causes. Frequent delinquent involvement in adolescence and

alcohol abuse were the strongest predictors of an early and unnatural death. So while many troubled youth are able to reform, their early excesses may haunt them across their life span.

Policy Implications

Laub and Sampson find that youth problems—delinquency, substance abuse, violence, dropping out, teen pregnancy—often share common risk characteristics. Intervention strategies, therefore, should consider a broad array of antisocial, criminal, and deviant behaviors and not limit the focus to just one subgroup or delinquency type. Because criminality and other social problems are linked, early prevention efforts that reduce delinquency will probably also reduce alcohol abuse, drunk driving, drug abuse, sexual promiscuity, and family violence. The best way to achieve these goals is through four significant life-changing events: marriage, joining the military, getting a job, and changing one’s environment or neighborhood. What appears to be important about these processes is that they all involve, to varying degrees, the following items: a knitting off of the past from the present; new situations that provide both supervision and monitoring as well as new opportunities of social support and growth; and new situations that provide the opportunity for transforming identity. Prevention of delinquency

must be a policy at all times and at all stages of life.

Critical Thinking

1. Do you believe that the factors that influenced the men in the original Glueck sample are still relevant for change, for example a military career?
2. Would it be possible for men such as these to join the military today?
3. Do you believe that some sort of universal service program might be beneficial and help people turn their lives around?

InfoTracCollege Edition Research

Read a review of Laub and Sampson’s *Crime in the Making* at: Roland Chilton, “Crime in the Making: Pathways and Turning Points through Life,” *Social Forces* 74 (September 1995): 357.

To learn more about the concept of “social capital,” use it as a key word term in InfoTrac College Edition.

Sources: John Laub and Robert Sampson, *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70* (Cambridge, MA: Harvard University Press, 2003); John Laub and Robert Sampson, “Understanding Desistance from Delinquency,” in *Delinquency and Justice: An Annual Review of Research*, vol. 28, ed. Michael Tonry (Chicago: University of Chicago Press, 2001), pp. 1–71; John Laub and George Vaillant, “Delinquency and Mortality: A 50-Year Follow-Up Study of 1,000 Delinquent and Nondelinquent Boys,” *American Journal of Psychiatry* 157 (2000): 96–102.

THE ACT AND THE OFFENDER In their **General Theory of Crime (GTC)**, Gottfredson and Hirschi consider the criminal offender and the criminal act as separate concepts (Figure 9.8). On one hand, criminal acts, such as robberies or burglaries, are illegal events or deeds that offenders engage in when they perceive them to be advantageous. For example, burglaries are typically committed by young males looking for cash, liquor, and entertainment; the crime provides “easy, short-term gratification.”¹¹⁹ This aspect of the theory relies on concepts developed first as classical theory

and later as rational choice and routine activities theories: Crime is rational and predictable; people commit crime when it promises rewards with minimal threat of pain; the threat of punishment can deter crime. If targets are well guarded, crime rates diminish. Only the truly irrational offender would dare to strike under those circumstances.

On the other hand, criminal offenders are predisposed to commit crimes. They are not robots who commit crime without restraint; their days are also filled with conventional behaviors, such as going to school, parties, concerts, and

Gottfredson and Hirschi's General Theory of Crime



church. But given the same set of criminal opportunities, such as having a lot of free time for mischief and living in a neighborhood with unguarded homes containing valuable merchandise, crime-prone people have a much higher probability of violating the law than do noncriminals. The propensity to commit crimes remains stable throughout a person's life. Change in the frequency of criminal activity is purely a function of change in criminal opportunity.

By recognizing that there are stable differences in people's propensity to commit crime, the GTC adds a bio-social element to the concept of social control. Individual differences are stable over the life course, and so is the propensity to commit crime; only opportunity changes. The biological and psychological factors that make people impulsive and crime prone may be inherited or may develop through incompetent or absent parenting. Biosocial theorists recognize that improper parenting can have a long-term impact on human behavior. If a child is not properly socialized, his or her neural pathways are physically affected. Once experiences are ingrained, the brain establishes a pattern of electrochemical activation that remains for life.¹²⁰

WHAT MAKES PEOPLE CRIME PRONE? What, then, causes people to become excessively crime prone? Gottfredson and Hirschi attribute the tendency to commit crimes to a person's level of self-control. People with limited self-control tend to be impulsive; they are insensitive to other people's feelings, physical (rather than mental), risk-takers, shortsighted, and nonverbal.¹²¹ They have a here-and-now orientation and refuse to work for distant goals; they lack diligence, tenacity, and persistence. People lacking self-control tend to be adventuresome, active, physical, and self-centered. As they mature, they often have unstable marriages, jobs, and friendships.¹²² They are less likely to feel shame if they engage in deviant acts and are more likely to find them pleasurable.¹²³ They are also more likely to engage in dangerous behaviors such as drinking, smoking, and reckless driving; all of these behaviors are associated with criminality.¹²⁴

Because those with low self-control enjoy risky, exciting, or thrilling behaviors with immediate gratification, they are more likely to enjoy criminal acts, which require stealth, agility, speed, and power, than conventional acts, which demand long-term study and cognitive and verbal skills. As Gottfredson and Hirschi put it, they derive satisfaction from "money without work, sex without courtship, revenge without court delays."¹²⁵ Many of these individuals who have a propensity for committing crime also engage in other behaviors such as smoking, drinking, gambling, and illicit sexuality.¹²⁶ Although these acts are not illegal, they too provide immediate, short-term gratification. Exhibit 9.2 lists the elements of low self-control.

Gottfredson and Hirschi trace the root cause of poor self-control to inadequate childrearing practices. Parents who refuse or are unable to monitor a child's behavior, to recognize deviant behavior when it occurs, and to punish that behavior will produce children who lack self-control. Children who are not attached to their parents, who are poorly supervised, and whose parents are criminal or deviant themselves are the most likely to develop poor self-control. In a sense, lack of self-control occurs naturally when steps are not taken to stop its development.¹²⁷

Low self-control develops early in life and remains stable into and through adulthood.¹²⁸ Considering the continuity of criminal motivation, Hirschi and Gottfredson have questioned the utility of the juvenile justice system and of giving more lenient treatment to young delinquent offenders. Why separate youthful and adult offenders legally when the source of their criminality (for example, impulsivity) is essentially the same?¹²⁹

SELF-CONTROL AND CRIME Gottfredson and Hirschi claim that the principles of **self-control theory** can explain all varieties of criminal behavior and all the social and behavioral correlates of crime. That is, such widely disparate crimes as burglary, robbery, embezzlement, drug dealing, murder, rape, and insider trading all stem from a deficiency



According to the general theory of crime, people who have low self-control are crime prone even if they are born into affluent families. Here, Malissa "Lisa" Warzeka (right) and Katie Marie Dunn, both 17, enter the courtroom during their trial in Houston. Warzeka and Dunn, both affluent suburban girls, were sentenced to seven-year prison terms for committing a string of convenience store robberies over the summer vacation. Is it possible that their crime spree was a function of their impulsive personalities and low self-control?

The Elements of Impulsivity: Signs that a Person Has Low Self-Control

- Insensitive
- Physical
- Shortsighted
- Nonverbal
- Here-and-now orientation
- Unstable social relations
- Enjoys deviant behaviors
- Risk-taker
- Refuses to work for distant goals
- Lacks diligence
- Lacks tenacity
- Adventuresome
- Self-centered
- Shameless
- Imprudent
- Lacks cognitive and verbal skills
- Enjoys danger and excitement

of self-control. Likewise, gender, racial, and ecological differences in crime rates can be explained by discrepancies in self-control. Put another way, the male crime rate is higher than the female crime rate because males have lower levels of self-control.

Unlike other theoretical models that explain only narrow segments of criminal behavior (such as theories of teenage

gang formation), Gottfredson and Hirschi argue that self-control applies equally to all crimes, ranging from murder to corporate theft. For example, Gottfredson and Hirschi maintain that white-collar crime rates remain low because people who lack self-control rarely attain the positions necessary to commit those crimes. However, relatively few white-collar criminals lack self-control to the same degree and in the same manner as criminals such as rapists and burglars. Although the criminal activity of individuals with low self-control also declines as those individuals mature, they maintain an offense rate that remains consistently higher than those with strong self-control.

SUPPORT FOR GTC Since the publication of *A General Theory of Crime*, numerous researchers have attempted to test the validity of Gottfredson and Hirschi's theoretical views. One approach involved identifying indicators of impulsiveness and self-control to determine whether scales measuring these factors correlate with measures of criminal activity. A number of studies conducted both in the United States and abroad have successfully showed this type of association.¹³⁰ Some of the most important findings are included in Exhibit 9.3.

In an important recent study, Alexander Vazsonyi and his associates analyzed self-control and deviant behavior with samples drawn from four different countries (Hungary, Switzerland, the Netherlands, and the United States).¹³¹ Their findings indicate that, as predicted by Gottfredson and Hirschi, low self-control is significantly related to antisocial behavior and that the association can be seen regardless of culture or national settings.¹³²

ANALYZING THE GENERAL THEORY OF CRIME By integrating the concepts of socialization and criminality, Gottfredson and Hirschi help explain why some people who lack self-control can escape criminality, and, conversely, why some people who have self-control might not escape criminality. People who are at risk because they have impulsive personalities may forgo criminal careers because there are no criminal opportunities that satisfy their impulsive needs; instead, they may find other outlets for their impulsive personalities. In contrast, if the opportunity is strong enough, even people with relatively strong self-control may be tempted to violate the law; the incentives to commit crime may overwhelm self-control.

Integrating criminal propensity and criminal opportunity can explain why some children enter into chronic offending while others living in similar environments are able to resist criminal activity. It can also help us understand why the corporate executive with a spotless record gets caught up in business fraud. Even a successful executive may find self-control inadequate if the potential for illegal gain is large.

Empirical Evidence Supporting the General Theory of Crime

1. Novice offenders, lacking in self-control, commit a garden variety of criminal acts.
2. More mature and experienced criminals become more specialized in their choice of crime (for example, robbers, burglars, drug dealers).
3. Male and female drunk drivers are impulsive individuals who manifest low self-control.
4. Repeat violent offenders are more impulsive than their less violent peers.
5. Incarcerated youth enjoy risk-taking behavior and hold values and attitudes that suggest impulsivity.
6. Kids who take drugs and commit crime are impulsive and enjoy engaging in risky behaviors.
7. Measures of self-control can predict deviant and antisocial behavior across age groups ranging from teens to adults age 50.
8. People who commit white-collar and workplace crime have lower levels of self-control than nonoffenders.
9. Gang members have lower levels of self-control than the general population; gang members report lower levels of parental management, a factor associated with lower self-control.
10. Low self-control shapes perceptions of criminal opportunity and consequently conditions the decision to commit crimes.
11. People who lack self-control expect to commit crime in the future.
12. Kids whose problems develop early in life are the most resistant to change in treatment and rehabilitation programs.
13. Gender differences in self-control are responsible for crime rate differences. Females who lack self-control are as crime prone as males with similar personalities.
14. Parents who manage their children's behavior increase their self-control, which helps reduce their delinquent activities.
15. Having parents (or guardians) available to control behavior may reduce the opportunity to commit crime.
16. Victims have lower self-control than nonvictims. Impulsivity predicts both the likelihood that a person will engage in criminal behavior and the likelihood that the person will become a victim of crime.

The driven executive, accustomed to both academic and financial success, may find that the fear of failure can overwhelm self-control. During tough economic times, the impulsive manager who fears dismissal may be tempted to circumvent the law to improve the bottom line.¹³³

Although the General Theory seems persuasive, several questions and criticisms remain unanswered. Among the most important are the following:

- **Tautological:** Some critics argue that the theory is tautological or involves circular reasoning: How do we know when people are impulsive? When they commit crimes! Are all criminals impulsive? Of course, or else they would not have broken the law!¹³⁴

Gottfredson and Hirschi counter by saying that

Notes: 1. Xiaogang Deng and Lening Zhang, "Correlates of Self-Control: An Empirical Test of Self-Control Theory," *Journal of Crime and Justice* 21 (1998): 89–103; 2. Alex Piquero, Raymond Paternoster, Paul Mazeroole, Robert Brame, and Charles Dean, "Onset Age and Offense Specialization," *Journal of Research in Crime and Delinquency* 36 (1999): 275–299; 3. Carl Keene, Paul Maxim, and James Teevan, "Drinking and Driving, Self-Control, and Gender: Testing a General Theory of Crime," *Journal of Research in Crime and Delinquency* 30 (1993): 30–46; 4. Judith DeJong, Matti Virkkunen, and Marku Linnoila, "Factors Associated with Recidivism in a Criminal Population," *Journal of Nervous and Mental Disease* 180 (1992): 543–550; 5. David Cantor, "Drug Involvement and Offending among Incarcerated Juveniles." Paper presented at the annual meeting of the American Society of Criminology, Boston, November 1995; 6. David Brownfield and Ann Marie Sorenson, "Self-Control and Juvenile Delinquency: Theoretical Issues and an Empirical Assessment of Selected Elements of a General Theory of Crime," *Deviant Behavior* 14 (1993): 243–264; John Cochran, Peter Wood, and Bruce Arneklev, "Is the Religiosity-Delinquency Relationship Spurious? A Test of Arousal and Social Control Theories," *Journal of Research in Crime and Delinquency* 31 (1994): 92–123; 7. Velmer Burton, T. David Evans, Francis Cullen, Kathleen Olivares, and R. Gregory Dunaway, "Age, Self-Control, and Adults' Offending Behaviors: A Research Note Assessing a General Theory of Crime," *Journal of Criminal Justice* 27 (1999): 45–54; John Gibbs and Dennis Giever, "Self-Control and Its Manifestations among University Students: An Empirical Test of Gottfredson and Hirschi's General Theory," *Justice Quarterly* 12 (1995): 231–255; 8. Carey Herbert, "The Implications of Self-Control Theory for Workplace Offending." Paper presented at the annual meeting of the American Society of Criminology, San Diego, 1997; 9. Dennis Giever, Dana Lynskey, and Danette Monnet, "Gottfredson and Hirschi's General Theory of Crime and Youth Gangs: An Empirical Test on a Sample of Middle School Youth." Paper presented at the annual meeting of the American Society of Criminology, San Diego, 1997; 10. Douglas Longshore, Susan Turner, and Judith Stein, "Self-Control in a Criminal Sample: An Examination of Construct Validity," *Criminology* 34 (1996): 209–228; 11. Deng and Zhang, "Correlates of Self-Control: An Empirical Test of Self-Control Theory"; 12. Linda Pagani, Richard Tremblay, Frank Vitaro, and Sophie Parent, "Does Preschool Help Prevent Delinquency in Boys with a History of Perinatal Complications?" *Criminology* 36 (1998): 245–268; 13. Velmer Burton, Francis Cullen, T. David Evans, Leanne Fiftal Alarid, and R. Gregory Dunaway, "Gender, Self-Control, and Crime," *Journal of Research in Crime and Delinquency* 35 (1998): 123–147; 14. John Gibbs, Dennis Giever, and Jamie Martin, "Parental Management and Self-Control: An Empirical Test of Gottfredson and Hirschi's General Theory," *Journal of Research in Crime and Delinquency* 35 (1998): 40–70; 15. Vic Bumpus and James Anderson, "Family Structure and Race in a Sample of Offenders," *Journal of Criminal Justice* 27 (1999): 309–320; 16. Christopher Schreck, "Criminal Victimization and Low Self-Control: An Extension and Test of a General Theory of Crime," *Justice Quarterly* 16 (1999): 633–654.

impulsivity is not itself a propensity to commit crime but a condition that inhibits people from appreciating the long-term consequences of their behavior. Consequently, if given the opportunity, they are more likely to indulge in criminal acts than their nonimpulsive counterparts.¹³⁵ According to Gottfredson and Hirschi, impulsivity and criminality are neither identical nor equivalent. Some impulsive people may channel their reckless energies into noncriminal activity, such as trading on the commodities markets or real estate speculation, and make a legitimate fortune for their efforts.

- **Different classes of criminals:** As you may recall, Moffitt has identified two classes of criminals—adolescent-limited and life course persistent.¹³⁶ Other researchers

have found that there may be different criminal paths or trajectories. People offend at a different pace, commit different kinds of crimes, and are influenced by different external forces.¹³⁷ For example, most criminals tend to be “generalists” who engage in a garden variety of criminal acts. However, people who commit violent crimes may be different from nonviolent offenders who have maintained a unique set of personality traits and problem behaviors.¹³⁸ This would contradict the GTC vision that a single factor causes crime and that there is a single class of offender.

- *Ecological/individual differences:* The GTC also fails to address individual and ecological patterns in the crime rate. For example, if crime rates are higher in Los Angeles than in Albany, New York, can it be assumed that residents of Los Angeles are more impulsive than residents of Albany? There is little evidence of regional differences in impulsivity or self-control. Can these differences be explained solely by variation in criminal opportunity? Few researchers have tried to account for the influence of culture, ecology, economy, and so on.

Gottfredson and Hirschi might counter that crime rate differences may reflect criminal opportunity: One area may have more effective law enforcement, more draconian laws, and higher levels of guardianship. In their view, opportunity is controlled by economy and culture.

- *Racial and gender differences:* Although distinct gender differences in the crime rate exist, there is little evidence that males are more impulsive than females (although females and males differ in many other personality traits).¹³⁹ Some research efforts have found gender differences in the association between self-control and crime; the theory predicts no such difference should occur.¹⁴⁰

Similarly, Gottfredson and Hirschi explain racial differences in the crime rate as a failure of childrearing practices in the African American community.¹⁴¹ In so doing, they overlook issues of institutional racism, poverty, and relative deprivation, which have been shown to have a significant impact on crime rate differentials.

- *Moral beliefs:* The General Theory also ignores the moral concept of right and wrong, or “belief,” which Hirschi considered a cornerstone in his earlier writings on the social bond.¹⁴² Does this mean that learning and assimilating moral values has little effect on criminality? Belief may be the weakest of the bonds associated with crime, and the General Theory reflects this relationship.¹⁴³
- *Peer influence:* A number of research efforts show that the quality of peer relations either enhances or controls criminal behavior and that these influences vary over

time.¹⁴⁴ As children mature, peer influence continues to grow.¹⁴⁵ Research shows that kids who lack self-control also have trouble maintaining relationships with law-abiding peers. They may either choose (or be forced) to seek out friends who are similarly limited in their ability to maintain self-control. Establishing friendships with low-self-control individuals appears to increase the likelihood of involvement in criminal behaviors.¹⁴⁶ This finding contradicts the GTC, which suggests the influence of friends should be stable and unchanging and that a relationship established later in life (for example, making friends) should not influence criminal propensity. Gottfredson and Hirschi might counter that it should come as no surprise that impulsive kids, lacking in self-control, seek out peers with similar personality characteristics.

- *People change:* One of the most important questions raised about the GTC concerns its assumption that criminal propensity does not change. Is it possible that human personality and behavior patterns remain unaltered over the life course? Research shows that changing life circumstances, such as starting and leaving school, abusing substances, “getting straight,” and starting or ending personal relationships, all influence the frequency of offending.¹⁴⁷ As people mature, they may be better able to control their impulsive behavior and reduce their criminal activities.¹⁴⁸

Ronald Simons has found that boys who were involved in deviant and oppositional behavior during childhood were able to turn their lives around if they later experienced improved parenting, increased school commitment, and/or reduced involvement with deviant peers. So while early childhood antisocial behavior may increase the chances of later criminality, even the most difficult children are at no greater risk for delinquency than are their conventional counterparts if they later experience positive changes in their daily lives and increased ties with significant others and institutions.¹⁴⁹

While the Simons research seems to contradict the GTC, Gottfredson and Hirschi acknowledge that external factors such as parenting and school involvement may indeed reduce crime because they limit the opportunity to commit illegal acts. The child’s criminal propensity remains the same, and if these external supports were once again weakened or removed, they would still be at risk for criminality.

- *Modest relationship:* Some research results support the proposition that self-control is a causal factor in criminal and other forms of deviant behavior but that the association is at best quite modest.¹⁵⁰ This would indicate that other forces influence criminal behavior and that low self-control alone cannot predict the onset of a criminal or deviant career. Perhaps antisocial behavior is best explained by a condition that either develops subsequent to the development of self-control

or is independent of a person's level of impulsivity.¹⁵¹ This alternative quality, which may be the real stable latent trait, is still unknown.

- **Cross-cultural differences:** There is some evidence that criminals in other countries do not lack self-control, indicating that the GTC may be culturally limited. For example, Otwin Marenin and Michael Resig actually found equal or higher levels of self-control in Nigerian criminals than in noncriminals.¹⁵² Behavior that may be considered imprudent in one culture may be socially acceptable in another and therefore cannot be viewed as "lack of self-control."¹⁵³ There is, however, emerging evidence that the GTC may have validity in predicting criminality abroad.¹⁵⁴
- **Misreads human nature:** According to Francis Cullen, John Paul Wright, and Mitchell Chamlin, the GTC makes flawed assumptions about human character.¹⁵⁵ It assumes that people are essentially selfish, self-serving, and hedonistic and must therefore be controlled lest they gratify themselves at the expense of others. A more plausible view is that humans are inherently generous and kind; selfish hedonists may be a rare exception.
- **Personality disorder:** It is possible that a lack of self-control is merely a symptom of some broader, underlying personality disorder, such as an antisocial personality that produces delinquency. Other personality traits such as low self-direction (the tendency not to act for one's long-term benefit) may be a better predictor of criminality than impulsivity or lack of self-control.¹⁵⁶

• To read a critique of the GTC, use InfoTrac College Edition to access this article: Charles R. Tittle and Harold G. Grasmick, "Criminal Behavior and Age: A Test of Three Provocative Hypotheses," *Journal of Criminal Law and Criminology* 88 (fall 1997): 309–342.

Although questions like these remain, the strength of GTC lies in its scope and breadth: It attempts to explain all forms of crime and deviance, from lower-class gang delinquency to sexual harassment in the business community.¹⁵⁷ By integrating concepts of criminal choice, criminal opportunity, socialization, and personality, Gottfredson and Hirschi make a plausible argument that all deviant behaviors may originate at the same source. Continued efforts are needed to test the GTC and establish the validity of its core concepts. It remains one of the key developments of modern criminological theory.

Differential Coercion Theory

In *Crime and Coercion*, Mark Colvin identifies another master trait that may guide behavioral choices, which he calls **coercion**.¹⁵⁸ Perceptions of coercion can begin early in life when

children experience punitive forms of discipline including both physical attacks and psychological coercion including negative commands, critical remarks, teasing, humiliation, whining, yelling, and threats. Through these destructive family interchanges, coercion becomes ingrained and guides reactions to adverse situations that arise in both family and nonfamily settings.¹⁵⁹

There are two sources of coercion: interpersonal and impersonal. **Interpersonal coercion** is direct, involving the use or threat of force and intimidation from parents, peers, and significant others. In contrast, **impersonal coercion** involves pressures beyond individual control, such as economic and social pressure caused by unemployment, poverty, or competition among businesses or other groups.

Colvin suggests that a person's ability to maintain self-control is a function of the amount, type, and consistency of coercion experienced as he or she goes through the life course. Prosocial behavior occurs when the amount of coercion a person is subjected to is minimal; low coercion produces low anger, high self-esteem (confidence), and a strong moral and social bond.

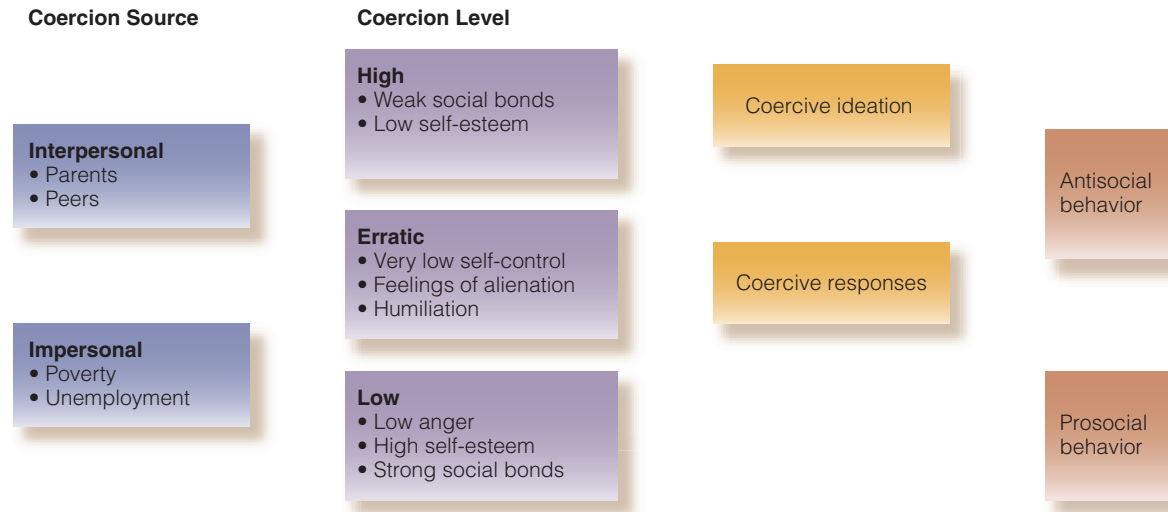
In contrast, some people find themselves experiencing a consistent amount of high coercive inputs, which produce high levels of self-directed anger, low self-esteem, a weak social bond, feelings of resignation, and declining self-control. These in turn produce a low probability of prosocial behavior and a predisposition to mental health problems, such as chronic depression.

Even more debilitating, according to Colvin, is experiencing inconsistent or erratic episodes of coercive behavior. When it is erratic, coercion can be most damaging because it teaches people that they cannot control their lives: When a negative stimulus appears almost randomly, the target is unsure how to deflect it or avoid its onset. In contrast, consistent coercion produces constant fear because some form of punishment or reprisal is almost certain to follow misbehavior. However, while erratic coercion is likely to produce chronic predatory criminal behavior, consistent coercion produces low levels of prosocial behavior and a propensity for mental health problems, such as chronic depression.¹⁶⁰

COERCION AND CRIMINAL CAREERS How do feelings of coercion translate into the development of a chronic criminal career? Colvin finds that chronic offenders grew up in homes where parents used erratic control and applied it in an inconsistent fashion. Moreover, coercion seems to be intergenerational, and parents who had coercive backgrounds tended to use coercive controls in their own families.

As the coerced child matures, his or her behavior is likely to elicit further coercive responses by family members, school officials, peers, employers, and criminal justice agencies. These new sources of coercion further increase social-psychological deficits and produce a mind-set that Colvin labels **coercive ideation**, in which the world is conceived as full of coercive forces that can only be overcome through the application of equal or even greater coercive responses (Figure 9. 9).


Colvin's Theory of Differential Coercion



Colvin argues individuals who come from backgrounds of coercion, and whose self-control is therefore limited, are the ones most likely to get involved in coercive situations and to respond to them with violence and other predatory acts. They become caught up in a vicious coercive cycle, which they themselves help to create and maintain, which leads them back to crime. Breaking this coercive cycle is the key to treatment and rehabilitation.

SOCIAL SUPPORT AND DIFFERENTIAL COERCION In a recent paper, Colvin, along with Francis Cullen and Thomas Vander Ven, have proposed a modified version of the coercion view called the **Differential Social Support and Coercion Theory (DSSCT)** of crime in which they posit that consistently applied social support may eventually negate or counterbalance the crime-producing influence of coercion.¹⁶¹ Social support comes in two forms: (1) expressive, which includes the sharing of emotions and the affirmation of self-worth and dignity, and (2) instrumental, which includes material and financial assistance and the giving of advice, guidance, and connections for positive social advancement in legitimate society. Social supports exist at several levels of society, in the immediate interactions within families and among friends and within larger social networks of neighborhoods, communities, and nations.

To reduce crime rates, societies must enhance the legitimate sources of social support and reduce the forces of coercion. These efforts must aim toward providing a consistent level of social support to individuals throughout the life course. Rather than treat offenders coercively and erratically as we currently do, crime can be more effectively prevented to a much greater extent than it is today through the application of such support and assistance programs as parent-effectiveness training, paid family leave, healthcare insurance, nutrition programs, and visiting nurse programs, to name but a few.

 Greg Barak has written an insightful review of integrated theories including **differential coercion**. You can access it at http://www.critcrim.org/critpapers/barak_integrative.htm. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Control Balance Theory

Another prominent latent trait theory, Charles Tittle's **Control Balance Theory**, expands on the concept of personal control as a predisposing element for criminality.¹⁶² Tittle believes the concept of control has two distinct elements: the amount of control one is subject to by others and the amount of control one can exercise over others. Conformity results when these two elements are in balance; control imbalances produce deviant and criminal behaviors.

Tittle envisions control as a continuous variable (Figure 9.10) ranging from a control deficit, which occurs when a person's desires or impulses are limited by other people's ability to regulate or punish the person's behavior, to a control surplus, which occurs when the amount of control one can exercise over others is in excess of the ability others have to control or modify the person's behavior.

Those people who sense a deficit of control turn to three types of behavior to restore balance: predation, defiance, or submission. **Predation** involves direct forms of physical violence, such as robbery, sexual assault, or other forms of physical violence. **Defiance** challenges control mechanisms but stops short of physical harm: for example, vandalism, curfew violations, and unconventional sex. **Submission** involves passive obedience to the demands of others, such as submitting to physical or sexual abuse without response.

An excess of control can also lead to deviance and crime, a contention in contradistinction to Hirschi and Gottfredson's view that only low control leads to crime. According to



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According to control balance theory, control imbalances produce deviant and criminal behaviors. Here Roman Catholic priest John Geoghan listens to Judge Sandra Hamlin at Middlesex Superior Court in Cambridge, Massachusetts. The defrocked priest was convicted of indecent assault and battery on January 18, 2002 for improperly touching an unidentified 10-year-old boy in 1991, and accused of sexually abusing more than 100 boys over the course of 30 years in the priesthood. Geoghan was killed in prison on August 23, 2003, after an incident with another inmate. Is it possible that the control someone like Geoghan has over young people encourages their deviant behaviors?

Tittle, those who have an excess of control engage in **exploitation**, which involves using others to commit crimes: for example, as contract killers or drug runners. They may also **plunder**, which involves using power without regard for others, such as committing a hate crime or polluting the environment. Finally, **decadence** involves spur of the moment, irrational acts such as child molesting.

Control imbalance represents a potential to commit crime and deviance. That is, possessing excessive or deficient control increases the likelihood that when presented with situational motivations a person will react in an antisocial manner. Deviant motivations emerge when a person suffering from control imbalance believes that engaging in some antisocial act will alter his or her control ratio in a favorable way. So, for example, when a person who has a surplus of

Tittle's Control Balance Theory



control is insulted, he may tell his friends to attack the instigator; a student with a control deficit may vandalize a school after getting a bad grade on her report card.

Even when motivated to commit crime, a person may be constrained by his or her perceptions of external forces of control, for example, the police. Tittle also recognizes that opportunity shapes antisocial behavior: No matter how much the motivation or how little the restraint, the actual likelihood of a crime occurring depends on the opportunity. Tittle's view incorporates external or social concepts such as opportunity and restraint with internal or individual variables such as degree of control.



To read an article that applies **control balance theories** to sexual offending, read <http://www.doc.state.ok.us/DOCS/OCJRC/OCJRC97-98/An%20Application%20of%20Control%20Balance%20Theory.pdf>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

EVALUATING DEVELOPMENTAL THEORIES

Although the differences between the views presented in this chapter may seem irreconcilable, they in fact share some common ground. They indicate that a criminal career must be understood as a passage along which people travel, that it has a beginning and an end, and that events and life circumstances influence the journey. The factors that affect a criminal career may include structural factors, such as income and status; socialization factors, such as family and peer relations; biological factors, such as size and strength; psychological factors, including intelligence and personality; and opportunity factors, such as free time, inadequate police protection, and a supply of easily stolen merchandise.

Developmental Theories

THEORY	MAJOR PREMISE	STRENGTHS	RESEARCH FOCUS
Life Course Theories	As people go through the life course, social and personal traits undergo change and influence behavior.	Explains why some at-risk children desist from crime.	Identify critical moments in a person's life course that produce crime.
Integrated Cognitive Antisocial Potential (ICAP) Theory	People with antisocial potential (AP) are at risk to commit antisocial acts. AP can be viewed as both a long- and short-term phenomenon.	Identifies different types of criminal propensity and shows how they may influence behavior in both the short and long term.	Identify the components of long- and short-term AP.
Interactional Theory	Criminals go through lifestyle changes during their offending career.	Combines sociological and psychological theories.	Identify crime-producing interpersonal interactions and their reciprocal effects.
General Theory of Crime and Delinquency (GTCD)	Five critical life domains shape criminal behavior and are shaped by criminal behavior.	Shows that crime and other aspects of social life are interactive and developmental.	Measure the relationship between life domains and crime.
Age-Graded Theory	As people mature, the factors that influence their propensity to commit crime change. In childhood, family factors are critical; in adulthood, marital and job factors are key.	Shows how crime is a developmental process that shifts in direction over the life course.	Identify critical points in the life course that produce crime. Analyze the association between social capital and crime.
Latent Trait Theories	A master trait controls human development.	Explains the continuity of crime and chronic offending.	Identify master trait that produces crime.
General Theory of Crime	Crime and criminality are separate concepts. People choose to commit crime when they lack self-control. People lacking self-control will seize criminal opportunities.	Integrates choice and social control concepts. Identifies the difference between crime and criminality.	Measure association among impulsivity, low self-control, and criminal behaviors.
Differential Coercion Theory	Individuals exposed to coercive environments develop social-psychological deficits that enhance their probability of engaging in criminal behavior.	Explains why feeling of coercion is a master trait that determines behavior.	Measuring the sources of coercion.
Control Balance Theory	A person's "control ratio" influences his or her behavior.	Explains how the ability to control one's environment is a master trait.	Measuring control balance and imbalance.

Life course theories emphasize the influence of changing interpersonal and structural factors (that is, people change along with the world they live in). Latent trait theories place more emphasis on the fact that behavior is linked less to personal change and more to changes in the surrounding world.

These perspectives differ in their view of human development. Do people constantly change, as life course theories suggest, or are they stable, constant, and changeless, as the latent trait view indicates? Are the factors that produce criminality different at each stage of life, as the life course view suggests, or does a master trait, for example, control balance, self-control, or coercion, steer the course of human behavior?

It is also possible that these two positions are not mutually exclusive, and each may make a notable contribution to understanding the onset and continuity of a criminal career. For example, research by Bradley Entner Wright and his associates found evidence supporting both latent trait and life

course theories.¹⁶³ Their research, conducted with subjects in New Zealand, indicates that low self-control in childhood predicts disrupted social bonds and criminal offending later in life, a finding that supports latent trait theory. They also found that maintaining positive social bonds helps reduce criminality and that maintaining prosocial bonds could even counteract the effect of low self-control. Latent traits are an important influence on crime, but their findings indicate that social relationships that form later in life appear to influence criminal behavior "above and beyond" individuals' preexisting characteristics.¹⁶⁴ This finding may reflect the fact that there are two classes of criminals: a less serious group who are influenced by life events, and a more chronic group whose latent traits insulate them from any positive prosocial relationships.¹⁶⁵

Concept Summary 9.1 sets out the elements of latent trait and life course theories.

The Fast Track Project

Fast Track is designed to prevent serious antisocial behavior and related adolescent problems in high-risk children entering first grade. The intervention is guided by a developmental approach that suggests that antisocial behavior is the product of the interaction of multiple social and psychological influences:

1. Residence in low-income, high-crime communities places stressors and influences on children and families that increase their risk levels. In these areas, families characterized by marital conflict and instability make consistent and effective parenting difficult to achieve, particularly with children who are impulsive and of difficult temperament.
2. Children of high-risk families usually enter the education process poorly prepared for its social, emotional, and cognitive demands. Their parents often are unprepared to relate effectively with school staff, and a poor home–school bond often aggravates the child's adjustment problems. They may be grouped with other children who are similarly unprepared. This peer group may be negatively influenced by disruptive classroom contexts and punitive teachers.

3. Over time, aggressive and disruptive children are rejected by families and peers and tend to receive less support from teachers. All of these processes increase the risk of antisocial behaviors, in a process that begins in elementary school and lasts throughout adolescence. During this period, peer influences, academic difficulties, and dysfunctional personal identity development can contribute to serious conduct problems and related risky behaviors.

What Does Fast Track Do?

The Fast Track provides intervention based on the assumption that improving child competencies, parenting effectiveness, school context, and school–home communications will, over time, contribute to preventing antisocial behavior across the period from early childhood through adolescence. To carry out this mission, in four sites across the United States, Fast Track coordinators identified (by their conduct problems at home and at school) a sample of 445 high-risk children in kindergarten; a matched control group of 446 youth was also identified. Treatment was provided in a number of phases stretching from 1st to 10th grade:

Elementary School Phase of the Intervention (Grades 1–5)

- Teacher-led classroom curricula (called PATHS) as a universal intervention directed toward the development of emotional concepts, social understanding, and self-control (including weekly teacher consultation about classroom management); and the following programs administered to high-risk intervention subjects:
- Parent training groups designed to promote the development of positive family–school relationships and to teach parents behavior management skills, particularly in the use of praise, time-out, and self-restraint.
- Home visits for the purpose of fostering parents' problem-solving skills, self-efficacy, and life management.
- Child social skill training groups (called Friendship Groups).
- Child tutoring in reading; and child friendship enhancement in the classroom (called Peer Pairing).

Adolescent Phase of the Intervention (Grades 6–10)

- Standard and individualized activities for high-risk youth and families. Group-based interventions

PUBLIC POLICY IMPLICATIONS OF DEVELOPMENTAL THEORY

There have been a number of policy-based initiatives based on premises of developmental theory. These typically feature multisystemic treatment efforts designed to provide at-risk kids with personal, social, educational, and family services. A number have been based on the social development model. For example, one program found that an intervention that promotes academic success, social competence, and

educational enhancement during the elementary grades can reduce risky sexual practices and their accompanying health consequences in early adulthood.¹⁶⁶

The social development model is not the only basis for initiating treatment and prevention. Other programs are now employing multidimensional strategies and are aimed at targeting children in preschool through the early elementary grades in order to alter the direction of their life course. Many of the most successful programs are aimed at strengthening children's social-emotional competence and positive coping skills and suppressing the development of antisocial, aggres-

were de-emphasized in order to avoid promoting engagement with deviant peers.

- Curriculum-based parent and youth group meetings were included in the intervention, to support children in their transition into middle school (grades 5–7).
- Individualized services, designed to strengthen protective factors and reduce risk factors in areas of particular need for each youth, which included academic tutoring, mentoring, support for positive peer-group involvement, home visiting and family problem solving, and liaisons with school and community agencies.

Evaluation of the Fast Track Program

The efficacy of the Fast Track prevention program is tested periodically by comparing the group of children receiving intervention services to children in the control group, with regard to a wide range of problem-behavior outcomes and their development over time. Significant progress was made toward the goal of improving competencies of the children receiving intervention services and their parents. Compared to the control group, the intervention children improved their social-cognitive and academic skills,

and their parents reduced their use of harsh discipline. These group differences also were reflected in behavioral improvements during the elementary school years and beyond. Compared with children in the control group, children in the intervention group displayed significantly less aggressive behavior at home, in the classroom, and on the playground. By the end of 3rd grade, 37 percent of the intervention group had become free of conduct problems, in contrast with 27 percent of the control group. By the end of elementary school, 33 percent of the intervention group had a developmental trajectory of decreasing conduct problems, as compared with 27 percent of the control group. Furthermore, placement in special education by the end of elementary school was about one-fourth lower in the intervention group than in the control group.

Group differences continued through adolescence. Court records indicate that by 8th grade, 38 percent of the intervention group boys had been arrested, in contrast with 42 percent of the control group. Finally, psychiatric interviews after 9th grade indicate that the Fast Track intervention has reduced serious conduct disorder by over a third, from 27 percent to 17 percent. These effects generalized across gender and ethnic

groups and across the wide range of child and family characteristics measured by Fast Track.

Critical Thinking

1. The success of the Fast Track program has led to its implementation in several school systems across the country, as well as in several schools in Great Britain, Australia, and Canada. Would you want such a program implemented in your local school system?
2. Should the government devote significant resources to helping at-risk kids or might the funds be better off spent on programs that provide advanced training to the academically gifted?

InfoTrac College Edition Research

The Fast Track program is certainly not unique. To read an analysis of the effects of other complex developmental treatment programs on criminal behavior, go to InfoTrac College Edition and read: David Farrington and Brandon Welsh, “Family-Based Prevention of Offending: A Meta-Analysis,” *Australian and New Zealand Journal of Criminology* 36 (2003): 127–151.

Source: Project overview, Fast Track Data Center: <http://www.fasttrackproject.org/datacenter.htm> and <http://www.fasttrackproject.org/fasttrack-overview.htm>. Accessed May 12, 2004.

sive behavior.¹⁶⁷ Research evaluations indicate that the most promising multicomponent crime and substance abuse prevention programs for youths, especially those at high risk, are aimed at improving their developmental skills. They may include a school component, an after-school component, and a parent-involvement component. All of these components have the common goal of increasing protective factors and decreasing risk factors in the areas of the family, the community, the school, and the individual.¹⁶⁸ For example, the Boys and Girls Clubs and School Collaborations’ Substance Abuse Prevention Program includes a school component called

SMART (skills mastery and resistance training) Teachers, an after-school component called SMART Kids, and a parent-involvement component called SMART Parents. Each component is designed to reduce specific risk factors in the children’s school, family, community, and personal environments.¹⁶⁹ The Policy and Practice in Criminology feature “The Fast Track Project” describes a developmentally based program designed to impact youth early in their life course.



To quiz yourself on this material, go to the Criminology 9e website.

SUMMARY

- Life course theories argue that events that take place over the life course influence criminal choices.
- The cause of crime constantly changes as people mature. At first, the nuclear family influences behavior; during adolescence, the peer group dominates; in adulthood, marriage and career are critical.
- There are a variety of pathways to crime: some kids are sneaky, others hostile, and still others defiant.
- Crime may be part of a variety of social problems, including health, physical, and interpersonal troubles.
- Shadd Maruna's research shows that going straight is a long process that begins when offenders feel a sense of fulfillment in engaging in productive behaviors; they start feeling in control of their future and have a newfound purpose in life.
- The social development model finds that living in a disorganized area helps weaken social bonds and sets people off on a delinquent path.
- Farrington's ICAP theory holds that people develop antisocial potentials that interact with the environment to produce crime.
- According to interactional theory, crime influences social relations, which in turn influence crime; the relationship is interactive. The sources of crime evolve over time.
- Agnew's General Theory of Crime and Delinquency revolves around five life domains that interact with social factors to produce crime and, in turn, are influenced by crime.
- Sampson and Laub's age-graded theory holds that the social sources of behavior change over the life course. People who develop social capital are best able to avoid antisocial entanglements. There are important life events or turning points that enable adult offenders to desist from crime. Among the most important are getting married and serving in the military. Laub and Sampson have found that while many criminals desist from crime, they still face other risks such as an untimely death.
- Latent trait theories hold that some underlying condition present at birth or soon after controls behavior. Suspect traits include low IQ, impulsivity, and personality structure. This underlying trait explains the continuity of offending because, once present, it remains with a person throughout his or her life. Opportunity to commit crime varies; latent traits remain stable.
- The General Theory of Crime, developed by Gottfredson and Hirschi, integrates choice theory concepts. People with latent traits choose crime over non-crime; the opportunity for crime mediates their choice.
- Impulsive people have low self-control, and a weak bond to society; they often cannot resist criminal opportunities.
- Programs that are based on developmental theory are typically multidimensional and multifaceted.

Thinking Like a Criminologist

Gary L. Sampson, 41, addicted to alcohol and cocaine, was a deadbeat dad, a two-bit thief, and a bank robber with a long history of violence. On August 1, 2001, he turned himself in to the Vermont State Police after fleeing from a string of three murders he committed in Massachusetts and New Hampshire.

Those who knew Sampson speculated that his murders were a desperate finale to a troubled life. During his early life in New England, he once bound, gagged, and beat three elderly women in a candy store, hijacked cars at knife-point, and had been medically diagnosed as schizophrenic. In 1977, he married a 17-year-old girl he had impregnated; 2 months later he was arrested and charged with rape for having "unnatural intercourse with a child under 16."

Although he was acquitted of that charge, his wife noticed that Sampson had started developing a hair-trigger temper and had become increasingly violent; their marriage soon ended. As the years passed, Sampson had at least four failed marriages, was an absentee father to two children, and became an alcoholic and a drug user; he spent nearly half of his adult life behind bars.

Jumping bail after being arrested for theft from an antique store, he headed south to North Carolina and took on a new identity: Gary Johnson, a construction worker. He took up with Ricki Carter, a transvestite, but their relationship was anything but stable. Sampson once put a gun to Carter's head, broke his ribs, and threatened to kill his family. After his breakup with Carter, Sampson

moved in with a new girlfriend, Karen Anderson, and began pulling bank jobs. When the police closed in, Sampson fled north. Needing transportation, he pulled three carjackings and killed the drivers, one a 19-year-old college freshman who had stopped to give Sampson a hand. In December 2003, Sampson received a sentence of death from a jury who was not swayed by his claim that he was mentally unfit.

The governor is unsettled by the verdict. She wants to grant clemency in the case and reduce Sampson's sentence to life in prison. She asks you to help her make the judgment: Were Sampson's crimes a product of his impaired development? Should he be spared death?

Doing Research on the Web

Before you answer, you might want to think about the victims of predatory criminals. Go to InfoTrac College Edition and read: Dean G. Kilpatrick, “Interpersonal Violence and Public Policy: What about the Victims?” *Journal of Law, Medicine & Ethics* 32 (2004): 73–81.

Should we use harsh punishments to bring down the crime rate? Would they work with chronic offenders? Go to InfoTrac College Edition and read: Matthew Yglesias, “The Research Wars: Hard-Liners Gave Long Prison Sentences Credit for the Drop in Crime. They Were

Mostly Wrong,” *The American Prospect* 14 (2003): 39–41.

Go to the National Center for Policy Analysis for a conservative take on this issue: <http://www.ncpa.org/pi/crime/crime33b.html#D>.



KEY TERMS

desist (288)
developmental theories (288)
integrated theories (288)
life course theories (288)
latent trait theories (288)
problem behavior syndrome (PBS) (291)
authority conflict pathway (292)
covert pathway (292)
overt pathway (293)
adolescent-limited offenders (296)
life course persisters (296)

social development model (SDM) (296)
prosocial bonds (297)
interactional theory (301)
life domains (303)
turning points (303)
social capital (305)
latent trait (307)
human nature theory (307)
General Theory of Crime (GTC) (309)
self-control theory (310)
coercion (314)

interpersonal coercion (314)
impersonal coercion (314)
coercive ideation (314)
Differential Social Support and Coercion Theory (DSSCT) (315)
Control Balance Theory (315)
predation (315)
defiance (315)
submission (315)
exploitation (315)
plunder (315)
decadence (315)

CRITICAL THINKING QUESTIONS

- Do you consider yourself to have social capital? If so, what form does it take?
- Someone you know gets a perfect score on the SAT. What personal, family, and social characteristics do you think this individual has? Another person becomes a serial killer. Without knowing this person, what personal, family, and social characteristics do you think this individual has? If “bad behavior” is explained by multiple problems, is “good behavior” explained by multiple strengths?
- Do you believe it is a latent trait that makes a person crime prone, or is crime a function of environment and socialization?
- Do you agree with Loeber’s multiple pathways model? Do you know people who have traveled down those paths?
- Do people really change, or do they stay the same but appear to be different because their life circumstances have changed?

NOTES

- Stephen Farrall and Benjamin Bowling, “Structuration, Human Development, and Desistance from Crime,” *British Journal of Criminology* 39 (1999): 253–268.
- Marvin Krohn, Alan Lizotte, and Cynthia Perez, “The Interrelationship between Substance Use and Precocious Transitions to Adult Sexuality,” *Journal of Health and Social Behavior* 38 (1997): 87–103, at 88.
- Peggy Giordano, Stephen Cernkovich, and Jennifer Rudolph, “Gender, Delinquency, and Desistance: Toward a Theory of Cognitive Transformation?” *American Journal of Sociology* 107 (2002): 990–1064.
- John Hagan and Holly Foster, “S/He’s a Rebel: Toward a Sequential Stress Theory of Delinquency and Gendered Pathways to Disadvantage in Emerging Adulthood,” *Social Forces* 82 (2003): 53–86.
- Bradley Entner Wright, Avshalom Caspi, Terrie Moffitt, and Phil Silva, “The Effects of Social Ties on Crime Vary by Criminal Propensity: A Life-Course Model of Interdependence,” *Criminology* 39 (2001): 321–352.

6. G. R. Patterson, Barbara DeBaryshe, and Elizabeth Ramsey, "A Developmental Perspective on Antisocial Behavior," *American Psychologist* 44 (1989): 329–335.
7. David Farrington, Darrick Joffiffe, Rolf Loeber, Magda Stouthamer-Loeber, and Larry Kalb, "The Concentration of Offenders in Families, and Family Criminality in the Prediction of Boys' Delinquency," *Journal of Adolescence* 24 (2001): 579–596.
8. Joan McCord, "Family Relationships, Juvenile Delinquency, and Adult Criminality," *Criminology* 29 (1991): 397–417.
9. Paul Mazerolle, "Delinquent Definitions and Participation Age: Assessing the Invariance Hypothesis," *Studies on Crime and Crime Prevention* 6 (1997): 151–168.
10. Robert Sampson and John Laub, "Crime and Deviance in the Life Course," *American Review of Sociology* 18 (1992): 63–84.
11. See, generally, Sheldon Glueck and Eleanor Glueck, *500 Criminal Careers* (New York: Knopf, 1930); Sheldon Glueck and Eleanor Glueck, *One Thousand Juvenile Delinquents* (Cambridge, MA: Harvard University Press, 1934); Sheldon Glueck and Eleanor Glueck, *Predicting Delinquency and Crime* (Cambridge, MA: Harvard University Press, 1967), pp. 82–83.
12. Sheldon Glueck and Eleanor Glueck, *Unraveling Juvenile Delinquency* (Cambridge, MA: Harvard University Press, 1950).
13. *Ibid.*, p. 48.
14. See, generally, John Laub and Robert Sampson, "The Sutherland–Glueck Debate: On the Sociology of Criminological Knowledge," *American Journal of Sociology* 96 (1991): 1402–1440; John Laub and Robert Sampson, "Unraveling Families and Delinquency: A Reanalysis of the Gluecks' Data," *Criminology* 26 (1988): 355–380.
15. Rolf Loeber and Marc LeBlanc, "Toward a Developmental Criminology," in *Crime and Justice*, vol. 12, eds. Norval Morris and Michael Tonry (Chicago: University of Chicago Press, 1990), pp. 375–473; Rolf Loeber and Marc LeBlanc, "Developmental Criminology Updated," in *Crime and Justice*, vol. 23, ed. Michael Tonry (Chicago: University of Chicago Press, 1998), pp. 115–198.
16. Raymond Paternoster, Charles Dean, Alex Piquero, Paul Mazerolle, and Robert Brame, "Generality, Continuity, and Change in Offending," *Journal of Quantitative Criminology* 13 (1997): 231–266.
17. Magda Stouthamer-Loeber and Evelyn Wei, "The Precursors of Young Fatherhood and Its Effect on Delinquency of Teenage Males," *Journal of Adolescent Health* 22 (1998): 56–65; Richard Jessor, John Donovan, and Francis Costa, *Beyond Adolescence: Problem Behavior and Young Adult Development* (New York: Cambridge University Press, 1991); Xavier Coll, Fergus Law, Aurelio Tobias, Keith Hawton, and Joseph Tomas, "Abuse and Deliberate Self-Poisoning in Women: A Matched Case-Control Study," *Child Abuse and Neglect* 25 (2001): 1291–1293.
18. Richard Miech, Avshalom Caspi, Terrie Moffitt, Bradley Entner Wright, and Phil Silva, "Low Socioeconomic Status and Mental Disorders: A Longitudinal Study of Selection and Causation during Young Adulthood," *American Journal of Sociology* 104 (1999): 1096–1131; Krohn, Lizotte, and Perez, "The Interrelationship between Substance Use and Precocious Transitions to Adult Sexuality," p. 88; Richard Jessor, "Risk Behavior in Adolescence: A Psychosocial Framework for Understanding and Action," in *Adolescents at Risk: Medical and Social Perspectives*, eds. D. E. Rogers and E. Ginzburg (Boulder, CO: Westview Press, 1992).
19. Deborah Capaldi and Gerald Patterson, "Can Violent Offenders Be Distinguished from Frequent Offenders: Prediction from Childhood to Adolescence," *Journal of Research in Crime and Delinquency* 33 (1996): 206–231; D. Wayne Osgood, "The Covariation among Adolescent Problem Behaviors." Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990.
20. For an analysis of more than thirty studies, see Mark Lipsey and James Derzon, "Predictors of Violent or Serious Delinquency in Adolescence and Early Adulthood: A Synthesis of Longitudinal Research," in *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, eds. Rolf Loeber and David Farrington (Thousand Oaks, CA: Sage, 1998).
21. Gina Wingood, Ralph DiClemente, Rick Crosby, Kathy Harrington, Susan Davies, and Edward Hook, III, "Gang Involvement and the Health of African American Female Adolescents," *Pediatrics* 110 (2002): 57.
22. David Husted, Nathan Shapira, and Martin Lazoritz, "Adolescent Gambling, Substance Use, and Other Delinquent Behavior," *Psychiatric Times* 20 (2003): 52–55.
23. Krohn, Lizotte, and Perez, "The Interrelationship between Substance Use and Precocious Transitions to Adult Sexuality," p. 88; Richard Jessor, "Risk Behavior in Adolescence: A Psychosocial Framework for Understanding and Action," in *Adolescents at Risk: Medical and Social Perspectives*, ed. D. E. Rogers and E. Ginzburg (Boulder, CO: Westview, 1992).
24. Terence Thornberry, Carolyn Smith, and Gregory Howard, "Risk Factors for Teenage Fatherhood," *Journal of Marriage and the Family* 59 (1997): 505–522; Todd Miller, Timothy Smith, Charles Turner, Margarita Guijarro, and Amanda Hallet, "A Meta-Analytic Review of Research on Hostility and Physical Health," *Psychological Bulletin* 119 (1996): 322–348; Marianne Junger, "Accidents and Crime," in *The Generality of Deviance*, eds. T. Hirschi and M. Gottfredson (New Brunswick, NJ: Transaction Books, 1993).
25. Rolf Loeber, David Farrington, Magda Stouthamer-Loeber, Terrie Moffitt, Avshalom Caspi, and Don Lynam, "Male Mental Health Problems, Psychopathy, and Personality Traits: Key Findings from the First 14 Years of the Pittsburgh Youth Study," *Clinical Child and Family Psychology Review* 4 (2002): 273–297.
26. Robert Johnson, S. Susan Su, Dean Gerstein, Hee-Choon Shin, and John Hoffman, "Parental Influences on Deviant Behavior in Early Adolescence: A Logistic Response Analysis of Age and Gender-Differentiated Effects," *Journal of Quantitative Criminology* 11 (1995): 167–192; Judith Brooks, Martin White-man, and Patricia Cohen, "Stage of Drug Use, Aggression, and Theft/Vandalism," in *Drugs, Crime and Other Deviant Adaptations: Longitudinal Studies*, ed. Howard Kaplan (New York: Plenum Press, 1995), pp. 83–96.
27. Helene Raskin White, Peter Tice, Rolf Loeber, and Magda Stouthamer-Loeber, "Illegal Acts Committed by Adolescents under the Influence of Alcohol and

- Drugs," *Journal of Research in Crime and Delinquency* 39 (2002): 131–153.
28. Candace Kruttschnitt, Jane McLeod, and Maude Dornfeld, "The Economic Environment of Child Abuse," *Social Problems* 41 (1994): 299–312.
 29. James Marquart, Victoria Brewer, Patricia Simon, and Edward Morse, "Lifestyle Factors among Female Prisoners with Histories of Psychiatric Treatment," *Journal of Criminal Justice* 29 (2001): 319–328.
 30. Karl Hill, James Howell, J. David Hawkins, and Sara Battin-Pearson, "Childhood Risk Factors for Adolescent Gang Membership: Results from the Seattle Social Development Project," *Journal of Research in Crime and Delinquency* 36 (1999): 300–322.
 31. Pamela Lattimore, Richard Linster, and John MacDonald, "Risk of Death among Serious Young Offenders," *Journal of Research in Crime and Delinquency* 34 (1997): 187–209.
 32. Margit Wiesner and Ranier Silbereisen, "Trajectories of Delinquent Behaviour in Adolescence and Their Covariates: Relations with Initial and Time-Averaged Factors," *Journal of Adolescence* 26 (2003): 753–771.
 33. Rolf Loeber, Phen Wung, Kate Keenan, Bruce Giroux, Magda Stouthamer-Loeber, Wemoet Van Kammen, and Barbara Maughan, "Developmental Pathways in Disruptive Behavior," *Development and Psychopathology* (1993): 12–48.
 34. Sheila Royo Maxwell and Christopher Maxwell, "Examining the 'Criminal Careers' of Prostitutes within the Nexus of Drug Use, Drug Selling, and Other Illicit Activities," *Criminology* 38 (2000): 787–809.
 35. Alex R. Piquero and He Len Chung, "On the Relationships between Gender, Early Onset, and the Seriousness of Offending," *Journal of Criminal Justice* 29 (2001): 189–206.
 36. David Nurco, Timothy Kinlock, and Mitchell Balter, "The Severity of Preadiction Criminal Behavior among Urban, Male Narcotic Addicts and Two Nonaddicted Control Groups," *Journal of Research in Crime and Delinquency* 30 (1993): 293–316.
 37. Ronald Prinz and Suzanne Kerns, "Early Substance Use by Juvenile Offenders," *Child Psychiatry and Human Development* 33(2003): 263–268.
 38. Glenn Clingempeel and Scott Henggeler, "Aggressive Juvenile Offenders Transitioning into Emerging Adulthood: Factors Discriminating Persistors and Desistors," *American Journal of Orthopsychiatry* 73 (2003): 310–323.
 39. Rolf Loeber and David Farrington, "Young Children Who Commit Crime: Epidemiology, Developmental Origins, Risk Factors, Early Interventions, and Policy Implications," *Development and Psychopathology* 12 (2000): 737–762.
 40. Ick-Joong Chung, Karl G Hill, J. David Hawkins, Lewayne Gilchrist, and Daniel Nagin, "Childhood Predictors of Offense Trajectories," *Journal of Research in Crime and Delinquency* 39 (2002): 60–91.
 41. Amy D'Unger, Kenneth Land, Patricia McCall, and Daniel Nagin, "How Many Latent Classes of Delinquent/ Criminal Careers? Results from Mixed Poisson Regression Analyses," *American Journal of Sociology* 103 (1998): 1593–1630.
 42. Mark Lipsey and James Derzon, "Predictors of Violent or Serious Delinquency in Adolescence and Early Adulthood: A Synthesis of Longitudinal Research," in *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, eds. Rolf Loeber and David Farrington (Thousand Oaks, CA: Sage, 1998).
 43. G. R. Patterson, L. Crosby, and S. Vuchinich, "Predicting Risk for Early Police Arrest," *Journal of Quantitative Criminology* 8 (1992): 335–355.
 44. Patterson, DeBaryshe, and Ramsey, "A Developmental Perspective on Antisocial Behavior," pp. 331–333.
 45. Holly Hartwig and Jane Myers, "A Different Approach: Applying a Wellness Paradigm to Adolescent Female Delinquents and Offenders," *Journal of Mental Health Counseling* 25 (2003): 57–76.
 46. Terrie Moffitt, Avshalom Caspi, Michael Rutter, and Phil Silva, *Sex Differences in Antisocial Behavior: Conduct Disorder, Delinquency, and Violence in the Dunedin Longitudinal Study* (London: Cambridge University Press, 2001).
 47. Lisa Broidy, Richard Tremblay, Bobby Brame, David Fergusson, John Horwood, Robert Laird, Terrie Moffitt, Daniel Nagin, John Bates, Kenneth Dodge, Rolf Loeber, Donald Lynam, Gregory Pettit, and Frank Vitaro, "Developmental Trajectories of Childhood Disruptive Behaviors and Adolescent Delinquency: A Six-Site, Cross-National Study," *Developmental Psychology* 39 (2003): 222–245.
 48. Alex Piquero and Timothy Brezina, "Testing Moffitt's Account of Adolescent-Limited Delinquency," *Criminology* 39 (2001): 353–370.
 49. Terrie Moffitt, "Natural Histories of Delinquency," in *Cross-National Longitudinal Research on Human Development and Criminal Behavior*, eds. Elmar Weitekamp and Hans-Jurgen Kerner (Dordrecht, Netherlands: Kluwer, 1994), pp. 3–65.
 50. Rolf Loeber and Magda Stouthamer-Loeber, "Development of Juvenile Aggression and Violence," *American Psychologist* 53 (1998): 242–259.
 51. Terrie Moffitt, "Adolescence-Limited and Life-Course Persistent Antisocial Behavior: A Developmental Taxonomy," *Psychological Review* 100 (1993): 674–701.
 52. Andrea Donker, Wilma Smeenk, Peter van der Laan, and Frank Verhulst, "Individual Stability of Antisocial Behavior from Childhood to Adulthood: Testing the Stability Postulate of Moffitt's Developmental Theory," *Criminology* 41 (2003): 593–609.
 53. Paul Mazerolle, Robert Brame, Ray Paternoster, Alex Piquero, and Charles Dean, "Onset Age, Persistence, and Offending Versatility: Comparisons across Sex," *Criminology* 38 (2000): 1143–1172.
 54. Robert Vermeiren, "Psychopathology and Delinquency in Adolescents: A Descriptive and Developmental Perspective," *Clinical Psychology Review* 23 (2003): 277–318.
 55. Per-Olof Wikstrom and Rolf Loeber, "Do Disadvantaged Neighborhoods Cause Well-Adjusted Children to Become Adolescent Delinquents? A Study of Male Juvenile Serious Offending, Individual Risk and Protective Factors, and Neighborhood Context," *Criminology* 38 (2000): 1109–1142.
 56. Ronald Simons, Chyi-In Wu, Rand Conger, and Frederick Lorenz, "Two Routes to Delinquency: Differences between Early and Later Starters in the Impact of Parenting and Deviant Careers," *Criminology* 32 (1994): 247–275.
 57. Dawn Jeglum Bartusch, Donald Lynam, Terrie Moffitt, and Phil Silva, "Is Age Important? Testing a General versus a Developmental Theory of Antisocial Behavior," *Criminology* 35 (1997): 13–48.

58. Michael Newcomb, "Pseudomaturity among Adolescents: Construct Validation, Sex Differences, and Associations in Adulthood," *Journal of Drug Issues* 26 (1996): 477–504.
59. Charles Dean, Robert Brame, and Alex Piquero, "Criminal Propensities, Discrete Groups of Offenders, and Persistence of Crime," *Criminology* 34 (1996): 547–573.
60. Joseph Weis and J. David Hawkins, *Reports of the National Juvenile Assessment Centers, Preventing Delinquency* (Washington, DC: U.S. Department of Justice, 1981); Joseph Weis and John Sederstrom, *Reports of the National Juvenile Justice Assessment Centers, The Prevention of Serious Delinquency: What to Do* (Washington, DC: U.S. Department of Justice, 1981).
61. Julie O'Donnell, J. David Hawkins, and Robert Abbott, "Predicting Serious Delinquency and Substance Use among Aggressive Boys," *Journal of Consulting and Clinical Psychology* 63 (1995): 529–537.
62. *Ibid.*, pp. 534–36; Richard Catalano, Rick Kosterman, J. David Hawkins, Michael Newcomb, and Robert Abbott, "Modeling the Etiology of Adolescent Substance Use: A Test of the Social Development Model," *Journal of Drug Issues* 26 (1996) 429–455.
63. Todd Herrenkohl, Bu Huang, Rick Kosterman, J. David Hawkins, Richard Catalano, and Brian Smith, "A Comparison of Social Development Processes Leading to Violent Behavior in Late Adolescence for Childhood Initiators and Adolescent Initiators of Violence," *Journal of Research in Crime and Delinquency* 38 (2001): 45–63.
64. Bu Huang, Rick Kosterman, Richard Catalano, J. David Hawkins, and Robert Abbott, "Modeling Mediation in the Etiology of Violent Behavior in Adolescence: A Test of the Social Development Model," *Criminology* 39 (2001): 75–107.
65. J. David Hawkins, Richard Catalano, Diane Morrison, Julie O'Donnell, Robert Abbott, and L. Edward Day, "The Seattle Social Development Project," in *The Prevention of Antisocial Behavior in Children*, eds. Joan McCord and Richard Tremblay (New York: Guilford Press, 1992), pp. 139–160.
66. See, generally, D. J. West and David P. Farrington, *The Delinquent Way of Life* (London: Heinemann, 1977).
67. The material in the following sections is summarized from David P. Farrington, "The Development of Offending and Antisocial Behavior from Childhood to Adulthood." Paper presented at the Congress on Rethinking Delinquency, University of Minho, Braga, Portugal, July 1992; *idem*, "Psychobiological Factors in the Explanation and Reduction of Delinquency," *Today's Delinquent* 7 (1988): 44–46; *idem*, "Childhood Origins of Teenage Antisocial Behaviour and Adult Social Dysfunction," *Journal of the Royal Society of Medicine* 86 (1993): 13–17; *idem*, "Psychosocial Influences on the Development of Antisocial Personality." Paper presented at the annual meeting of the American Society of Criminology, Phoenix, November 1993.
68. David P. Farrington, "Developmental and Life-Course Criminology: Key Theoretical and Empirical Issues." Sutherland Award Address at the American Society of Criminology meeting in Chicago, November 2002, revised March 2003.
69. Terence Thornberry, "Toward an Interactional Theory of Delinquency," *Criminology* 25 (1987): 863–891.
70. Ross Matsueda and Kathleen Anderson, "The Dynamics of Delinquent Peers and Delinquent Behavior," *Criminology* 36 (1998): 269–308.
71. Kee Jeong Kim, Rand Conger, Glen Elder, Jr., and Frederick Lorenz, "Reciprocal Influences between Stressful Life Events and Adolescent Internalizing and Externalizing Problems," *Child Development* 74 (2003): 127–143.
72. See, for example, Jean Piaget, *The Grasp of Consciousness* (Cambridge, MA: Harvard University Press, 1976).
73. Thornberry, "Toward an Interactional Theory of Delinquency."
74. *Ibid.*, p. 863.
75. This research is known as the Rochester Youth Development Study. Thornberry's colleagues on the project include Alan Lizotte, Margaret Farnworth, Marvin Krohn, and Susan Stern.
76. Marvin Krohn, Alan Lizotte, and Cynthia Perez, "The Interrelationship between Substance Use and Precocious Transitions to Adult Sexuality," *Journal of Health and Social Behavior* 38 (1997): 87–103, at 88; Jessor, "Risk Behavior in Adolescence."
77. Terence Thornberry, Alan Lizotte, Marvin Krohn, and Margaret Farnworth, *The Role of Delinquent Peers in the Initiation of Delinquent Behavior*, working paper no. 6, rev., Rochester Youth Development Study (Albany, NY: Hindelang Criminal Justice Research Center, 1993).
78. Terence Thornberry, Alan Lizotte, Marvin Krohn, Margaret Farnworth, and Sung Joon Jang, "Delinquent Peers, Beliefs, and Delinquent Behavior: A Longitudinal Test of Interactional Theory," *Criminology* 32 (1994): 601–637.
79. Lening Zhang, John Welte, and William Wieczorek, "Youth Gangs, Drug Use and Delinquency," *Journal of Criminal Justice* 27 (1999): 101–109.
80. Terence Thornberry, Alan Lizotte, Marvin Krohn, Margaret Farnworth, and Sung Joon Jang, *Delinquent Peers, Beliefs, and Delinquent Behavior: A Longitudinal Test of Interactional Theory*, working paper no. 6, rev., Rochester Youth Development Study (Albany, NY: Hindelang Criminal Justice Research Center, 1992).
81. Terence Thornberry, Alan Lizotte, Marvin Krohn, Margaret Farnworth, and Sung Joon Jang, "Testing Interactional Theory: An Examination of Reciprocal Causal Relationships among Family, School, and Delinquency," *Journal of Criminal Law and Criminology* 82 (1991): 3–35.
82. Suman Kakar, "Youth Gangs and Their Families: Effect of Gang Membership on Family's Subjective Well-Being," *Journal of Crime and Justice* 21 (1998): 157–171.
83. Scott Menard and Delbert Elliott, "Delinquent Bonding, Moral Beliefs, and Illegal Behavior: A Three Wave-Panel Model," *Justice Quarterly* 11 (1994): 173–188.
84. Sung Joon Jang, "Age-Varying Effects of Family, School, and Peers on Delinquency: A Multilevel Modeling Test of Interactional Theory," *Criminology* 37 (1999): 643–686.
85. Terence Thornberry, Adrienne Freeman-Gallant, Alan Lizotte, Marvin Krohn, and Carolyn Smith, "Linked Lives: The Inter-generational Transmission of Antisocial Behavior," *Journal of Abnormal Child Psychology* 31 (2003): 171–185.
86. Carolyn Smith, Alan Lizotte, Terence Thornberry, and Marvin Krohn, *Resilient Youth: Identifying Factors that Prevent High-Risk Youth from Engaging in Delinquency and Drug Use* (Albany, NY: Rochester Youth Development Study, 1994).

87. Thornberry, et al., *Delinquent Peers, Beliefs, and Delinquent Behavior*, pp. 628–629.
88. Robert Agnew, *Why Do Criminals Offend? A General Theory of Crime and Delinquency* (Los Angeles: Roxbury Publishing, 2005).
89. Robert Sampson and John Laub, *Crime in the Making: Pathways and Turning Points through Life* (Cambridge, MA: Harvard University Press, 1993); John Laub and Robert Sampson, “Turning Points in the Life Course: Why Change Matters to the Study of Crime.” Paper presented at the annual meeting of the American Society of Criminology, New Orleans, November 1992.
90. Terri Orbuch, James House, Richard Mero, and Pamela Webster, “Marital Quality over the Life Course,” *Social Psychology Quarterly* 59 (1996): 162–171; Lee Lillard and Linda Waite, “‘Til Death Do Us Part: Marital Disruption and Mortality,” *American Journal of Sociology* 100 (1995): 1131–1156.
91. Mark Warr, “Life-Course Transitions and Desistance from Crime,” *Criminology* 36 (1998): 183–216.
92. Daniel Nagin and Raymond Paternoster, “Personal Capital and Social Control: The Deterrence Implications of a Theory of Criminal Offending,” *Criminology* 32 (1994): 581–606.
93. Leonore M. J. Simon, “Social Bond and Criminal Record History of Acquaintance and Stranger Violent Offenders,” *Journal of Crime and Justice* 22 (1999): 131–146.
94. Raymond Paternoster and Robert Brame, “Multiple Routes to Delinquency? A Test of Developmental and General Theories of Crime,” *Criminology* 35 (1997): 49–84.
95. Spencer De Li, “Legal Sanctions and Youths’ Status Achievement: A Longitudinal Study,” *Justice Quarterly* 16 (1999): 377–401.
96. Shawn Bushway, “The Impact of an Arrest on the Job Stability of Young White American Men,” *Journal of Research on Crime and Delinquency* 35 (1999): 454–479.
97. Candace Kruttschnitt, Christopher Uggen, and Kelly Shelton, “Individual Variability in Sex Offending and Its Relationship to Informal and Formal Social Controls.” Paper presented at the American Society of Criminology meeting, San Diego, 1997; Mark Collins and Don Weatherburn, “Unemployment and the Dynamics of Offender Populations,” *Journal of Quantitative Criminology* 11 (1995): 231–245.
98. Robert Hoge, D. A. Andrews, and Alan Leschied, “An Investigation of Risk and Protective Factors in a Sample of Youthful Offenders,” *Journal of Child Psychology and Psychiatry* 37 (1996): 419–424.
99. Richard Arum and Irene Beattie, “High School Experience and the Risk of Adult Incarceration,” *Criminology* 37 (1999): 515–540.
100. Ross Macmillan, Barbara J. McMorris, and Candace Kruttschnitt, “Linked Lives: Stability and Change in Maternal Circumstances and Trajectories of Antisocial Behavior in Children,” *Child Development* 75 (2004): 205–220.
101. Avshalom Caspi, Terrie Moffitt, Bradley Entner Wright, and Phil Silva, “Early Failure in the Labor Market: Childhood and Adolescent Predictors of Unemployment in the Transition to Adulthood,” *American Sociological Review* 63 (1998): 424–451.
102. Robert Sampson and John Laub, “Socioeconomic Achievement in the Life Course of Disadvantaged Men: Military Service as a Turning Point, circa 1940–1965,” *American Sociological Review* 61 (1996): 347–367.
103. Christopher Uggen, “Ex-Offenders and the Conformist Alternative: A Job Quality Model of Work and Crime,” *Social Problems* 46 (1999): 127–151.
104. Erich Labouvie, “Maturing Out of Substance Use: Selection and Self-Correction,” *Journal of Drug Issues* 26 (1996): 457–474.
105. Mark Warr, “Life-Course Transitions and Desistance from Crime,” *Criminology* 36 (1998): 502–535.
106. Doris Layton MacKenzie and Spencer De Li, “The Impact of Formal and Informal Social Controls on the Criminal Activities of Probationers,” *Journal of Research in Crime and Delinquency* 39 (2002): 243–278.
107. Pamela Webster, Terri Orbuch, and James House, “Effects of Childhood Family Background on Adult Marital Quality and Perceived Stability,” *American Journal of Sociology* 101 (1995): 404–432.
108. Alex Piquero, John MacDonald, and Karen Parker, “Race, Local Life Circumstances, and Criminal Activity over the Life-Course,” *Social Science Quarterly* 83 (2002): 654–671.
109. Personal Communication with Alex Piquero, September 24, 2002.
110. Ronald Simons, Eric Stewart, Leslie Gordon, Rand Conger, and Glen Elder, Jr., “Test of Life-Course Explanations for Stability and Change in Antisocial Behavior from Adolescence to Young Adulthood,” *Criminology* 40 (2002): 401–435.
111. Dunlop and Johnson, “Family and Human Resources in the Development of a Female Crack-Seller Career.”
112. David Rowe, D. Wayne Osgood, and W. Alan Nicewander, “A Latent Trait Approach to Unifying Criminal Careers,” *Criminology* 28 (1990): 237–270.
113. Lee Ellis, “Neurohormonal Bases of Varying Tendencies to Learn Delinquent and Criminal Behavior,” in *Behavioral Approaches to Crime and Delinquency*, eds. E. Morris and C. Braukmann (New York: Plenum, 1988), pp. 499–518.
114. David Rowe, Alexander Vazsonyi, and Daniel Flannery, “Sex Differences in Crime: Do Means and Within-Sex Variation Have Similar Causes?” *Journal of Research in Crime and Delinquency* 32 (1995): 84–100.
115. James Q. Wilson and Richard Herrnstein, *Crime and Human Nature* (New York: Simon & Schuster, 1985).
116. *Ibid.*, p. 44.
117. *Ibid.*, p. 171.
118. Michael Gottfredson and Travis Hirschi, *A General Theory of Crime* (Stanford, CA: Stanford University Press, 1990).
119. *Ibid.*, p. 27.
120. Anthony Walsh and Lee Ellis, “Shoring Up the Big Three: Improving Criminological Theories with Biosocial Concepts.” Paper presented at the annual Society of Criminology meeting, San Diego, November 1997, p. 15.
121. Gottfredson and Hirschi, *A General Theory of Crime*, p. 90.
122. *Ibid.*, p. 89.
123. Alex Piquero and Stephen Tibbetts, “Specifying the Direct and Indirect Effects of Low Self-Control and Situational Factors in Offenders’ Decision Making: Toward a More Complete Model of Rational Offending,” *Justice Quarterly* 13 (1996): 481–508.

124. David Forde and Leslie Kennedy, "Risky Lifestyles, Routine Activities, and the General Theory of Crime," *Justice Quarterly* 14 (1997): 265–294.
125. Gottfredson and Hirschi, *A General Theory of Crime*, p. 112.
126. Ibid.
127. Dennis Giever, "An Empirical Assessment of the Core Elements of Gottfredson and Hirschi's General Theory of Crime." Paper presented at the American Society of Criminology meeting, Boston, November 1995.
128. Robert Agnew, "The Contribution of Social-Psychological Strain Theory to the Explanation of Crime and Delinquency," *Anomie Theory: Advances in Criminological Theory*, vol. 6, eds. Freda Adler and William Laufer (New Brunswick, NJ: Transaction Books, 1995), pp. 81–96.
129. Travis Hirschi and Michael Gottfredson, "Rethinking the Juvenile Justice System," *Crime and Delinquency* 39 (1993): 262–271.
130. David Brownfield and Ann Marie Sorenson, "Self-Control and Juvenile Delinquency: Theoretical Issues and an Empirical Assessment of Selected Elements of a General Theory of Crime," *Deviant Behavior* 14 (1993): 243–264; Harold Grasmick, Charles Tittle, Robert Bursik, and Bruce Arneklev, "Testing the Core Empirical Implications of Gottfredson and Hirschi's General Theory of Crime," *Journal of Research in Crime and Delinquency* 30 (1993): 5–29; John Cochran, Peter Wood, and Bruce Arneklev, "Is the Religiosity–Delinquency Relationship Spurious? A Test of Arousal and Social Control Theories," *Journal of Research in Crime and Delinquency* 31 (1994): 92–123; Marc LeBlanc, Marc Ouimet, and Richard Tremblay, "An Integrative Control Theory of Delinquent Behavior: A Validation 1976–1985," *Psychiatry* 51 (1988): 164–176.
131. Alexander Vazsonyi, Lloyd Pickering, Marianne Junger, and Dick Hessing, "An Empirical Test of a General Theory of Crime: A Four-Nation Comparative Study of Self-Control and the Prediction of Deviance," *Journal of Research in Crime and Delinquency* 38 (2001): 91–131.
132. Stefan Schulz, "Problems with the Versatility Construct of Gottfredson and Hirschi's General Theory of Crime," *European Journal of Crime, Criminal Law & Criminal Justice* 12 (2004): 61–83.
133. Michael Benson and Elizabeth Moore, "Are White-Collar and Common Offenders the Same? An Empirical and Theoretical Critique of a Recently Proposed General Theory of Crime," *Journal of Research in Crime and Delinquency* 29 (1992): 251–272.
134. Ronald Akers, "Self-Control as a General Theory of Crime," *Journal of Quantitative Criminology* 7 (1991): 201–211.
135. Gottfredson and Hirschi, *A General Theory of Crime*, p. 88.
136. Moffitt, "Adolescence-Limited and Life-Course Persistent Antisocial Behaviors."
137. Alex Piquero, Robert Brame, Paul Mazerolle, and Rudy Haapanen, "Crime in Emerging Adulthood," *Criminology* 40 (2002): 137–170.
138. Donald Lynam, Alex Piquero, and Terrie Moffitt, "Specialization and the Propensity to Violence: Support from Self-Reports but Not Official Records," *Journal of Contemporary Criminal Justice* 20 (2004): 215–228.
139. Alan Feingold, "Gender Differences in Personality: A Meta Analysis," *Psychological Bulletin* 116 (1994): 429–456.
140. Charles Tittle, David Ward, and Harold Grasmick, "Gender, Age, and Crime/Deviance: A Challenge to Self-Control Theory," *Journal of Research in Crime and Delinquency* 40 (2003): 426–453.
141. Gottfredson and Hirschi, *A General Theory of Crime*, p. 153.
142. Ann Marie Sorenson and David Brownfield, "Normative Concepts in Social Control." Paper presented at the annual meeting of the American Society of Criminology, Phoenix, November 1993.
143. Brent Benda, "An Examination of Reciprocal Relationship between Religiosity and Different Forms of Delinquency within a Theoretical Model," *Journal of Research in Crime and Delinquency* 34 (1997): 163–186.
144. Delbert Elliott and Scott Menard, "Delinquent Friends and Delinquent Behavior: Temporal and Developmental Patterns," in *Crime and Delinquency: Current Theories*, ed. J. David Hawkins (Cambridge: Cambridge University Press, 1996).
145. Graham Ousey and David Aday, "The Interaction Hypothesis: A Test Using Social Control Theory and Social Learning Theory." Paper presented at the American Society of Criminology Meeting, Boston, 1995.
146. Wright, Caspi, Moffitt, and Silva, "The Effects of Social Ties on Crime Vary by Criminal Propensity."
147. Julie Horney, D. Wayne Osgood, and Ineke Haen Marshall, "Criminal Careers in the Short-Term: Intra-Individual Variability in Crime and Its Relations to Local Life Circumstances," *American Sociological Review* 60 (1995): 655–673; Martin Daly and Margo Wilson, "Killing the Competition," *Human Nature* 1 (1990): 83–109.
148. Charles R. Tittle and Harold G. Grasmick, "Criminal Behavior and Age: A Test of Three Provocative Hypotheses," *Journal of Criminal Law and Criminology* 88 (1997): 309–342.
149. Ronald Simons, Christine Johnson, Rand Conger, and Glen Elder, "A Test of Latent Trait versus Life-Course Perspectives on the Stability of Adolescent Antisocial Behavior," *Criminology* 36 (1998): 217–244.
150. Carter Hay, "Parenting, Self-Control, and Delinquency: A Test of Self-Control Theory," *Criminology* 39 (2001): 707–736; Douglas Longshore, "Self-Control and Criminal Opportunity: A Prospective Test of the General Theory of Crime," *Social Problems* 45 (1998): 102–114; Finn-Aage Esbensen and Elizabeth Piper Deschenes, "A Multisite Examination of Youth Gang Membership: Does Gender Matter?" *Criminology* 36 (1998): 799–828.
151. Raymond Paternoster and Robert Brame, "The Structural Similarity of Processes Generating Criminal and Analogous Behaviors," *Criminology* 36 (1998): 633–670.
152. Otwin Marenin and Michael Resig, "A General Theory of Crime and Patterns of Crime in Nigeria: An Exploration of Methodological Assumptions," *Journal of Criminal Justice* 23 (1995): 501–518.
153. Bruce Arneklev, Harold Grasmick, Charles Tittle, and Robert Bursik, "Low Self-Control and Imprudent Behavior," *Journal of Quantitative Criminology* 9 (1993): 225–246.
154. Peter Muris and Cor Meesters, "The Validity of Attention Deficit Hyperactivity and Hyperkinetic Disorder Symptom Domains in Nonclinical Dutch Children," *Journal of Clinical Child and Adolescent Psychology* 32 (2003): 460–466.
155. Francis Cullen, John Paul Wright, and Mitchell Chamlin, "Social Support and Social Reform: A Progressive Crime

- Control Agenda," *Crime and Delinquency* 45 (1999): 188–207.
156. Richard Wiebe, "Reconciling Psychopathy and Low Self-Control," *Justice Quarterly* 20 (2003): 297–336.
 157. Kevin Thompson, "Sexual Harassment and Low Self-Control: An Application of Gottfredson and Hirschi's General Theory of Crime." Paper presented at the annual meeting of the American Society of Criminology, Phoenix, November 1993.
 158. Mark Colvin, *Crime and Coercion: An Integrated Theory of Chronic Criminality* (New York: Palgrave Press, 2000).
 159. Mark Colvin, Francis Cullen, and Thomas Vander Ven, "Coercion, Social Support, and Crime: An Emerging Theoretical Consensus" *Criminology* 40 (2002): 19–42.
 160. Ibid.
 161. Ibid.
 162. Charles Tittle, *Control Balance: Toward a General Theory of Deviance* (Boulder, CO: Westview Press, 1995).
 163. Bradley Entner Wright, Avshalom Caspi, Terrie Moffitt, and Phil Silva, "Low Self-Control, Social Bonds, and Crime: Social Causation, Social Selection, or Both?" *Criminology* 37 (1999): 479–514.
 164. Ibid., p. 504.
 165. Stephen Cernkovich and Peggy Giordano, "Stability and Change in Antisocial Behavior: The Transition from Adolescence to Early Adulthood," *Criminology* 39 (2001): 371–410.
 166. Heather Lonczk, Robert Abbott, J. David Hawkins, Rick Kosterman, and Richard Catalano, "Effects of the Seattle Social Development Project on Sexual Behavior, Pregnancy, Birth, and Sexually Transmitted Disease Outcomes by Age 21 Years," *Archives of Pediatrics and Adolescent Medicine* 156 (2002): 438–447.
 167. Kathleen Bodisch Lynch, Susan Rose Geller, and Melinda G. Schmidt, "Multi-Year Evaluation of the Effectiveness of a Resilience-Based Prevention Program for Young Children," *Journal of Primary Prevention* 24 (2004): 335–353.
 168. This section leans on Thomas Tatchell, Phillip Waite, Renny Tatchell, Lynne Durrant, and Dale Bond, "Substance Abuse Prevention in Sixth Grade: The Effect of a Prevention Program on Adolescents' Risk and Protective Factors," *American Journal of Health Studies* 19 (2004): 54–61.
 169. Nancy Tobler and Howard Stratton, "Effectiveness of School Based Drug Prevention Programs: A Meta-Analysis of the Research," *Journal of Primary Prevention* 18 (1997): 71–128.

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CRIME TYPOLOGIES



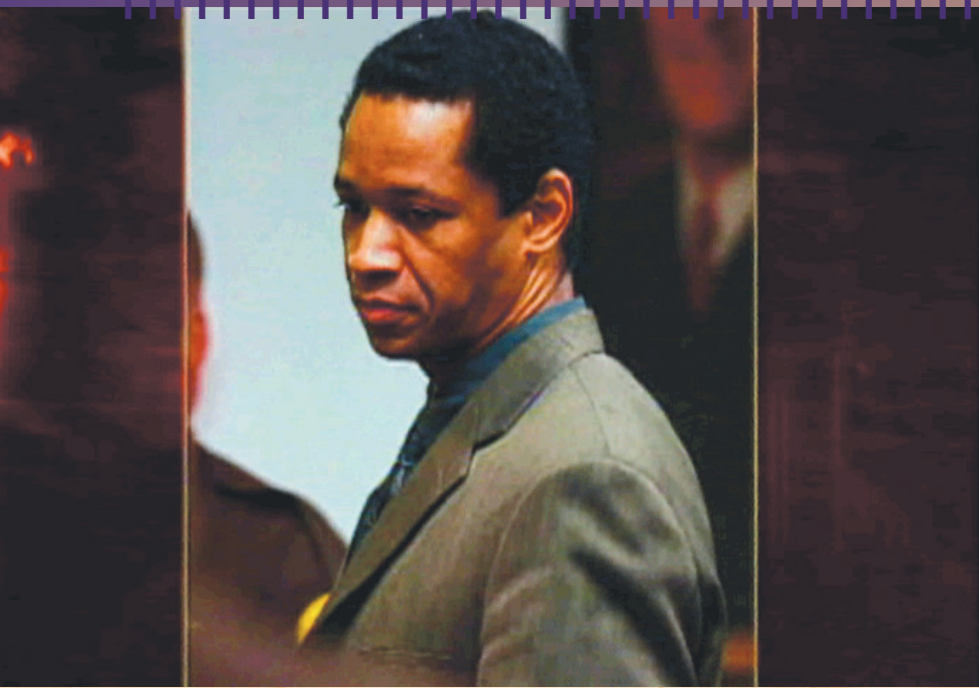
Regardless of why people commit crime in the first place, their actions are defined by law as falling into particular crime categories, or typologies. Criminologists often seek to group individual criminal offenders or behaviors so they may be more easily studied and understood. These are referred to as offender typologies.

In this section, crime patterns are clustered into four typologies: violent crime (Chapter 10); economic crimes involving common theft offenses (Chapter 11); economic crimes involving white-collar criminals, cyber criminals, or criminal organizations (Chapter 12); and public order crimes, such as prostitution and drug abuse (Chapter 13). This format groups criminal behaviors by their focus and consequence: bringing physical harm to others; misappropriating other people's property; and violating laws designed to protect public morals.

Typologies can be useful in classifying large numbers of criminal offenses or offenders into easily understood categories. This text has grouped offenses and offenders on the basis of their legal definitions and their collective goals, objectives, and consequences.

CHAPTER 10	Violent Crime
CHAPTER 11	Property Crime
CHAPTER 12	Enterprise Crime: White-Collar, Cyber, and Organized Crime
CHAPTER 13	Public Order Crime

CHAPTER 10



In October 2002, a mysterious and deadly sniper terrorized residents in the Washington, DC area.¹ The attacks began on October 2 and 3, 2002, in the northern Washington suburbs around Montgomery County, when six victims were killed by a single shot. Afterward, the sniper circled through suburbs to the east, south, and west, cutting down more individuals. At a shooting scene on October 7, the sniper reportedly left a tarot death card inscribed, “Dear

Policeman, I am God.” As the investigation proceeded, rumors were rampant: the sniper was part of a terrorist cell; he was a psychopath influenced by the release of the popular serial killer film Red Dragon. The sniper attacks were unique. Unlike most mass murderers, he did not kill his victims in a single violent outburst; unlike most serial killers, he did not touch, interact, or get close to his victims. Nor did the sniper seek out a specific class of victim; his casualties included the young and old, African Americans and whites, men and women.

When the sniper contacted police, his crime spree began to unravel. He felt his early calls were not being given the proper attention. In order to give himself more credibility, the sniper called a local priest and bragged about a robbery and killing in Montgomery, Alabama; he hoped that the priest would act as a go-between. Instead, the priest told authorities about the strange phone call. When authorities investigated the Alabama case, they were able to obtain a crime scene fingerprint and identify the suspect as John Lee Malvo, 17, a Jamaican citizen. Malvo was known as the unofficial stepson and traveling companion of John Allen Muhammad, 41, an Army veteran with an expert’s rating in marksmanship. Authorities then put out a bulletin describing Muhammad’s car and an alert traveler identified the car in a rest stop parking lot and called police. Inside the car, police found a sleeping Muhammad and Malvo, as well as a Bushmaster XM15 .223-caliber rifle with scope and bipod; ballistic testing later confirmed it as the murder weapon. Modifications had been made to the car’s backseat and trunk area so that it could be used as a sniper’s perch, with the gunman hidden flat in the car and firing through a hole bored in the trunk lid. Clearly, the sniper shootings were well thought out and planned attacks.²

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

CHAPTER OUTLINE

The Causes of Violence

Personal Traits and Makeup
Evolutionary Factors/Human Instinct

Comparative Criminology: World Report on Violence

Substance Abuse
Socialization and Upbringing
Exposure to Violence
Cultural Values/Subculture of Violence

Forcible Rape

The Criminological Enterprise: Violent Land

History of Rape
Rape and the Military
Incidence of Rape
Types of Rape and Rapists
The Causes of Rape
Rape and the Law

Murder and Homicide

Degrees of Murder
The Nature and Extent of Murder
Murderous Relations

The Criminological Enterprise: Mass Murder and Serial Killing

Serial Murder

Assault and Battery

Nature and Extent of Assault
Assault in the Home

Robbery

Acquaintance Robbery
Rational Robbery

The Criminological Enterprise: Armed Robbers in Action

Emerging Forms of Interpersonal Violence

Hate Crimes
Workplace Violence
Stalking

Terrorism

What Is Terrorism?
A Brief History of Terrorism
Contemporary Forms of Terrorism

Comparative Criminology: Transnational Terrorism in the New Millennium

What Motivates Terrorists?
Responses to Terrorism

CHAPTER OBJECTIVES

1. Be familiar with the various causes of violent crime
2. Know the concept of the brutalization process
3. Be able to discuss the history of rape and know the different types of rape
4. Be able to discuss the legal issues in rape prosecution
5. Recognize that there are different types of murder
6. Be able to discuss the differences among serial killing, mass murder, and spree killing
7. Be familiar with the nature of assault in the home
8. Understand the careers of armed robbers
9. Be able to discuss newly emerging forms of violence such as stalking, hate crimes, and workplace violence
10. Understand the different types of terrorism and what is being done to combat terrorist activities

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The sniper attacks galvanized the public and were the subject of vast media coverage. They show why many people believe the United States is still an extremely violent nation, even though the UCR tells us that the violence rate has been in a recent decline. Though people report that they feel somewhat safer than they did a decade ago, surveys indicate that more than half of all women are still afraid to walk alone in their neighborhood at night.³

The sniper attacks also show how understanding and controlling violence can be quite complex. Although Muhammad had a history of violence and domestic abuse, he was still able to buy a lethal weapon with a sniper scope. The sniper attack again raised questions about the utility of gun control and creating a national database to track weapons and ammunition, a plan opposed by the National Rifle Association.

Some experts argued that Muhammad and Malvo's violent outburst was really motivated by their dislike of the U.S. government. If it were, criminologists would categorize their outburst as **expressive violence**—acts that vent rage, anger, or frustration. Another well-known example of expressive violence occurred on April 20, 1999, in Littleton, Colorado, when Eric Harris and Dylan Klebold went on their murderous rampage at Columbine High School that left twelve students and one teacher dead and twenty-four others wounded; before they could be apprehended, Harris and Klebold committed suicide. Members of a cult group called the “Trenchcoat Mafia,” Harris and Klebold had spent more than a year planning the attack and building homemade bombs.

It has also been suggested that the snipers' motives were more personal and part of an elaborate, albeit deadly, extortion scheme in which they hoped to gain \$10 million. This would make their violence **instrumental**: designed to improve the financial or social position of the criminal, for example, through an armed robbery or murder for hire.

Although the sniper attacks may give the mistaken impression that the United States is an extremely violent society, ironically, violence rates have been declining here while they are the upswing elsewhere around the world. A recent report by the United Nations finds that sadly, violence has become universal, as the Comparative Criminology feature illustrates.

THE CAUSES OF VIOLENCE

What sets off a violent person? There are broad views on this subject. One is that violence is personal and a function of human traits and makeup. Some experts believe that violence is a function of improper socialization and upbringing. Finally, there are those experts who believe that violent behavior is culturally determined. Some people dwell within subcultures whose members value force, routinely carry weapons, and consider violence to have an acceptable place in social interaction.⁴

This chapter surveys the nature and extent of violent crime. First, it briefly reviews some hypothetical sources of

Sources of Violence



violence (Figure 10.1). Then it focuses on specific types of interpersonal violence—rape, homicide, assault, robbery, and interpersonal violence. Finally, it briefly examines political violence, state-sponsored violence, and terrorism.

Personal Traits and Makeup

On March 13, 1995, an ex-Boy Scout leader named Thomas Hamilton took four high-powered rifles into the primary school of the peaceful Scottish town of Dunblane and slaughtered sixteen children and their teacher. This horrific crime shocked the British Isles into implementing strict controls on all guns.⁵ Bizarre outbursts such as Hamilton's support a link between violence and personal traits.


To read more about the **Dunblane massacre**, go to <http://www.guardiancentury.co.uk/1990-1999/Story/0,6051,112749,00.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Psychologist Dorothy Otnow Lewis and her associates found that murderous youths suffer signs of major neurological impairment (such as abnormal EEGs, multiple psychomotor impairments, and severe seizures), low intelligence as measured on standard IQ tests, psychotic close relatives, and psychotic symptoms such as paranoia, illogical thinking, and hallucinations.⁶ In her 1998 book *Guilty by Reason of Insanity*, Lewis finds that death row inmates have a history of mental impairment and intellectual dysfunction.⁷ Abnormal personality structures, including such traits as depression, impulsivity, aggression, dishonesty, pathological lying, lack of remorse, borderline personality syndrome, and psychopathology, have been associated with various forms of

violence.⁸ It comes as no surprise then that many murderers kill themselves shortly after committing their crime.⁹ Although this evidence indicates that violent offenders are more prone to psychosis than other people, no single clinical diagnosis can characterize their behavior.¹⁰


||||| CONNECTIONS |||||

As you may recall from Chapter 5, biosocial theorists link violence to a number of biological irregularities, including but not limited to genetic influences and inheritance, the action of hormones, the functioning of neurotransmitters, brain structure, and diet. Psychologists link violent behavior to observational learning from violent TV shows, traumatic childhood experiences, low intelligence, mental illness, impaired cognitive processes, and abnormal (psychopathic) personality structure.

 To read an interview with Dorothy Otnow Lewis in which she discusses how the problems in an aggressive boy's life should be evaluated and how appropriate treatment should be provided, go to: Rena Large, "New Path for Aggressive Boys," *NEA Today* 17 (October 1998): 29.

Evolutionary Factors/Human Instinct

How have violence-producing personal traits developed? Perhaps violent responses and emotions are actually instinctual in all humans, and the right spark can trigger them. Sigmund Freud believed that human aggression and violence are produced by instinctual drives.¹¹ Freud maintained that humans possess two opposing psychological drives that interact to control behavior: *eros*, the life instinct, which drives people toward self-fulfillment and enjoyment; and *thanatos*, the death instinct, which produces self-destruction. Thanatos can be expressed externally (as violence and sadism) or internally (as suicide, alcoholism, or other self-destructive habits). Because aggression is instinctual, Freud saw little hope for its treatment.

 To learn more about Freud's views, go to InfoTrac College Edition and use his name as a key word.

A number of biologists and anthropologists have also speculated that instinctual violence-promoting traits may be common in the human species. One view is that aggression and violence are the result of instincts in all animals, including human beings. A leading proponent of this view, Konrad Lorenz, developed this theory in his famous book, *On Aggression*.¹² Lorenz argued that aggressive energy is produced by inbred instincts that are independent of environmental forces. In the animal kingdom, aggression usually serves a productive purpose—for example, it leads members of grazing species such as zebras and antelopes to spread out over available territory to ensure an ample food supply and the

survival of the fittest. Lorenz found that humans possess some of the same aggressive instincts as animals. But among lower species, aggression is rarely fatal; when a conflict occurs, the winner is determined through a test of skill or endurance. This inhibition against killing members of their own species protects animals from self-extinction. Humans, lacking this inhibition against fatal violence, are capable of killing their own kind in war or as a result of interpersonal conflicts. As technology develops and more lethal weapons are produced, the extinction of the human species becomes a significant possibility.



To read the **autobiography of Lorenz**, who won the Nobel Prize in medicine in 1973, go to <http://www.nobel.se/medicine/laureates/1973/lorenz-autobio.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Evolutionary theories in criminology suggest that violent behavior is committed predominantly by males. Over the course of human existence, sexually aggressive males have been the ones most likely to produce children. Their offspring carry genes that support aggression. In all species, the males' competitive success is determined by their being dangerous and aggressive enough to scare off rivals. Among humans, just the reputation for being dangerous can last a lifetime. This psychologically ingrained need to display virility and toughness comes when young men are at the peak of their physical strength. They are more willing to take risks than at any other point in the life cycle, which factors heavily into their propensity toward violence.¹³

Substance Abuse

Some people are substance abusers, and their behavior causes them to become involved in violent behavior patterns. Substance abuse has been linked to violence in one of three ways:¹⁴

1. *Psychopharmacological relationship*: Violence may be the direct consequence of ingesting mood-altering substances. Experimental evidence shows that high doses of drugs such as PCP and amphetamines may produce violent, aggressive behavior.¹⁵ Alcohol abuse has long been associated with all forms of violence because drinking reduces cognitive ability, making miscommunication more likely while at the same time limiting the capacity for rational dialogue and compromise.¹⁶ For example, approximately half of all sexual assaults are associated with the perpetrator's and/or victims' alcohol consumption. It is possible that alcohol's effect on cognitive and motor skills may reduce both the perpetrators' and the victims' cognitive ability and information processing skills, reduce their ability to process and react to one another's verbal and nonverbal behavior, and thereby increasing the likelihood that an assault will occur.¹⁷

World Report on Violence

While violence rates in the United States are in decline, the danger from various forms of violent behavior has become a worldwide epidemic. In fact, a comprehensive report by the United Nations World Health Organization (WHO) issued in 2002 views violence as a global public health problem.

According to the WHO report, violence kills more than 1.6 million people every year. Yet, this staggering number may be only the tip of the iceberg since many violent acts, especially domestic violence, go unreported. In addition to the deaths, millions of people are left injured as a result of violence and suffer from physical, sexual, reproductive, and mental health problems.

Violence is among the leading causes of death for people aged 15 to 44, accounting for 14 percent of deaths among males and 7 percent of deaths among females around the world. Almost every minute of the day, someone is murdered, an average of 1,424 daily murders; adding to this number is an almost equal number of daily

suicides. About thirty-five people are killed every hour as a direct result of armed conflict. During the twentieth century, nearly 200 million people were killed during warfare, more than half of them civilians.

Youth Violence

The WHO report collected data on specific types of violence including youth violence, which is defined in the report as homicide and nonfatal attacks perpetrated by or against a person aged 10 to 29. Youth violence can be committed by gangs, young people on the streets, or in schools and can involve physical fights, bullying, and weapon carrying.

The data show that youth homicide rates have increased in many parts of the world and that fighting and bullying are common among young people. The report found that in a single year (2000) more than one-third of the deaths around the globe due to interpersonal violence occurred among young adults aged 15 to 29. The rate for this age range is more than triple the percentage for youth 10 to 14 years of age, indicating that risks become greater as adolescents

mature. Homicide rates for 10- to 29-year-olds vary significantly by region: from 0.9 in the high-income regions of Europe and parts of Asia and the Western Pacific to 36.4 in Latin America. Male youth homicide rates are substantially higher than female youth homicide rates: For the 15- to 29-year-old group, for example, the male rate was 19.4 compared to 4.4 for the females.

It is not surprising then that for every death that occurs from interpersonal violence, many more young people are injured and permanently disabled. In Maputo Central Hospital, Mozambique, 38.8 percent of all violent injury cases were aged 15 to 24 years; in Jamaica 76.6 percent of victims were aged 15 to 39, and in a number of Latin American cities, youth aged 18 to 25 predominated among the victims of nonfatal violence.

Child Abuse

The World Health Organization report indicates that child physical and sexual abuse takes a significant toll around the world. In a single year, about 57,000 children under 15 years were murdered. The homicide rates for

2. *Economic compulsive behavior*: Drug users/dealers resort to violence to obtain the financial resources to support their habit. Studies conducted in the United States and Europe show that addicts commit hundreds of crimes each year to support their habit, and some may result in violent confrontations.¹⁸
3. *Systemic link*: Violence escalates when drug-dealing gangs flex their muscle to dominate territory and drive out rivals. Studies of gangs that sell drugs show that their violent activities may result in a significant proportion of all urban homicides.¹⁹

Socialization and Upbringing

Another view is that improper socialization and upbringing is responsible for the onset of violent acts. Absent or deviant parents, inconsistent discipline, physical abuse, and lack

of supervision have all been linked to persistent violent offending.²⁰

Although infants demonstrate individual temperaments, who they become may have a lot to do with how they are treated during their early years. Some children are harder to soothe than others; in some cases, difficult infant temperament has been associated with later aggression and behavioral problems.²¹ Parents who fail to set adequate limits or to use proper, consistent discipline reinforce a child's coercive behavior.²² The effects of inadequate parenting and early rejection may affect violent behavior throughout life.²³ There is evidence that children who are maltreated and neglected in early childhood are the ones most likely to be initiated into criminality and thereafter continue or persist in a criminal career.²⁴

There are also indications that children who are subject to even minimal amounts of physical punishment may be

children aged 0 to 4 years were over twice as high as rates among children aged 5 to 14 years. Head injuries are the most frequent cause of death, followed by abdominal injuries and suffocation. Many more children are subjected to nonfatal abuse and neglect; 8 percent of male and 25 percent of female children up to age 18 experience sexual abuse of some kind.

The WHO report on child abuse found that these crimes result in many deaths and disabilities; they also contribute to a great number of psychiatric and physical disorders that begin years after the abuse occurred. Compared to nonabused individuals, victims of sexual abuse are more likely to suffer posttraumatic stress disorder, depression, panic disorder, and drug abuse when they become adults. Sexual abuse involving intercourse doubles the chances of becoming depressed, triples the likelihood of developing panic disorder, and leaves victims four times more likely to attempt suicide.

Sexual Violence

The WHO report found that while the true extent of sexual violence around the world remains unknown, available

data suggests that at least one in five women may experience sexual violence by an intimate partner in their lifetime. Studies on sexual violence conducted in Canada, Finland, Switzerland, Great Britain, and the United States found that between 2 percent and 13 percent of women report being the victim of either an attempted or completed rape by a partner in their lifetime. In smaller population-based studies—for example, in London, England; Guadalajara, Mexico; and the Midland Province in Zimbabwe—the reported rate is higher at about 25 percent.

For many women, sexual violence starts in childhood and adolescence and may occur in the home, school, and community. Studies conducted in a wide variety of nations ranging from the Cameroon to New Zealand found high rates of reported forced sexual initiation. In some nations, as many as 46 percent of adolescent women and 20 percent of adolescent men report sexual coercion at the hands of family members, teachers, boyfriends, or strangers.

The WHO report found that sexual violence has significant health consequences, including suicide,

stress, mental illnesses, unwanted pregnancy, sexually transmitted diseases, HIV/AIDS, self-inflicted injuries, and, in the case of child sexual abuse, adoption of high-risk behaviors such as multiple sexual partners and drug use.

Critical Thinking

While risk factors at all levels of social and personal life contribute to youth violence, kids in all nations who experience change in societal-level factors—such as economic inequalities; rapid social change; and the availability of firearms, alcohol, and drugs—seem the most likely to get involved in violence. Can anything be done to help alleviate these social problems?

InfoTrac College Edition Research

To find out more about violence around the world, use “violence Europe,” “violence Asia,” and “violence Africa” as key words in InfoTrac College Edition.

Source: Etienne Krug, Linda Dahlberg, James Mercy, Anthony Zwi, and Rafael Lozano, *World Report on Violence and Health*. (Geneva: World Health Organization, 2002).

more likely one day to use violence themselves.²⁵ Murray Straus reviewed the concept of discipline in a series of surveys and found a powerful relationship between exposure to physical punishment and later aggression.²⁶ The effect of physical punishment may be mediated or neutralized to some extent if parents also provide support, warmth, and care. When kids experience physical punishment in the absence of parental involvement, they feel angry and unjustly treated and are more willing to defy their parents and engage in antisocial behavior.²⁷

ABUSED CHILDREN A number of research studies have found that children who are clinically diagnosed as abused later engage in delinquent behaviors, including violence, at a rate significantly greater than that of children who were not abused.²⁸ Samples of convicted murderers reveal a high percentage of seriously abused youth.²⁹ The abuse–violence

association has been established in many cases in which parents have been killed by their children; sexual abuse is also a constant factor in father (patricide) and mother (matricide) killings.³⁰ Lewis found in her study of juvenile death row inmates that all had long histories of intense child abuse.³¹

Abuse may have the greatest effect if it is persistent and extends from childhood to adolescence.³² Children who are physically punished by their parents are likely to physically abuse a sibling and later engage in spouse abuse and other forms of criminal violence.³³ They may become spousal abusers in their adulthood: There is evidence that batterers received significantly less love and more punishment from their mothers than did men in a general population comparison group. Abusive childhood experiences may be a key factor in the later development of relationship aggression.³⁴



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Socialization and upbringing have been linked to the onset of violent acts. Kids who are raised by deviant parents and subject to inconsistent discipline, physical abuse, and lack of supervision are more likely to engage in violent offending. Considering the link between socialization and crime, do you believe that parents who introduce their children to guns at an early age are leading them down the path toward violence?

THE BRUTALIZATION PROCESS Lonnie Athens is one well-known criminologist who links violence to early experiences with child abuse. Athens finds that people can be classified into three groups based on their aggressive tendencies: non-violent, violent (those who attack others physically with the intention of harming them), and incipiently violent (those who are willing and ready to attack but limit themselves to violent ultimatums and/or intimidating physical gestures). Athens also finds that there are actually four distinct types of violent acts: physically defensive (in which the perpetrator sees his violent act as one of self-defense), frustrative (in which the offender acts out of anger due to frustration when he cannot get his way), malefic (in which the victim is considered to be extremely evil or malicious), and frustrative-malefic (a combined type). Antisocial careers are often created in a series of stages that begin with brutal episodes during early adolescence.

The first stage involves the *brutalization process*, during which a young victim begins the process of developing a belligerent, angry demeanor. The brutalization can come at the hands of abusive parents or caretakers. But the brutalization process is broader than parental physical or sexual abuse. It may also result from violent subjugation, personal horriification, and violent coaching by peers, neighbors, and schoolmates. Although most brutalization occurs early in life, some people can be brutalized as they mature.

Brutalized youth may become belligerent and angry. When confronted at home, school, or on the street, these belligerent youth respond with *violent performances* of angry, hostile behavior. The success of their violent confrontations provides them with a sense of power and achievement.

In the *virulency stage*, emerging criminals develop a violent identity that makes them feared; they enjoy intimidating others. To Athens, this process takes violent youths full circle from being the victims of aggression to its initiators;

they are now the same person they grew up despising, ready to begin the process with their own children.³⁵

Athens recognizes that brutalization alone is not a sufficient condition to cause someone to become a dangerous violent criminal. One must complete the full cycle of the “violentization process”—belligerence, violent performances, and virulency—to become socialized into violence. Many brutalized children do not go on to become violent criminals, and some later reject the fact that they were abused as youths and redefine their early years as normative.

A significant amount of evidence has shown the association between abuse and violent crime, but it is also true that many offenders have not suffered abuse and that many abused youths do not grow up to become persistent adult offenders.³⁶ Judith Rich Harris for one suggests that the link is spurious and that there is little reason to assume that the behavior of parents influences the behavior of their offspring.³⁷

I To learn more about the nature and extent of child abuse, use “child abuse” in a subject guide search in InfoTrac College Edition.

Exposure to Violence

People who are constantly exposed to violence at home, at school, or in the environment may adopt violent methods themselves. Some are exposed at an early age to violence in the home. For example, when Ira Hutchison and J. David Hirschel studied domestic violence cases in North Carolina, they found that in more than half of the cases children had witnessed assault, and in two-thirds of the cases children were there when the police arrived.³⁸

In some cases, people are exposed to violence when they associate with violent peers.³⁹ Those who choose aggressive

or violent friends are more likely to begin engaging in antisocial behavior themselves and suffer psychological deficits.⁴⁰

Exposure to violence can also occur when people are forced to live in violent, dangerous neighborhoods. Children living in areas marked by extreme violence may eventually become desensitized to the persistent brutality, eventually succumbing to violent behaviors themselves.⁴¹ And, not surprisingly, those children who are exposed to violence in the home and also live in neighborhoods with high violence rates are the ones most likely to engage in violence crime themselves.⁴²

Social scientist Felton Earls and his associates are now conducting the Project on Human Development in Chicago Neighborhoods—a government-funded longitudinal study of pathways to violence among 7,000 Chicago area people in eighty different, randomly selected neighborhoods.⁴³ Interviews with youths aged 9 to 15 show that large numbers of these children have been victims of or witnesses to violence and that many carry weapons.



To read more about the **Project on Human Development in Chicago Neighborhoods**, go to their website at <http://www.hms.harvard.edu/chase/projects/chicago/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Between 30 and 40 percent of the children who reported exposure to violence also displayed significant violent behavior themselves. The Earls research also shows that girls are involved in violence as much as boys, although the nature of the violence is different. Girls are more likely than boys to be victims of sexual violence, and boys are more likely to see or to participate in fights, stabbings, or shootings.

||||||| CONNECTIONS |||||

The Project on Human Development in Chicago Neighborhoods has served as a source of data showing that collective efficacy and concentrated poverty are key determinants of neighborhood crime rates. These concepts were discussed more fully in Chapter 6.

Children living in these conditions become “**crusted over**”: They do not let people inside, nor do they express their feelings. They exploit others and in turn are exploited by those older and stronger; as a result, they develop a sense of hopelessness. They find that parents and teachers focus on their failures and problems, not their achievements. Consequently, they are vulnerable to the lure of delinquent gangs and groups.⁴⁴

Cultural Values/Subculture of Violence

Another theory is that violence is the product of the beliefs, values, and behaviors that develop in the nation's poorest and most disorganized areas. Regions that experience violence seem to cluster together.⁴⁵ To explain this phenomenon,

criminologists Marvin Wolfgang and Franco Ferracuti formulated the famous concept that some areas contain an independent **subculture of violence**.⁴⁶

||||||| CONNECTIONS |||||

Delinquent subcultures were discussed in some detail in Chapter 6. Recall that subculture theorists portray delinquents not as rebels from the normative culture but rather as people who are in accord with the informal rules and values of their immediate culture. By adhering to cultural norms, they violate the law.

The subculture's norms are separate from society's central, dominant value system. In this subculture, a potent theme of violence influences lifestyles, the socialization process, and interpersonal relationships. Even though the subculture's members share some of the dominant culture's values, they expect that violence will be used to solve social conflicts and dilemmas. In some cultural subgroups, then, violence has become legitimized by custom and norms. It is considered appropriate behavior within culturally defined conflict situations in which an individual who has been offended by a negative outcome in a dispute seeks reparations through violent means (disputatiousness).⁴⁷

Research has shown that the subculture of violence may be found in areas that experience concentrated poverty and social disorganization.⁴⁸ Though most people abhor violence, income inequality and racial disparity may help instill a sense of hopelessness that nourishes pro-violence norms and values.⁴⁹ In these areas people are more likely to carry weapons and use them in assaults and robberies. Victims are aware of these tactics and are less likely to fight back forcibly when attacked.⁵⁰ However, later victims may take up arms and go after their attackers. When Charis Kubrin and Ronald Weitzer studied homicide in St. Louis, Missouri, they discovered that a certain type of killing referred to as *cultural retaliatory homicide* is common in neighborhoods that suffer economic disadvantage. In these areas, residents often resolve interpersonal conflicts informally—without calling the police—even if it means killing their opponent; their killings are accepted by the neighborhood values that support retaliatory killing.⁵¹

PEER GROUP INFLUENCES Empirical evidence shows that violence rates are highest in urban areas where subcultural values support teenage gangs, whose members typically embrace the use of violence.⁵² Gang boys are more likely to own guns and other weapons than non-gang members. They are also more likely to have peers who are gun owners and are more likely to carry guns outside the home.⁵³ Though violence rates have been in decline, in 2004 major metropolitan areas such as Los Angeles and Chicago reported a significant increase in the number of street gang-related killings.⁵⁴

The association between gang membership and violence has a number of roots. It can result from drug-trafficking activities and turf protection but also stems from personal

vendettas and a perceived need for self-protection.⁵⁵ Criminologist Scott Decker found that gang violence may be initiated for a variety of reasons:

- It enables new members to show toughness during initiation ceremonies.
- It can be used to retaliate against rivals for actual or perceived grievances.
- It protects ownership, such as when violence erupts when graffiti is defaced by rivals.
- It protects turf from incursions by outsiders.⁵⁶

While many boys are predisposed toward violence before joining a gang, research shows that once in gangs their violent behavior quickly escalates; after they leave it significantly declines.⁵⁷ One reason may be linked to the pattern of gun ownership: Gang boys are much more likely to own guns than nonmembers; once they leave gangs, former members are no more likely to own guns than nonmembers.⁵⁸

REGIONAL VALUES Some criminologists have suggested that regional values promote violence.⁵⁹ In a classic study, sociologist Raymond Gastil found a significant relationship between murder rates and residence in the South, a relationship that predates the Civil War. He also found that outside the South regional homicide rates are related to an influx of southern migration.⁶⁰ Gastil attributes high homicide rates to a southern culture that stresses a frontier mentality, mob violence, night riders, personal vengeance, and easily available firearms. Southerners are also thought to place greater emphasis on personal honor, to own more firearms, and to use different childrearing practices than citizens in other parts of the country.⁶¹ It has been suggested that especially in areas dominated by white populations, southerners behave in the heritage of medieval European knights, ready to defend family and home against any perceived threat.⁶²

Not all criminologists agree with the southern subculture concept.⁶³ Some argue that southern homicide rates are high because of economic and social factors, not any “southern culture of lethal violence.”⁶⁴ Gastil has responded to his critics by stating that they missed his point—that southern culture promotes violence, not just the approval of violence.⁶⁵

Although the southern subculture view is still debated, Uniform Crime Report data indicate that the southern states continue to have a relatively high violence rate.⁶⁶ Despite recent evidence that refutes the southern subculture of violence theory, the image of the violent southerner remains, unfortunately, an enduring myth.⁶⁷

NATIONAL VALUES Some nations—including the United States, Sri Lanka, Angola, Uganda, and the Philippines—have relatively high violence rates; others are much more peaceful. According to research by sociologist Jerome Neapolitan, a number of national characteristics are predictive of violence. These include a high level of social disorganization, economic stress (versus support), high child abuse

rates, approval of violence by the government, political corruption, and an inefficient justice system.⁶⁸ Children in high-violence nations are likely to be economically deprived and socially isolated, exposed to constant violence, and lacking in hope and respect for the law. Guns are common in these nations because, lacking an efficient justice system, people arm themselves or hire private security forces for protection.⁶⁹ In contrast, nations such as Japan have relatively low violence rates because of cultural and economic strengths. Japan boasts a system of exceptionally effective informal social controls that help reduce crime. It also has had a robust economy that may alleviate the stresses that produce violence.⁷⁰

Does the United States maintain values that promote violence? Did these originate in the early development of the nation? The Criminological Enterprise feature “Violent Land” explores these questions.

Each of these factors is believed to influence violent crime, including traditional common-law crimes, such as rape, murder, assault, and robbery, and newly recognized problems, such as workplace violence, hate crimes, and political violence. Each of these forms of violent behavior is discussed in some detail later in this chapter.



To quiz yourself on this material, go to the Criminology 9e website.

FORCIBLE RAPE

Rape (from the Latin *rapere*, to take by force) is defined in common law as “the carnal knowledge of a female forcibly and against her will.”⁷¹ It is one of the most loathed, misunderstood, and frightening crimes. Under traditional common-law definitions, rape involves nonconsensual sexual intercourse that a male performs against a female he is neither married to nor cohabitating with.⁷² There are of course other forms of sexual assault, including male on male and female on male sexual assaults (some studies estimate that up to 25 percent of males have been the target of unwanted sexual advances by women), but these are not considered here within the traditional common-law definition of rape but under sexual assault statutes.⁷³

Rape was often viewed as a sexual offense in the traditional criminological literature. It was presented as a crime that involved overwhelming lust, driving a man to force his attentions on a woman. Even today, some men view rape as a sexual act, including one Tennessee judge who released an accused rapist after stating that all he needed was a girlfriend and telling the public defender’s office to arrange for a dating service. Public outcry led to the release being rescinded.⁷⁴

Criminologists now consider rape a violent, coercive act of aggression, not a forceful expression of sexuality. There has been a national campaign to alert the public to the seriousness of rape, to offer help to victims, and to change legal

The Criminological Enterprise

Violent Land

David Courtwright, an authority on the sociocultural roots of violence, describes a nineteenth-century American society much more violent than today. According to Courtwright, societies with the highest rates of violent crime have been populations with an overabundance of young males who are “awash with testosterone” and unrestrained by social controls such as marriage and family.

Until the mid-twentieth century, the U.S. population was disproportionately young and male. The male-to-female gender ratio of those who settled here involuntarily—indentured servants and slaves—was more than 2 to 1. Poor laborers who paid for their passage by signing labor contracts were almost all male; the gender ratio among Chinese laborers was an astounding 27 to 1. Aside from Ireland, which furnished slightly more female than male immigrants, Europeans who arrived voluntarily were also predominantly male. Because these young men outnumbered women, not all men were able to marry, and those who did not remained unrestrained by the calming influences of family life and parental responsibility.

Cultural factors worsened these population trends. Frontier culture was characterized by racism and preoccupation with personal honor. Some ethnic groups drank heavily and frequented saloons and gambling halls, where petty arguments could become lethal because most patrons carried guns and knives. Violent acts often went unpunished, however, because law enforcement agencies were unable or unwilling to take action. Nowhere were these cultural and population effects felt more acutely than on the

western frontier. Here the population was mostly young bachelors who were sensitive about honor, hostile racists, heavy drinkers, morally indifferent, heavily armed, and unchecked by adequate law enforcement. It is not surprising, considering this explosive mix, that 20 percent of the 89,000 miners who arrived in California during the 1849 gold rush were dead within 6 months. Many died from disease, but others succumbed to drink and violence. Smoking, gambling, and heavy drinking became a cultural imperative, and those who were disinclined to indulge were considered social outcasts.

Over time, gender ratios equalized as more men brought families to the frontier, and children of both sexes were born. Many men died, returned home, or drifted elsewhere. By the mid-twentieth century, America’s overall male surplus was disappearing, and a balanced population helped bring down the crime rate.

According to Courtwright, rising violence rates in the 1960s and 1970s can be attributed to the fact that men were avoiding, delaying, or terminating marriage. In 1960 Americans spent an average of 62 percent of their lives with spouses and children, an all-time high; in 1980 they spent 43 percent with families, an all-time low. Both the illegitimacy and divorce rates began to spiral upward, guaranteeing that the number of poorly socialized and supervised children would increase dramatically. The inner-city urban ghetto became the frontier community of today. Gangs such as the Crips and Bloods in Los Angeles are the modern descendants of the Old West gangs of Jesse James and Butch Cassidy and the Sundance Kid’s Hole in the Wall Gang. And although the male-to-female ratio is more balanced than on

the western frontier, the presence of unsupervised, poorly socialized males, who have easy access to guns, drugs, and vice, has produced a crime rate of similar proportions. Violence rates have stabilized lately, but they may rise again as the decline in the family remains unchecked.

Courtwright’s analysis shows that violence is not a recent development and that demographic and cultural forces determine violent crime rates. It disputes the contention that some artifact of modern life, like violent films and TV, is causing American violence. The factors that predispose societies to violence can be found in demographic and cultural factors that are unique neither to our society nor to our times.

Critical Thinking

1. According to Courtwright, crime rates were exceedingly high in the nineteenth century before TV, movies, and rap videos had been created. What, if anything, does this say about the effect of media on crime?
2. What were some of the other factors that provoked violence? Do you think that these factors still cause violence today?

InfoTrac College Edition Research

If you are interested in reading more about the early history of violence in the West, look up: Margaret Walsh, “New Horizons for the American West,” *History Today* 44 (March 1994): 44.

Sources: David Courtwright, “Violence in America,” *American Heritage* 47 (1996): 36–52, quote at 36; David Courtwright, *Violent Land: Single Men and Social Disorder from the Frontier to the Inner City* (Cambridge, MA: Harvard University Press, 1996).

definitions to facilitate the prosecution of rape offenders. Such efforts have been only marginally effective in reducing rape rates, but there has been significant progress in overhauling rape laws and developing a vast social service network to aid victims.

1 Use "rape" as a subject guide to search for more information in InfoTrac College Edition.

History of Rape

Rape has been a recognized crime throughout history. It has been the subject of art, literature, film, and theater. Paintings such as the *Rape of the Sabine Women* by Nicolas Poussin, novels such as *Clarissa* by Samuel Richardson, poems such as *The Rape of Lucrece* by William Shakespeare, and films such as *The Accused* have sexual violence as their central theme.

In early civilization rape was common. Men staked a claim of ownership on women by forcibly abducting and raping them. This practice led to males' solidification of power and their historical domination of women.⁷⁵ Under Babylonian and Hebraic law, the rape of a virgin was a crime punishable by death. However, if the victim was married, then both she and her attacker were considered equally to blame, and unless her husband intervened, both were put to death.

During the Middle Ages, it was common for ambitious men to abduct and rape wealthy women in an effort to force them into marriage. The practice of "heiress stealing" illustrates how feudal law gave little thought or protection to women and equated them with property.⁷⁶ Only in the late fifteenth century, after a monetary economy developed, was forcible sex outlawed. Thereafter, the violation of a virgin caused an economic hardship on her family, who expected a significant dowry for her hand in marriage. However, the law only applied to the wealthy; peasant women and married women were not considered rape victims until well into the sixteenth century. The Christian condemnation of sex during this period was also a denunciation of women as evil, having lust in their hearts, and redeemable only by motherhood. A woman who was raped was almost automatically suspected of contributing to her attack.

Rape and the Military

Although rape has long been associated with military conquest, the nation was still stunned when in 1996 the national media revealed the presence of a "rape ring" at the Aberdeen Proving Grounds in Maryland. Nearly twenty noncommissioned officers were accused of raping and sexually harassing nineteen female trainees. The investigation prompted more than 5,000 female soldiers to call military hot lines to report similar behavior at Army bases around the country. The Army scandal was especially disturbing because it involved drill instructors, who are given almost total control over the lives of young female recruits and who depended on them for support, training, and nurturing.⁷⁷

The link between the military and rape is inescapable. Throughout recorded history, rape has been associated with armies and warfare. Soldiers of conquering armies have considered sexual possession of their enemies' women one of the spoils of war. Among the ancient Greeks, rape was socially acceptable within the rules of warfare. During the Crusades, even knights and pilgrims, ostensibly bound by vows of chivalry and Christian piety, took time to rape as they marched toward Constantinople.

The belief that women are part of the spoils of war has continued. During World War II the Japanese army forced as many as 200,000 Korean women into frontline brothels, where they were repeatedly raped. In a 1998 Japanese ruling, the surviving Korean women were awarded the equivalent of \$2,300 each in compensation.⁷⁸ The systematic rape of Bosnian and Kosovar women by Serbian army officers during the civil war in the former Yugoslavia horrified the world during the 1990s. These crimes seemed particularly atrocious because they appeared to be part of an official policy of genocide: Rape was deliberately used to impregnate Bosnian women with Serbian children.

|||||| CONNECTIONS |||

State-sponsored terrorism, often directed at minority groups who share some personal characteristic such as religion or ethnic background, will be discussed later in this chapter in the sections on political terrorism.

On March 9, 1998, Dragoljub Kunarac, 37, a former Bosnian Serb paramilitary commander, admitted before an international tribunal in the Netherlands that he had raped Muslim women during the Bosnian war in 1992. His confession made him the first person to plead guilty to rape as a war crime.⁷⁹ Human rights groups have estimated that more than 30,000 women and young girls were sexually abused in the Balkan fighting.

Though shocking, the war crimes discovered in Bosnia have not deterred conquering armies from using rape as a weapon. In 2004 pro-government militias in the Darfur region of Sudan were accused of using rape and other forms of sexual violence "as a weapon of war" to humiliate black African women and girls as well as the rebels fighting the Sudanese government in Khartoum.⁸⁰

Incidence of Rape

According to the most recent UCR data, about 93,000 rapes or attempted rapes were reported to U.S. police in 2003, a rate of about 32 per 100,000 inhabitants or more relevantly, 62 per 100,000 females.⁸¹ Like other violent crimes, the rape rate has been in a decade-long decline, and the 2003 totals are significantly below 1992 levels when 84 women per 100,000 were rape victims.

Population density influences the rape rate. Metropolitan areas today have rape rates significantly higher than

rural areas; nonetheless, urban areas have experienced a much greater drop in rape reports than rural areas. The police make arrests in slightly more than half of all reported rape offenses. Of the offenders arrested, about 46 percent were under 25 years of age, and 64 percent were white. The racial and age pattern of rape arrests has been fairly consistent for some time. Finally, rape is a warm-weather crime—most incidents occur during July and August, with the lowest rates occurring during December, January, and February.

These data must be interpreted with caution. According to the National Crime Victimization Survey (NCVS), rape is frequently underreported. For example, in 2003 the NCVS estimates that almost 200,000 rapes and attempted rapes took place, suggesting that almost two-thirds of rape incidents are not reported to police.⁸² Many people fail to report rapes because they are embarrassed, believe nothing can be done, or blame themselves. Some victims of sexual assaults may even question whether they have really been “raped”; research indicates that when the assault involved a boyfriend, if the woman was severely impaired by alcohol or drugs, or if the act involved oral or digital sex, the women were unlikely to label their situations as being a “real” rape.⁸³

Because other victim surveys indicate that at least 20 percent of adult women, 15 percent of college-aged women, and 12 percent of adolescent girls have experienced sexual abuse or assault at some time during their lives, it is evident that both official and victimization statistics significantly undercount rape.⁸⁴ However, like the UCR, the NCVS indicates that the rape rate has been in a sharp decline, falling 68 percent between 1993 and 2003.

Types of Rape and Rapists

Some rapes are planned, others are spontaneous; some focus on a particular victim, whereas others occur almost as an afterthought during the commission of another crime, such as a burglary. Some rapists commit a single crime, whereas others are multiple offenders; some attack alone, and others engage in group or gang rapes.⁸⁵ Because there is no single type of rape or rapist, criminologists have attempted to define and categorize the vast variety of rape situations.

Criminologists now recognize that there are numerous motivations for rape and as a result various types of rapists. One of the best-known attempts to classify the personalities of rapists was made by psychologist A. Nicholas Groth, an expert on classifying and treating sex offenders. According to Groth, every rape encounter contains at least one of these three elements: anger, power, and sadism.⁸⁶ Consequently, rapists can be classified according to one of the three dimensions described in Exhibit 10.1. In treating rape offenders, Groth found that about 55 percent were of the power type; about 40 percent, the anger type; and about 5 percent, the sadistic type. Groth’s major contribution has been his recognition that rape is generally a crime of violence, not a sexual act. In all of these circumstances, rape involves a violent criminal offense in which a predatory criminal chooses to attack a victim.⁸⁷

Varieties of Forcible Rape

- *Anger rape:* This rape occurs when sexuality becomes a means of expressing and discharging pent-up anger and rage. The rapist uses far more brutality than would have been necessary if his real objective had been simply to have sex with his victim. His aim is to hurt his victim as much as possible; the sexual aspect of rape may be an afterthought. Often the anger rapist acts on the spur of the moment after an upsetting incident has caused him conflict, irritation, or aggravation. Surprisingly, anger rapes are less psychologically traumatic for the victim than might be expected. Because a woman is usually physically beaten during an anger rape, she is more likely to receive sympathy from her peers, relatives, and the justice system and consequently be immune from any suggestion that she complied with the attack.
- *Power rape:* This type of rape involves an attacker who does not want to harm his victim as much as he wants to possess her sexually. His goal is sexual conquest, and he uses only the amount of force necessary to achieve his objective. The power rapist wants to be in control, to be able to dominate women and have them at his mercy. Yet it is not sexual gratification that drives the power rapist; in fact, he often has a consenting relationship with his wife or girlfriend. Rape is instead a way of putting personal insecurities to rest, asserting heterosexuality, and preserving a sense of manhood. The power rapist’s victim usually is a woman equal in age to or younger than the rapist. The lack of physical violence may reduce the support given the victim by family and friends. Therefore, the victim’s personal guilt over her rape experience is increased—perhaps, she thinks, she could have done something to get away.
- *Sadistic rape:* This type of rape involves both sexuality and aggression. The sadistic rapist is bound up in ritual—he may torment his victim, bind her, or torture her. Victims are usually related, in the rapist’s view, to a personal characteristic that he wants to harm or destroy. The rape experience is intensely exciting to the sadist; he gets satisfaction from abusing, degrading, or humiliating his captive. Sadistic rape is particularly traumatic for the victim. Victims of such crimes need psychiatric care long after their physical wounds have healed.

Source: A. Nicholas Groth and Jean Birnbaum, *Men Who Rape* (New York: Plenum Press, 1979).

GANG VERSUS INDIVIDUAL RAPE Some research studies estimates that as many as 25 percent or more of rapes involve multiple offenders.⁸⁸ There is generally little difference in the demographic characteristics of single- or multiple-victim rapes. However, women who are attacked by multiple offenders are subject to more violence, such as beatings and the use of weapons, and the rapes are more likely to be completed than individual rapes. However, gang rape victims are more likely to resist and face injury than those attacked by single offenders. Gang rape victims are more likely to call police, to seek therapy, and to contemplate suicide. **Gang rapes** then, as might be expected, are more severe in violence and outcome.



Some rapists are one-time offenders, but others engage in multiple or serial rapes over a long period of time. Research shows that serial rapists tend to be white males who are typically older than the norm. A Miami police poster shows information relating to a suspect wanted in at least seven rapes since September 2002. According to police, this serial rapist has been linked to attacks on females ranging in age from 11 to 79.

© Getty Images

SERIAL RAPE Some rapists are one-time offenders, but others engage in multiple or **serial rapes**. Some serial rapists constantly increase their use of force; others do not. Research by Janet Warren and her associates determined that increasers (about 25 percent of serial rapists) tend to be white males who attack multiple victims who are typically older than the norm. During these attacks, the rapist uses excessive profanity and takes more time than during typical rapes. Increasers have a limited criminal history for other crimes, a fact suggesting that their behavior is focused almost solely on sexual violence.⁸⁹

Some serial rapists commit “blitz rapes,” in which they attack their victims without warning, whereas others try to “capture” their victims by striking up a conversation or offering them a ride. Others use personal or professional relationships to gain access to their targets.⁹⁰ For example, police officers and other criminal justice personnel have been accused of using their authority to force citizens into sexual encounters. Police officers have been implicated in using telescopes to spy on women in their homes, performing unnecessary strip searches, and forcing women to have sexual relations in lieu of arrest or other official action.⁹¹ Similarly, male correctional workers in female prisons have been accused of trading privileges for sexual favors from inmates, using their power to gain sexual access.

ACQUAINTANCE RAPE **Acquaintance rape** involves someone known to the victim, including family members and friends. Included within acquaintance rapes are the subcategories of **date rape**, which involves a sexual attack during a courting relationship; **statutory rape**, in which the victim is underage; and **marital rape**, which is forcible sex between people who are legally married to each other.

It is difficult to estimate the ratio between rapes involving strangers and those in which victim and assailant are in

some way acquainted because women may be more reluctant to report acts involving acquaintances. By some estimates, about 50 percent of rapes involve acquaintances.⁹² Stranger rapes are typically more violent than acquaintance rapes; attackers are more likely to carry a weapon, threaten the victim, and harm her physically. However, stranger rapes may be less likely to be prosecuted than acquaintance rapes because victims may be more reluctant to recount their ordeal at trial if the attack involved a stranger than if their attacker was someone they knew or had been involved with in an earlier relationship.⁹³

DATE RAPE Although official crime data indicate that most rapists and victims are strangers to each other, it is likely that acquaintance rapes constitute the bulk of sexual assaults. One disturbing trend of rape involves people who are in some form of courting relationship. There is no single form of date rape. Some occur on first dates, others after a relationship has been developing, and still others occur after the couple has been involved for some time. In long-term or close relationships, the male partner may feel he has invested so much time and money in his partner that he is owed sexual relations or that sexual intimacy is an expression that the involvement is progressing. He may make comparisons to other couples who have dated as long and are sexually active.⁹⁴ Some use a variety of strategies to coerce sex, including getting their dates drunk, threatening them with termination of the relationship, threatening to disclose negative information, making them feel guilty, or uttering false promises (like “we’ll get engaged”) to obtain sex.⁹⁵

Date rape is believed to be frequent on college campuses. It has been estimated that 15 percent to 20 percent of all college women are victims of rape or attempted rape. One self-report survey conducted on a midwestern campus found that 100 percent of all rapists knew their victims beforehand.⁹⁶

The actual incidence of date rape may be even higher than surveys indicate, because many victims blame themselves and do not recognize the incident as a rape, saying, for example, “I should have fought back harder” or “I shouldn’t have gotten drunk.”⁹⁷

Despite their seriousness and prevalence, fewer than one in ten date rapes may be reported to police. Some victims do not report because they do not view their experience as a “real rape,” which, they believe, involves a strange man “jumping out of the bushes.” Other victims are embarrassed and frightened. Many tell their friends about their rape while refusing to let authorities know what happened; reporting is most common in the most serious cases, for example, when a weapon is used; it is less common when drugs and alcohol are involved.⁹⁸

In sum, Coercive sexual encounters have become disturbingly common in our culture. As criminologist Martin Schwartz has stated:

The conclusion is inescapable that a very substantial minority of women on American college campuses have experienced an event which would fit most states’ definitions of felony rape or sexual assault.⁹⁹

Does watching films that degrade women influence the commission of date rape? To find out, read: Michael Milburn, Roxanne Mather, and Sheree D. Conrad, “The Effects of Viewing R-Rated Movie Scenes that Objectify Women on Perceptions of Date Rape,” *Sex Roles: A Journal of Research* (November 2000): 645.

MARITAL RAPE In 1978 Greta Rideout filed rape charges against her husband John. This Oregon case grabbed headlines because it was the first in which a husband was prosecuted for raping his wife while sharing a residence with her. John was acquitted, and the couple briefly reconciled; later, continued violent episodes culminated in divorce and a jail term for John.¹⁰⁰

Traditionally, a legally married husband could not be charged with raping his wife; this was referred to as the **marital exemption**. The origin of this legal doctrine can be traced to the sixteenth-century pronouncement of Matthew Hale, England’s chief justice, who wrote

But the husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto the husband which she cannot retract.¹⁰¹

However, research indicates that many women are raped each year by their husbands as part of an overall pattern of spousal abuse, and they deserve the protection of the law. Although popular myth, illustrated by Rhett Butler overcoming the objections of his reluctant bride Scarlett O’Hara in the classic film *Gone With the Wind*, says that marital rapes are the result of “healthy male sexuality,” the reality is quite the opposite. Many spousal rapes are accompanied by brutal, sadistic beatings and have little to do with normal sexual

interests.¹⁰² Not surprisingly, the marital exemption has undergone significant revision. In 1980, only three states had laws against marital rape; today almost every state recognizes marital rape as a crime.¹⁰³ Piercing the marital exemption is not unique to U.S. courts; it has also been abolished in Canada, Israel, Scotland, and New Zealand.¹⁰⁴ However, although marital rape is now recognized, most states do not give wives the same legal protection as they would nonmarried couples, and when courts do recognize marital rape, the perpetrators are sanctioned less harshly than are those accused of nonmarital sexual assaults. For example, some will only prosecute when women suffer severe physical harm.¹⁰⁵

STATUTORY RAPE The term *statutory rape* refers to sexual relations between an underage minor female and an adult male. Although the sex is not forced or coerced, the law says that young girls are incapable of giving informed consent, so the act is legally considered nonconsensual. Typically a state’s law will define an age of consent above which there can be no criminal prosecution for sexual relations. Although each state is different, most evaluate the age differences between the parties to determine whether an offense has taken place. For example, Indiana law mandates prosecution of men aged 21 or older who have consensual sex with girls younger than 14. In some states, defendants can claim they mistakenly assumed their victims were above the age of consent, whereas in others, “mistake-of-age” defenses are ignored. An American Bar Association (ABA) survey found that prosecution is often difficult in statutory rape cases because the young victims are reluctant to testify. Often parents have given their blessing to the relationships, and juries are reluctant to convict men involved in consensual sex even with young teenaged girls. The ABA report calls for stricter enforcement of these cases, noting that many states are already toughening their laws by raising the age of consent to protect minors from the psychological scars of precocious sexuality with an older predatory partner.¹⁰⁶

To read a report on a victim-oriented approach to dealing with **statutory rape**, go to <http://www.ojp.usdoj.gov/ovc/publications/infores/statutoryrape/trainingguide/welcome.html>. For an up-to-date list of web-links, go to http://cj.wadsworth.com/siegel_crim_9e.

The Causes of Rape

What factors predispose some men to commit rape? Criminologists’ responses to this question are almost as varied as the crime itself. However, most explanations can be grouped into a few consistent categories.

EVOLUTIONARY, BIOLOGICAL FACTORS One explanation for rape focuses on the evolutionary, biological aspects of the male sexual drive. This perspective suggests that rape may be instinctual, developed over the ages as a means of perpetuating the species. In more primitive times, forcible sexual contact may have helped spread genes and maximize offspring.

Some believe that these prehistoric drives remain: Males still have a natural sexual drive that encourages them to have intimate relations with as many women as possible.¹⁰⁷ The evolutionary view is that the sexual urge corresponds to the unconscious need to preserve the species by spreading one's genes as widely as possible. Men who are sexually aggressive will have a reproductive edge over their more passive peers. In contrast, women are more cautious and want stable partners who seem willing to make a long-term commitment to childrearing. This difference produces sexual tension that causes men to employ forceful copulatory tactics, especially when the chance of punishment is low.¹⁰⁸ Rape is bound up with sexuality as well as violence because, according to biosocial theorist Lee Ellis, the act involves the "drive to possess and control others to whom one is sexually attracted."¹⁰⁹

MALE SOCIALIZATION In contrast to the evolutionary biological view, some researchers argue that rape is a function of modern male socialization. Some men have been socialized to be aggressive with women and believe that the use of violence or force is legitimate if their sexual advances are rebuffed—that is, "women like to play hard to get and expect to be forced to have sex." Those men who have been socialized to believe that "no means yes" are more likely to be sexually aggressive.¹¹⁰ The use of sexual violence is aggravated if pro-force socialization is reinforced by peer group members who share similar values.¹¹¹

Diana Russell, a leading expert on sexual violence, suggests that rape is actually not a deviant act but one that conforms to the qualities regarded as masculine in U.S. society.¹¹² Russell maintains that from an early age boys are taught to be aggressive, forceful, tough, and dominating. Men are taught to dominate at the same time that they are led to believe that women want to be dominated. Russell describes the **virility mystique**—the belief that males must separate their sexual feelings from needs for love, respect, and affection. She believes men are socialized to be the aggressors and expect to be sexually active with many women; consequently, male virginity and sexual inexperience are shameful. Similarly, sexually aggressive women frighten some men and cause them to doubt their own masculinity. Sexual insecurity may lead some men to commit rape to bolster their self-image and masculine identity.¹¹³

Feminists suggest that as the nation moves toward gender equality there may be an immediate increase in rape rates because of increased threats to male virility and dominance. However, in the long term, gender equality will reduce rape rates because there will be an improved social climate toward women.¹¹⁴

HYPERMASCULINITY If rape is an expression of male anger and devaluation of women and not an act motivated by sexual desire, it follows that men who hold so-called macho attitudes will be more likely to engage in sexual violence. **Hypermasculine** men typically have a callous sexual attitude and believe violence is manly. They perceive danger as exciting and are overly sensitive to insult and ridicule. They are

also impulsive, more apt to brag about sexual conquests, and more likely to lose control, especially when using alcohol.¹¹⁵ These men are quicker to anger and more likely to be sexually aggressive. In fact, the sexually aggressive male may view the female as a legitimate victim of sexual violence.

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Recall that Chapter 8 described how the need to prove masculinity helps men justify their abuse of women. Sexually violent men, the argument goes, are viewed as virile and masculine by their peers.

PSYCHOLOGICAL ABNORMALITY Another view is that rapists suffer from some type of personality disorder or mental illness. Research shows that a significant percentage of incarcerated rapists exhibit psychotic tendencies, and many others have hostile, sadistic feelings toward women.¹¹⁶ A high proportion of serial rapists and repeat sexual offenders exhibit psychopathic personality structures.¹¹⁷ There is evidence linking rape proclivity with **narcissistic personality disorder**, a pattern of traits and behaviors that indicate infatuation and fixation with one's self to the exclusion of all others and the egotistic and ruthless pursuit of one's gratification, dominance, and ambition.¹¹⁸

SOCIAL LEARNING This perspective submits that men learn to commit rapes much as they learn any other behavior. For example, sexual aggression may be learned through interaction with peers who articulate attitudes supportive of sexual violence.¹¹⁹

Nicholas Groth found that 40 percent of the rapists he studied were sexually victimized as adolescents.¹²⁰ A growing body of literature links personal sexual trauma with the desire to inflict sexual trauma on others.¹²¹ Watching violent or pornographic films featuring women who are beaten, raped, or tortured has been linked to sexually aggressive behavior in men.¹²² In one startling case, a 12-year-old Providence, Rhode Island, boy sexually assaulted a 10-year-old girl on a pool table after watching television trial coverage of a case in which a woman was similarly raped (the incident was made into a film, *The Accused*, starring Jodie Foster).¹²³

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This view will be explored further in Chapter 13 when the issue of pornography and violence is analyzed in greater detail. Most research does not show that watching pornography is directly linked to sexual violence, but there may be a link between sexual aggression and viewing movies with sexual violence as their theme.

SEXUAL MOTIVATION Most criminologists believe rape is a violent act that is not sexually motivated. Yet it might be premature to dismiss the sexual motive from all rapes.¹²⁴ NCVS data reveal that rape victims tend to be young and that

rapists prefer younger, presumably more attractive, victims. Data show an association between the ages of rapists and their victims, indicating that men choose rape targets of approximately the same age as consensual sex partners. And, although younger criminals are usually the most violent, older rapists tend to harm their victims more than younger rapists. This pattern indicates that older criminals may rape for motives of power and control, whereas younger offenders may be seeking sexual gratification and may therefore be less likely to harm their victims.

Rape and the Law

Of all violent crimes, none has created such conflict in the legal system as rape. Even if women choose to report sexual assaults to police, they are often initially reluctant because of the sexist fashion in which rape victims are treated by police, prosecutors, and court personnel and the legal technicalities that authorize invasion of women's privacy when a rape case is tried in court. Police officers may be hesitant to make arrests and testify in court when the alleged assaults do not yield obvious signs of violence or struggle (presumably showing the victim strenuously resisted the attack). Police are also loath to testify on the victim's behalf if she had previously known or dated her attacker. Some state laws have made rape so difficult to prove that women believe the slim chance that their attacker will be convicted is not sufficient to warrant their participation in the legal process. However, police and courts are now becoming more sensitive to the plight of rape victims and are just as likely to investigate acquaintance rapes as they are **aggravated rapes** involving multiple offenders, weapons, and victim injuries. In some jurisdictions, the justice system takes all rape cases seriously and does not ignore those in which victim and attacker have had a prior relationship or those that did not involve serious injury.¹²⁵

PROVING RAPE Proving guilt in a rape case is extremely challenging for prosecutors. Some male psychiatrists and therapists still maintain that women fantasize that a rape has occurred and therefore may falsely accuse their alleged attackers. Defense lawyers may claim that the rape charge against their client was motivated by jealousy, false marriage proposals, or pregnancy. When famous people and celebrities are accused of rape, the defense may be quick to suggest a financial motive. For example, before it was settled, Kobe Bryant's defense attorneys claimed his accuser was pursuing the case in part because she has received nearly \$20,000 from the state's victims' compensation fund.¹²⁶

Although the law does not recognize it, jurors are sometimes swayed by the insinuation that the rape was victim precipitated; thus the blame is shifted from rapist to victim. To get a conviction, prosecutors must establish that the act was forced and violent and that no question of voluntary compliance exists. They may be reluctant to prosecute cases where they have questions about the victim's moral character or if they believe that the victim's demeanor and attitude will turn off the jury and undermine the chance of conviction.¹²⁷ For

example, prosecutors may be more willing to bring charges in interracial rape cases because they know that juries are more likely to believe victims and convict defendants in cases involving interracial rape than in intraracial rape.¹²⁸

As well, there is always fear that a frightened and traumatized victim may identify the wrong man, which happened in the case of Dennis Maher, a Massachusetts man freed in 2003 after spending more than nineteen years in prison for rapes he did not commit. Though three victims provided eyewitness identification at trial, DNA testing proved that Maher could not have been the rapist.¹²⁹

CONSENT Rape represents a major legal challenge to the criminal justice system for a number of reasons.¹³⁰ One issue involves the concept of **consent**. It is essential to prove that the attack was forced and that the victim did not give voluntary consent to her attacker. In a sense, the burden of proof is on the victim to show that her character is beyond question and that she in no way encouraged, enticed, or misled the accused rapist.

Proving victim dissent is not a requirement in any other violent crime. For example, robbery victims do not have to prove they did not entice their attackers by flaunting expensive jewelry; yet the defense counsel in a rape case can create reasonable doubt about the woman's credibility. A common defense tactic is to introduce suspicion in the minds of the jury that the woman may have consented to the sexual act and later regretted her decision. Conversely, it is difficult for a prosecuting attorney to establish that a woman's character is so impeccable that the absence of consent is a certainty. Such distinctions are important in rape cases because male jurors may be sympathetic to the accused if the victim is portrayed as unchaste. Referring to the woman as "sexually liberated" or "promiscuous" may be enough to result in exoneration of the accused, even if violence and brutality were used in the attack.¹³¹ Research shows that even when a defendant is found guilty in a sexual assault case, his punishment is significantly reduced if the victim is believed to have negative personal characteristics such as being a transient, hitchhiker, alone in a bar, or a drug and alcohol abuser.¹³²

REFORM Because of the difficulty rape victims have in obtaining justice, rape laws have been changing around the country. Efforts for reform include changing the language of statutes, dropping the condition of victim resistance, and changing the requirement of use of force to include the threat of force or injury.¹³³ A number of states and the federal government have replaced rape laws with the more gender-neutral term "crimes of sexual assault."¹³⁴ Sexual assault laws outlaw any type of forcible sex, including homosexual rape.¹³⁵

Most states and the federal government have developed **shield laws**, which protect women from being questioned about their sexual history unless it directly bears on the case. In some instances these laws are quite restrictive, whereas in others they grant the trial judge considerable discretion to admit prior sexual conduct in evidence if it is deemed relevant

for the defense. In an important 1991 case, *Michigan v. Lucas*, the U.S. Supreme Court upheld the validity of shield laws and ruled that excluding evidence of a prior sexual relationship between the parties did not violate the defendant's right to a fair trial.¹³⁶

In addition to requiring evidence that consent was not given, the common law of rape required *corroboration* that the crime of rape actually took place. This involved the need for independent evidence from police officers, physicians, and witnesses that the accused was actually the person who committed the crime, that sexual penetration took place, and that force was present and consent absent. This requirement shielded rapists from prosecution in cases where the victim delayed reporting the crime or in which physical evidence had been compromised or lost. Corroboration is no longer required except under extraordinary circumstances, such as when the victim is too young to understand the crime, has had a previous sexual relationship with the defendant, or gives a version of events that is improbable and self-contradictory.¹³⁷

The federal government may have given rape victims another source of redress when it passed the Violence Against Women Act in 1994. This statute allows rape victims to sue in federal court on the grounds that sexual violence violates their civil rights; the provisions of the act have so far been upheld by appellate courts.¹³⁸

THE LIMITS OF REFORM Despite these reform efforts, prosecutors may be influenced in their decision to bring charges by the circumstances of a crime.¹³⁹ The victim must still establish her intimate, detailed knowledge of the act for her testimony to be believed in court. This may include searching questions about her assailant's appearance, the location in which the crime took place, and the nature of the physical assault. When Cassia Spohn and David Holleran studied prosecutors' decisions in rape cases, they found that perception of the victim's character was still a critical factor in their decision to file charges. In cases involving acquaintance rape, prosecutors were reluctant to file charges when the victim's character was questioned—for example, when police reports described the victim as sexually active or engaged in sexually oriented occupations such as “stripper.” In stranger cases, prosecutors were more likely to take action if a gun or knife was used. Spohn and Holleran conclude that prosecutors are still influenced by perceptions of what constitutes “real rape” and who are “real victims.”¹⁴⁰



To quiz yourself on this material, go to the Criminology 9e website.

MURDER AND HOMICIDE

Murder is defined in common law as “the unlawful killing of a human being with malice aforethought.”¹⁴¹ It is the most serious of all common-law crimes and the only one that can still be punished by death. Western society's abhorrence of

murderers is illustrated by the fact that there is no statute of limitations in murder cases. Whereas state laws limit prosecution of other crimes to a fixed period, usually 7 to 10 years, accused killers can be brought to justice at any time after their crimes were committed. An example of the law's reach in these cases is the murder conviction of George Franklin on January 29, 1990. Franklin's daughter, Eileen Franklin-Lipsker, told legal authorities that in recent psychotherapy sessions she had remembered how her father sexually assaulted and killed her 8-year-old friend. The murder had taken place in 1969, more than twenty years earlier.¹⁴²

To legally prove that a murder has taken place, most state jurisdictions require prosecutors to show that the accused maliciously intended to kill the victim. “Express or actual malice” is the state of mind assumed to exist when someone kills another person in the absence of any apparent provocation. “Implied or constructive malice” is considered to exist when a death results from negligent or unthinking behavior. In these cases, even though the perpetrator did not wish to kill the victim, the killing resulted from an inherently dangerous act and therefore is considered murder. An unusual example of this concept is the attempted murder conviction of Ignacio Perea, an AIDS-infected Miami man who kidnapped and raped an 11-year-old boy. Perea was sentenced to up to 25 years in prison when the jury agreed with the prosecutor's contention that the AIDS virus is a deadly weapon.¹⁴³

Degrees of Murder

There are different levels or degrees of homicide.¹⁴⁴ *First-degree murder* occurs when a person kills another after premeditation and deliberation. **Premeditation** means that the killing was considered beforehand and suggests that it was motivated by more than a simple desire to engage in an act of violence. **Deliberation** means the killing was planned after careful thought rather than carried out on impulse: “To constitute a deliberate and premeditated killing, the slayer must weigh and consider the question of killing and the reasons for and against such a choice; having in mind the consequences, he decides to and does kill.”¹⁴⁵ The planning implied by this definition need not be a long process; it may be an almost instantaneous decision to take another's life. Also, a killing accompanying a felony, such as robbery or rape, usually constitutes first-degree murder (**felony murder**).

Second-degree murder requires the killer to have malice aforethought but not premeditation or deliberation. A second-degree murder occurs when a person's wanton disregard for the victim's life and his or her desire to inflict serious bodily harm on the victim result in the victim's death.

Homicide without malice is called **manslaughter** and is usually punished by anywhere from 1 to 15 years in prison. **Voluntary** or **nonnegligent manslaughter** refers to a killing committed in the heat of passion or during a sudden quarrel that provoked violence. Although intent may be present, malice is not. **Involuntary** or **negligent manslaughter** refers

to a killing that occurs when a person's acts are negligent and without regard for the harm they may cause others. Most involuntary manslaughter cases involve motor vehicle deaths—for example, when a drunk driver kills a pedestrian. However, one can be held criminally liable for the death of another in any instance where disregard of safety kills.

One of the most famous cases illustrating the difference between murder and manslaughter occurred on January 26, 2001, when Diane Whipple, a San Francisco woman, died after two large bull mastiff dogs attacked her in the hallway of her apartment building. The dogs' owners—Marjorie Knoller and her husband Robert Noel—were charged with second-degree murder and involuntary manslaughter, respectively. Knoller faced the more severe charge of second-degree murder because she was present during the attack. After the couple's conviction on March 21, 2002, Judge James Warren overturned the murder conviction of Diane Knoller and instituted one of manslaughter. He stated that Knoller could not have known that her two dogs would fatally attack Whipple, and therefore the facts did not support the charge of second-degree murder.¹⁴⁶ Nonetheless, the case involved manslaughter because the couple knew the dogs were dangerous and did not exercise the proper precautions to ensure they would not attack people.

“BORN AND ALIVE” One issue that has received national attention is whether a murder victim can be a fetus that has not yet been delivered; this is referred to as **feticide**. In some instances, fetal harm involves a mother whose behavior endangers an unborn child; in other cases, feticide results from the harmful action of a third party.

Some states have prosecuted women for endangering or killing their unborn fetuses by their drug or alcohol abuse. Some of these convictions have been overturned because the law applies only to a “human being who has been born and is alive.”¹⁴⁷ At least 200 women in thirty states have been arrested and charged in connection with harming (though not necessarily killing) a fetus; appellate courts have almost universally overturned such convictions on the basis that they were without legal merit or were unconstitutional.¹⁴⁸ However, in *Whitner v. State*, the Supreme Court of South Carolina ruled that a woman could be held liable for actions during pregnancy that could affect her viable fetus.¹⁴⁹ In holding that a fetus is a “viable person,” the court opened the door for a potential homicide prosecution if a mother's action resulted in fetal death.

State laws more commonly allow prosecutions for murder when a third party's actions kill a fetus. Four states (Illinois, Missouri, South Dakota, and West Virginia) extend wrongful death action to the death of any fetus, whereas the remaining states require that the fetus be viable. A viable fetus is able to live outside the mother's body; therefore, the law extends the definition of murder to a fetus that is born alive but dies afterward due to injuries sustained in utero.¹⁵⁰ In a Texas case, a man was convicted of manslaughter in the death of a baby who was delivered prematurely after he caused an auto accident while intoxicated. It was one of the

first cases to hold that a person can be held criminally liable for harming an unborn child.¹⁵¹

The Nature and Extent of Murder

It is possible to track U.S. murder rate trends from 1900 to the present with the aid of coroners' reports and UCR data. The murder rate peaked in 1933, a time of high unemployment and lawlessness, and then fell until 1958. The homicide rate doubled from the mid-1960s to the late 1970s and then peaked at 10.2 per 100,000 population in 1980. After a brief decline, the murder rate rose again in the late 1980s and early 1990s to a peak of 9.8 per 100,000 in 1991. Since then, the rate has declined, to about 5.76 per 100,000 in 2003—a decline of about 33 percent between 1992 and 2003. Although this is a welcome development, about 16,500 citizens were murdered in 2003. Preliminary 2004 data indicates murder declined more than 5 percent in 2004.

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Is it possible that the recent decline in the murder rate is linked to a relatively mundane factor such as improved healthcare? Read about Anthony Harris's study on the effects of improved healthcare on the murder rate in the feature “Explaining Crime Trends” in Chapter 2.

What else do official crime statistics tell us about murder today? Murder tends to be an urban crime. More than half of the homicides occur in cities with a population of 100,000 or more.¹⁵² Almost one-quarter of homicides occur in cities with a population of more than 1 million. Not surprisingly, murder in urban areas is more commonly crime- and gang-related than in less populated areas. Large cities are much more commonly the site of drug-related killings, gang-related murders, and relatively less likely the location of family-related homicides, including murders of intimates.

Murder victims and offenders tend to be males. Males represent more than 75 percent of homicide victims and nearly 90 percent of offenders. In terms of rates per 100,000, males are three times more likely to be killed, and eight times more likely to commit homicide than are females. Approximately one-third of murder victims and almost half the offenders are under the age of 25. For both victims and offenders, the rate per 100,000 peaks in the 18- to 24-year-old age group.

Slightly less than half of all victims are African Americans and slightly less than half are white. African Americans are disproportionately represented as both homicide victims and offenders. They are six times more likely to be victimized and eight times more likely to commit homicide than are whites. Murder, like rape, tends to be an intraracial crime; about 90 percent of victims are slain by members of their own race. Similarly, people arrested for murder are generally young (under 35) and male (about 90 percent), a pattern that has proved consistent over time.

Some murders involve very young children, a crime referred to as **infanticide**, and others involve senior citizens, referred to as **eldercide**.¹⁵³ The younger the child, the greater the risk of infanticide. At the opposite end of the age spectrum, less than 5 percent of all homicides involve people age 65 or older. Males age 65 or older were more likely than females of the same age to be homicide victims. Although most of the offenders who committed eldercide were age 50 or younger, elderly females were more likely than elderly males to be killed by an elderly offender.¹⁵⁴

Today few would deny that some relationship exists between social and ecological factors and murder. The following section explores some of the more important issues related to these factors.

Murderous Relations

One factor that has received a great deal of attention from criminologists is the relationship between the murderer and the victim.¹⁵⁵ Most criminologists generally agree that murders can be separated into those involving strangers, typically stemming from a felony attempt such as a robbery or drug deal, and acquaintance homicides involving disputes between family, friends, and acquaintances.¹⁵⁶ The quality of relationships and interpersonal interactions, then, may influence murder.

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Recall from Chapter 3 the discussion of victim precipitation. The argument made by some criminologists is that murder victims help create the “transactions” that lead to their death.

SPOUSAL RELATIONS The rate of homicide among cohabitating couples has declined significantly during the past two decades, a finding that can be attributed to the shift away from marriage in modern society. There are, however, significant gender differences in homicide trends among unmarried people. The number of unmarried men killed by their partners has declined (mirroring the overall trend in the murder rate), but the number of women killed by the men they live with has increased dramatically.

It is possible that men kill their spouses or partners because they fear losing control and power. Because unmarried people who live together have a legally and socially more open relationship, males in such relationships may be more likely to feel loss of control and exert their power with violence.¹⁵⁷

Research indicates that most females who kill their mates do so after suffering repeated violent attacks.¹⁵⁸ Perhaps the number of males killed by their partners has declined because alternatives to abusive relationships, such as battered women’s shelters, are becoming more prevalent around the United States. Regions that provide greater social support for battered women and that have passed legislation to protect abuse victims also have lower rates of female-perpetrated homicide.¹⁵⁹

Some people kill their mates because they find themselves involved in a love triangle.¹⁶⁰ Interestingly, women who kill out of jealousy aim their aggression at their partners; in contrast, men are more likely to kill their mates’ suitors. Love triangles tend to become lethal when the offenders believe they have been lied to or betrayed. Lethal violence is more common when (1) the rival initiated the affair, (2) the killer knew the spouse was already in a steady relationship outside the marriage, and (3) the killer was repeatedly lied to or betrayed.¹⁶¹

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It is possible that men who perceive loss of face aim their aggression at rivals who are competing with them for a suitable partner. Biosocial theory (Chapter 5) suggests that this behavior is motivated by the male’s instinctual need to replenish the species and protect his place in the gene pool. Killing a rival would help a spouse maintain control over a potential mother for his children.

PERSONAL RELATIONS Most murders occur among people who are acquainted. Although on the surface the killing might have seemed senseless, it often is the result of a long-simmering dispute motivated by revenge, dispute resolution, jealousy, drug deals, racial bias, or threats to identity or status.¹⁶² For example, a prior act of violence, motivated by profit or greed, may generate revenge killing, such as when a buyer robs his dealer during a drug transaction.

How do these murderous relations develop between two people who may have had little prior conflict? In a classic study, David Luckenbill studied murder transactions to determine whether particular patterns of behavior are common between the killer and the victim.¹⁶³ He found that many homicides follow a sequential pattern. First, the victim makes what the offender considers an offensive move. The offender typically retaliates verbally or physically. An agreement to end things violently is forged with the victim’s provocative response. The battle ensues, leaving the victim dead or dying. The offender’s escape is shaped by his or her relationship to the victim or the reaction of the audience, if any (Figure 10.2).

STRANGER RELATIONS While in the past people seemed to kill someone they knew or were related to, over the past decade, the number of stranger homicides has increased. Today more than half of murderers are strangers to their victims, a significant increase from years past. Stranger homicides occur most often as felony murders during rapes, robberies, and burglaries. Others are random acts of urban violence that fuel public fear. For example, a homeowner tells a motorist to move his car because it is blocking the driveway, an argument ensues, and the owner gets a pistol and kills the motorist; or consider a young boy who kills a store manager because, he says, “something came into my head to hurt the lady.”¹⁶⁴

Why do stranger killings now make up a greater percentage of all murders than in years past? It is possible that

Murder Transactions



The victim makes an offensive move.



The offender retaliates.



The victim responds provocatively.



The offender escapes.



The victim is killed.



A battle ensues.

tough new sentencing laws, such as the three strikes laws used in California and other habitual criminal statutes are responsible. These laws mandate that a “three-time loser” be given a life sentence if convicted of multiple felonies. It is possible, as Tomislav Kovandzic and his associates found, that these laws encourage criminals to kill while committing burglaries and robberies. Why hesitate to kill now because if they are caught they will receive a life sentence anyway.¹⁶⁵

STUDENT RELATIONS Sadly, violence in schools has become commonplace. About 90 percent of all schools with 1,000 or more students experience a violent incident each year.¹⁶⁶ Violence and bullying have become routine; surveys indicate that more than 16 percent of U.S. schoolchildren have been bullied by other students during the current school term, and approximately 30 percent of 6th- through 10th-grade students reported being involved in some aspect of moderate to frequent bullying, either as a bully, the target of bullying, or both.¹⁶⁷ Sometimes violence and bullying can escalate into a school shooting, such as the Columbine High School massacre, which resulted in the deaths of fifteen people.

To read about some of the more publicized **school shootings**, go to <http://www.washingtonpost.com/wpsrv/national/longterm/juvmurders/timeline.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

While relatively rare, these incidents may be expected because up to 10 percent of students report bringing weapons to school on a regular basis.¹⁶⁸ Many of these kids have a history of being abused and bullied; many perceive a lack of support from peers, parents, and teachers.¹⁶⁹ Kids who have been the victims of crime themselves and who hang with peers who carry weapons are the ones most likely to bring guns to school.¹⁷⁰ Troubled kids with little social support but carrying deadly weapons make for an explosive situation.

Research shows that most shooting incidents occur around the start of the school day, the lunch period, or the end of the school day.¹⁷¹ In most of the shootings (55 percent), a note, threat, or other action indicating risk for violence occurred prior to the event. Shooters were also likely to have expressed some form of suicidal behavior and to have been bullied by their peers.¹⁷²

In some shooting incidents, the perpetrators claim to have been picked on and bullied by the school's star athletes. Did you know that in sports a team reflects the personality of the coach? If the coach is very aggressive, players may follow this example. To research the effects of coaching on team violence, use “sports violence” as a key word in InfoTrac College Edition. You may want to read this article as well: Edgar Shields, “Intimidation and Violence by Males in High School Athletics,” *Adolescence* 34 (fall 1999): 503.

Mass Murder and Serial Killing

Criminologists Jack Levin and James Alan Fox have written extensively on two of the most frightening aspects of modern violence—mass murder and serial killing.

According to Levin and Fox, it is difficult to estimate the number and extent of serial killings, but a reasoned estimate is that up to twenty serial killers are active in a given year, accounting for up to 240 killings or about 1 percent of the total number of homicides.

There are different types of serial killers. Some wander the countryside killing at random; others stay in their hometowns and lure victims to their death. Theodore Bundy, convicted killer of three young women and suspected killer of many others, roamed the country in the 1970s, killing as he went. Wayne Gacy, during the same period, killed more than thirty boys and young men without leaving Chicago. Although these men share many characteristics with the general population, one special trait stands out: Serial killers are exceptionally skillful in how they present themselves. Based on appearances, they seem beyond suspicion.

Why do serial murderers kill? They kill for fun. They enjoy the thrill, the sexual gratification, and the dominance they achieve over the lives of their victims. The serial killer rarely uses a gun because this method is too quick and would deprive him of his greatest pleasure, exalting in his victim's suffering. Serial killers are not insane; they are "more cruel than crazy." Fox and Levin have their own typology of serial killers, which they describe as follows:

1. *Thrill killers* strive for either sexual sadism or dominance. This is the most common form of serial murderer.
2. *Mission killers* want to reform the world or have a vision that drives them to kill.
3. *Expedience killers* are out for profit or want to protect themselves from a perceived threat.

In contrast to serial killings, mass murder involves the killing of four or more victims by one or a few assailants within a single event. The murderous incident can last but a few minutes or as long as several hours. In order to qualify as a "mass murder," the incident must be carried out by one or a few offenders. Highly organized or institutionalized killings (such as war

crimes and large-scale acts of political terrorism, as well as certain acts of highly organized crime rings) while atrocious are not considered mass murder and are motivated by a totally different set of factors. The 2004 brutal and senseless killing of six people in Florida by a gang of four men out to revenge the theft of clothes and video games is a mass murder; the genocide of Hitler's Third Reich or a terrorist attack is not.

Mass murderers engage in a single, uncontrollable outburst called "simultaneous killing." Examples include Charles Whitman, who killed fourteen people and wounded thirty others from atop the 307-foot tower on the University of Texas campus on August 1, 1966; James Huberty, who killed twenty-one people in a McDonald's restaurant in San Ysidro, California, on July 18, 1984; and George Hennard, a deranged Texan who, on October 16, 1991, smashed his truck through a plate glass window in a cafeteria in Killeen, Texas, got out, and systematically killed twenty-two people before committing suicide as police closed in.

Fox and Levin define four types of mass murderers:

1. *Revenge killers* seek to get even with individuals or society at large. Their

Serial Murder

According to Colombian police, Luis Alfredo Garavito is a glib predator and a "solitary sadist" who stands accused as one of the world's worst serial killers.¹⁷³ In 1999, Garavito, a 42-year-old drifter, confessed to the slayings of at least 140 boys between the ages of 8 and 16 during a 5-year killing spree. Garavito would befriend the children and take them on long walks until they were tired. Then he would tie them up with nylon rope, slit their throats or behead them, and then bury their bodies. Most of Garavito's victims were street children, children from poor families, or children separated from their parents by poverty or political violence. Authorities said it was because there was no one to notice that the

children were missing or to inquire about their whereabouts that Garavito was able to go on killing for so long without being detected.

Garavito is not the only Colombian to commit **serial murder**. Pedro Armando Lopez, known as the "Monster of the Andes," may be the largest-scale serial killer of modern times. He is believed to have killed more than 300 girls and young women in Colombia, Ecuador, and Peru before being captured in Ecuador and convicted of fifty-seven counts of murder there in 1980. Lopez served 16 years in an Ecuadorean prison, but because that country does not have a law that permits consecutive sentences, he was released and deported back to Colombia. His present whereabouts are unknown.

typical target is an estranged wife and “her” children or an employer and “his” employees.

2. *Love killers* are motivated by a warped sense of devotion. They are often despondent people who commit suicide and take others, such as a wife and children, with them.
3. *Profit killers* are usually trying to cover up a crime, eliminate witnesses, and carry out a criminal conspiracy.
4. *Terrorist killers* are trying to send a message. Gang killings tell rivals to watch out; cult killers may actually leave a message behind to warn society about impending doom.

Levin and Fox dispute the notion that all mass murderers and serial killers have some form of biological or psychological problems, such as genetic anomalies or schizophrenia. Even the most sadistic serial murderers are not mentally ill or driven by delusions or hallucinations. Instead, they typically exhibit a sociopathic personality that deprives them of pangs of conscience or guilt to guide their behavior. Mass murderers are typically ordinary citizens driven to extreme acts. They experience long-term frustration,

blame others for their problems, and then are set off by some catastrophic loss with which they are unable to cope and for which they cannot get help.

So far, police have been successful in capturing simultaneous killers whose outbursts are directed at family members or friends. Serial killers have proven more elusive. The U.S. Department of Justice is now coordinating efforts to gather information on unsolved murders in different jurisdictions to find patterns linking the crimes. Unfortunately, when a serial murderer is caught, it is often the result of luck—or an informant—not investigative skill.

Critical Thinking

1. Are serial murderers responsible for their actions?
2. Can a mass murderer be legally sane? If not, what should be done with irrational killers?
3. Is it fair to put serial killers and mass murderers to death? Explain your response.

InfoTrac College Edition Research

Serial killers are not new to this century. To read about the history of such gruesome acts, read: Bernard Capp,

“Serial Killers in 17th-Century England,” *History Today* 46 (March 1996): 21.

For more on modern serial killers, see: Jan Scott, “Serial Homicide: We Need to Explore behind the Stereotypes and Ask Why,” *British Medical Journal* 312 (6 January 1996): 2; Eugene H. Methvin, “The Face of Evil,” *National Review* 47 (23 January 1995): 34.

Sources: James Alan Fox and Jack Levin, “Mass Murder: An Analysis of Extreme Violence,” *Journal of Applied Psychoanalytic Studies* 5 (2003): 47–64; James Alan Fox and Jack Levin, “Multiple Homicide: Patterns of Serial and Mass Murder,” in *Crime and Justice: An Annual Edition*, vol. 23, ed. Michael Tonry (Chicago: University of Chicago Press, 1998), pp. 407–455; James Alan Fox and Jack Levin, *Overkill: Mass Murder and Serial Killing Exposed* (New York: Plenum, 1994); James Alan Fox, Jack Levin, and Kenna Quinet, *The Will to Kill: Making Sense of Senseless Murder*, 2nd ed. (Boston: Allyn & Bacon, 2004); James Alan Fox and Jack Levin, “A Psycho-Social Analysis of Mass Murder,” in *Serial and Mass Murder: Theory, Policy, and Research*, eds. Thomas O'Reilly-Fleming and Steven Egger (Toronto: University of Toronto Press, 1993); James Alan Fox and Jack Levin, “Serial Murder: A Survey,” in *Serial and Mass Murder: Theory, Policy, and Research*, eds. Thomas O'Reilly-Fleming and Steven Egger (Toronto: University of Toronto Press, 1993); Jack Levin and James Alan Fox, *Mass Murder* (New York: Plenum Press, 1985); Reuters, “Four Charged in Beating Deaths of Six in Florida,” *New York Times*, 8 August 2004, p. A3.

Some serial murderers, such as the American Theodore Bundy, roam the country killing at random.¹⁷⁴ Other serial killers terrorize a city, such as the Los Angeles-based Night Stalker; Gary Ridgway, the Green River Killer, who is believed to have slain four dozen women in Seattle; and the Hillside Stranglers, Kenneth Bianchi and Angelo Buono, who tortured and killed ten women in the Los Angeles area.¹⁷⁵ A third type of serial murderer, such as Garavito and Milwaukee cannibal Jeffrey Dahmer, kills with such cunning that many victims are dispatched before the authorities even realize the deaths can be attributed to a single perpetrator.¹⁷⁶ Serial killers operate over a long period and can be distinguished from those who commit **mass murder**, who kill many victims in a single, violent outburst. The Washington area sniper

presented a new type or category of multiple killer, falling somewhere in between the two categories. The Criminological Enterprise feature “Mass Murder and Serial Killing” further discusses types of serial killers and multiple killers.

SERIAL MURDERERS AND THEIR MOTIVATIONS In July of 2001, Iranian authorities admitted that a serial killer had murdered at least seventeen prostitutes in the holy city of Mashhad. Local officials dubbed the killings the Spider Murders because the victims were strangled with their headscarves in the same way a spider uses its web to trap victims. Authorities speculated that the killer (or killers) may have been infected with AIDS and sought revenge against women who may have been the source of the infection.¹⁷⁷

There is more than one type of serial killer, and experts have attempted to classify them based on their motivations and offense patterns.¹⁷⁸ The killings in Iran may be a function of revenge, but research shows that serial killers have long histories of violence, beginning in childhood when they start by targeting other children, siblings, and small animals.¹⁷⁹ They maintain superficial relationships with others, have trouble relating to the opposite sex, and feel guilty about their interest in sex. Despite these common characteristics, there is no single distinct type of serial killer. Some seem to be monsters—like Edmund Kemper, who, in addition to killing six young female hitchhikers in 1972, killed his mother, cut off her head, and used it as a dart board. Others, such as Bianchi and Bundy, were suave ladies' men whose murders surprised even close friends.

Consequently, the cause of serial murder eludes criminologists. Such disparate factors as mental illness, sexual frustration, neurological damage, child abuse and neglect, smothering relationships with mothers (David Berkowitz, the notorious Son of Sam, slept in his parents' bed until he was 10), and childhood anxiety have been suggested as possible causes. However, most experts view serial killers as sociopaths who from early childhood demonstrate bizarre behavior, such as torturing animals. This behavior extends to the pleasure that they reap from killing, their ability to ignore or enjoy their victims' suffering, and their propensity for basking in the media limelight when apprehended for their crimes. Wayne Henley, Jr., who along with Dean Corill killed twenty-seven boys in Houston, offered to help prosecutors find the bodies of additional victims so he could break Chicago killer Wayne Gacy's record of thirty-three murders.¹⁸⁰

Other types of serial killers include the sexual sadist and the mysoped, or sadistic child killer, who gains sexual satisfaction from torturing and killing.¹⁸¹ These sadists wish to gain complete control over their victims through humiliation, shame, enslavement, and terror. Another type, the psychopathic killer, is motivated by a character disorder that causes an inability to experience shame, guilt, sorrow, or other normal human emotions; these murderers are concerned solely with their own needs and passions. Professional hit killers who assassinate complete strangers for economic, political, or ideological reasons; terrorists; and organized crime figures fall within this category.¹⁸²

FEMALE SERIAL KILLERS An estimated 10 to 15 percent of serial killers are women. A study by criminologists Belea Keeney and Kathleen Heide investigated the characteristics of a sample of fourteen female serial killers and found some striking differences between the way male and female killers carried out their crimes.¹⁸³ Males were much more likely than females to use extreme violence and torture. Whereas males used a “hands-on” approach, including beating, bludgeoning, and strangling their victims, females were more likely to poison or smother their victims. Men tracked or stalked their victims, but women were more likely to lure victims to their death.

There were also gender-based personality and behavior characteristics. Female killers, somewhat older than their male counterparts, abused both alcohol and drugs; males were not likely to be substance abusers. Women were diagnosed as having histrionic, manic-depressive, borderline, dissociative, and antisocial personality disorders; men were more often diagnosed as having antisocial personalities.

The profile of the female serial killer that emerges is a person who smothers or poisons someone she knows. During childhood she suffered from an abusive relationship in a disrupted family. Female killers' education levels are below average, and if they hold jobs, they are in low-status positions.

CONTROLLING SERIAL KILLERS Serial killers come from diverse backgrounds. To date, law enforcement officials have been at a loss to control random killers who leave few clues, constantly move, and have little connection to their victims. Catching serial killers is often a matter of luck. To help local law enforcement officials, the FBI has developed a profiling system to identify potential suspects. In addition, the Justice Department's Violent Criminal Apprehension Program (VICAP), a computerized information service, gathers information and matches offense characteristics on violent crimes around the country.¹⁸⁴ This program links crimes to determine if they are the product of a single culprit.



To quiz yourself on this material, go to the Criminology 9e website.

ASSAULT AND BATTERY

Although many people mistakenly believe the term *assault and battery* refers to a single act, they are actually two separate crimes. *Battery* requires offensive touching, such as slapping, hitting, or punching a victim. *Assault* requires no actual touching but involves either attempted battery or intentionally frightening the victim by word or deed. Although common law originally intended these twin crimes to be misdemeanors, most jurisdictions now upgrade them to felonies either when a weapon is used or when they occur during the commission of a felony (for example, when a person is assaulted during a robbery). In the UCR, the FBI defines serious assault, or aggravated assault, as “an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury”; this definition is similar to the one used in most state jurisdictions.¹⁸⁵

Under common law, battery required bodily injury, such as broken limbs or wounds. However, under modern law, an assault and battery occurs if the victim suffers a temporarily painful blow, even if no injury results. Battery can also involve offensive touching, such as if a man kisses a woman against her will or puts his hands on her body.

Nature and Extent of Assault

The pattern of criminal assault is similar to that of homicide; one could say that the only difference between the two is that the victim survives.¹⁸⁶ Assaults may be common in our society simply because of common life stresses. Motorists who assault each other have become such a familiar occurrence that the term **road rage** has been coined. There have even been frequent incidents of violent assault among frustrated passengers who lose control while traveling. In 1998 British Airways began issuing printed warnings to abusive passengers, giving notice that continued misbehavior could result in hefty fines and even jail sentences.¹⁸⁷ These warnings were developed after an alarming increase in angry passengers, who punched, kicked, scratched, bit, and head-butted airline workers or one another.

Every citizen is bound by the law of assault, even police officers. Excessive use of force can result in criminal charges being filed even if it occurs while police officers are arresting a dangerous felony suspect. Only the minimum amount of force needed to subdue the suspect is allowed by law, and if police use more aggressive tactics than required, they may find themselves the target of criminal charges and civil lawsuits that can run into the millions of dollars.¹⁸⁸

In 2003 the FBI recorded 857,000 assaults, a rate of about 295 per 100,000 inhabitants. Like other violent crimes, the number of assaults has been in decline, down more than 23 percent from 1994. People arrested for assault and those identified by victims are usually young, male (about 80 percent), and white, although the number of African Americans arrested for assault (33 percent) is disproportionate to their representation in the population. Assault victims tend to be male, but females also face a significant danger. Assault rates are highest in urban areas, during summer, and in southern and western regions. The most common weapons used in assaults are blunt instruments and hands and feet.

The NCVS indicates that only about half of all serious assaults are reported to the police. Victims reported about 1.1 million aggravated assaults in 2003 and 3.5 million simple or weaponless assaults. Like other violent crimes, the NCVS indicates that the number of assaults has been in steep decline, dropping more than 50 percent during the past decade.

Assault in the Home

Violent attacks in the home are one of the most frightening types of assault. Criminologists recognize that intrafamily violence is an enduring social problem in the United States and abroad.

The recent report by the World Health Organization found that around the world, women often face the greatest risk for violence in their own homes and in familiar settings. Almost half the women who die due to homicide are killed by their current or former husbands or boyfriends; in some countries about 70 percent of all female deaths are domestic homicides. It is possible that nearly one in four women will

experience sexual violence by an intimate partner in their lifetime, and most of these are subjected to multiple acts of violence over extended periods of time. In addition to physical abuse, a third to over half of these cases are accompanied by sexual violence; in some countries, up to one-third of adolescent girls report forced sexual initiation.¹⁸⁹ The WHO report found that the percentage of women assaulted by a spouse or intimate partner varied considerably around the world: less than 3 percent in the United States, Canada, and Australia and up to 38 percent of the married women in the Republic of Korea and 52 percent of Palestinian women on the West Bank and Gaza Strip.¹⁹⁰ In many places assaults and even murders occur because men believe that their partners have been defiled sexually, either through rape or sex outside of marriage. In some societies the only way to cleanse the family honor is by killing the offending female. In Alexandria, Egypt, for example, 47 percent of the women who were killed by a relative were murdered after they had been raped.¹⁹¹

CHILD ABUSE One area of intrafamily violence that has received a great deal of media attention is **child abuse**. This term describes any physical or emotional trauma to a child for which no reasonable explanation, such as an accident or ordinary disciplinary practices, can be found.¹⁹²

Child abuse can result from actual physical beatings administered to a child by hands, feet, weapons, belts, sticks, burning, and so on. Another form of abuse results from **neglect**—not providing a child with the care and shelter to which he or she is entitled.

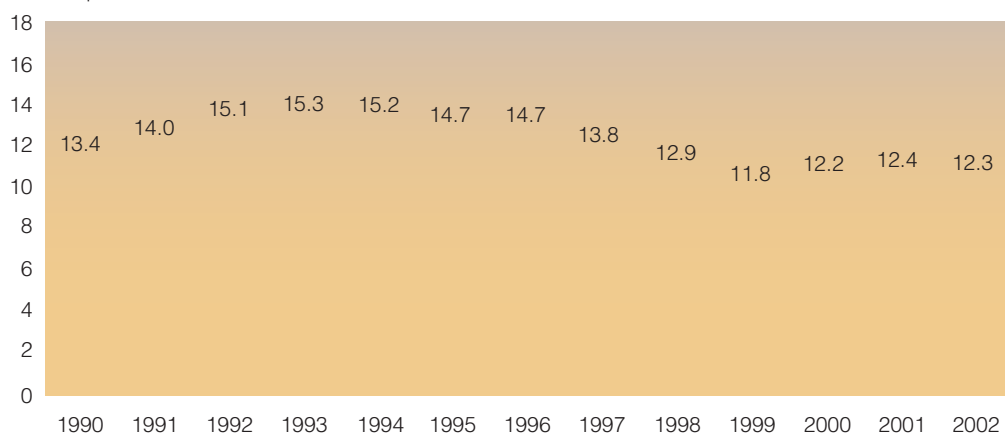
Yearly national surveys conducted by the Department of Health and Human Services show that the problem is huge: Child protective services (CPS) agencies throughout the United States receive nearly 2 million reports of suspected child abuse or neglect per year. Of these about two-thirds are considered unfounded, which leaves an estimated 900,000 children across the country who are victims of abuse or neglect, or about 12.3 out of every 1,000 children.¹⁹³ The National Child Abuse and Neglect Data System (NCANDS) reported an estimated 1,400 child fatalities in 2002 or 1.98 children per 100,000 children in the general population.¹⁹⁴ However, as Figure 10.3 shows, maltreatment rates are lower today than they were a decade ago.

More than half (59 percent) of victims experienced neglect, meaning a caretaker failed to provide for the child's basic needs. Fewer victims were found to have been physically abused (19 percent) or sexually abused (10 percent), and 7 percent were found to be victims of emotional abuse, which includes criticizing, rejecting, or refusing to nurture a child.¹⁹⁵

Why do parents physically assault their children? Such maltreatment is a highly complex problem with neither a single cause nor a readily available solution. It cuts across ethnic, religious, and socioeconomic lines. Abusive parents cannot be categorized by sex, age, or educational level; they come from all walks of life.¹⁹⁶

Child Maltreatment Rates, 1990–2002

Victims per 1,000 children



A number of factors have been commonly linked to abuse and neglect:

- Family violence seems to be perpetuated from one generation to another within families.
- The behavior of abusive parents can often be traced to negative experiences in their own childhood—physical abuse, lack of love, emotional neglect, incest, and so on.
- Blended families, which include children living with an unrelated adult such as a stepparent or another unrelated co-resident, have also been linked to abuse. For example, children who live with a mother's boyfriend are at much greater risk for abuse than children living with two genetic parents. Some stepparents do not have strong emotional ties to their nongenetic children, nor do they reap emotional benefits from the parent–child relationship.¹⁹⁷

Parents may also become abusive if they are isolated from friends, neighbors, or relatives who can help in times of crisis. Potentially abusive parents are often alienated from society; they have carried the concept of the shrinking nuclear family to its most extreme form and are cut off from ties of kinship and contact with other people in the neighborhood.¹⁹⁸

SEXUAL ABUSE Another aspect of the abuse syndrome is **sexual abuse**—the exploitation of children through rape, incest, and molestation by parents or other adults. It is difficult to estimate the incidence of sexual abuse, but a number of attempts have been made to gauge the extent of the problem. In a classic study, Diana Russell's survey of women in the San Francisco area found that 38 percent had experienced intra- or extrafamilial sexual abuse by the time they reached age 18.¹⁹⁹ Others have estimated that at least 20 percent of females suffer some form of sexual violence; that is, at least one in five girls suffer sexual abuse.²⁰⁰

Although sexual abuse is still prevalent, the number of reported cases has been in a significant decline. Research by Lisa Jones and David Finkelhor of the University of New Hampshire's Crimes Against Children Research Center shows that after a 15-year increase, substantiated child sexual abuse cases in the United States dropped 31 percent between 1992 and 1998. Most states (thirty-six out of the forty-seven they reviewed) showed declines of at least 30 percent.²⁰¹ These data could mean that the actual number of cases is truly in decline because of the effectiveness of prevention programs, increased prosecution, and public awareness campaigns. It could also mean that more cases are overlooked because of (1) increased evidentiary requirements to substantiate cases, (2) increased caseworker caution due to new legal rights for caregivers, and (3) increasing limitations on the types of cases that agencies accept for investigation.²⁰²

Sexual abuse is of particular concern because children who have been abused experience a long list of symptoms, including fear, posttraumatic stress disorder, behavior problems, sexualized behavior, and poor self-esteem. Women who were abused as children are also at greater risk to be re-abused as adults than those who escaped childhood victimization.²⁰³ The amount of force used during the abuse, its duration, and its frequency are all related to the extent of the long-term effects and the length of time needed for recovery.

PARENTAL ABUSE Parents are sometimes the target of abuse from their own children. Research conducted by Arina Ulman and Murray Straus found:

1. The younger the child, the higher the rate of child-to-parent violence (CPV).
2. At all ages, more children were violent to mothers than to fathers.
3. Both boys and girls hit mothers more than fathers.
4. At all ages, slightly more boys than girls hit parents.

Ulman and Straus found that child-to-parent violence or CPV was associated with some form of violence by parents, which could either be husband-to-wife, wife-to-husband, corporal punishment of children, or physical abuse. They suggest that if the use of physical punishment could be eliminated or curtailed, then child-to-parent violence would similarly decline.²⁰⁴

SPOUSAL ABUSE Spousal abuse has occurred throughout recorded history. Roman men had the legal right to beat their wives for minor acts such as attending public games without permission, drinking wine, or walking outdoors with their faces uncovered.²⁰⁵ More serious transgressions, such as adultery, were punishable by death. During the later stages of the Roman Empire, the practice of wife beating abated; and by the fourth century, excessive violence on the part of husband or wife was grounds for divorce.²⁰⁶ During the early Middle Ages, there was a separation of love and marriage.²⁰⁷ The ideal woman was protected, cherished, and loved from afar. In contrast, the wife, with whom marriage had been arranged by family ties, was guarded jealously and could be punished severely for violating her duties. A husband was expected to beat his wife for “misbehaviors” and might himself be punished by neighbors if he failed to do so.²⁰⁸

Through the later Middle Ages and into modern times (from 1400 to 1900), there was little community objection to a man using force against his wife as long as the assault did not exceed certain limits, usually construed as death or disfigurement. By the mid-nineteenth century, severe wife beating fell into disfavor, and accused wife beaters were subject to public ridicule. Nonetheless, limited chastisement was still the rule. By the close of the nineteenth century, England and the United States outlawed wife beating. Yet the long history of husbands’ domination of their wives made physical coercion hard to control. Until recent times, the subordinate position of women in the family was believed to give husbands the legal and moral obligation to manage their wives’ behavior. Even after World War II, English courts found domestic assault a reasonable punishment for a wife who had disobeyed her husband.²⁰⁹ These ideas form the foundation of men’s traditional physical control of women and have led to severe cases of spousal assault.

THE NATURE AND EXTENT OF SPOUSAL ABUSE It is difficult to estimate how widespread spousal abuse is today; however, some statistics indicate the extent of the problem. In their classic study of family violence, Richard Gelles and Murray Straus found that 16 percent of surveyed families had experienced husband–wife assaults.²¹⁰ In police departments around the country, 60 to 70 percent of evening calls involve domestic disputes.

Nor is violence restricted to marriage: National surveys indicate that between 20 and 40 percent of females experience violence while dating.²¹¹ According to a survey conducted by researchers from the Harvard School of Public Health, one in five high school girls suffered sexual or physical abuse from a boyfriend. The study found that teen girls

who had been abused by their boyfriends also were much more likely to use drugs or alcohol, to have unsafe sex, and to acquire eating disorders among other social problems.²¹²



To read this study, go to the **Harvard School of Public Health** website: <http://www.hsph.harvard.edu/press/releases/press7312001.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

There is a great variety in spouse abuse. One view is that batterers are damaged individuals who suffer a variety of neuropsychological disorders and cognitive deficits and who may have suffered brain injuries in youth.²¹³

Psychologists Neil Jacobson and John Mordechai Gottman studied 200 couples and found that batterers tend to fall into one of two categories, which they call “Pit Bulls” and “Cobras.”²¹⁴ *Pit bulls*, whose emotions are quick to erupt, are driven by deep insecurity and a dependence on the wives and partners they abuse. They tend to become stalkers, unable to let go of relationships once they have ended. In contrast, *Cobras* coolly and methodically inflict pain and humiliation on their spouses. Many Cobras have been physically or sexually abused in childhood and, as a consequence, see violence as an unavoidable part of life. Some of the personal attributes and characteristics of spouse abusers and abusive situations are listed in Exhibit 10.2.

Some people view spousal abuse from an evolutionary standpoint: males are aggressive toward their mates because they have evolved with a high degree of sexual proprietariness. Men fear both losing a valued reproductive resource to a rival and making a paternal investment in a child that is not their own. Violence serves as a coercive social tool to dissuade interest in other males and to lash out in jealousy if threats are not taken seriously (that is, if the woman leaves). This explains why men often kill or injure their ex-wives; threats lose their effectiveness if they are merely a bluff.²¹⁵

Growing support is being given to battered women. Shelters for assaulted wives are springing up around the country, and laws are being passed to protect a wife’s interests. Police departments have made enforcement of domestic abuse laws a top priority. It is essential that this problem be brought to public light and controlled.



To quiz yourself on this material, go to the Criminology 9e website.

ROBBERY

The common-law definition of *robbery* (and the one used by the FBI) is “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

Factors that Predict Spousal Abuse

- *Presence of alcohol:* Excessive alcohol use may turn otherwise docile husbands into wife abusers.
- *Access to weapon:* Perpetrator's access to a gun and previous threat with a weapon may lead to abuse.
- *Stepchild in the home:* Having a stepchild living in the home may provoke abuse because parent may have a more limited bond to the child.
- *Estrangement:* Especially from a controlling partner and subsequent involvement with another partner.
- *Hostility toward dependency:* Some husbands who appear docile and passive may resent their dependence on their wives and react with rage and violence; this reaction has been linked to sexual inadequacy.
- *Excessive brooding:* Obsession with a wife's behavior, however trivial, can result in violent assaults.
- *Social approval:* Some husbands believe society approves of wife abuse and use these beliefs to justify their violent behavior.
- *Socioeconomic factors:* Men who fail as providers and are under economic stress may take their frustrations out on their wives.
- *Flashes of anger:* Research shows that a significant amount of family violence results from a sudden burst of anger after a verbal dispute.
- *Military service:* Spouse abuse among men who have served in the military service is extremely high. Similarly, those serving in the military are more likely to assault their wives than civilian husbands. The reasons for this phenomenon may be the violence promoted by military training and the close proximity in which military families live to one another.
- *Having been battered children:* Husbands who assault their wives were generally battered as children.
- *Unpredictability:* Batterers are unpredictable, unable to be influenced by their wives, and impossible to prevent from battering once an argument has begun.

Sources: Jacquelyn Campbell, Daniel Webster, Jane Koziol-McLain, Carolyn Block, Doris Campbell, Mary Ann Curry, Faye Gary, Nancy Glass, Judith McFarlane, Carolyn Sachs, Phyllis Sharps, Yvonne Ulrich, Susan Wilt, Jennifer Manganello, Xiao Xu, Janet Schollenberger, Victoria Frye, and Kathryn Laughon, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93 (2003): 1,089–1,097; Neil Jacobson and John Mordechai Gottman, *When Men Batter Women: New Insights into Ending Abusive Relationships* (New York: Simon & Schuster, 1998); Kenneth Leonard and Brian Quigley, "Drinking and Marital Aggression in Newlyweds: An Event-Based Analysis of Drinking and the Occurrence of Husband Marital Aggression," *Journal of Studies on Alcohol* 60 (1999): 537–541; Graeme Newman, *Understanding Violence* (New York: Lippincott, 1979).

victim in fear."²¹⁶ A robbery is considered a violent crime because it involves the use of force to obtain money or goods. Robbery is punished severely because the victim's life is put in jeopardy. In fact, the severity of punishment is based on the amount of force used during the crime, not the value of the items taken.

In 2003 the FBI recorded about 413,000 robberies. There has been a significant reduction in the robbery rate during the past decade; the robbery rate is down more than 40 percent since 1994. Preliminary 2004 data indicates robberies declined 5 percent between 2003–2004. The ecological pattern for robbery is similar to that of other violent crimes, with one significant exception: Northeastern states by far have the highest robbery rate.

According to the NCVS, about 554,000 robberies were committed or attempted in 2002, a decline of about 140,000 in a single year. Similar to the UCR data, the NCVS has recorded a decade-long drop in the robbery rate, from 6 per 1000 people in 1993 to about 2.4 today, a decline of 63 percent!

Attempts have been made to classify and explain the nature and dynamics of robbery. One approach is to characterize robberies by type (Exhibit 10.3), and another is to characterize types of robbers based on their specialties (Exhibit 10.4).

As these typologies indicate, the typical armed robber is unlikely to be a professional who carefully studies targets while planning a crime. People walking along the street, convenience stores, and gas stations are much more likely robbery targets than banks or other highly secure environments. Robbers, therefore, seem to be diverted by modest defensive measures, such as having more than one clerk in a store or locating stores in strip malls; they are more likely to try an isolated store.²¹⁷

Acquaintance Robbery

As Exhibit 10.4 suggests, one type of robber may focus on people they know, a phenomenon referred to as **acquaintance robbery**. This seems puzzling because victims can easily identify their attackers and report them to the police. However, despite this threat, acquaintance robbery may be attractive for a number of rational reasons:²¹⁸

- Victims may be reluctant to report these crimes because they do not want to get involved with the police: They may be involved in crime themselves (drug dealers, for example), or they may fear retaliation if they report the crime. Some victims may be reluctant to gain the label of "rat" or "fink" if they go to the police.
- Some robberies are motivated by street justice. The robber has a grievance against the victim and settles the dispute by stealing the victim's property. In this instance, robbery may be considered a substitute for an assault: The robber wants retribution and revenge rather than remuneration.²¹⁹
- Because the robber knows the victim personally, the robber has inside information that there will be a "good take." Offenders may target people they know to be carrying a large amount of cash or who just purchased expensive jewelry.

Types of Robberies

- *Robbery of people who, as part of their employment, are in charge of money or goods:* This category includes robberies in jewelry stores, banks, offices, and other places in which money changes hands.
- *Robbery in an open area:* These robberies include street muggings, purse snatchings, and other attacks. Street robberies are the most common type, especially in urban areas where this type of robbery constitutes about 60 percent of reported totals. Street robbery is most closely associated with mugging or yoking, which refers to grabbing victims from behind and threatening them with a weapon. Street muggers often target unsavory characters such as drug dealers or pimps who carry large amounts of cash because these victims would find it awkward to report the crime to the police. Most commit their robberies within a short distance from their homes.
- *Commercial robbery:* This type of robbery occurs in businesses ranging from banks to liquor stores. Banks are among the most difficult targets to rob, usually because they have more personnel and a higher level of security.
- *Robbery on private premises:* This type of robbery involves breaking into people's homes. FBI records indicate that this type of robbery accounts for about 10 percent of all offenses.
- *Robbery after a short, preliminary association:* This type of robbery comes after a chance meeting—in a bar, at a party, or after a sexual encounter.
- *Robbery after a longer association between victim and offender:* An example of this type of robbery would be an intimate acquaintance robbing his paramour and then fleeing the jurisdiction.
- *Carjacking:* This is a completed or attempted theft of a motor vehicle by force or threat of force.

Sources: Patsy Klaus, *Carjackings in the United States, 1992–96* (Washington, DC: Bureau of Justice Statistics, 1999); Peter J. van Koppen and Robert Jansen, "The Road to the Robbery: Travel Patterns in Commercial Robberies," *British Journal of Criminology* 38 (1998): 230–247; F. H. McClintock and Evelyn Gibson, *Robbery in London* (London: Macmillan, 1961), p. 15.

- When a person in desperate need for immediate cash runs out of money, the individual may target people in close proximity simply because they are convenient targets.

When Richard Felson and his associates studied acquaintance robbery, they found that victims were more likely to be injured in acquaintance robberies than in stranger robberies, indicating that revenge rather than reward was the primary motive.²²⁰ Similarly, robberies of family members were more likely to have a bigger payoff than stranger robberies, an indication that the offender was aware that the target had a large amount of cash on hand.

Rational Robbery

Most robbers may be opportunistic rather than professional, but the patterns of robbery suggest that it is not merely a

Types of Robbers

- *Professional robbers:* These robbers have a long-term commitment to crime as a source of livelihood. This type of robber plans and organizes crimes prior to committing them and seeks money to support a hedonistic lifestyle. Some professionals are exclusively robbers, whereas others engage in additional types of crimes. Professionals are committed to robbing because it is direct, fast, and profitable. They hold no other steady job and plan three or four "big scores" a year to support themselves. Planning and skill are the trademarks of the professional robber, who usually operates in groups with assigned roles. Professionals usually steal large amounts from commercial establishments. After a score, they may stop for a few weeks until "things cool off."
- *Opportunist robbers:* These robbers steal to obtain small amounts of money when an accessible target presents itself. They are not committed to robbery but will steal from cab drivers, drunks, the elderly, and other vulnerable persons if they need some extra spending money. Opportunists are usually young minority group members who do not plan their crimes. Although they operate within the milieu of the juvenile gang, they are seldom organized and spend little time discussing weapon use, getaway plans, or other strategies.
- *Addict robbers:* These people steal to support their drug habits. They have a low commitment to robbery because of its danger but a high commitment to theft because it supplies needed funds. The addict is less likely to plan crime or use weapons than the professional robber but is more cautious than the opportunist. Addicts choose targets that present minimal risk; however, when desperate for funds, they are sometimes careless in selecting the victim and executing the crime. They rarely think in terms of the big score; they just want enough money to get their next fix.
- *Alcoholic robbers:* These people steal for reasons related to their excessive consumption of alcohol. Alcoholic robbers steal (1) when, in a disoriented state, they attempt to get some money to buy liquor or (2) when their condition makes them unemployable and they need funds. Alcoholic robbers have no real commitment to robbery as a way of life. They plan their crimes randomly and give little thought to their victim, circumstance, or escape. For that reason, they are the most likely to be caught.

Source: John Conklin, *Robbery and the Criminal Justice System* (New York: Lippincott, 1972), pp. 1–80.

random act committed by an alcoholic or drug abuser. Though most crime rates are higher in the summer, robberies seem to peak during the winter months. One reason may be that the cold weather allows for greater disguise; another reason is that robbers may be attracted to the high amounts of cash people and merchants carry during the Christmas shopping season.²²¹ Robbers may also be attracted to the winter because days are shorter, affording them greater concealment in the dark.

Robbers also choose vulnerable victims. According to research by criminologist Jody Miller, female armed robbers are likely to choose female targets, reasoning that they will be more vulnerable and offer less resistance.²²² When robbing

The Criminological Enterprise

Armed Robbers in Action

Criminologists Richard Wright and Scott Decker have identified and interviewed a sample of eighty-six active armed robbers in St. Louis, Missouri. Their sample, primarily young African American men, helped provide an in-depth view of armed robbery that had been missing from the criminological literature.

Wright and Decker found that most armed robberies are motivated by a pressing need for cash. Many robbers careen from one financial crisis to the next, prompted by their endless quest for stimulation and thrills. Interviewees told of how they partied, gambled, drank, and abused substances until they were broke. Their partying not only provided excitement, but it helped generate a street reputation as a “hip” guy who can “make things happen.” Robbers had a “here and now” mentality, which required a constant supply of cash to fuel their appetites. Those interviewed showed little long-range planning or commit-

ment to the future. Because of their street hustler mentality, few if any of the robbers were able to obtain or keep legitimate employment, even if it was available.

Armed robbery also provided a psychic thrill. It was a chance to hurt or humiliate victims, or to get even with someone who may have wronged them in the past. As one robber explained, “This might sound stupid, but I [also] like to see a person get scared, be scared of the pistol. . . . You got power. I come in here with a big old pistol and I ain’t playing.”

Robbers show evidence of being highly rational offenders. Many choose victims who themselves are involved in illegal behavior, most often drug dealers. Ripping off a dealer kills three birds with one stone, providing both money and drugs while at the same time targeting victims who are quite unlikely to call the police. Another ideal target is a married man who is looking for illicit sexual adventures. He also is disinclined to call the police and bring attention to himself. One

told them why he chose to be a robber:

I feel more safer doing a robbery because doing a burglary, I got a fear of breaking into somebody’s house not knowing who might be up in there. . . . On robbery I can select my victims, I can select my place of business. I can watch and see who all work in there or I can rob a person and pull them around in the alley or push them up in a doorway and rob them. (p. 52)

Others target noncriminal victims. They like to stay in their own neighborhood, relying on their intimate knowledge of streets and alleys to avoid detection. Although some range far afield seeking affluent victims, others believe that residents in the city’s poorest areas are more likely to carry cash (wealthy people carry checks and credit cards). Because they realize that the risk of detection and punishment is the same whether the victim is carrying a load of cash or is penniless, experienced robbers use discretion in selecting targets. People whose clothing, jewelry, and demeanor

males, women “set them up” in order to catch them off guard; some feign sexual interest or prostitution to gain the upper hand.²²³ In an important book, Scott Decker and Richard Wright interviewed active robbers in St. Louis, Missouri.²²⁴ Their findings, presented in *The Criminological Enterprise* feature “Armed Robbers in Action,” also suggest that robbers are rational decision makers.

CONNECTIONS

Chapter 4 discussed the rationality of robbers. Even when robbers are stealing to support a drug habit, their acts do not seem haphazard or irrational. Only the most inebriated might fail to take precautions. The fact that robbery is gender specific is also evidence that robbers are rational decision makers.



To quiz yourself on this material, go to the Criminology 9e website.

EMERGING FORMS OF INTERPERSONAL VIOLENCE

Assault, rape, robbery, and murder are traditional forms of interpersonal violence. As more data become available, criminologists have recognized relatively new subcategories within these crime types, such as serial murder and date rape. Additional new categories of interpersonal violence are now receiving attention in criminological literature; the next sections describe three of these forms of violent crime.

Hate Crimes

In the fall of 1998 Matthew Shepard, a gay college student, was kidnapped and severely beaten. He died 5 days after he was found unconscious on a Wyoming ranch, where he had been left tied to a fence for 18 hours in near freezing temperatures.²²⁵ His two killers, Aaron J. McKinney and Russell

mark them as carrying substantial amounts of cash make suitable targets; people who look like they can fight back are avoided. Some station themselves at cash machines to spot targets who are flashing rolls of money.

Robbers have racial, gender, and age preferences in their selection of targets. Some African American robbers prefer white targets because they believe they are too afraid to fight back. Others concentrate on African American victims, who are more likely to carry cash than credit cards. As one interviewee revealed, “White guys can be so paranoid [that] they just want to get away. . . . They’re not . . . gonna argue with you.” Likewise, intoxicated victims in no condition to fight back were favored targets. Some robbers tend to target women because they feel they are easy subjects; however, others avoid them because they believe they will get emotionally upset and bring unwanted attention. Most agree that the elderly are less likely to put up a fuss than younger, stronger targets.

Some robbers choose commercial targets, such as convenience stores or

markets that are cash businesses open late at night. Gas stations are a favorite victim. Security is of little consequence to experienced robbers, who may bring an accomplice to subdue guards.

Once they choose their targets, robbers carefully orchestrate the criminal incidents. They immediately impose their will on their chosen victims, leaving little room for the victims to maneuver and making sure the victims feel threatened enough to offer no resistance. Some approach from behind so they cannot be identified, and others approach victims head-on, showing that they are tough and bold. By convincing the victims of their impending death, the robber takes control.

Critical Thinking

1. It is unlikely that the threat of punishment can deter robbery (most robbers refuse to think about apprehension and punishment), but Wright and Decker suggest that eliminating cash and relying on debit and credit cards may be the most productive method to reduce

the incidence of robbery. Although this seems far-fetched, our society is becoming progressively more cashless; it is now possible to buy both gas and groceries with credit cards. Would a cashless society end the threat of robbery, or would innovative robbers find new targets?

2. Based on what you know about how robbers target victims, how can you better protect yourself from robbery?

• InfoTrac College Edition Research

To learn more about robbery, see: Peter J. van Koppen and Robert W. J. Jansen, “The Road to the Robbery: Travel Patterns in Commercial Robberies,” *British Journal of Criminology* 38 (spring 1998): 230; D. J. Pyle and D. F. Deadman, “Crime and the Business Cycle in Post-War Britain,” *British Journal of Criminology* 34 (summer 1994): 339–357.

Source: Richard Wright and Scott Decker, *Armed Robbers in Action, Stickups and Street Culture* (Boston: Northeastern University Press, 1997).

A. Henderson, both 22, were sentenced to life in prison after the Shepard family granted them mercy. At McKinney’s sentencing, Matthew’s father, Dennis Shepard, addressed the young man:

I would like nothing better than to see you die, McKinney. However, this is the time to begin the healing process, to show mercy to someone who refused to show any mercy. Mr. McKinney, I am going to grant you life, as hard as it is for me to do so, because of Matthew. Every time you celebrate Christmas, a birthday or the Fourth of July, remember that Matthew isn’t. Every time you wake up in that prison cell, remember that you had the opportunity and the ability to stop your actions that night. You robbed me of something very precious, and I will never forgive you for that. May you live a long life and may you thank Matthew every day for it.²²⁶

Hate crimes or bias crimes are violent acts directed toward a particular person or members of a group merely because the targets share a discernible racial, ethnic, religious, or

gender characteristic.²²⁷ Hate crimes can include the desecration of a house of worship or cemetery, harassment of a minority group family that has moved into a previously all-white neighborhood, or a racially motivated murder. For example, on August 23, 1989, Yusuf Hawkins, a black youth, was killed in the Bensonhurst section of Brooklyn, New York, because he had wandered into a racially charged white neighborhood.²²⁸

Hate crimes usually involve convenient, vulnerable targets who are incapable of fighting back. For example, there have been numerous reported incidents of teenagers attacking vagrants and the homeless in an effort to rid their town or neighborhood of people they consider undesirable.²²⁹ Another group targeted for hate crimes is gay men and women: Gay bashing has become common in U.S. cities.

Racial and ethnic minorities have also been the targets of attack. In California, Mexican laborers have been attacked and killed; in New Jersey, Indian immigrants have been the targets of racial hatred.²³⁰ Although hate crimes are often



An image of a murdered Indian immigrant, Balbir Singh Sodhi, is shown at a memorial service in Phoenix, Arizona. Sodhi was killed in a hate crime after the September 11 attack in the mistaken belief that he was of Middle Eastern descent. Should hate crimes be punished more severely than crimes motivated by revenge or greed?

Factors that Produce Hate Crimes

- Poor or uncertain economic conditions
- Racial stereotypes in films and on television
- Hate-filled discourse on talk shows or in political advertisements
- The use of racial code language such as “welfare mothers” and “inner-city thugs”
- An individual’s personal experiences with members of particular minority groups
- Scapegoating—blaming a minority group for the misfortunes of society as a whole

Source: "A Policymaker's Guide to Hate Crimes," *Bureau of Justice Assistance Monograph* (Washington, DC: Bureau of Justice Assistance, 1997).

mindless attacks directed toward “traditional” minority victims, political and economic trends may cause this form of violence to be redirected. For example, Asians have been attacked by groups who resent the growing economic power of Japan and Korea as well as the commercial success of Asian Americans.²³¹ The factors that precipitate hate crimes are listed in Exhibit 10.5.

THE ROOTS OF HATE Why do people commit bias crimes? In their book *Hate Crimes*, Jack McDevitt and Jack Levin identify three motivations for hate crimes:

- **Thrill-seeking hate crimes:** In the same way some kids like to get together to shoot hoops, hatemongers join forces to have fun by bashing minorities or destroying property. Inflicting pain on others gives them a sadistic thrill.
- **Reactive (defensive) hate crimes:** Perpetrators of these crimes rationalize their behavior as a defensive stand taken against outsiders whom they believe threaten their community or way of life. A gang of teens that attacks a new family in the neighborhood because they are the “wrong” race is committing a reactive hate crime.
- **Mission hate crimes:** Some disturbed individuals see it as their duty to rid the world of evil. Those on a “mission,” like Skinheads, the Ku Klux Klan (KKK), and white supremacist groups, may seek to eliminate people who threaten their religious beliefs because they are members of a different faith or threaten “racial purity” because they are of a different race.²³²

More recent research (2002) by McDevitt and Levin with Susan Bennett used data from the Community Disorders Unit (CDU) of the Boston Police Department to uncover a new category of hate crime: **retaliatory hate crimes**. These offenses are committed in response to a hate crime, whether real or perceived; whether the original incident actually occurred is irrelevant. Their more recent research indicates that most hate crimes can be classified as thrill motivated (66 percent) followed by defensive (25 percent) and retaliative (8 percent). Few cases were mission-oriented offenders.²³³

In his 2002 book *The Violence of Hate*, Levin notes that in addition to the traditional hatemongers, hate crimes can be committed by “dabblers”—people who are not committed to hate but drift in and out of active bigotry. They may be young people who get drunk on Saturday night and assault a gay couple or attack an African American man who happens by; they then go back to work or school on Monday. Some are thrill seekers while others may be reacting to the presence of members of a disliked group in their neighborhood. Levin also notes that some people are “sympathizers”: They may not attack African Americans but think nothing of telling jokes with racial themes or agreeing with people who despise gays. Finally, there are “spectators” who may not actively participate in bigotry but who do nothing to stop its course. They may even vote for politicians who are openly bigoted because they agree with their tax policies or some other positions, neglecting to process the fact that their vote empowers prejudice and leads to hate.²³⁴

NATURE AND EXTENT OF HATE CRIME According to the FBI, during 2003 opposition toward a particular race, religion, sexual orientation, ethnicity/national origin, or physical or mental disability prompted hate crimes against 9,100

victims. There were about 7,489 bias-motivated incidents, which include 8,715 separate offenses.²³⁵

What form do hate crimes take, and whom do they target? The FBI finds that 51 percent of the incidents were motivated by racial bigotry, 18 percent were caused by religious intolerance, about 17 percent were the result of a sexual-orientation bias, and almost 14 percent were triggered by an ethnicity/national origin bias; the remainder involved a bias against a disability.²³⁶ A recent analysis of 3,000 hate crime cases reported to the police found that about 60 percent of hate crimes involved a violent act, most commonly intimidation or simple assault, and 40 percent of the incidents involved property crimes, most commonly damage, destruction, or vandalism of property.²³⁷ While intimidation was the most common form of hate crime, in 2003, the FBI recorded 14 bias-motivated murders: 6 homicides were committed as a result of a sexual-orientation bias; 5 were the result of racial prejudice; 2 were committed because of a bias against an ethnicity/national origin; one murder was the result of hostility toward a disability.

In crimes where victims could actually identify the culprits, most victims reported that they were acquainted with their attackers or that their attackers were actually friends, coworkers, neighbors, or relatives.²³⁸ Younger victims were more likely to be victimized by people known to them. Hate crimes can occur in many settings, but most are perpetrated in public settings.



To examine the **FBI's hate crime data** go to http://www.fbi.gov/ucr/cius_01/01crime2.pdf. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

CONTROLLING HATE CRIMES Because of the extent and seriousness of the problem, a number of legal jurisdictions have made a special effort to control the spread of hate crimes. Boston maintains the Community Disorders Unit, and the New York City Police Department formed the Bias Incident Investigating Unit in 1980. When a crime anywhere in the city is suspected of being motivated by bias, the unit initiates an investigation. The unit also assists victims and works with concerned organizations such as the Commission on Human Rights and the Gay and Lesbian Task Force. These agencies deal with noncriminal bias incidents through mediation, education, and other forms of prevention.²³⁹



To read more about the **Boston Community Disorder Unit**, go to http://www.usmayors.org/uscm/us_mayor_newspaper/documents/08_16_99/usm_0816199921.HTM. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

There are also specific hate crime laws that actually originated after the Civil War and that were designed to protect the rights of freed slaves.²⁴⁰ Today, almost every state jurisdiction has enacted some form of legislation designed to

combat hate crimes: Thirty-nine states have enacted laws against bias-motivated violence and intimidation; nineteen states have statutes that specifically mandate the collection of hate crime data.

Some critics argue that it is unfair to punish criminals motivated by hate any more severely than those who commit similar crimes whose motivation is revenge, greed, or anger. There is also the danger that what appears to be a hate crime, because the target is a minority group member, may actually be motivated by some other factor such as vengeance or monetary gain. In November 2004, Aaron J. McKinney who is serving a life sentence for killing Matthew Shepard told ABC News correspondent Elizabeth Vargas that he was high on methamphetamine when he killed Mr. Shepard, and that his intent was robbery and not hate. His partner, Russell Henderson, who is appealing his sentence, also claims that the killing was simply a robbery gone bad: "It was not because me and Aaron had anything against gays."²⁴¹

However, in his important book *Punishing Hate: Bias Crimes under American Law*, Frederick Lawrence argues that criminals motivated by bias deserve to be punished more severely than those who commit identical crimes for other motives.²⁴² He suggests that a society dedicated to the equality of all its people must treat bias crimes differently from other crimes and in so doing enhance the punishment of these crimes.²⁴³

Some criminals choose their victims randomly; others select specific victims, for example, as in crimes of revenge. Bias crimes are different. They are crimes in which (a) distinct identifying characteristics of the victim are critical to the perpetrator's choice of victim, and (b) the individual identity of the victim is irrelevant.²⁴⁴ Lawrence views a bias crime as one that would not have been committed but for the victim's membership in a particular group.²⁴⁵ Bias crimes should be punished more severely because the harm caused will exceed that caused by crimes with other motivations.²⁴⁶

- Bias crimes are more likely to be violent and involve serious physical injury to the victim.
- Bias crimes will have significant emotional and psychological impact on the victim; they result in a "heightened sense of vulnerability," which causes depression, anxiety, and feelings of helplessness.
- Bias crimes harm not only the victim but also the "target community."
- Bias crimes violate the shared value of equality among citizens and racial and religious harmony in a heterogeneous society.

Recent research by McDevitt and his associates that made use of bias crime records collected by the Boston police supports Lawrence's position. McDevitt found that the victims of bias crime experience more severe post-crime psychological trauma, for a longer period of time, than do victims of similar crimes that are not motivated by hate or bias. Hate crime victims are more likely to suffer intrusive thoughts, feelings

of danger, nervousness, and depression at a higher level than non-bias crime victims.²⁴⁷ Considering the damage caused by bias crimes, it seems appropriate that they be punished more severely than typical common-law crimes.

LEGAL CONTROLS Should symbolic acts of hate such as drawing a swastika or burning a cross be banned or are they protected by the free speech clause of the First Amendment? The U.S. Supreme Court helped answer this question in the case of *Virginia v. Black* (2003) when it upheld a Virginia statute that makes it a felony “for any person . . . , with the intent of intimidating any person or group . . . , to burn . . . a cross on the property of another, a highway or other public place,” and specifies that “[a]ny such burning . . . shall be prima facie evidence of an intent to intimidate a person or group.” In its decision, the Court upheld Virginia’s law that criminalized cross burning. The Court ruled that cross burning was intertwined with the Ku Klux Klan and its reign of terror throughout the South. The Court has long held that statements in which the speaker intends to communicate intent to commit an act of unlawful violence to a particular individual or group of individuals is not protected free speech and can be criminalized; the speaker need not actually intend to carry out the threat.²⁴⁸

Workplace Violence

Paul Calden, a former insurance company employee, walked into a Tampa cafeteria and opened fire on a table at which his former supervisors were dining. Calden shouted, “This is what you all get for firing me!” and began shooting. When he finished, three were dead and two others were wounded.²⁴⁹ It has become commonplace to read of irate employees or former employees attacking coworkers or sabotaging machinery and production lines. **Workplace violence** is now considered the third leading cause of occupational injury or death.²⁵⁰

Who engages in workplace violence? The typical offender is a middle-aged white male who faces termination in a worsening economy. The fear of economic ruin is especially strong in agencies such as the U.S. Postal Service, where long-term employees fear job loss because of automation and reorganization. In contrast, younger workers usually kill while committing a robbery or another felony.

CREATING WORKPLACE VIOLENCE A number of factors precipitate workplace violence. One suspected cause is a management style that appears cold and insensitive to workers. As corporations cut their staffs because of some economic downturn or workers are summarily replaced with cost-effective technology, long-term employees may become irate and irrational; their unexpected layoff can lead to violent reactions.²⁵¹ The effect is most pronounced when managers are unsympathetic and nonsupportive; their callous attitude may help trigger workplace violence.

Not all workplace violence is triggered by management-induced injustice. In some incidents coworkers have been killed because they refused romantic relationships with the assailants or reported them for sexual harassment. Others have been killed because they got a job the assailant coveted. Irrate clients and customers have also killed because of poor service or perceived slights. For example, in one Los Angeles incident, a former patient shot and critically wounded three doctors because his demands for painkillers had gone unheeded.²⁵²

According to forensic psychiatrist Robert Simon, a satisfying work environment provides people with life support, stability, and a sense of achievement, which builds self-worth, camaraderie, and a feeling of belonging. For some people, losing a job or believing they are about to is a devastating blow to the psyche. If their predicament is exacerbated by personal problems unrelated to work—health problems, family difficulties, a lack of peer support—the person may feel cut off and alone. For such individuals, job stress creates a feeling of personal humiliation: How can they treat me like this? Who do they think they are? For some, suicide is an option. For others, its retaliation: If I am going out, I am not going out alone! Some believe that their violent exploits will live on and teach employers a lesson: “Like a terrorist, my exploits will be reported around the world and serve as an example of what can happen if workers are oppressed.”²⁵³

There are a variety of responses to workplace provocations. Some people take out their anger and aggression by attacking their supervisors in an effort to punish the company that dismissed them; this is a form of murder by proxy.²⁵⁴ Disgruntled employees may also attack family members or friends, misdirecting the rage and frustration caused by their work situation. Others are content with sabotaging company equipment; computer databases are particularly vulnerable to tampering. The aggrieved party may do nothing to rectify the situation; this inaction is referred to as **sufferance**. Over time, the unresolved conflict may be compounded by other events that cause an eventual eruption.

THE EXTENT OF WORKPLACE VIOLENCE According to security experts Michael Mantell and Steve Albrecht, the cost of workplace violence for American businesses runs more than \$4 billion annually, including lost work time, employee medical benefits, legal expenses, replacing lost employees and retraining new ones, decreased productivity, higher insurance premiums, raised security costs, bad publicity, lost business, and expensive litigation.²⁵⁵

These huge costs can be explained by the fact that on average violence in the workplace accounts for about 18 percent of all violent crime or, at last count, 1.7 million violent criminal acts, including: 1.3 million simple assaults; 325,000 aggravated assaults; 36,500 rapes and sexual assaults; 70,000 robberies; and 900 homicides.²⁵⁶ Which occupation is most dangerous? Not surprisingly, police officers are at the greatest risk to be victims of workplace violence. Other occupations at risk are correctional officers, taxicab drivers, private

security workers, and bartenders. An occupation that is unexpectedly high risk is hospital workers. They average 8.3 assaults per 10,000 employees, which is significantly higher than the rate of nonfatal assaults for all public sector industries—2 per 10,000.²⁵⁷

||||| CONNECTIONS |||||

Does the fact that occupations such as police officer, taxicab driver, and correctional worker have the highest risk of injury support routine activities theory? People in high-risk jobs who are out late at night and, in the case of taxicab drivers, do business in cash seem to have the greatest risk of injury on the job. See Chapter 3 for more on routine activities and crime.

CAN WORKPLACE VIOLENCE BE CONTROLLED? One approach is to use third parties to mediate disputes. The restorative justice movement (discussed in Chapter 8) advocates the use of mediation to resolve interpersonal disputes. Restorative justice techniques may work particularly well in the workplace, where disputants know one another, and tensions may be simmering over a long period. This may help control the rising tide of workplace violence. Another idea is a human resources approach, with aggressive job retraining and continued medical coverage after layoffs; it is also important to use objective, fair hearings to thwart unfair or biased terminations. Perhaps rigorous screening tests can help identify violence-prone workers so that they can be given anger management training.

Stalking

In Wes Craven's popular *Scream* movies, the heroin Sydney (played by Neve Campbell) is stalked by a mysterious adversary who scares her half to death while killing off most of her peer group. Although obviously extreme even by Hollywood standards, the *Scream* movies focus on a newly recognized form of long-term and repeat victimization: stalking.²⁵⁸

Stalking can be defined as a course of conduct directed at a specific person that involves repeated physical or visual proximity, nonconsensual communication, or verbal, written, or implied threats sufficient to cause fear in a reasonable person. According to a leading government survey, it is a problem that affects an estimated 1.4 million victims annually.²⁵⁹ Recent research by Bonnie Fisher and her associates suggest that even that substantial figure may undercount the actual problem. They found that about 13 percent of the women in a nationally drawn sample of more than 4,000 college women were the victims of stalking. Considering that there are more than 6.5 million women attending college in the United States, about 700,000 women are being stalked each year on college campuses alone.²⁶⁰ Though students most likely have a lifestyle that increases the risk of stalking compared to women in the general population, this data make it clear that stalking is a very widespread phenomenon.

||||| CONNECTIONS |||||

The Fisher research found that the likelihood of becoming stalked may be related to the victim's lifestyle and routine activities. Female students who are the victims of stalking tend to date more, go out at night to bars and parties, and live alone. Their lifestyle both brings them into contact with potential stalkers and makes them vulnerable to stalking. For more on routine activities and stalking, go to Chapter 3.

Most victims know their stalker. Women are most likely to be stalked by an intimate partner—a current spouse, a former spouse, someone they lived with, or even a date. In contrast, men typically are stalked by a stranger or an acquaintance. The typical female victim is stalked because her assailant wants to control her, scare her, or keep her in a relationship. Victims of both genders find that there is a clear relationship between stalking and other emotionally controlling and physically abusive behavior.

Stalkers behave in ways that induce fear, but they do not always make overt threats against their victims. Many follow or spy upon their victims, some threaten to kill pets, and others vandalize property. However, as criminologist Mary Brewster found, stalkers who make verbal threats are the ones most likely to later attack their victims.²⁶¹

Though stalking is a serious problem, research indicates that many cases are dropped by the courts even though the stalkers often have extensive criminal histories and are frequently the subject of protective orders. A lenient response may be misplaced considering that there is evidence that stalkers repeat their criminal activity within a short time of the lodging of a stalking charge with police authorities.²⁶² Victims experience its social and psychological consequences long afterward. About one-third seek psychological treatment, and about one-fifth lose time from work; some never return to work.

Why does stalking stop? Most often because the victim moved away or the police got involved or, in some cases, when the stalker met another love interest.



To quiz yourself on this material, go to the Criminology 9e website.

TERRORISM

As we all watched on September 11, 2001, two hijacked airliners crashed into the World Trade Center in New York City. Thousands were killed when the towers collapsed more than an hour after the impacts. A third hijacked airliner crashed into the Pentagon. A fourth jet, possibly bound for another target in Washington, DC, crashed in Somerset County, Pennsylvania, after passengers were able to overpower the hijackers. The events of September 11 were quickly traced to

followers of Osama bin Laden and his al-Qaeda terrorist organization based in Afghanistan. Acting swiftly, the United States began military operations in Afghanistan to root out bin Laden and topple the Taliban government that had sheltered his activities. At the time of this writing, the fight against the Taliban continues.

Since 9/11, terrorism has been the number one concern of the U.S. government. In this section we will define terrorism, briefly discuss its history, mention the various forms it takes, try to understand why someone would want to become a terrorist, and finally review some of the post-9/11 actions taken to curb its occurrence.

What Is Terrorism?

Despite its long history, it is often difficult to precisely define terrorism and to separate terrorist acts from interpersonal crimes of violence. For example, if a group robs a bank to obtain funds for its revolutionary struggles, should the act be treated as terrorism or as a common bank robbery? In this instance, defining a crime as terrorism depends on the kind of legal response the act evokes from those in power. To be considered **terrorism**, which is a political crime, an act must carry with it the intent to disrupt and change the government and must not be merely a common-law crime committed for greed or egotism.

Because of its complexity, an all-encompassing definition of terrorism is difficult to formulate, although most experts agree that it generally involves the illegal use of force against innocent people to achieve a political objective. According to the U.S. State Department, the term *terrorism* means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience. The term **international terrorism** means terrorism involving citizens or the territory of more than one country. A **terrorist group** is any group practicing, or that has significant subgroups that practice, international terrorism.²⁶³

Terrorism usually involves a type of political crime that emphasizes violence as a mechanism to promote change. Whereas some political criminals may demonstrate, counterfeit, sell secrets, spy, and the like, terrorists systematically murder and destroy or threaten such violence to terrorize individuals, groups, communities, or governments into conceding to the terrorists' political demands.²⁶⁴ However, it may be erroneous to equate terrorism with political goals, because not all terrorist actions are aimed at political change. Some terrorists may try to bring about what they consider to be economic or social reform—for example, by attacking women wearing fur coats or sabotaging property during a labor dispute. Terrorism must also be distinguished from conventional warfare, because it requires secrecy and clandestine operations to exert social control over large populations.²⁶⁵

TERRORIST AND GUERRILLA The word *terrorist* is often used interchangeably with the term **guerilla**; however, the terms

are quite different. *Guerilla* comes from the Spanish term meaning “little war,” which developed out of the Spanish rebellion against French troops after Napoleon’s 1808 invasion of the Iberian Peninsula.²⁶⁶ Terrorists have an urban focus. Operating in small bands, or cadres, of three to five members, they target the property or persons of their enemy, such as members of the ruling class.²⁶⁷ Guerillas, on the other hand, are located in rural areas and attack the military, the police, and government officials. Their organizations can grow quite large and eventually take the form of a conventional military force. However, guerillas can infiltrate urban areas in small bands, and terrorists can make forays into the countryside; consequently, the terms are used interchangeably.²⁶⁸

A Brief History of Terrorism

Acts of terrorism have been known throughout history. The assassination of Julius Caesar on March 15, 44 BCE, is considered an act of terrorism. Terrorism became widespread at the end of the Middle Ages, when political leaders were subject to assassination by their enemies. The word *assassin* was derived from an Arabic term meaning “hashish eater”; it originally referred to members of a drug-using Muslim terrorist organization that carried out plots against prominent Christians and other religious enemies.²⁶⁹ The literal translation of *assassin* refers to the acts of ritual intoxication undertaken by the warriors before their missions. In the first century CE, a Jewish sect known as the Zealots took up arms against the Roman occupation, using daggers to slit the throats of Romans and of Jews who collaborated.

When rulers had absolute power, terrorist acts were viewed as one of the only means of gaining political rights. At times European states encouraged terrorist acts against their enemies. For example, Queen Elizabeth I empowered her naval leaders, including famed captains John Hawkins and Francis Drake, to attack the Spanish fleet. These privateers would have been considered pirates had they not operated with government approval. American privateers attacked the British during the Revolutionary War and the War of 1812 and were considered heroes for their actions against the English Navy.

The term *terrorist* first became popular during the French Revolution. From the fall of the Bastille on July 14, 1789, until July 1794, thousands suspected of counterrevolutionary activity were killed on the guillotine. Here again, the relative nature of political crime is documented: whereas most victims of the French Reign of Terror were revolutionaries who had been denounced by rival factions, thousands of the hated nobility lived in relative tranquility. The end of the terror was signaled by the death of its prime mover, Maximilien Robespierre, on July 28, 1794, as the result of a successful plot to end his rule. He was executed on the same guillotine to which he had sent almost 20,000 people.

In the hundred years after the French Revolution, terrorism continued around the world. The Hur Brotherhood in India was made up of religious fanatics who carried out terrorist acts against the ruling class. In Eastern Europe the

Internal Macedonian Revolutionary Organization campaigned against the Turkish government, which controlled its homeland (Macedonia became part of the former Yugoslavia). Similarly, the protest of the Union of Death Society, or Black Hand, against the Austro-Hungarian Empire's control of Serbia led to the group's assassination of Archduke Franz Ferdinand, which started World War I. The Irish Republican Army, established around 1916, steadily battled British forces from 1919 to 1923, culminating in the Republic of Ireland gaining independence. Between the world wars, right-wing terrorism existed in Germany, Spain, and Italy. Conversely, Russia was the scene of left-wing revolutionary activity, which killed the czar in 1917 and gave birth to the Marxist state.

During World War II, resistance to the occupying German troops was common throughout Europe. The Germans considered the resisters to be terrorists, but the rest of the world considers them heroes. Meanwhile, in Palestine, Jewish terrorist groups—the Haganah, Irgun, and Stern Gang, whose leaders included Menachem Begin, who later became Israel's prime minister—waged war against the British to force them to allow Jewish survivors of the Holocaust to settle in their traditional homeland. Today, of course, many of these alleged terrorists are considered freedom fighters who laid down their lives for a just cause.

Contemporary Forms of Terrorism

Today the term *terrorism* encompasses many different behaviors and goals. Some of the more common forms are briefly described here.

REVOLUTIONARY TERRORISTS Revolutionary terrorists use violence to frighten those in power and their supporters in order to replace the existing government with a regime that holds acceptable political or religious views. Terrorist actions such as kidnapping, assassination, and bombing are designed to draw repressive responses from governments trying to defend themselves. These responses help revolutionaries to expose, through the skilled use of media coverage, the government's inhumane nature. The original reason for the government's harsh response may be lost as the effect of counterterrorist activities is felt by uninvolved people. For example, On October 12, 2002, a powerful bomb exploded in a nightclub on the Indonesian island of Bali, killing more than 180 foreign tourists. In the aftermath of the attack, the Indonesian government declared that the attack was the work of a fundamentalist Islamic group, Jemaah Islamiyah, which is a terrorist organization aligned with al-Qaeda. Jemaah Islamiyah is believed to be intent on driving away foreign tourists and ruining the nation's economy so that they can usurp the government and set up a pan-Islamic nation in Indonesia and neighboring Malaysia.²⁷⁰

POLITICAL TERRORISTS Political terrorism is directed at people or groups who oppose the terrorists' political ideology or whom the terrorists define as "outsiders" who must be

destroyed. Political terrorists may not want to replace the existing government but to shape it so that it accepts its views.

U.S. political terrorists tend to be heavily armed groups organized around such themes as white supremacy, militant tax resistance, and religious revisionism. Identified groups have included the Aryan Republican Army, the Aryan Nation, the Posse Comitatus, and the Ku Klux Klan. Although unlikely to topple the government, these individualistic acts of terror are difficult to predict or control. On April 19, 1995, 168 people were killed during the Oklahoma City bombing. This is the most severe example of political terrorism in the United States.

NATIONALIST TERRORISM Nationalist terrorism promotes the interests of a minority ethnic or religious group that believes it has been persecuted under majority rule and wishes to carve out its own independent homeland.

In the Middle East, terrorist activities have been linked to the Palestinians' desire to wrest their former homeland from Israel. The leading group, the Palestinian Liberation Organization (PLO), had directed terrorist activities against Israel. Although the PLO now has political control over the West Bank and the Gaza Strip, splinter groups have broken from the PLO. These groups, Hamas and the Iranian-backed Hezbollah, are perpetuating the conflict that Israel and the PLO sought to resolve and are behind a spate of suicide bombings and terrorist attacks designed to elicit a sharp response from Israel and set back any chance for peace in the region. Hundreds on both sides of the conflict have been killed during terrorist attacks and reprisals.

The Middle East is not the only source of nationalistic terrorism. The Chinese government has been trying to suppress separatist groups fighting for an independent state in the northwestern province of Xinjiang. The rebels are drawn from the region's Uyghur, most of whom practice Sufi Islam, speak a Turkic language, and wish to set up a Muslim state called Eastern Turkistan. During the past decade the Uyghur separatists have organized demonstrations, bombings, and political assassinations. The province has witnessed more than 200 attacks since 1990, causing more than 150 deaths.²⁷¹ In Russia, Chechen terrorists have been intent on creating a free Chechen homeland and have been battling the Russian government to achieve their goal. And in Spain the ETA (Euskadi Ta Askatasuna, which means "Basque Fatherland and Liberty") uses terror tactics including bombings and assassinations in hopes of forming an independent Basque state in parts of northern Spain and southwestern France.

CAUSE-BASED TERRORISM Some terrorists, such as bin Laden's al-Qaeda organization, direct their terrorist activities against individuals and governments to whom they object. They espouse a particular social or religious cause and use violence to attract followers to their standard. They do not wish to set up their own homeland or topple a government but rather want to impose their social and religious code on others.

Transnational Terrorism in the New Millennium

“Today, international terrorists likely to target the United States are individuals” (p. 87) and “The greatest threat to the security of the United States in the next millennium will come from the hands of the freelancer” (p. 92): These prophetic words were written by terrorism expert Harvey Kushner in 1998. As he correctly recognized, the traditional image of the armed professional terrorist group with a clear-cut goal such as nationalism or independence is giving way to a new breed of terrorists with diverse motives and sponsors. Rather than a unified central command, they are organized in far-flung nets. Not located in any particular nation or area, they have no identifiable address. They are capable of attacking anyone at anytime with great destructive force. They may employ an arsenal of weapons of mass destruction—chemical, biological, nuclear—without fear of contaminating their own homelands because in reality they may not actually have one.

Nor do contemporary transnational terrorists rely solely on violence

to achieve their goals. They may use technology to attack their targets’ economic infrastructure—such as through computers and the Internet—and actually profit from the resulting economic chaos by buying or selling securities in advance of their own attack. And they may use terror attacks to influence the economy of their target. Research by Sanjeev Gupta and his associates shows that terror attacks are associated with lower economic growth and higher inflation and also has adverse effects on government tax revenues and investment. It results in higher government spending on defense, which can slow growth in other areas of the economy. These outcomes can weaken the terrorists’ targets and undermine their resolve to continue to resist.

The “postmodern terrorist” is becoming more lethal, and as a result, terrorism fatalities have steadily increased throughout the decade. Terrorism expert Bruce Hoffman believes this may be attributed to the rise of religiously motivated terrorist groups such as al-Qaeda, which grew sixfold from 1980 to 1992 and has continued to increase steadily ever since. He suggests that religiously inspired terrorist attacks are more

likely to result in higher casualties because they are motivated not by efforts to obtain political freedom or a national homeland but because of culture conflict. Maintaining a differing value system allows the perpetrators to justify in their minds the deaths of large numbers of people: “for the religious terrorist, violence is a divine duty . . . executed in direct response to some theological demand . . . and justified by scripture” (p. 20).

Osama bin Laden and al-Qaeda are the paradigm of the new value-oriented terrorist organization. His masterminding of the 9/11 bombing was not designed to restore his homeland or bring about a new political state but to have his personal value structure adopted by Muslim nations. His attack may have been designed to create a military invasion of Afghanistan, which he hoped to exploit for his particular brand of revolution. According to Michael Scott Doran, bin Laden believed his acts would reach the audience that concerned him the most: the *umma*, or universal Islamic community. The media would show Americans killing innocent civilians in Afghanistan, and the *umma* would find it shocking how

Bin Laden’s intentions were revealed four years before the destruction of the World Trade Center, when in a 1997 interview with CNN he claimed that his “jihad” or holy war against the United States was started because American forces were still operating in Saudi Arabia. He demanded that the United States end its “aggressive intervention against Muslims in the whole world.” He argued that Muslim tradition meant it was not permissible for non-Muslims to remain as protectors in Saudi Arabia. He stated that the current Egyptian and Saudi governments were insufficiently devout and therefore suitable targets of his group. Over the course of a decade, Bin Laden was able to build a lethal organization, with an infrastructure, organization, and training bases in Afghanistan that attracted and trained fighters willing to die to destroy ever more ambitious targets. Each

victory has brought fresh recruits, and even after the U.S. invasion of Afghanistan, the organization was able to relocate and flourish.

Though bin Laden’s brand of terrorist activity proved to be more violent than anything previously experienced, it is not unique. For example, anti-abortion groups have demonstrated at abortion clinics, and some members have attacked clients, bombed offices, and killed doctors who perform abortions. On October 23, 1998, Dr. Barnett Slepian was shot by a sniper and killed in his Buffalo, New York, home; he was one of a growing number of abortion providers believed to be the victims of terrorists who ironically claim to be “pro-life.” The Comparative Criminology feature further explores this relatively new form of terrorist activity.

Americans nonchalantly caused Muslims to suffer and die. The ensuing outrage would open a chasm between the Muslim population of the Middle East and the ruling governments in states such as Saudi Arabia, which were allied with the West. On October 7, 2001, bin Laden made a broadcast in which he said that the Americans and the British “have divided the entire world into two regions—one of faith, where there is no hypocrisy, and another of infidelity, from which we hope God will protect us.”

According to Doran, bin Laden’s true aim was to cause an Islamic revolution within the Muslim world itself, in Saudi Arabia especially, and not to win a war with the United States. Bin Laden viewed the leaders of the Arab and Islamic worlds as hypocrites and idol worshippers propped up by American military might. His attack was designed to force those governments to choose: You are either with the idol-worshipping enemies of God, or you are with the true believers. The attack on the United States was merely an instrument designed to help his brand of extremist Islam survive and flourish among the believers who could bring down these

corrupt governments. Americans, in short, were drawn into somebody else’s civil war.

This new generation of terrorists is especially frightening because they have no need to live to enjoy the fruits of victory. They do not hope to regain a homeland or a political voice; hence, they are willing to engage in suicide missions to achieve their goals. The devoted members of al-Qaeda are willing to martyr themselves because they believe they are locked in a life-or-death struggle with the forces of nonbelievers. They consider themselves true believers surrounded by blasphemers and conclude that the future of religion itself, and therefore the world, depends on them and their battle against idol worship. They believe that victory and salvation can be achieved in a martyr’s death.

Critical Thinking

1. Are there parallels between an inner-city youth joining a gang in Los Angeles and a disaffected youth who joins an international terrorist group? Do they have the same goals? The same psychological needs?
2. Would you be willing to give up some of your civil rights, such as

personal privacy, if it meant that the government could mount a more effective campaign against terrorist groups? For example, should government agents be allowed to search the homes of suspected terrorists without a warrant?

InfoTrac College Edition Research

What can be done to prevent terrorism in the new millennium? Can technology hold the key? Find out by reading: Richard K. Betts, “Fixing Intelligence,” *Foreign Affairs* 81 (January–February 2002): 43.

Sources: Sanjeev Gupta, Benedict Clements, Rina Bhattacharya, and Shomit Chakravarti, “Fiscal Consequences of Armed Conflict and Terrorism in Low- and Middle-Income Countries,” *European Journal of Political Economy* 20 (2004): 403–421; Andrew Chen and Thomas Siems, “Effects of Terrorism on Global Capital Markets,” *European Journal of Political Economy* 20 (2004): 349–356; Michael Scott Doran, “Somebody Else’s Civil War,” *Foreign Affairs* 81 (January–February 2002): 22–25; Bruce Hoffman, “Change and Continuity in Terrorism,” *Studies in Conflict and Terrorism* 24 (2001); Harvey Kushner, *Terrorism in America, A Structured Approach to Understanding the Terrorist Threat* (Springfield, IL: Charles C Thomas, 1998); Ian Lesser, Bruce Hoffman, John Arquilla, David Ronfeldt, and Michele Zanini, *Countering the New Terrorism* (Washington, DC: Rand, 1999); Jessica Stern, *The Ultimate Terrorists* (Cambridge, MA: Harvard University Press, 1999).

ENVIRONMENTAL TERRORISM On August 22, 2003, members of the extremist environmental group Earth Liberation Front (ELF) claimed responsibility for fires that destroyed about a dozen sport utility vehicles at a Chevrolet dealership in West Covina, California.²⁷² This was neither the first nor the most costly of their attacks. On October 19, 1998, several suspicious fires were set atop Vail Mountain, a luxurious ski resort in Colorado. Soon after, the Earth Liberation Front claimed that it set the fires to stop a ski operator from expanding into animal habitats (especially that of the mountain lynx). The fires, which caused an estimated \$12 million in damages, are the most costly of the more than 1,500 terrorist acts committed by environmental terrorists during the past two decades; these groups commit terrorism in an effort to slow down developers who they believe are threatening

the environment or harming animals. Fires have also been set in government labs where animal research is conducted. Spikes are driven into trees to prevent logging in fragile areas. Members of such groups as the Animal Liberation Front (ALF) and Earth First! take responsibility for these attacks; they have also raided turkey farms before Thanksgiving and rabbit farms before Easter. Their activities have had significant impact on the commercial aspects of scientific testing, driving up the price of products, such as drugs, which rely on animal experimentation.²⁷³



The **Animal Liberation Front** maintains a website at <http://www.animalliberation.net/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The Earth Liberation Front has been active for several years in the United States and abroad. In addition to its raid on Vail developers and car dealerships in California and Oregon, members have conducted arson attacks on property ranging from a Nike shop in a mall north of Minneapolis to new homes on Long Island, New York. Their latest attack on February 7, 2004, targeted construction equipment at a 30-acre development site in Charlottesville, Virginia. The FBI has determined that ELF merits investigating as a terrorist network.²⁷⁴

STATE-SPONSORED TERRORISM State-sponsored terrorism occurs when a repressive government regime forces its citizens into obedience, oppresses minorities, and stifles political dissent. **Death squads** and the use of government troops to destroy political opposition parties are often associated with Latin American political terrorism. Much of what we know about state-sponsored terrorism comes from the efforts of human rights groups. London-based Amnesty International maintains that tens of thousands of people continue to become victims of security operations that result in disappearances and executions. Political prisoners are now being tortured in about 100 countries; people have disappeared or are being held in secret detention in about twenty countries; and government-sponsored death squads have been operating in more than thirty-five countries. Countries known for encouraging violent control of dissidents include Brazil, Colombia, Guatemala, Honduras, Peru, Iraq, and the Sudan.

CRIMINAL TERRORISM In December 2001 six men were arrested by Russian security forces as they were making a deal for weapons-grade uranium. Some of the men were members of the Balashikha criminal gang, and they were in possession of 2 pounds of top-grade radioactive material, which can be used to build weapons. They were asking \$30,000 for the deadly merchandise.²⁷⁵ Since 1990 there have been a half-dozen cases involving theft and transportation of nuclear

material and other cases involving people who offered to sell agents material not yet in their possession. These are the known cases; it is impossible to know if client states have already purchased enriched uranium or plutonium.

Sometimes terrorist groups become involved in common-law crimes such as drug dealing and kidnapping, even selling nuclear materials. According to terrorism expert Chris Dishman, these illegal activities may on occasion become so profitable that they replace the group's original focus. Burmese insurgents continue to actively cultivate, refine, and traffic opium and heroin out of the Golden Triangle (the border between Myanmar (Burma), Thailand, and Laos), and some have even moved into the methamphetamine market.

In some cases there has been close cooperation between organized criminal groups and guerillas. In other instances the relationship is more superficial. For example, the Revolutionary Armed Forces of Colombia (FARC) imposes a tax on Colombian drug producers, but evidence indicates that the group cooperates with Colombia's top drug barons in running the trade. In some instances, the line between being a terrorist organization with political support and vast resources and being an organized criminal group engaging in illicit activities for profit becomes blurred. What appears to be a politically motivated action, e.g. the kidnapping of a government official for ransom, may turn out to be merely a for profit crime.²⁷⁶

What Motivates Terrorists?

In the aftermath of September 11, many Americans asked themselves the same simple question: Why? What could motivate someone like Osama bin Laden to order the deaths of thousands of innocent people? How could someone who had never been to the United States or suffered personally at its hands develop such lethal hatred?

Some experts believed the attacks had a political basis, claiming that bin Laden's anger was an outgrowth of America's



Osama bin Laden is seen in a video aired on Aljazeera Arabic Satellite TV October 29, 2004. During the video bin Laden admitted for the first time that he carried out the September 11 attacks. Aired just before the presidential elections, bin Laden warned of a possible repeat of the September 11, 2001, terrorist attacks and said the election would have no bearing on Al Qaeda operations, whether it was won by Bush or Democratic challenger John Kerry. What motivates a bin Laden to order attacks on the U.S. and kill innocent civilians? Is he a mad missionary seeking revenge or a calculating revolutionary intent on changing the world order?

© Getty Images

Middle East policies. Others saw a religious motivation and claimed that the terrorists were radical Muslims at war with the liberal religions of the West. Another view was that bin Laden's rage was fueled by deep-rooted psychological problems.

On the surface, it appeared that Osama bin Laden was the favored son of a wealthy Saudi Arabian family.²⁷⁷ The fortune he used to finance his terrorist activities was derived from an inheritance of more than \$300 million from his family. It is also possible, however, that some deep-rooted psychological issues may have precipitated his murderous impulses. Some analysts note that bin Laden was the only son of his late father's least favorite wife, who was a Syrian and not a Saudi. Bin Laden may have been close to his mother, but he may have felt driven to achieve stature in the eyes of his father and the rest of the family. Bin Laden may have been willing to do anything to gain power and eclipse his father, who died when bin Laden was 10 years old.

The impulse for his murderous actions may have stemmed from bin Laden's unconscious efforts to gain his father's approval. He modeled his behavior after his father in many ways, including working with the Saudi royal family on construction deals. Bin Laden once told an interviewer of his desire to please his father: "My father was very keen that one of his sons should fight against the enemies of Islam. So I am the one son who is acting according to the wishes of his father." Perhaps this need for acceptance explains bin Laden's religious zeal, which was in excess of anyone else's in his large extended family.

After his father's death, bin Laden was mentored by a Jordanian named Abdullah Azzam whose motto was "Jihad and the rifle alone: no negotiations, no conferences, and no dialogues." When Azzam was killed in 1989 by a car bomb in Pakistan, bin Laden vowed to carry on Azzam's "holy war" against the West. He threw himself into the Afghan conflict against the Soviet Union, and when the Russians withdrew, he was convinced that the West was vulnerable. "The myth of the superpower was destroyed not only in my mind, but also in the minds of all Muslims," bin Laden has told interviewers.

Bin Laden's motivations will probably never be fully understood, but it is possible that his violent urges stemmed from the same web of emotions that fuel the thousands of predatory criminals who prowl society looking for unwary victims. If so, his actions, although extreme, are certainly not unique.

Terrorists engage in criminal activities, such as bombings, shootings, and kidnappings. What motivates these individuals to risk their lives and those of innocent people? One view is that terrorists are emotionally disturbed individuals who act out their psychosis within the confines of violent groups. According to this view, terrorist violence is not so much a political instrument as an end in itself; it is the result of compulsion or psychopathology. Terrorists do what they do because of a garden variety of emotional problems, including but not limited to self-destructive urges, disturbed emotions combined with problems with authority, and

inconsistent and troubled parenting.²⁷⁸ As terrorism expert Jerrold M. Post puts it, "political terrorists are driven to commit acts of violence as a consequence of psychological forces, and . . . their special psychology is constructed to rationalize acts they are psychologically compelled to commit."²⁷⁹

Another view is that terrorists hold extreme ideological beliefs that prompt their behavior. At first they have heightened perceptions of oppressive conditions, believing that they are being victimized by some group or government. Once these potential terrorists recognize that these conditions can be changed by an active governmental reform effort that has not happened, they conclude that they must resort to violence to encourage change. The violence need not be aimed at a specific goal. Rather, terror tactics must help set in motion a series of events that enlists others in the cause and leads to long-term change. "Successful" terrorists believe that their "self-sacrifice" outweighs the guilt created by harming innocent people. Terrorism, therefore, requires violence without guilt; the cause justifies the violence.

Ironically, many terrorists appear to be educated members of the upper class. Osama bin Laden was a multimillionaire and at least some of his followers were highly educated and trained. The acts of the modern terrorist—using the Internet; logistically complex and expensive assaults; and writing and disseminating formal critiques, manifestos, and theories—require the training and education of the social elite, not the poor and oppressed.

In some instances, terrorists may be motivated by feelings of alienation and failure to comprehend post-technological society. In a recent book, Japanese novelist Haruki Murakami interviewed members of the Aum Shinrikyo, a radical religious group that set off poison gas in a Tokyo subway in 1995, killing twelve and injuring 5,000.²⁸⁰ Murakami found that the terrorist fanatics lived in what they considered to be a perfect world where there were easy answers to even the most complex questions. The terrorists found modern society too complex to understand, with few clear-cut goals and values. Surprisingly, the cult members he interviewed were relatively ordinary people; some were dropouts with few prospects, but others were highly educated professionals. All seemed alienated from modern society; some felt that a suicide mission would cleanse them from the corruption of the modern world. One told him that since he was a child, he realized that everything in life was heading straight for destruction, and there was no turning back. Once he joined the terrorist group, he was on a path to salvation, and once again life had meaning.



Use "terrorism" in a key word search in InfoTrac College Edition.

Responses to Terrorism

In the aftermath of 9/11, a great deal of criticism was directed at the U.S. antiterrorism and information-gathering agencies: How could they have let this happen? Critics may

have failed to comprehend the difficulty in gathering intelligence about these closed, highly secretive groups. American agents find it almost impossible to penetrate the al-Qaeda network. No case officer stationed in Pakistan has been able to penetrate either the Afghan communities in northern Pakistan or any pro-bin Laden or Taliban institutions.²⁸¹

In addition to the difficulty of gaining information on secret groups, because we live in a free and open nation, it is also difficult to seal the borders and prevent the entry of terrorist groups. Stephen E. Flynn notes that even with the assistance of new high-tech sensors it takes five customs inspectors 3 hours to conduct a thorough physical inspection of a loaded 40-foot container or an 18-wheel truck. Every day, nearly 5,000 trucks entered the United States on the Ambassador Bridge between Detroit, Michigan, and Windsor, Ontario, alone.²⁸²

In *Nuclear Terrorism* (2004), Graham Allison, an expert on nuclear weapons and national security, describes the almost superhuman effort it would take to seal the nation's borders from nuclear attack. Every day, 30,000 trucks, 6,500 rail cars, and 140 ships deliver more than 50,000 cargo containers into the United States. And while fewer than 5 percent ever get screened, those that do are given nonphysical inspections that may not detect nuclear weapons or fissile material. The potential for terrorists to obtain bombs is significant:

There are approximately 130 nuclear research reactors in 40 countries. Two dozen of these have enough highly enriched uranium for one or more nuclear bombs. If they can get their hands on fissile material from these reactors, they could build a crude but working nuclear bomb within a year. But they may not have to build their own bomb, they may be able to purchase an intact device on the "black market." Russia alone has 10,000 nuclear warheads and material for 30,000 additional weapons; all of these remain vulnerable to theft. Terrorists may also be able to buy the knowledge to construct bombs. Pakistan's black marketers leading nuclear scientist, A. Q. Khan, has sold comprehensive "nuclear starter kits" that include advanced centrifuge components, blueprints for nuclear warheads, uranium samples in quantities sufficient to make a small bomb, and even provided personal consulting services to assist nuclear development.²⁸³

POST 9/11 EFFORTS Antiterrorist legislation provides jurisdiction over terrorist acts committed abroad against U.S. citizens and gives the United States the right to punish people for killing foreign officials and politically protected persons. The 1994 Violent Crime Control Act authorized the death penalty for international terrorists who kill U.S. citizens abroad.²⁸⁴ The World Trade Center attack forever changed U.S. policy on terrorism. What have been some of the major efforts to combat terrorist groups?

Legal Efforts In the wake of the 9/11 attacks, the United States has moved to freeze the financial assets of groups they consider to engage in, or support, terrorist activities. For example, on December 4, 2001, under authority of Executive

Order 13224, Blocking Terrorist Property, the assets of the Holy Land Foundation for Relief and Development, Beit Al-Mal Holdings, and Al-Aqsa Islamic Bank were frozen because they were suspected of funding Hamas, a Middle Eastern terror group. As of December 2001, the United States had blocked more than \$27 million in assets of the Taliban and al-Qaeda, and other nations have blocked at least \$33 million. To help monitor terrorist assets, the Treasury Department established an interagency Foreign Terrorist Asset Tracking Center. The United States also began working with foreign allies to ensure coordinated action; 139 nations have begun seizing terrorist assets.

Soon after the attack, Congress moved quickly to pass legislation giving the law enforcement agencies a freer hand to investigate and apprehend suspected terrorists. Congress quickly enacted the **USA Patriot Act (USAPA)**.²⁸⁵ The bill, over 342 pages, created new laws and made changes to over fifteen different existing statutes. Its aims were to give sweeping new powers to domestic law enforcement and international intelligence agencies in an effort to fight terrorism, to expand the definition of terrorist activities, and to alter sanctions for violent terrorism.

While it is impossible to discuss here every provision of this sweeping legislation, a few of its more important elements will be examined below. Among its provisions, USAPA expands all four traditional tools of surveillance—wiretaps, search warrants, "pen/trap" orders (installing devices that record phone calls), and subpoenas. The Foreign Intelligence Surveillance Act (FISA), which allows domestic operations by intelligence agencies, was also expanded. USAPA gave greater power to the FBI to check and monitor phone, Internet, and computer records without first needing to demonstrate that they were being used by a suspect or target of a court order.

The government may now serve a single wiretap or pen/trap order on any person regardless of whether that person or entity is named in a court order. Prior to the Patriot Act, telephone companies could be ordered to install pen/trap devices on their networks that would monitor calls coming to a surveillance target and to whom the surveillance target made calls. The USAPA extends this monitoring to the Internet. Law enforcement agencies may now obtain the e-mail addresses and websites visited by a target and e-mails of those people with whom they communicate. It is possible to require that an Internet service provider (ISP) install a device that records e-mail and other electronic communications on an ISP's servers, looking for communications initiated or received by the target of an investigation. Under USAPA, the government does not need to show a court that the information or communication is relevant to a criminal investigation, nor does it have to report where the order was served or what information was received.

The Patriot Act also allows enforcement agencies to monitor cable operators and obtain access to cable operators' records and systems. Prior to the legislation, the cable company had to give prior notice to the customer, even if that person was a target of an investigation. Information can be obtained about people with whom the cable subscriber

communicates, the content of their communications, and their subscription records; prior notice is still required if law enforcement agencies want to learn what television programming a subscriber purchases.

The Patriot Act also expands the definition of terrorism and enables the government to monitor more closely those people suspected of “harboring” and giving “material support” to terrorists (§§ 803, 805). It further increases the authority of the attorney general to detain and deport noncitizens with little or no judicial review. The attorney general may certify that he or she has “reasonable grounds to believe” that a noncitizen endangers national security and therefore is eligible for deportation. The attorney general and secretary of state are also given the authority to designate domestic groups as terrorist organizations and may deport any non-citizens who are its members.

While law enforcement agencies may applaud these new laws, civil libertarians are troubled because they view the Patriot Act as eroding civil rights. They are troubled by provisions that permit the government to share information from grand jury proceedings and from criminal wiretaps with intelligence agencies. The First Amendment activities of American citizens—such as watching TV—may be violated. The new and sweeping authority of the act is not limited to true terrorism investigations but covers a much broader range of activity involving reasonable political action.²⁸⁶ At the time of this writing, the main provisions of the USAPA remain the law of the land.

Law Enforcement Responses On October 29, 2001, the Foreign Terrorist Tracking Task Force was created to aid in closing the borders to any illegal alien who is a representative, member, or supporter of terrorist organizations; aliens who are suspected of engaging in terrorist activity; or aliens who provide material support to terrorist activity. The FBI announced a reformulation of its priorities, which makes

protecting the United States from terrorist attack its number one commitment (see Exhibit 10.6). The FBI also issued a plan for reorganization that will take place between 2004 and 2009 that will revitalize the agency’s intelligence, counterterrorism, and counterintelligence missions.

To carry out its newly formulated mission, the FBI is currently expanding its force, hiring approximately 1,000 more agents. In addition to recruiting candidates with the more traditional background of law enforcement, law, and accounting, the Bureau is concentrating on hiring agents with scientific and technological skills as well as foreign language proficiency in priority areas, such as Arabic, Farsi, Pashtu, Urdu, all dialects of Chinese, Japanese, Korean, Russian, Spanish, and Vietnamese; the FBI is also looking for those with backgrounds in foreign counterintelligence, counterterrorism, and military intelligence. These new agents, as well as helping in counterterrorism activities, will help staff the new Cyber Division, which was created in 2001, to coordinate, oversee, and facilitate FBI investigations in which the Internet, online services, and computer systems and networks are the principal instruments or targets of terrorists.

Department of Homeland Security The National Strategy for Homeland Security and the Homeland Security Act of 2002 established the Department of Homeland Security (DHS) whose mission is to unify the loosely defined and structured organizations involved in national security. Today the department employs more than 180,000 people who are charged with

- Preventing terrorist attacks within the United States
- Reducing America’s vulnerability to terrorism
- Minimizing the damage and recovery from attacks that do occur

The DHS now has five independent branches:

1. *Border and Transportation Security (BTS)*: BTS is responsible for maintaining the security of our nation’s borders and transportation systems.
2. *Emergency Preparedness and Response (EPR)*: This branch ensures that our nation is prepared for, and able to recover from, terrorist attacks and natural disasters.
3. *Science and Technology (S&T)*: Coordinates the department’s efforts in research and development, including preparing for and responding to the full range of terrorist threats involving weapons of mass destruction.
4. *Information Analysis and Infrastructure Protection (IAIP)*: IAIP merges the capability to identify and assess intelligence information concerning threats to the homeland under one roof, issue timely warnings, and take appropriate preventive and protective action.
5. *Management*: This branch is responsible for budget, management, and personnel issues in DHS.

Reformulated FBI Priorities

1. Protect the United States from terrorist attack.
2. Protect the United States against foreign intelligence operations and espionage.
3. Protect the United States against cyber-based attacks and high-technology crimes.
4. Combat public corruption at all levels.
5. Protect civil rights.
6. Combat transnational and national criminal organizations and enterprises.
7. Combat major white-collar crime.
8. Combat significant violent crime.
9. Support federal, state, local, and international partners.
10. Upgrade technology to successfully perform the FBI’s mission.

Key Recommendations of the 9/11 Commission

- Develop a comprehensive coalition strategy against Islamist terrorism, using a flexible contact group of leading coalition governments and fashioning a common coalition approach on issues like the treatment of captured terrorists.
 - Devote a maximum effort to the parallel task of countering the proliferation of weapons of mass destruction.
 - Address problems of screening people with biometric identifiers across agencies and governments, including our border and transportation systems, by designing a comprehensive screening system that addresses common problems and sets common standards. As standards spread, this necessary and ambitious effort could dramatically strengthen the world's ability to intercept individuals who could pose catastrophic threats.
 - Develop a National Counterterrorism Center (NCTC) that would borrow the joint, unified command concept adopted in the 1980s by the American military in a civilian agency, combining the joint intelligence function alongside the operations work.
 - The NCTC would build on the existing Terrorist Threat Integration Center and would replace it and other terrorism "fusion centers" within the government. The NCTC would become the authoritative knowledge bank, bringing information to bear on common plans. It should task collection requirements both inside and outside the United States.
 - A National intelligence director should be established with two main jobs: (1) to oversee national intelligence centers that combine experts from all the collection disciplines against common targets—like counterterrorism or nuclear proliferation; and (2) to oversee the agencies that contribute to the national intelligence program, a task that includes setting common standards for personnel and information technology. This national intelligence director (NID) should be located in the Executive Office of the President and report directly to the president, yet be confirmed by the Senate.
- Source: The National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*, <http://www.9-11commission.gov/>. Accessed August 10, 2004.

The 9/11 Commission Report What does the future hold for the coordination of antiterror activities? The National Commission on Terrorist Attacks upon the United States (also known as the 9/11 Commission), an independent, bipartisan commission, was created in late 2002 and given the mission of preparing an in-depth report of the events leading up to the 9/11 attacks. Part of their goal was to create a comprehensive

plan to ensure no further attacks of that magnitude take place. Among their numerous recommendations are those included in Exhibit 10.7.

At the time of this writing the government is analyzing the report's recommendations. It remains to be seen whether there will be an "antiterror czar" position created, and what this position will entail.

SUMMARY

- Violence has become an all too common aspect of modern life. Among the various explanations of sources of violent crime are exposure to violence, personal traits and makeup, evolutionary factors and human instincts, cultural values and a subculture of violence, substance abuse, and socialization and upbringing.
- Rape, the carnal knowledge of a female forcibly and against her will, has been known throughout history, but the view of rape has evolved. At present, more than 90,000 rapes are reported to U.S. police each year; the actual number of rapes is probably much higher. However, like other violent crimes, the rape rate is in decline.
- There are numerous forms of rape including statutory, acquaintance, and date rape. Rape is an extremely difficult charge to prove in court. The victim's lack of consent must be proven; therefore, it almost seems that the victim is on trial. Rape shield laws have been developed to protect victims from having their personal life placed on trial.
- Murder is defined as killing a human being with malice aforethought. There are different degrees of murder, and punishments vary accordingly. Like rape the murder rate and number of annual murders is in decline.
- Murder can involve a single victim or be a serial killing, mass murder, or spree killing, which involve multiple victims.
- One important characteristic of murder is that the victim and criminal often know each other. Murder often involves an interpersonal transaction in which a hostile action by the victim precipitates a murderous relationship.
- Assault involves physically harming another. Assaults often occur in the home, including child abuse and spouse abuse. There also appears to be a trend toward violence between dating couples.
- Robbery involves theft by force, usually in a public place. Robbery is considered a violent crime because it can and often does involve violence. Robbery that involves people who know each other is acquaintance robbery.
- There are newly emerging forms of violent crime including hate crimes, stalking, and workplace violence.

- Terrorism is a significant form of violence. Many terrorist groups exist at both the national and international levels.
- There are a variety of terrorist goals including political, nationalist, cause-based, criminal, state-sponsored, and environmental protection.
- Terrorists may be motivated by criminal gain, psychosis, grievance against the state, or ideology.
- The FBI and the Department of Homeland Security have been assigned the task of protecting the nation from terrorist attacks.
- The USA Patriot Act was passed to provide these agencies with greater powers.
- The 9/11 Commission has proposed creating an intelligence or antiterror czar who would coordinate all counterterrorism activities.

Thinking Like a Criminologist

You have been hired as a terror expert by the newly appointed director of intelligence. She tells you that the United States and its coalition allies have vowed to eliminate the network of al-Qaeda cells thought to have been established throughout the western world. Already, numerous al-Qaeda and Taliban suspects

captured in Afghanistan and elsewhere have been imprisoned on U.S. military bases including Guantanamo Bay in Cuba. There have been hundreds of arrests made in more than fifty countries, and a number of allies have actually changed their laws to make it easier to apprehend alleged activists. Yet, despite

these efforts the threat of terror goes on unabated. The director would like you to make three recommendations, to be implemented immediately, which will help reduce the terrorist threat. How would you respond?

Doing Research on the Web

Use “antiterror” in a key word search in InfoTrac College Edition.

You may want to read about antiterror activities in the United Kingdom as well. Go to <http://www.commonwealthtuc.org/CHRI%20Report.doc>.

The entire 9/11 Commission report can be accessed at <http://www.9-11commission.gov/>

Here is the site for the FBI’s 2004 to 2009 reorganization plan:

<http://www.fbi.gov/publications/strategicplan/strategicplanfull.pdf>.

KEY TERMS

- | | | |
|---|---------------------------------|--|
| expressive violence (332) | premeditation (346) | acquaintance robbery (356) |
| instrumental violence (332) | deliberation (346) | hate crimes (359) |
| crusted over (337) | felony murder (346) | bias crimes (359) |
| subculture of violence (337) | second-degree murder (346) | thrill-seeking hate crimes (360) |
| gang rape (341) | manslaughter (346) | reactive (defensive) hate crimes (360) |
| serial rape (342) | nonnegligent manslaughter (346) | mission hate crimes (360) |
| acquaintance rape (342) | involuntary manslaughter (346) | retaliatory hate crimes (360) |
| statutory rape (342) | negligent manslaughter (346) | workplace violence (362) |
| marital rape (342) | feticide (347) | sufferance (362) |
| marital exemption (343) | infanticide (348) | terrorism (364) |
| virility mystique (344) | eldercide (348) | international terrorism (364) |
| hypermasculine (344) | serial murder (350) | terrorist group (364) |
| narcissistic personality disorder (344) | mass murder (351) | guerilla (364) |
| aggravated rape (345) | road rage (353) | death squads (368) |
| consent (345) | child abuse (353) | USA Patriot Act (USAPA) (370) |
| shield laws (345) | neglect (353) | |
| murder (346) | sexual abuse (354) | |

CRITICAL THINKING QUESTIONS

- Should different types of rape receive different legal sanctions? For example, should someone who rapes a stranger be punished more severely than someone who is convicted of marital rape or date rape? If your answer is yes, do you also think that someone who kills a stranger should be more severely punished than someone who kills his wife or girlfriend?
- Is there a subculture of violence in your home city or town? If so, how would you describe its environment and values?
- There have been significant changes in rape laws regarding issues such as corroboration and shield laws. What other measures would you take to protect the victims of rape when they are forced to testify in court? Should the names of rape victims be published in the press? Do they deserve more protection than those accused of rape?
- Should hate crimes be punished more severely than crimes motivated by greed, anger, or revenge? Why should crimes be distinguished by the motivations of the perpetrator? Is hate a more heinous motivation than revenge?
- In light of the 9/11 attack, should acts of terrorism be treated differently from other common-law violent crimes? For example, should terrorists be executed for their acts even if no one is killed during their attack?

NOTES

- Elissa Gootman, "The Hunt for a Sniper: The Victim; 10th Victim Is Recalled as Motivator on Mission," *New York Times*, 14 October 2002, p. A15; Sarah Kershaw, "The Hunt for a Sniper: The Investigation; Endless Frustration but Little Evidence in Search for Sniper," *New York Times*, 14 October 2002, p. A1.
- Francis X. Clines with Christopher Drew, "Prosecutors to Discuss Charges as Rifle Is Tied to Sniper Killings," *New York Times*, 25 October 2002, p. A1.
- Kathleen Maguire and Ann Pastore, eds., *Sourcebook of Criminal Justice Statistics* [Online], p. 129. [http://www.albany.edu/sourcebook/Accessed September 22, 2001](http://www.albany.edu/sourcebook/Accessed%20September%2022,%202001).
- Robert Nash Parker and Catherine Colony, "Relationships, Homicides, and Weapons: A Detailed Analysis." Paper presented at the annual meeting of the American Society of Criminology, Montreal, November 1987.
- Stryker McGuire, "The Dunblane Effect," *Newsweek*, 28 October 1996, p. 46.
- Dorothy Otnow Lewis, Ernest Moy, Lori Jackson, Robert Aaronson, Nicholas Restifo, Susan Serra, and Alexander Simos, "Biopsychosocial Characteristics of Children Who Later Murder," *American Journal of Psychiatry* 142 (1985): 1,161–1,167.
- Dorothy Otnow Lewis, *Guilty by Reason of Insanity* (New York: Fawcett Columbine, 1998).
- Richard Rogers, Randall Salekin, Kenneth Sewell, and Keith Cruise, "Prototypical Analysis of Antisocial Personality Disorder," *Criminal Justice and Behavior* 27 (2000): 234–255; Amy Holtzworth-Munroe and Gregory Stuart, "Typologies of Male Batterers: Three Subtypes and the Differences among Them," *Psychological Bulletin* 116 (1994): 476–497.
- Katherine Van Wormer and Chuk Odiah, "The Psychology of Suicide-Murder and the Death Penalty," *Journal of Criminal Justice* 27 (1999): 361–370.
- Albert Reiss and Jeffrey Roth, *Understanding and Preventing Violence* (Washington, DC: National Academy Press, 1993) pp. 112–113.
- Sigmund Freud, *Beyond the Pleasure Principle* (London: Inter-Psychoanalytic Press, 1922).
- Konrad Lorenz, *On Aggression* (New York: Harcourt Brace Jovanovich, 1966).
- Martin Daly and Margo Wilson, "Evolutionary Psychology of Male Violence," in *Male Violence*, ed. J. Archer (London: Routledge, 1994), pp. 253–288.
- Paul Goldstein, Henry Brownstein, and Patrick Ryan, "Drug-Related Homicide in New York: 1984–1988," *Crime and Delinquency* 38 (1992): 459–476.
- Reiss and Roth, *Understanding and Preventing Violence*, pp. 193–194.
- James Collins and Pamela Messerschmidt, "Epidemiology of Alcohol-Related Violence," *Alcohol Health and Research World* 17 (1993): 93–100.
- Antonia Abbey, Tina Zawacki, Philip Buck, Monique Clinton, and Pam McAuslan, "Sexual Assault and Alcohol Consumption: What Do We Know about Their Relationship and What Types of Research Are Still Needed?" *Aggression and Violent Behavior* 9 (2004): 271–303.
- Martin Grann and Seena Fazel, "Substance Misuse and Violent Crime: Swedish Population Study," *British Medical Journal* 328 (2004): 1233–1234; Susanne Rogne Gjeruldsen, Bjørn Myrvang, and Stein Opjordsmoen, "Criminality in Drug Addicts: A Follow-Up Study over 25 Years," *European Addiction Research* 10 (2004): 49–56.
- Paul Goldstein, Patricia Bellucci, Barry Spunt, and Thomas Miller, "Volume of Cocaine Use and Violence: A Comparison between Men and Women," *Journal of Drug Issues* 21 (1991): 345–367.
- Todd Herrenkhol, Bu Huang, Emiko Tajima, and Stephen Whitney, "Examining the Link between Child Abuse and Youth Violence," *Journal of Interpersonal Violence* 18 (2003): 1189–1208; Pamela Lattimore, Christy Visser, and Richard Linster, "Predicting Rearrest for Violence among Serious Youthful Offenders," *Journal of Research*

- in *Crime and Delinquency* 32 (1995): 54–83.
21. Rolf Loeber and Dale Hay, "Key Issues in the Development of Aggression and Violence from Childhood to Early Adulthood," *Annual Review of Psychology* 48 (1997): 371–410.
 22. Deborah Capaldi and Gerald Patterson, "Can Violent Offenders Be Distinguished from Frequent Offenders: Prediction from Childhood to Adolescence," *Journal of Research in Crime and Delinquency* 33 (1996): 206–231.
 23. Adrian Raine, Patricia Brennan, and Sarnoff Mednick, "Interaction between Birth Complications and Early Maternal Rejection in Predisposing Individuals to Adult Violence: Specificity to Serious, Early-Onset Violence," *American Journal of Psychiatry* 154 (1997): 1,265–1,271.
 24. John Lemmon, "How Child Maltreatment Affects Dimensions of Juvenile Delinquency in a Cohort of Low-Income Urban Youths," *Justice Quarterly* 16 (1999): 357–376.
 25. Eric Slade and Lawrence Wissow, "Spanking in Early Childhood and Later Behavior Problems: A Prospective Study of Infants and Young Toddlers," *Pediatrics* 113 (2004): 1321–1330.
 26. Murray Straus, "Discipline and Deviance: Physical Punishment of Children and Violence and Other Crime in Adulthood," *Social Problems* 38 (1991): 101–123.
 27. Ronald Simons, Chyi-In Wu, Kuei-Hsiu Lin, Leslie Gordon, and Rand Conger, "A Cross-Cultural Examination of the Link between Corporal Punishment and Adolescent Antisocial Behavior," *Criminology* 38 (2000): 47–79.
 28. Robert Scudder, William Blount, Kathleen Heide, and Ira Silverman, "Important Links between Child Abuse, Neglect, and Delinquency," *International Journal of Offender Therapy* 37 (1993): 315–323.
 29. Dorothy Lewis, et al., "Neuropsychiatric, Psychoeducational, and Family Characteristics of 14 Juveniles Condemned to Death in the United States," *American Journal of Psychiatry* 145 (1988): 584–588.
 30. Charles Patrick Ewing, *When Children Kill* (Lexington, MA: Lexington Books, 1990), p. 22.
 31. Lewis, *Guilty by Reason of Insanity*, pp. 11–35.
 32. Timothy Ireland, Carolyn Smith, and Terence Thornberry, "Developmental Issues in the Impact of Child Maltreatment on Later Delinquency and Drug Use," *Criminology* 40 (2002): 359–401.
 33. Straus, "Discipline and Deviance."
 34. Alan Rosenbaum and Penny Leisring, "Beyond Power and Control: Towards an Understanding of Partner Abusive Men," *Journal of Comparative Family Studies* 34 (2003): 7–26.
 35. Lonnie Athens, *The Creation of Dangerous Violent Criminals* (Urbana: University of Illinois Press, 1992), pp. 27–80.
 36. Cathy Spatz Widom, "Child Abuse, Neglect, and Violent Criminal Behavior," *Criminology* 27 (1989): 251–271; Beverly Rivera and Cathy Spatz Widom, "Childhood Victimization and Violent Offending," *Violence and Victims* 5 (1990): 19–34.
 37. Judith Rich Harris, "The Outcome of Parenting: What Do We Really Know?" *Journal of Personality* 68 (2000): 625–637.
 38. Ira Hutchison and J. David Hirschel, "The Effects of Children's Presence on Women Abuse," *Violence and Victims* 16 (2001): 3–17.
 39. Daneen Deptula and Robert Cohen, "Aggressive, Rejected, and Delinquent Children and Adolescents: A Comparison of Their Friendships," *Aggression and Violent Behavior* 9 (2004): 75–104; Terence Thornberry and Marvin Krohn, "Peers, Drug Use, and Delinquency," in *Handbook of Antisocial Behavior*, eds. David Stoff, James Breiling, and Jack Maser (New York: Wiley, 1997), pp. 218–233; Thomas Dishion, Deborah Capaldi, Kathleen Spracklen, and Fuzhong Li, "Peer Ecology of Male Adolescent Drug Use," *Development and Psychopathology* 7 (1995): 803–824.
 40. Sylve Mrug, Betsy Hoza, and William Bukowski, "Choosing or Being Chosen by Aggressive-Disruptive Peers: Do They Contribute to Children's Externalizing and Internalizing Problems?" *Journal of Abnormal Child Psychology* 32 (2004): 53–66.
 41. Eric Stewart, Ronald Simons, and Rand Conger, "Assessing Neighborhood and Social Psychological Influences on Childhood Violence in an African-American Sample," *Criminology* 40 (2002): 801–830.
 42. David Farrington, Rolf Loeber, and Madga Stouthamer-Loeber, "How Can the Relationship between Race and Violence be Explained?" in *Violent Crimes: Assessing Race and Ethnic Differences*, ed. D. F. Hawkins (New York: Cambridge University Press, 2003), pp. 213–237.
 43. Felton Earls, *Linking Community Factors and Individual Development* (Washington, DC: National Institute of Justice, 1998).
 44. Michael Greene, "Chronic Exposure to Violence and Poverty: Interventions That Work for Youth," *Crime and Delinquency* 39 (1993): 106–124.
 45. Robert Baller, Luc Anselin, Steven Messner, Glenn Deane, and Darnell Hawkins, "Structural Covariates of U.S. County Homicide Rates Incorporating Spatial Effects," *Criminology* 39 (2001): 561–590.
 46. Marvin Wolfgang and Franco Ferracuti, *The Subculture of Violence* (London: Tavistock, 1967).
 47. David Luckenbill and Daniel Doyle, "Structural Position and Violence: Developing a Cultural Explanation," *Criminology* 27 (1989): 419–436.
 48. Robert Sampson and William Julius Wilson, "Toward a Theory of Race, Crime, and Urban Inequality," in *Crime and Inequality*, eds. John Hagan and Ruth Peterson (Stanford, CA: Stanford University Press, 1995), p. 51.
 49. Liqun Cao, Anthony Adams, and Vickie Jensen, "A Test of the Black Subculture of Violence Thesis," *Criminology* 35 (1997): 367–379.
 50. Eric Baumer, Julie Horney, Richard Felson, and Janet Lauritsen, "Neighborhood Disadvantage and the Nature of Violence," *Criminology* 41 (2003): 39–71.
 51. Charis Kubrin and Ronald Weitzer, "Retaliatory Homicide: Concentrated Disadvantage and Neighborhood Culture," *Social Problems* 50 (2003): 157–180.
 52. Steven Messner, "Regional and Racial Effects on the Urban Homicide Rate: The Subculture of Violence Revisited," *American Journal of Sociology* 88 (1983): 997–1007; Steven Messner and Kenneth Tardiff, "Economic Inequality and Levels of Homicide: An Analysis of Urban Neighborhoods," *Criminology* 24 (1986): 297–317.

53. Beth Bjerregaard and Alan Lizotte, "Gun Ownership and Gang Membership," *Journal of Criminal Law and Criminology* 86 (1995): 37–58.
54. Fox Butterfield, "Rise in Killings Spurs New Steps to Fight Gangs," *New York Times*, 17 January 2004, p. A1.
55. James Howell, "Youth Gang Homicides: A Literature Review," *Crime and Delinquency* 45 (1999): 208–241.
56. Scott Decker, "Gangs and Violence: The Expressive Character of Collective Involvement." Unpublished manuscript, University of Missouri–St. Louis: 1994, p. 11.
57. Rachel Gordon, Benjamin Lahey, Eriko Kawai, Rolf Loeber, Magda Stouthamer-Loeber, and David Farrington, "Antisocial Behavior and Youth Gang Membership," *Criminology* 42 (2004): 55–88.
58. Alan Lizotte and David Sheppard, *Gun Use by Male Juveniles* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2001).
59. See, generally, Kirk Williams and Robert Flewelling, "The Social Production of Criminal Homicide: A Comparative Study of Disaggregated Rates in American Cities," *American Sociological Review* 53 (1988): 421–431.
60. Raymond Gastil, "Homicide and the Regional Culture of Violence," *American Sociological Review* 36 (1971): 12–27.
61. Keith Harries, *Serious Violence: Patterns of Homicide and Assault in America* (Springfield, IL: Charles C Thomas, 1990).
62. Edem Avakame, "How Different Is Violence in the Home: An Examination of Some Correlates of Stranger and Intimate Homicide," *Criminology* 36 (1998): 601–632.
63. Howard Erlanger, "Is There a Subculture of Violence in the South?" *Journal of Criminal Law and Criminology* 66 (1976): 483–490.
64. Colin Loftin and Robert Hill, "Regional Subculture of Violence: An Examination of the Gastil-Hackney Thesis," *American Sociological Review* 39 (1974): 714–724.
65. Raymond Gastil, "Comments," *Criminology* 16 (1975): 60–64.
66. FBI, *Crime in the United States, 2003* (Washington, DC: Federal Bureau of Investigation, 2004), p. 9; see also Keith Harries, "Crime and Region: Is the South Still Different?" Paper presented at the annual meeting of the American Society of Criminology, Chicago, November 1996; Gregory Kowalski and Thomas Petee, "Sunbelt Effects on Homicide Rates," *Sociology and Social Research* 76 (1991): 73–79.
67. F. Frederick Hawley and Steven Messner, "The Southern Violence Construct: A Review of Arguments, Evidence, and the Normative Context," *Justice Quarterly* 6 (1989): 481–511.
68. Jerome Neapolitan, "A Comparative Analysis of Nations with Low and High Levels of Violent Crime," *Journal of Criminal Justice* 27 (1999): 259–274.
69. *Ibid.*, p. 271.
70. Aki Roberts and Gary Lafree, "Explaining Japan's Postwar Violent Crime Trends," *Criminology* 42 (2004): 179–210.
71. William Green, *Rape* (Lexington, MA: Lexington Books, 1988), p. 5.
72. Susan Randall and Vicki McNickle Rose, "Forcible Rape," in *Major Forms of Crime*, ed. Robert Meyer (Beverly Hills: Sage, 1984), p. 47.
73. Barbara Krah, Renate Scheinberger-Olwig, and Steffen Bieneck, "Men's Reports of Nonconsensual Sexual Interactions with Women: Prevalence and Impact," *Archives of Sexual Behavior* 32 (2003): 165–176.
74. Associated Press, "Judge Who Told Rape Suspect to Get a Girlfriend Orders Him into Custody," *Manchester Union Leader*, 19 February 1994, p. 2.
75. Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Simon & Schuster, 1975).
76. Green, *Rape*, p. 6.
77. Gregory Vistica, "Rape in the Ranks," *Newsweek*, 25 November 1996, pp. 29–31.
78. Yuri Kageyama, "Court Orders Japan to Pay Sex Slaves," *Boston Globe*, 28 April 1998, p. A2.
79. Marlise Simons, "Bosnian Serb Pleads Guilty to Rape Charge before War Crimes Tribunal," *New York Times*, 10 March 1998, p. 8.
80. Marc Lacey, "Amnesty Says Sudan Militias Use Rape as Weapon," *New York Times*, 19 July 2004, p. A9.
81. FBI, *Crime in the United States, 2003*, pp. 27. Crime data in this chapter comes from this source.
82. Shannan Catalano, *Criminal Victimization 2003* (Washington, DC: Bureau of Justice Statistics, 2004), p. 2.
83. Arnold Kahn, Jennifer Jackson, Christine Kully, Kelly Badger, and Jessica Halvorsen, "Calling It Rape: Differences in Experiences of Women Who Do or Do Not Label Their Sexual Assault as Rape," *Psychology of Women Quarterly* 27 (2003): 233–242.
84. Angela Browne, "Violence against Women: Relevance for Medical Practitioners," *Journal of the American Medical Association* 267 (1992): 3184–3189.
85. Mark Warr, "Rape, Burglary, and Opportunity," *Journal of Quantitative Criminology* 4 (1988): 275–288.
86. A. Nicholas Groth and Jean Birnbaum, *Men Who Rape* (New York: Plenum Press, 1979).
87. For another typology, see Raymond Knight, "Validation of a Typology of Rapists," in *Sex Offender Research and Treatment: State-of-the-Art in North America and Europe*, eds. W. L. Marshall and J. Frenken (Beverly Hills: Sage, 1997), pp. 58–75.
88. Sarah Ullman, "A Comparison of Gang and Individual Rape Incidents," *Violence and Victimization* 14 (1999): 123–134.
89. Janet Warren, Roland Reboussin, Robert Hazlewood, Natalie Gibbs, Susan Trumbetta, and Andrea Cummings, "Crime Scene Analysis and the Escalation of Violence in Serial Rape," *Forensic Science International* (1998): 56–62.
90. James LeBeau, "Patterns of Stranger and Serial Rape Offending Factors Distinguishing Apprehended and At-Large Offenders," *Journal of Criminal Law and Delinquency* 78 (1987): 309–326.
91. Michael Vaughn, "Police Sexual Violence: Civil Liability under State Tort Law," *Crime and Delinquency* 45 (1999): 334–357.
92. Julie Allison and Lawrence Wrightsman, *Rape: The Misunderstood Crime* (Newbury Park, CA: Sage, 1993), p. 51.
93. Cassia Spohn, Dawn Beichner, and Erika Davis-Frenzel, "Prosecutorial Justifications for Sexual Assault Case Rejection: Guarding the 'Gateway to Justice,'" *Social Problems* 48 (2001): 206–235.
94. R. Lance Shotland, "A Model of the Causes of Date Rape in Developing and Close Relationships," in *Close*

- Relationships*, ed. C. Hendrick (Newbury Park, CA: Sage, 1989), pp. 247–270.
95. Kimberly Tyler, Danny Hoyt, and Les Whitbeck, “Coercive Sexual Strategies,” *Violence and Victims* 13 (1998): 47–63.
 96. Thomas Meyer, “Date Rape: A Serious Campus Problem that Few Talk About,” *Chronicle of Higher Education* 29 (5 December 1984): 15.
 97. Allison and Wrightsman, *Rape: The Misunderstood Crime*, p. 64.
 98. Bonnie Fisher, Leah Daigle, Francis Cullen, and Michael Turner, “Reporting Sexual Victimization to the Police and Others: Results from a National-Level Study of College Women,” *Criminal Justice and Behavior* 30 (2003): 6–39.
 99. Martin Schwartz, “Humanist Sociology and Date Rape on the College Campus,” *Humanity and Society* 15 (1991): 304–316.
 100. Allison and Wrightsman, *Rape: The Misunderstood Crime*, pp. 85–87.
 101. Cited in Diana Russell, “Wife Rape,” in *Acquaintance Rape: The Hidden Crime*, eds. A. Parrot and L. Bechhofer (New York: Wiley, 1991), pp. 129–139, at 129.
 102. David Finkelhor and K. Yllo, *License to Rape: Sexual Abuse of Wives* (New York: Holt, Rinehart & Winston, 1985).
 103. Allison and Wrightsman, *Rape: The Misunderstood Crime*, p. 89.
 104. Associated Press, “British Court Rejects Precedent, Finds a Man Guilty of Raping Wife,” *Boston Globe*, 15 March 1991, p. 68.
 105. Jill Elaine Hasday, “Contest and Consent: A Legal History of Marital Rape,” *California Law Review* 88 (2000): 1373–1433.
 106. Sharon Elstein and Roy Davis, *Sexual Relationships between Adult Males and Young Teen Girls: Exploring the Legal and Social Responses* (Chicago: American Bar Association, 1997).
 107. Donald Symons, *The Evolution of Human Sexuality* (Oxford: Oxford University Press, 1979).
 108. Lee Ellis and Anthony Walsh, “Gene-Based Evolutionary Theories in Criminology,” *Criminology* 35 (1997): 229–276.
 109. Lee Ellis, “A Synthesized (Biosocial) Theory of Rape,” *Journal of Consulting and Clinical Psychology* 39 (1991): 631–642.
 110. Suzanne Osman, “Predicting Men’s Rape Perceptions Based on the Belief that ‘No’ Really Means ‘Yes,’” *Journal of Applied Social Psychology* 33 (2003): 683–692.
 111. Martin Schwartz, Walter DeKeseredy, David Tait, and Shahid Alvi, “Male Peer Support and a Feminist Routine Activities Theory: Understanding Sexual Assault on the College Campus,” *Justice Quarterly* 18 (2001): 623–650.
 112. Diana Russell, *The Politics of Rape* (New York: Stein and Day, 1975).
 113. Diana Russell and Rebecca M. Bolen, *The Epidemic of Rape and Child Sexual Abuse in the United States* (Thousand Oaks, CA: Sage, 2000).
 114. Rachel Bridges Whaley, “The Paradoxical Relationship between Gender Inequality and Rape: Toward a Refined Theory,” *Gender and Society* 15 (2001): 531–555.
 115. Kala Downs and Steven Gold, “The Role of Blame, Distress, and Anger in the Hypermasculine Man,” *Violence and Victims* 12 (1997): 19–36.
 116. Paul Gebhard, John Gagnon, Wardell Pomeroy, and Cornelia Christenson, *Sex Offenders: An Analysis of Types* (New York: Harper & Row, 1965), pp. 198–205; Richard Rada, ed., *Clinical Aspects of the Rapist* (New York: Grune & Stratton, 1978), pp. 122–130.
 117. Stephen Porter, David Fairweather, Jeff Drugge, Huues Herve, Angela Birt, and Douglas Boer, “Profiles of Psychopathy in Incarcerated Sexual Offenders,” *Criminal Justice and Behavior* 27 (2000): 216–233.
 118. Brad Bushman, Angelica Bonacci, Mirjam van Dijk, and Roy Baumeister, “Narcissism, Sexual Refusal, and Aggression: Testing a Narcissistic Reactance Model of Sexual Coercion,” *Journal of Personality and Social Psychology*, 84 (2003): 1027–1040.
 119. Schwartz, DeKeseredy, Tait, and Alvi, “Male Peer Support and a Feminist Routine Activities Theory.”
 120. Groth and Birnbaum, *Men Who Rape*, p. 101.
 121. See, generally, Edward Donnerstein, Daniel Linz, and Steven Penrod, *The Question of Pornography* (New York: Free Press, 1987); Diana Russell, *Sexual Exploitation* (Beverly Hills: Sage, 1985), pp. 115–116.
 122. Neil Malamuth and John Briere, “Sexual Violence in the Media: Indirect Effects on Aggression against Women,” *Journal of Social Issues* 42 (1986): 75–92.
 123. Associated Press, “Trial on TV May Have Influenced Boy Facing Sexual-Assault Count,” *Omaha World Herald*, 18 April 1984, p. 50.
 124. Richard Felson and Marvin Krohn, “Motives for Rape,” *Journal of Research in Crime and Delinquency* 27 (1990): 222–242.
 125. Julie Horney and Cassia Spohn, “The Influence of Blame and Believability Factors on the Processing of Simple versus Aggravated Rape Cases,” *Criminology* 34 (1996): 135–163.
 126. Kirk Johnson, “Bryant Judge Apologizes for Disclosure on Accuser,” *New York Times*, 31 July 2004, p. A9.
 127. Spohn, Beichner, and Davis-Frenzel, “Prosecutorial Justifications for Sexual Assault Case Rejection.”
 128. Patricia Landwehr, Robert Bothwell, Matthew Jeanmard, Luis Luque, Roy Brown III, and Marie-Anne Breaux, “Racism in Rape Trials,” *Journal of Social Psychology* 142 (2002): 667–670.
 129. “Man Wrongly Convicted of Rape Released 19 Years Later,” *The Forensic Examiner* (May–June 2003): 44.
 130. Gerald Robin, “Forcible Rape: Institutionalized Sexism in the Criminal Justice System,” *Crime and Delinquency* 23 (1977): 136–153.
 131. Associated Press, “Jury Stirs Furor by Citing Dress in Rape Acquittal,” *Boston Globe*, 6 October 1989, p. 12.
 132. Rodney Kingsworth, Randall MacIntosh, and Jennifer Wentworth, “Sexual Assault: The Role of Prior Relationship and Victim Characteristics in Case Processing,” *Justice Quarterly* 16 (1999): 276–302.
 133. Susan Estrich, *Real Rape* (Cambridge, MA: Harvard University Press, 1987), pp. 58–59.
 134. See, for example, Mich. Comp. Laws Ann. 750.5200-(1); Florida Statutes Annotated, Sec. 794.011; see, generally, Gary LaFree, “Official Reactions to Rape,” *American Sociological Review* 45 (1980): 842–854.
 135. Martin Schwartz and Todd Clear, “Toward a New Law on Rape,” *Crime and Delinquency* 26 (1980): 129–151.
 136. *Michigan v. Lucas* 90-149 (1991); Comment, “The Rape Shield Paradox: Complainant Protection amidst Oscillating

- Trends of State Judicial Interpretation," *Journal of Criminal Law and Criminology* 78 (1987): 644–698.
137. Andrew Karmen, *Crime Victims* (Pacific Grove, CA: Brooks/Cole, 1990), p. 252.
 138. "Court Upholds Civil Rights Portion of Violence Against Women Act," *Criminal Justice Newsletter* 28 (1 December 1997): 3.
 139. Colleen Fitzpatrick and Philip Reichel, "Conceptions of Rape and Perceptions of Prosecution." Paper presented at the American Society of Criminology meeting, San Diego, 1997.
 140. Cassia Spohn and David Holleran, "Prosecuting Sexual Assault: A Comparison of Charging Decisions in Sexual Assault Cases Involving Strangers, Acquaintances, and Intimate Partners," *Justice Quarterly* 18 (2001): 651–688.
 141. Donald Lunde, *Murder and Madness* (San Francisco: San Francisco Book, 1977), p. 3.
 142. Amy Dockser Marcus, "Mists of Memory Cloud Some Legal Proceedings," *Wall Street Journal*, 3 December 1990, p. B1.
 143. Lisa Baertlein, "HIV Ruled Deadly Weapon in Rape Case," *Boston Globe*, 2 March 1994, p. 3.
 144. The legal principles here come from Wayne LaFave and Austin Scott, *Criminal Law* (St. Paul: West, 1986; updated 1993). The definitions and discussion of legal principles used in this chapter lean heavily on this work.
 145. LaFave and Scott, *Criminal Law*.
 146. Evelyn Nieves, "Woman Gets 4-Year Term in Fatal Dog Attack," *New York Times*, 16 July 2002, p. 1.
 147. Pauline Arrillaga, "Jurors Give Drunk Driver 16 Years in Fetus's Death," *Manchester Union Leader*, 22 October 1996, p. B20.
 148. Center for Reproductive Law and Policy, *Punishing Women for Their Behavior During Pregnancy* (New York: author, 1996), pp. 1–2.
 149. *Whitner v. State of South Carolina*, Supreme Court of South Carolina, Opinion Number 24468, July 15, 1996.
 150. Janet Kreps, *Feticide and Wrongful Death Laws* (New York: Center for Reproductive Law and Policy, 1996), pp. 1–2.
 151. Arrillaga, "Jurors Give Drunk Driver 16 Years in Fetus's Death."
 152. James Alan Fox and Marianne Zawitz, *Homicide Trends in the United States* (Washington, DC: Bureau of Justice Statistics, 2001).
 153. *Ibid.*
 154. *Ibid.*
 155. See, generally, Marc Reidel and Margaret Zahn, *The Nature and Pattern of American Homicide* (Washington, DC: U.S. Government Printing Office, 1985).
 156. James L. Williams, "A Discriminant Analysis of Urban Homicide Patterns." Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990.
 157. Angela Browne and Kirk Williams, "Gender, Intimacy, and Lethal Violence: Trends from 1976 through 1987," *Gender and Society* 7 (1993): 78–98.
 158. Linda Saltzman and James Mercy, "Assaults between Intimates: The Range of Relationships Involved," in *Homicide: The Victim/Offender Connection*, ed. Anna Victoria Wilson (Cincinnati: Anderson Publishing, 1993), pp. 65–74.
 159. Angela Browne and Kirk Williams, "Exploring the Effect of Resource Availability and the Likelihood of Female-Perpetrated Homicides," *Law and Society Review* 23 (1989): 75–94.
 160. Richard Felson, "Anger, Aggression, and Violence in Love Triangles," *Violence and Victimization* 12 (1997): 345–363.
 161. *Ibid.*, p. 361.
 162. Scott Decker, "Deviant Homicide: A New Look at the Role of Motives and Victim–Offender Relationships," *Journal of Research in Crime and Delinquency* 33 (1996): 427–449.
 163. David Luckenbill, "Criminal Homicide as a Situational Transaction," *Social Problems* 25 (1977): 176–186.
 164. Margaret Zahn and Philip Sagi, "Stranger Homicides in Nine American Cities," *Journal of Criminal Law and Criminology* 78 (1987): 377–397.
 165. Tomislav Kovandzic, John Sloan, and Lynne Vieraitis, "Unintended Consequences of Politically Popular Sentencing Policy: The Homicide Promoting Effects of 'Three Strikes' in U.S. Cities (1980–1999)," *Criminology and Public Policy* 3 (2002): 399–424.
 166. Jill DeVoe, Katharin Peter, Sally Ruddy, Amanda Miller, Mike Planty, Thomas Snyder, and Michael Rand, *Indicators of School Crime and Safety*, 2003 (Washington, DC: U.S. Department of Education and Bureau of Justice Statistics, 2004).
 167. Tonja Nansel, Mary Overpeck, and Ramani Pilla, "Bullying Behaviors among US Youth: Prevalence and Association with Psychosocial Adjustment," *Journal of the American Medical Association* 285 (2001): 2094–3100.
 168. Christine Kerres Malecki and Michelle Kilpatrick Demaray, "Carrying a Weapon to School and Perceptions of Social Support in an Urban Middle School," *Journal of Emotional and Behavioral Disorders* 11 (2003): 169–178.
 169. *Ibid.*
 170. Pamela Wilcox and Richard Clayton, "A Multilevel Analysis of School-Based Weapon Possession," *Justice Quarterly* 18 (2001): 509–542.
 171. Mark Anderson, Joanne Kaufman, Thomas Simon, Lisa Barrios, Len Paulozzi, George Ryan, Rodney Hammond, William Modzeleski, Thomas Feucht, Lloyd Potter, and the School-Associated Violent Deaths Study Group, "School-Associated Violent Deaths in the United States, 1994–1999," *Journal of the American Medical Association* 286 (2001): 2695–2702.
 172. Bryan Vossekuil, Marisa Reddy, Robert Fein, Randy Borum, and William Modzeleski, *Safe School Initiative, An Interim Report on the Prevention of Targeted Violence in Schools* (Washington, DC: United States Secret Service, 2000).
 173. Larry Rohter, "In the Chaos of Colombia, the Makings of a Mass Killer," *New York Times*, 1 November 1999, p. 3.
 174. "Police Suspect 'Something Snapped' to Ignite Wilder's Crime Spree," *Omaha World Herald*, 15 April 1984, p. 21A.
 175. Mark Starr, "The Random Killers," *Newsweek*, 26 November 1984, pp. 100–106.
 176. Thomas Palmer, "Ex-Hospital Aide Admits Killing 24 in Cincinnati," *Boston Globe*, 19 August 1987, p. 3.
 177. Reuters, "Pressure Growing in Iran to Solve Prostitute Killings," *New York Times*, 25 July 2001, p. B2.
 178. Christopher Ferguson, Diana White, Stacey Cherry, Marta Lorenz, and Zhara Bhimani, "Defining and Classifying Serial Murder in the Context of Perpetrator Motivation," *Journal of Criminal Justice* 31 (2003): 287–293.

179. Ronald Holmes and Stephen Homes, *Murder in America* (Thousand Oaks, CA: Sage, 1994), p. 6.
180. Ibid., p. 106.
181. Ibid., pp. 13–14.
182. Ibid., p. 17.
183. Belea Keeney and Kathleen Heide, "Gender Differences in Serial Murderers: A Preliminary Analysis," *Journal of Interpersonal Violence* 9 (1994): 37–56.
184. Jennifer Browdy, "VI-CAP System to Be Operational This Summer," *Law Enforcement News*, 21 May 1984, p. 1.
185. Federal Bureau of Investigation, *Crime in the United States, 2000* (Washington, DC: U.S. Government Printing Office, 2001), p. 34.
186. Keith Harries, "Homicide and Assault: A Comparative Analysis of Attributes in Dallas Neighborhoods, 1981–1985," *Professional Geographer* 41 (1989): 29–38.
187. Laurence Zuckerman, "The Air-Rage Rage: Taking a Cold Look at a Hot Topic," *New York Times*, 4 October 1998, p. A3.
188. Kevin Flynn, "Record Payouts in Settlements of Lawsuits against the New York City Police Are Set for Year," *New York Times*, 1 October 1999, p. 12.
189. Etienne Krug, Linda Dahlberg, James Mercy, Anthony Zwi, and Rafael Lozano, *World Report on Violence and Health* (Geneva: World Health Organization, 2002).
190. Ibid., p. 89.
191. Ibid., p. 93.
192. See, generally, Ruth S. Kempe and C. Henry Kempe, *Child Abuse* (Cambridge, MA: Harvard University Press, 1978).
193. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Child Maltreatment, 2002* (Washington, DC: U.S. Department of Health and Human Services, 2004).
194. National Clearinghouse on Child Abuse and Neglect, *Child Abuse and Neglect Fatalities: Statistics and Interventions, 2004*. <http://nccanch.acf.hhs.gov/pubs/factsheets/fatality.cfm>. Accessed August 8, 2004.
195. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Child Maltreatment, 2001* (Washington, DC: U.S. Government Printing Office, 2003).
196. Wolfner and Gelles, "A Profile of Violence toward Children."
197. Martin Daly and Margo Wilson, "Violence against Step Children," *Current Directions in Psychological Science* 5 (1996): 77–81.
198. Ruth Inglis, *Sins of the Fathers: A Study of the Physical and Emotional Abuse of Children* (New York: St. Martin's, 1978), p. 53.
199. Diana Russell, "The Incidence and Prevalence of Intrafamilial and Extrafamilial Sexual Abuse of Female Children," *Child Abuse and Neglect* 7 (1983): 133–146; see also David Finkelhor, *Sexually Victimized Children* (New York: Free Press, 1979), p. 88.
200. Jeanne Hernandez, "Eating Disorders and Sexual Abuse in Adolescents." Paper presented at the annual meeting of the American Psychosomatic Society, Charleston, South Carolina, March 1993; Glenn Wolfner and Richard Gelles, "A Profile of Violence toward Children: A National Study," *Child Abuse and Neglect* 17 (1993): 197–212.
201. Lisa Jones and David Finkelhor, *The Decline in Child Sexual Abuse Cases* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2001).
202. Lisa Jones, David Finkelhor, and Kathy Kopie, "Why Is Sexual Abuse Declining? A Survey of State Child Protection Administrators," *Child Abuse and Neglect* 25 (2001): 1139–1141.
203. Jane Siegel and Linda Williams, "Risk Factors for Sexual Victimization of Women," *Violence Against Women* 9 (2003): 902–930.
204. Arina Ulman and Murray Straus, "Violence by Children against Mothers in Relation to Violence between Parents and Corporal Punishment by Parents," *Journal of Comparative Family Studies* 34 (2003): 41–63.
205. R. Emerson Dobash and Russell Dobash, *Violence against Wives* (New York: Free Press, 1979).
206. Julia O'Faolain and Laura Martines, eds., *Not in God's Image: Women in History* (Glasgow: Fontana/Collins, 1974).
207. Laurence Stone, "The Rise of the Nuclear Family in Modern England: The Patriarchal Stage," in *The Family in History*, ed. Charles Rosenberg (Philadelphia: University of Pennsylvania Press, 1975), p. 53.
208. Dobash and Dobash, *Violence against Wives*, p. 46.
209. John Braithwaite, "Inequality and Republican Criminology." Paper presented at the annual meeting of the American Society of Criminology, San Francisco, November 1991, p. 20.
210. Richard Gelles and Murray Straus, "Violence in the American Family," *Journal of Social Issues* 35 (1979): 15–39.
211. Miguel Schwartz, Susan O'Leary, and Kimberly Kendziora, "Dating Aggression among High School Students," *Violence and Victimization* 12 (1997): 295–307; James Makepeace, "Social Factor and Victim–Offender Differences in Courtship Violence," *Family Relations* 33 (1987): 87–91.
212. Jay Silverman, Anita Raj, Lorelei Mucci, and Jeanne Hathaway, "Dating Violence against Adolescent Girls and Associated Substance Abuse, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality," *Journal of the American Medical Association* 286 (2001): 572–579.
213. Ronald Cohen, Alan Rosenbaum, Robert Kane, William Warneken, and Sheldon Benjamin, "Neuropsychological Correlates of Domestic Violence," *Violence and Victims* 15 (2000): 397–410.
214. Neil Jacobson and John Mordechai Gottman, *When Men Batter Women: New Insights into Ending Abusive Relationships* (New York: Simon & Schuster, 1998).
215. Margo Wilson and Martin Daly, "Male Sexual Proprietariness and Violence Against Wives," *Current Directions in Psychological Science* 5 (1996): 2–7.
216. FBI, *Crime in the United States, 2000*, p. 29.
217. James Calder and John Bauer, "Convenience Store Robberies: Security Measures and Store Robbery Incidents," *Journal of Criminal Justice* 20 (1992): 553–566.
218. Richard Felson, Eric Baumer, and Steven Messner, "Acquaintance Robbery," *Journal of Research in Crime and Delinquency* 37 (2000): 284–305.
219. Ibid., p. 287.
220. Ibid.
221. Peter Van Koppen and Robert Jansen, "The Time to Rob: Variations in Time of Number of Commercial Robberies,"

- Journal of Research in Crime and Delinquency* 36 (1999): 7–29.
222. Jody Miller, “Up It Up: Gender and the Accomplishment of Street Robbery,” *Criminology* 36 (1998): 37–67.
 223. *Ibid.*, pp. 54–55.
 224. Richard Wright and Scott Decker, *Armed Robbers in Action, Stickups and Street Culture* (Boston: Northeastern University Press, 1997).
 225. James Brooke, “Gay Student Who Was Kidnapped and Beaten Dies,” *New York Times*, 13 October 1998, A1.
 226. Michael Janofsky, “Wyoming Man Gets Life Term in Gay’s Death,” *New York Times*, 5 November 1999, p. 1.
 227. James Garofalo, “Bias and Non-Bias Crimes in New York City: Preliminary Findings.” Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990.
 228. Ronald Powers, “Bensonhurst Man Guilty,” *Boston Globe*, 18 May 1990, p. 3.
 229. “Boy Gets 18 Years in Fatal Park Beating of Transient,” *Los Angeles Times*, 24 December 1987, p. 9B.
 230. Ewing, *When Children Kill*, pp. 65–66.
 231. Mike McPhee, “In Denver, Attacks Stir Fears of Racism,” *Boston Globe*, 10 December 1990, p. 3.
 232. Jack Levin and Jack McDevitt, *Hate Crimes: The Rising Tide of Bigotry and Bloodshed* (New York: Plenum Press, 1993).
 233. Jack McDevitt; Jack Levin and Susan Bennett, “Hate Crime Offenders: An Expanded Typology,” *Journal of Social Issues* 58 (2002): 303–318.
 234. Jack Levin, *The Violence of Hate, Confronting Racism, Anti-Semitism, and other Forms of Bigotry* (Boston: Allyn & Bacon, 2002), pp. 29–56.
 235. FBI, *Hate Crime Statistics, 2003* (Washington, DC: FBI, 2004).
 236. FBI, *Hate Crime Statistics, 2002* (Washington, DC: FBI, 2004).
 237. Kevin J. Strom, *Hate Crimes Reported in NIBRS, 1997–99* (Washington, DC: Bureau of Justice Statistics, 2001).
 238. Gregory Herek, Jeanine Cogan, and Roy Gillis, “Victim Experiences in Hate Crimes Based on Sexual Orientation,” *Journal of Social Issues* 58 (2002): 319–340.
 239. Garofalo, “Bias and Non-Bias Crimes in New York City,” p. 3.
 240. Brian Levin, “From Slavery to Hate Crime Laws: The Emergence of Race and Status-Based Protection in American Criminal Law” *Journal of Social Issues* 58 (2002): 227–246.
 241. FELICIA LEE, “Gays Angry Over TV Report on a Murder” *New York Times*, November 26, 2004, A3.
 242. Frederick M. Lawrence, *Punishing Hate: Bias Crimes under American Law* (Cambridge, MA: Harvard University Press, 1999).
 243. *Ibid.*, p. 3.
 244. *Ibid.*, p. 9.
 245. *Ibid.*, p. 11.
 246. *Ibid.*, pp. 39–42.
 247. Jack McDevitt, Jennifer Balboni, Luis Garcia, and Joann Gu, “Consequences for Victims: A Comparison of Bias- and Non-Bias-Motivated Assaults,” *American Behavioral Scientist* 45 (2001): 697–714.
 248. *Virginia v. Black et al.* No. 01—1107. 2003.
 249. Carl Weiser, “This Is What You Get for Firing Me,” *USA Today*, 28 January 1993, p. 3A.
 250. James Alan Fox and Jack Levin, “Firing Back: The Growing Threat of Workplace Homicide,” *Annals* 536 (1994): 16–30.
 251. John King, “Workplace Violence: A Conceptual Framework.” Paper presented at the annual meeting of the American Society of Criminology, Phoenix, November 1993.
 252. Associated Press, “Gunman Wounds 3 Doctors in L.A. Hospital,” *Cleveland Plain Dealer*, 9 February 1993, p. 1B.
 253. Robert Simon, *Bad Men Do What Good Men Dream* (Washington, DC: American Psychiatric Press, 1999).
 254. Fox and Levin, “Firing Back,” p. 5.
 255. Michael Mantell and Steve Albrecht, *Ticking Bombs: Defusing Violence in the Workplace* (New York: Irwin, 1994).
 256. Detis Duhart, *Workplace Violence, 1993–99* (Washington, DC: Bureau of Justice Statistics, 2001).
 257. Centers for Disease Control, National Institute for Occupational Safety and Health, *Violence, Occupational Hazards in Hospitals* (Atlanta: National Institutes of Health, 2002).
 258. The following sections rely heavily on Patricia Tjaden, *The Crime of Stalking: How Big Is the Problem?* (Washington, DC: National Institute of Justice, 1997); see also, Robert M. Emerson, Kerry O. Ferris, and Carol Brooks Gardner, “On Being Stalked,” *Social Problems* 45 (1998): 289–298.
 259. Patricia Tjaden, *The Crime of Stalking*.
 260. Bonnie Fisher, Francis Cullen, and Michael Turner, “Being Pursued: Stalking Victimization in a National Study of College Women,” *Criminology and Public Policy* 1 (2002): 257–309.
 261. Mary Brewster, “Stalking by Former Intimates: Verbal Threats and Other Predictors of Physical Violence,” *Violence and Victims* 15 (2000): 41–51.
 262. Carol Jordan, T.K. Logan, and Robert Walker, “Stalking: An Examination of the Criminal Justice Response,” *Journal of Interpersonal Violence* 18 (2003): 148–165.
 263. Title 22 of the United States Code section 2656f (d) (1999).
 264. Paul Wilkinson, *Terrorism and the Liberal State* (New York: Wiley, 1977), p. 49.
 265. Jack Gibbs, “Conceptualization of Terrorism,” *American Sociological Review* 54 (1989): 329–340, at 330.
 266. Robert Friedlander, *Terrorism* (Dobbs Ferry, NY: Oceana Publishers, 1979), p. 14.
 267. Daniel Georges-Abeyie, “Political Crime and Terrorism,” in *Crime and Deviance: A Comparative Perspective*, ed. Graeme Newman (Beverly Hills: Sage, 1980), pp. 313–333.
 268. Georges-Abeyie, “Political Crime and Terrorism,” p. 319.
 269. This section relies heavily on Friedlander, *Terrorism*, pp. 8–20.
 270. Associated Press, “Malaysia Arrests Five Militants,” *New York Times*, 15 October 2002, p. A2.
 271. Chung Chien-Peng, “China’s War on Terror,” *Foreign Affairs* 81 (July–August 2002): 8–13.
 272. Jocelyn Parker, “Vehicles Burn at Dealership: SUV Attacks Turn Violent,” *Detroit Free Press*, 23 August 2003, p. 1.
 273. Fiona Proffitt, “Costs of Animal Rights Terror,” *Science* 304 (18 June 2004): 1731–1739.
 274. “Brutal Elves in the Woods,” *The Economist* 359 (14 April 2001): 28–30.

275. Jeffrey Kluger, "The Nuke Pipeline: The Trade in Nuclear Contraband Is Approaching Critical Mass. Can We Turn Off the Spigot?" *Time*, 17 December 2001, p. 40.
276. Chris Dishman, "Terrorism, Crime, and Transformation," *Studies in Conflict & Terrorism* 24 (2001): 43–56.
277. Peter L. Bergen, *Holy War, Inc.: Inside The Secret World of Osama bin Laden* (New York: Free Press, 2001), pp. 41–50; Yonah Alexander and Michael S. Swetnam, *Usama bin Laden's al-Qaida: Profile of a Terrorist Network* (New York: Transnational Publishers, 2001); Michael Kranish and Anthony Shadid, "Bin Laden Zeal for Stature Used Psychology, Religion," *Boston Globe*, 19 November 2001, p. 3.
278. Mark Jurgensmeyer, *Terror in the Mind of God* (Berkeley and Los Angeles: University of California Press, 2000).
279. Jerrold M. Post, "Terrorist Psycho-Logic: Terrorist Behavior as a Product of Psychological Forces," in *Origins of Terrorism: Psychologies, Ideologies Theologies, States of Mind*, ed. Walter Reich (Cambridge: Cambridge University Press, 1990), p. 12.
280. Haruki Murakami, *Underground* (New York: Vintage Books, 2001).
281. Reuel Marc Gerecht, "The Counterterrorist Myth," *Atlantic Monthly* 288 (July–August 2001): 288–293.
282. Stephen Flynn, "America the Vulnerable," *Foreign Affairs* 81 (January–February 2002): 60.
283. Graham Allison, *Nuclear Terrorism: The Ultimate Preventable Catastrophe* (New York: Times Books, 2004).
284. 18 U.S.C.A 2332 (a) (1) (West Supp., 1997).
285. "Hunting Terrorists Using Confidential Informant Reward Programs," *FBI Law Enforcement Bulletin* 71 (2002): 26–28; Sara Sun Beale and James Felman, "The Consequences of Enlisting Federal Grand Juries in the War on Terrorism: Assessing the USA Patriot Act's Changes to Grand Jury Secrecy," *Harvard Journal of Law and Public Policy* 25 (2002): 699–721.
286. Morton Halperin, "Less Secure, Less Free: Striking Terror at Civil Liberty," *The American Prospect* 12 (19 November 2001): 10–13.

CHAPTER 11



On December 12, 2001, actress Wynona Ryder was apprehended by Saks Fifth Avenue store detectives as she attempted to leave the premises with clothes, socks, hats, hair accessories, and handbags worth some \$5,500. Store detectives found in her possession designer tops and handbags bearing holes where security tags had been removed. They later found security tags in the pocket of a coat in a section of the store that Ryder had been seen to

visit. Three of them contained material that matched holes in two handbags and a hair bow allegedly stolen by Ryder. She was also found in possession of eight forms of painkillers, ranging from Valium to Vicodin to a generic form of Oxycodone (drug possession charges were later dropped).

On November 6, 2002, Ryder was found guilty of grand theft and vandalism and sentenced to probation. Under the terms of her three-year probation sentence, Ryder was required to perform 480 hours of community service and undergo both drug and personal counseling. She also had to pay \$6,555.40 in restitution to the Beverly Hills, California, Saks Fifth Avenue where she was caught shoplifting, plus \$2,700 in fines. To fulfill her community service requirement, Ryder had to spend 240 hours at City of Hope, a cancer treatment center outside of Los Angeles; 120 hours at the Foundation for the Junior Blind; and 120 hours at Caring for Babies with AIDS.

After the trial was over, Ann Rundle, the prosecutor who tried the case, was quoted as saying, "We never thought about jail time. . . . We won't be asking for it. We simply want Ms. Ryder to take responsibility for her conduct."¹ Because shoplifting is not a violent crime, Rundle said, an appropriate sentence would be some combination of probation, community service, and restitution. "And that's what we're going to ask for," she said.

On December 15, 2003, Judge Elden Foy publicly praised Ryder's efforts to complete her community treatment.

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

CHAPTER OUTLINE

A Brief History of Theft

Modern Thieves

Occasional Criminals
Professional Criminals
Sutherland's Professional Criminal
The Professional Fence

The Criminological Enterprise: Transforming Theft: Train Robbers and Safecrackers

The Nonprofessional Fence

Larceny/Theft

Larceny Today
Shoplifting
Bad Checks
Credit Card Theft
Auto Theft

The Criminological Enterprise: Credit Card Fraud

False Pretenses or Fraud
Confidence Games
Embezzlement

Burglary

The Nature and Extent of Burglary
Residential Burglary
Commercial Burglary

Race, Culture, Gender, and Criminology: Are There Gender Differences in Burglary?

Careers in Burglary

Arson


The Criminological Enterprise: What Motivates Juvenile Fire Setters?

CHAPTER OBJECTIVES

1. Be familiar with the history of theft offenses
2. Recognize the differences between professional and amateur thieves
3. Know the similarities and differences between the various types of larceny
4. Understand the different forms of shoplifting
5. Be able to discuss the concept of fraud
6. Know what is meant by a confidence game
7. Understand what it means to burgle a home
8. Know what it takes to be a good burglar
9. Understand the concept of arson

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Though average citizens may be puzzled and enraged by violent crimes, believing them to be both senseless and cruel, they often view economic crimes with a great deal more ambivalence. Society generally disapproves of crimes involving theft and corruption, but the public seems quite tolerant of the “gentleman bandit,” even to the point of admiring such figures. They pop up as characters in popular myths and legends—the famed English outlaw Robin Hood, western bank robber Jesse James, 1930s outlaws Bonnie Parker and Clyde Barrow (the subjects of the 1967 award-winning film *Bonnie and Clyde* starring Warren Beatty and Faye Dunaway). There are the semi-heroic subjects of books and films such as *48 Hours* (1982), in which Eddie Murphy plays a thief who helps a police officer (Nick Nolte) catch even more dangerous criminals; *Heat* (1995), in which Robert DeNiro plays a master thief and Al Pacino the detective who tracks him down; *Heist* (2001), in which Gene Hackman plays a clever thief who steals gold bullion by the ton; and *Ocean’s 11* (2001) and *Ocean’s 12* (2004) in which a suave George Clooney leads a band of rogues who loot hundreds of millions of dollars from casinos, galleries, and so on.

 To see thieves glorified as heroes, go to the *Ocean’s 12* website at <http://oceans12.warnerbros.com/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

How can such ambivalence toward criminality be explained? For one thing, if self-report surveys are accurate, national tolerance toward economic criminals may be prompted by the fact that almost every U.S. citizen has at some time been involved in economic crime. Even those among us who would never consider ourselves lawbreakers may have at one time engaged in petty theft, cheated on our income tax, stolen a textbook from a college bookstore, or pilfered from our place of employment. Consequently, it may be difficult for society to condemn economic criminals without feeling hypocritical.

Property crimes are not new to this century. This painting illustrates fourteenth-century thieves plundering a home in Paris.



Foy 20 CVii f. 41v British Library/The Bridgeman Art Library


People may also be somewhat more tolerant of economic crimes because they never seem to seriously hurt anyone—banks are insured, large businesses pass along losses to consumers, stolen cars can be easily replaced and, in most cases, are insured. The true pain of economic crime often goes unappreciated. Convicted offenders, especially businesspeople who commit white-collar crimes involving millions of dollars, often are punished rather lightly.

This chapter is the first of two that reviews the nature and extent of economic crime in the United States. It is divided into two principal sections. The first deals with the concept of professional crime and focuses on different types of professional criminals, including the **fence**, a buyer and seller of stolen merchandise. The chapter then turns to a discussion of common theft-related offenses or **street crime**. Included within these general offense categories are such common crimes as auto theft, shoplifting, and credit card fraud. Next, the chapter discusses a more serious form of theft, burglary, which involves forcible entry into a person’s home or place of work for the purpose of theft. Finally, the crime of arson is discussed briefly. In Chapter 12 attention will be given to white-collar crimes and economic crimes that involve organizations devoted to criminal enterprise.

A BRIEF HISTORY OF THEFT


As a group, **economic crime** can be defined as acts in violation of the criminal law designed to bring financial reward to an offender. In U.S. society, the range and scope of criminal activity motivated by financial gain is tremendous: Self-report studies show that property crime among the young in every social class is widespread. National surveys of criminal behavior indicate that millions of personal and household thefts occur annually, including auto thefts, shoplifting incidents, embezzlements, burglaries, and larcenies. Between 10 and 15 percent of the U.S. population are victims of theft offenses each year.

Theft, however, is not a phenomenon unique to modern times; the theft of personal property has been known throughout recorded history. The Crusades of the eleventh century inspired peasants and downtrodden noblemen to leave the shelter of their estates to prey on passing pilgrims.² Crusaders felt it within their rights to appropriate the possessions of any infidels—Greeks, Jews, or Muslims—they happened to encounter during their travels.

 The Crusades actually lasted for centuries. Read about them and why they ended: Nigel Saul, "The Vanishing Vision: Late Medieval Crusading," *History Today* 47 (June 1997): 23.


By the thirteenth century, returning pilgrims, not content to live as serfs on feudal estates, gathered in the forests of England and the Continent to poach on game that was the rightful property of their lord or king and, when possible, to steal from passing strangers. By the fourteenth century, many such highwaymen and poachers were fulltime livestock thieves, stealing great numbers of cattle and sheep.³ The fifteenth and sixteenth centuries brought hostilities between England and France in what has come to be known as the Hundred Years' War. Foreign mercenary troops fighting for both sides roamed the countryside; loot and pillage were viewed as a rightful part of their pay. As cities developed and a permanent class of propertyless urban poor was established,⁴ theft became more professional. By the eighteenth century, three separate groups of property criminals were active: skilled thieves, smugglers, and poachers.


- **Skilled thieves** typically worked in the larger cities, such as London and Paris. This group included pickpockets, forgers, and counterfeiters, who operated freely. They congregated in **flash houses**—public meeting places, often taverns, that served as headquarters for gangs. Here, deals were made, crimes were plotted, and the sale of stolen goods was negotiated.⁵
- **Smugglers** were the second group of thieves. They moved freely in sparsely populated areas and transported goods, such as spirits, gems, gold, and spices, without bothering to pay tax or duty.
- **Poachers**, the third type of thief, typically lived in the country and supplemented their diet and income with game that belonged to a landlord.

 Is poaching still a crime? To find out, use "poaching" as a subject guide in InfoTrac College Edition.

By the eighteenth century, professional thieves in the larger cities had banded together into gangs to protect themselves, increase the scope of their activities, and help dispose of stolen goods. Jack Wild, perhaps London's most famous thief, perfected the process of buying and selling stolen goods and gave himself the title of Thief-Taker General of Great Britain and Ireland. Before he was hanged, Wild controlled


numerous gangs and dealt harshly with any thief who violated his strict code of conduct.⁶ During this period, individual theft-related crimes began to be defined by the common law. The most important of these categories are still used today.

 To read more about **Jack Wild** and his times, go to the website of the Old Bailey Court in England: <http://www.oldbaileyonline.org/history/crime/policing.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

 To quiz yourself on this material, go to the Criminology 9e website.

MODERN THIEVES

Of the millions of property and theft-related crimes that occur each year, most are committed by **occasional criminals** who do not define themselves by a criminal role or view themselves as committed career criminals; other theft-offenders are in fact skilled **professional criminals**. The following sections review these two orientations toward property crime.

 To read about the lives of three professional criminals, use InfoTrac College Edition to access this article: Dick Hobbs, "Professional Crime: Change, Continuity, and the Enduring Myth of the Underworld," *Sociology* 31 (February 1997): 57.

Occasional Criminals

Though criminologists are not certain, they suspect that the great majority of economic crimes are the work of amateur criminals whose decision to steal is spontaneous and whose acts are unskilled, impulsive, and haphazard. Millions of theft-related crimes occur each year, and most are not reported to police agencies. Many of these theft offenses are committed by school-age youths who are unlikely to enter into a criminal career and whose behavior has been described as drifting between conventional and criminal behavior. Added to the pool of amateur thieves are the millions of adults whose behavior may occasionally violate the criminal law—shoplifters, pilferers, tax cheats—but whose main source of income comes from conventional means and whose self-identity is not criminal. Added together, their behaviors form the bulk of theft crimes.

Occasional property crime occurs when there is an opportunity or **situational inducement** to commit crime.⁷ Opportunities are available to members of all classes, but members of the upper class have the opportunity to engage in the more lucrative business-related crimes of price fixing, bribery, embezzlement, and so on, which are closed to the lower classes. Hence, lower-class individuals are overrepresented in street crime.

Occasional criminals are amateurs whose decision to steal is spontaneous and whose acts are unskilled, impulsive, and haphazard. They might even take advantage of an opportunity created by Mother Nature. With his shotgun sitting on a chair beside him, Terry Frye sits in front of his home, which was devastated by Hurricane Charley, in Port Charlotte, Florida, early August 14, 2004. Frye scrawled a note on the wall behind him to protect his home and scare off looters. Is Frye being overly cautious or should he worry about occasional criminals?



Situational inducements are short-term influences on a person's behavior that increase risk taking. These include psychological factors, such as financial problems, and social factors, such as peer pressure. Opportunity and situational inducements are not the cause of crime; rather, they are the occasion for crime, hence, the term *occasional criminal*.

The opportunity to commit crime and the short-run inducements to do so are not randomly situated; some people, typically poor young males, have an ample supply of both. Consequently, the frequency of occasional property crime varies according to age, class, sex, and so on. Occasional offenders are not professional criminals, nor do they make crime their occupation. They do not rely on skills or knowledge to commit their crimes, they do not organize their daily activities around crime, and they are not committed to crime as a way of life.

Occasional criminals have little group support for their acts. Unlike professionals, they do not receive informal peer group support for their crimes. In fact, they will deny any connection to a criminal lifestyle and instead view their transgressions as being "out of character." They may see their crimes as being motivated by necessity. For example, they were only borrowing the car the police caught them with; they were going to pay for the merchandise that they stole from the store—eventually. Because of their lack of commitment to a criminal lifestyle, occasional offenders may be the most likely to respond to the general deterrent effect of the law.

Professional Criminals

In contrast to occasional criminals, professional criminals make a significant portion of their income from crime. Professionals do not delude themselves with the belief that their

acts are impulsive, one-time efforts, nor do they employ elaborate rationalizations to excuse the harmfulness of their action ("shoplifting doesn't really hurt anyone"). Consequently, professionals pursue their craft with vigor, attempting to learn from older, experienced criminals the techniques that will earn them the most money with the least risk. Though their numbers are relatively few, professionals engage in crimes that produce the greater losses to society and perhaps cause the more significant social harm.

Professional theft traditionally refers to nonviolent forms of criminal behavior that are undertaken with a high degree of skill for monetary gain and that exploit interests tending to maximize financial opportunities and minimize the possibilities of apprehension. The most typical forms include pocket-picking, burglary, shoplifting, forgery and counterfeiting, extortion, sneak theft, and confidence swindling.⁸

Relatively little is known about the career patterns of professional thieves and criminals. From the literature on crime and delinquency, three patterns emerge:

- Youth come under the influence of older, experienced criminals who teach them the trade.
- Juvenile gang members continue their illegal activities at a time when most of their peers have "dropped out" to marry, raise families, and take conventional jobs.
- Youth sent to prison for minor offenses learn the techniques of crime from more experienced thieves.

Harry King, a professional thief, relates this story about his entry into crime after being placed in a shelter-care home by his recently divorced mother:

It was while I was at this parental school that I learned that some of the kids had been committed there by the court for stealing bikes. They taught me how to steal and

where to steal them and where to sell them. Incidentally, some of the “nicer people” were the ones who bought bikes from the kids. They would dismantle the bike and use the parts: the wheels, chains, handlebars, and so forth.⁹

Here we can see how would-be criminals may be encouraged in their illegal activities by so-called honest people who are willing to buy stolen merchandise and gain from criminal enterprise.

There is some debate in the criminological literature over who may be defined as a professional criminal. In his classic works, Edwin Sutherland used the term to refer only to thieves who do not use force or physical violence in their crimes and who live solely by their wits and skill.¹⁰ However, some criminologists use the term to refer to any criminal who identifies with a criminal subculture, who makes the bulk of his or her living from crime, and who possesses a degree of skill in his or her chosen trade.¹¹ Thus, one can become a professional safecracker, burglar, car thief, or fence. Some criminologists would not consider drug addicts who steal to support their habit as professionals; they lack skill and therefore are amateur opportunists rather than professional technicians. However, professional criminals who take drugs might still be considered under the general pattern of professional crime. If the sole criterion for being judged a professional criminal were using crime as one’s primary source of income, then many drug users would have to be placed in the professional category.

Sutherland’s Professional Criminal

What we know about the lives of professional criminals has come to us through their journals, diaries, autobiographies, and the first-person accounts they have given to criminologists. The best-known account of professional theft is the life of a professional thief or con man, Chic Conwell, in Sutherland’s classic book, *The Professional Thief*.¹² Conwell and Sutherland’s concept of professional theft has two critical dimensions.

First, professional thieves engage in limited types of crime, which are described in Exhibit 11.1.¹³ Professionals depend solely on their wit and skill. Thieves who use force or commit crimes that require little expertise are not considered worthy of the title “professional.” Their areas of activity include “heavy rackets,” such as bank robbery, car theft, burglary, and safecracking. You can see that Conwell and Sutherland’s criteria for professionalism are weighted heavily toward con games and trickery and give little attention to common street crimes.

The second requirement of professional theft is the exclusive use of wits, front (a believable demeanor), and talking ability. Manual dexterity and physical force are of little importance. Professional thieves must acquire status in their profession. Status is based on their technical skill, financial standing, connections, power, dress, manners, and wide knowledge base. In their world, “thief” is a title worn with pride. Conwell and Sutherland also argue that professional

Sutherland’s Typology of Professional Thieves

- Pickpocket (cannon)
- Thief in rackets related to confidence games
- Forger
- Extortionist from those engaging in illegal acts (shakedown artist)
- Confidence game artist (con artist)
- Thief who steals from hotel rooms (hotel prowler)
- Jewel thief who substitutes fake gems for real ones (pennyweighter)
- Shoplifter (booster)
- Sneak thief from stores, banks, and offices (heel)

Source: Edwin Sutherland and Chic Conwell, *The Professional Thief* (Chicago: University of Chicago Press, 1937).

thieves share feelings, sentiments, and behaviors. Of these, none is more important than the code of honor of the underworld; even under the threat of the most severe punishment, a professional thief must never inform (squeal) on his or her fellows. Sutherland and Conwell view professional theft as an occupation with much the same internal organization as that characterizing such legitimate professions as advertising, teaching, or police work. They conclude:

A person can be a professional thief only if he is recognized and received as such by other professional thieves. Professional theft is a group way of life. One can get into the group and remain in it only by the consent of those previously in the group. Recognition as a professional thief by other professional thieves is the absolutely necessary, universal and definitive characteristic of the professional thief.¹⁴

Professional thieves have changed their behavior over time in response to crime control technology. The Criminological Enterprise feature “Transforming Theft” shows how these technology-inspired shifts in criminality began as early as the nineteenth century.

The Professional Fence

Some experts have argued that Sutherland’s view of the professional thief may be outdated because modern thieves often work alone, are not part of a criminal subculture, and were not tutored early in their careers by other criminals.¹⁵ However, some important research efforts show that the principles set down by Sutherland still have value for understanding the behavior of one contemporary criminal type—the **professional fence**, who earns his or her living solely by buying and reselling stolen merchandise. The fence’s critical role in criminal transactions has been recognized since the eighteenth century.¹⁶ They act as middlemen who purchase stolen merchandise—ranging from diamonds to auto

Transforming Theft: Train Robbers and Safecrackers

According to Neal Shover, the activities of professional thieves began to be influenced by technology before the twentieth century. For example, train robbery flourished toward the end of the nineteenth century because professional robbers considered them easy pickings. Law enforcement was decentralized, and robbers could escape over the border to a neighboring state to avoid detection. Security arrangements were minimal, and robbers could stop, board, and loot trains with little fear of capture. As the threat to trains increased, technological improvements were initiated in an effort to deter would-be robbers:

- Plainclothes officers were placed on trains and rode unobtrusively among the passengers.
- Baggage cars were equipped with ramps and stalls containing fleet horses that could be used to immediately pursue bandits.
- Cars were made with finer precision and strength to make them impregnable.
- Forensic science made it easier to identify robbers, and improved communication made it easier to capture them.
- Federal involvement in train protection extended the ability of law enforcement beyond the

county or state in which the robbery occurred.

As a result of these innovations, the number of train robberies decreased from twenty-nine in 1900 to seven in 1905; by 1920, train robbers had all but disappeared.

Safecracking also underwent a dramatic change due to technological changes in the design of safes. In the early 1900s, safes were made of manganese steel because it was resistant to drilling and was fireproof. With the invention and distribution of acetylene torches in the latter part of the nineteenth century, safes constructed of manganese became vulnerable and encouraged safecrackers to commit bold crimes. Safe manufacturers fought back by constructing safes with alternative sheets of copper and steel. The copper diffused heat and made the safe resistant to being torched. In response, safecrackers shifted their approach to attacking safes' locks and locking mechanisms. They developed mechanical devices that either dismantled or destroyed locks. Some burglars developed methods of peeling the laminated layers of the safe apart.

After World War II, safecrackers began using carbide and then diamond drill bits, which tore through metal. Safe manufacturers responded by lining safes with new metals designed to chip or break drill bits. They also developed sophisticated security systems featuring light beams, which would trip an alarm if the beam was

interrupted by an intruder. When thieves learned how to neutralize these alarms, they were supplanted by motion detectors and ultrasonic systems, which fill space with sound waves and set off alarms when they are disturbed. Though these systems can be defeated, it requires expensive electronic gear, which most criminals can neither afford nor operate. As a result, the number of safecrackers has declined, and the crime of safecracking is relatively rare.

Critical Thinking

1. Technology changes the nature and extent of theft crimes. Although train robbing and safecracking may be rare today, using bogus credit cards and stealing from ATM machines has increased in both number of crimes and value. What are some other crime patterns that have been created by technological innovation?
2. What types of crime involving technological innovations have been prevented or deterred?

InfoTrac College Edition Research

To read about the life of an actual train robber, check out this article: Stephen Fox, "Chris Evans Could Always Be Relied on to Pull a Fast One," *Smithsonian* 26 (May 1995): 84.

Source: Neal Shover, *Great Pretenders, Pursuits, and Careers of Persistent Thieves* (Boulder, CO: Westview Press, 1996), pp. 50–51.

hubcaps—and resell them to merchants who market them to legitimate customers.¹⁷

Carl Klockars examined the life and times of one successful fence who used the alias Vincent Swaggi. Through 400 hours of listening to and observing Swaggi, Klockars found that this highly professional criminal had developed techniques that made him almost immune to prosecution. During the course of a long and profitable career in crime, Swaggi spent only 4 months in prison. He stayed in business,

in part, because of his sophisticated knowledge of the law of stolen property. To convict someone of receiving stolen goods, the prosecution must prove that the accused was in possession of the goods and knew that they had been stolen. Swaggi had the skills to make sure that these elements could never be proved. Also helping Swaggi stay out of the law's grasp were the close working associations he maintained with society's upper classes, including influential members of the justice system. Swaggi helped them purchase stolen items

at below-cost, bargain prices. He also helped authorities recover stolen goods and therefore remained in their good graces. Klockars's work strongly suggests that fences customarily cheat their thief-clients and at the same time cooperate with the law.

Sam Goodman, a fence interviewed by sociologist Darrell Steffensmeier, lived in a world similar to Vincent Swaggi's. He also purchased stolen goods from a wide variety of thieves and suppliers, including burglars, drug addicts, shoplifters, dockworkers, and truck drivers. According to Goodman, to be successful, a fence must meet the following conditions:

- *Upfront cash*: All deals are cash transactions, so an adequate supply of ready cash must always be on hand.
- *Knowledge of dealing—learning the ropes*: The fence must be schooled in the knowledge of the trade, including developing a “larceny sense”; learning to “buy right” at acceptable prices; being able to “cover one’s back” and not get caught; finding out how to make the right contacts; and knowing how to “wheel and deal” and how to create opportunities for profit.
- *Connections with suppliers of stolen goods*: The successful fence must be able to engage in long-term relationships with suppliers of high-value stolen goods who are relatively free of police interference. The warehouse worker who pilfers is a better supplier than the narcotics addict, who is more likely to be apprehended and talk to the police.
- *Connections with buyers*: The successful fence must have continuing access to buyers of stolen merchandise who are inaccessible to the common thief. For example, they must make contacts with local pawn shops and other distributors of secondhand goods and be able to move their material without drawing attention from the authorities.¹⁸
- *Complicity with law enforcers*: The fence must work out a relationship with law enforcement officials who invariably find out about the fence’s operations. Steffensmeier found that to stay in business the fence must either bribe officials with good deals on merchandise and cash payments or act as an informer who helps police recover particularly important merchandise and arrest thieves.

Fences handle a tremendous number of products—televisions, cigarettes, stereo equipment, watches, autos, and cameras.¹⁹ In dealing their merchandise, they operate through many legitimate fronts, including art dealers, antique stores, furniture and appliance retailers, remodeling companies, salvage companies, trucking companies, and jewelry stores. When deciding what to pay the thief for goods, the fence uses a complex pricing policy: Professional thieves who steal high-priced items are usually given the highest amounts—about 30 to 50 percent of the wholesale price. For example, furs valued at \$5,000 may be bought for \$1,500.

However, the amateur thief or drug addict who is not in a good bargaining position may receive only 10 cents on the dollar.

Fencing seems to contain many of the elements of professional theft as described by Sutherland: Fences live by their wits, never engage in violence, depend on their skill in negotiating, maintain community standing based on connections and power, and share the sentiments and behaviors of their fellows. The only divergence between Sutherland’s thief and the fence is the code of honor; it seems likely that the fence is much more willing to cooperate with authorities than most other professional criminals.

The Nonprofessional Fence

Professional fences have attracted the attention of criminologists, but like other forms of theft, fencing is not dominated solely by professional criminals. A significant portion of all fencing is performed by amateur or occasional criminals. For example, novice burglars, such as juveniles and drug addicts, often find it so difficult to establish relationships with professional fences that they turn instead to nonprofessionals to unload the stolen goods.²⁰

One type of occasional fence is the part-timer who, unlike professional fences, has other sources of income. Part-timers are often “legitimate” businesspeople who integrate the stolen merchandise into their regular stock. For example, the manager of a local video store who buys stolen DVD players and DVDs and rents them along with his legitimate merchandise is a part-time fence. An added benefit of the illegitimate part of his work is the profit he makes on these stolen items, which are not reported for tax purposes.

Some merchants become actively involved in theft either by specifying the merchandise they want the burglars to steal or by “fingering” victims. Some businesspeople sell merchandise and then describe the customers’ homes and vacation plans to known burglars so that they can steal it back!

Associational fences are amateur fences who barter stolen goods for services. These amateurs typically have legitimate professional dealings with known criminals including bail bonds agents, police officers, and attorneys. A lawyer may demand an expensive watch from a client in exchange for legal services. Bartering for stolen merchandise avoids taxes and becomes a transaction in the underground economy.

Neighborhood hustlers buy and sell stolen property as one of the many ways they make a living. They keep some of the booty for themselves and sell the rest in the neighborhood. These dealmakers are familiar figures to neighborhood burglars looking to get some quick cash by selling them stolen merchandise.

Amateur receivers can be complete strangers approached in a public place by someone offering a great deal on valuable commodities. It is unlikely that anyone buying a \$2,000 stereo for \$200 cash would not suspect that it may have been stolen. Some amateur receivers make a habit of buying suspect merchandise at reasonable prices from a “trusted friend,” establishing an ongoing relationship. This practice encour-

ages crime because the criminals know that there will always be someone to buy their merchandise. In addition to the professional fence, the nonprofessional fence may account for a great deal of criminal receiving. Both professional and amateur thieves have a niche in the crime universe.

Criminologists and legal scholars recognize that common theft offenses fall into several categories linked together because they involve the intentional misappropriation of property for personal gain. In fencing, goods are bought from another who is in illegal possession of those goods. In the case of embezzlement, burglary, and larceny, the property is taken through stealth. In other kinds of theft, such as bad checks, fraud, and false pretenses, goods are obtained through deception. Some of the major categories of common theft offenses are discussed in the next sections in some detail.



To quiz yourself on this material, go to the Criminology 9e website.

LARCENY/THEFT

Larceny/theft was one of the earliest common-law crimes created by English judges to define acts in which one person took for his or her own use the property of another.²¹ According to common law, larceny was defined as “the trespassory taking and carrying away of the personal property of another with intent to steal.”²² Most state jurisdictions have incorporated the common-law crime of larceny in their legal codes. Today, definitions of larceny often include such familiar acts as shoplifting, passing bad checks, and other theft offenses that do not involve using force or threats on the victim (robbery) or forcibly breaking into a person’s home or place of work (burglary).

When it was originally construed, larceny involved taking property that was in the possession of the rightful owners. For example, it would have been considered larceny for someone to go secretly into a farmer’s field and steal a cow. Thus, the original common-law definition required a “trespass in the taking”; this meant that for an act to be considered larceny, goods must have been taken from the physical possession of the rightful owner. In creating this definition of larceny, English judges were more concerned with people disturbing the peace than they were with thefts. If someone tried to steal property from another’s possession, they reasoned that the act could eventually lead to a physical confrontation and possibly the death of one party or the other, thereby disturbing the peace! Consequently, the original definition of larceny did not include crimes in which the thief had come into the possession of the stolen property by trickery or deceit. For example, if someone entrusted with another person’s property decided to keep it, it was not considered larceny.

The growth of manufacturing and the development of the free enterprise system required greater protection for private property. The pursuit of commercial enterprise often

required that one person’s legal property be entrusted to a second party; therefore, larceny evolved to include the theft of goods that had come into the thief’s possession through legitimate means.

To get around the element of “trespass in the taking,” English judges created the concept of **constructive possession**. This legal fiction applied to situations in which persons voluntarily and temporarily gave up custody of their property but still believed the property was legally theirs. For example, if a person gave a jeweler her watch for repair, she would still believe she owned the watch even though she had handed it over to the jeweler. Similarly, when a person misplaces his wallet and someone else finds it and keeps it—although identification of the owner can be plainly seen—the concept of constructive possession makes the person who has kept the wallet guilty of larceny.

Larceny Today

Most state jurisdictions have, as mentioned, incorporated larceny in their criminal codes. Larceny is usually separated by state statute into **petit (petty) larceny** and **grand larceny**. The former involves small amounts of money or property; it is punished as a misdemeanor. Grand larceny, involving merchandise of greater value, is considered a felony and is punished by a sentence in the state prison. Each state sets its own boundary between grand larceny and petty larceny. So, for example, in Massachusetts if the goods or services stolen were worth over \$250, it is considered a felony offense, under \$250 the crime is a misdemeanor.²³ This distinction often presents a serious problem for the justice system. Car thefts and other larcenies involving high-priced merchandise are easily classified, but it is often difficult to decide whether a particular theft should be considered petty or grand larceny. For example, if a 10-year-old watch that originally cost \$500 is stolen, should its value be based on its original cost, on its current worth (\$50), or on its replacement cost (\$1,000)? As most statutes are worded, the current market value of the property governs its worth. Thus, the theft of the watch would be considered petty larceny because its worth today is only \$50. However, if a painting originally bought for \$25 has a current market value of \$500, its theft would be considered grand larceny. The distinction between petit and grand larceny can be especially significant in states such as California, which employ three strikes laws mandating that someone convicted of a third felony be given a life sentence. The difference may not be lost on potential criminals: Research by John Worrall shows that larceny rates in California have been significantly lowered since passage of the three strikes law.²⁴

Larceny/theft is probably the most common criminal offense. The FBI recorded a little more than 7 million acts of larceny in 2003 essentially unchanged from the year before; the larceny rate is about 2,400 per 100,000 people. Larceny rates declined about 20 percent between 1994 and 2003. Preliminary data show larceny declined 2 percent between 2003 and 2004.²⁵

There are many different varieties of larceny. Some involve small items of little value. Many of these go unreported, however, especially if the victims were business owners who do not want to take the time to get involved with police. They simply write off the losses as part of doing business. For example, hotel owners estimate that guests filch \$100 million a year in towels, bathrobes, ashtrays, bedspreads, shower heads, flatware, and even television sets and wall paintings.²⁶ Another favorite is stolen car parts that can be taken from stolen autos (see below) or simply ripped off on the street. Among the most attractive targets:

- **Head lights:** Blue-white, high-intensity discharge headlights. New ones go for \$500 and up per light, sometimes \$3,000 per car.
- **Air bags:** About 10 percent of all theft claims involve an air bag. The driver's side bag, mounted in the steering wheel, is the easiest to remove and costs \$500 to \$1,000 to replace.
- **Wheels:** Custom rims are attractive to thieves, especially the "spinners" that keep revolving when the car is stopped. They go from \$100 each up to \$15,000 for a set of super-luxe models.²⁷

Other larcenies involve complex criminal conspiracies, and no one, not even the U.S. government, is immune. Thieves steal millions of dollars worth of government equipment and supplies each year. For example, the Department of Energy reported more than \$20 million in property missing from its site in Rocky Flats, Colorado. Missing items included semi-trailers, forklifts, cameras, desks, radios, and more than 1,800 pieces of computer equipment.²⁸

Shoplifting

Shoplifting is a common form of theft involving taking goods from retail stores. Usually shoplifters try to snatch items—jewelry, clothes, records, or appliances—when store personnel are otherwise occupied, and they then hide the goods on their person. The five-finger discount is an extremely common form of crime, and retailers lose an estimated \$30 billion to inventory shrinkage; on average, stores small and large lose at least 2 percent of total sales to thieves.²⁹ Shoplifting is certainly not unique to the United States. In England, about 5 percent of the population is convicted of shoplifting by age 40. Surveys of retailers in the United Kingdom suggest that there are more than 4 million known shoplifting incidents, 1.3 million apprehended shoplifters, and 800,000 shoplifters reported to the police each year. One reason for the popularity of shoplifting may be lax treatment. Although about one in seven apprehended offenders is eventually convicted in court, less than one in twenty shoplifting attempts result in apprehension.³⁰

Retail security measures add to the already high cost of this crime, all of which is passed on to the consumer. Some studies estimate that about one in every nine shoppers steals from department stores. Moreover, the increasingly popular

discount stores, such as Costco, Wal-Mart, and Target, have a minimum of sales help and depend on highly visible merchandise displays to attract purchasers, all of which makes them particularly vulnerable to shoplifters.

To learn more about shoplifting control, use InfoTrac College Edition, and read: Ann Longmore-Etheridge, "Bagging Profits Instead of Thieves," *Security Management* 45 (October 2001): 70.

PROFILE OF A SHOPLIFTER In the early 1960s, Mary Owen Cameron conducted a classic study of shoplifting.³¹ In her pioneering effort, Cameron found that about 10 percent of all shoplifters were professionals who derived the majority of their income from shoplifting. Sometimes called **boosters** or **heels**, she found that professional shoplifters steal with the intention of reselling stolen merchandise to pawnshops or fences, usually at half the original price.³²

Cameron found that the majority of shoplifters are amateur pilferers, called **snitches** in thieves' argot. Snitches are usually respectable people who do not conceive of themselves as thieves but are systematic shoplifters who steal merchandise for their own use. They are not simply overcome by an uncontrollable urge to take something that attracts them; they come equipped to steal. Snitches who are arrested usually have never been apprehended before. For the most part, they are people who lack the kind of criminal experience that suggests extensive association with a criminal subculture.

Criminologists view shoplifters as people who are likely to reform if apprehended. Because snitches are not part of a criminal subculture and do not think of themselves as criminals, Cameron reasoned that they are deterred by an initial contact with the law. Getting arrested has a traumatic effect on them, and they will not risk a second offense.³³ This argument seems plausible, but some criminologists argue that apprehension may have a labeling effect that inhibits deterrence and results in repeated offending.³⁴

CONTROLLING SHOPLIFTING One major problem associated with combating shoplifting is that many customers who observe pilferage are reluctant to report it to security agents. Store employees themselves are often loathe to get involved in apprehending a shoplifter. In fact, less than 10 percent of shoplifting incidents are detected by store employees; customers who notice boosters are unwilling to report even serious cases to managers.³⁵ It is also likely that a store owner's decision to prosecute shoplifters will be based on the value of the goods stolen, the nature of the goods stolen, and the manner in which the theft was realized. For example, shoplifters who planned their crime by using a concealed apparatus, such as a bag pinned to the inside of their clothing, were more apt to be prosecuted than those who had impulsively put merchandise into their pockets.³⁶ The concealment indicated that the crime was premeditated and not a spur of the moment loss of control.

How to Stop Shoplifting: Recommendations of Retail Insurers

- Train employees to watch for suspicious behavior, such as a shopper loitering over a trivial item. Have them keep an eye out for shoppers wearing baggy clothes, carrying their own bag, or using some other method to conceal products taken from the shelf.
- Develop a call code. When employees suspect that a customer is shoplifting, they can use the call to bring store management or security to the area.
- Because products on lower floors face the greatest risk, relocate the most tempting targets to upper floors.
- Use smaller exits and avoid placing the most expensive merchandise near these exits.
- Design routes within stores to make theft less tempting and funnel customers toward cashiers.
- Place service departments (credit and packaging) near areas where shoplifters are likely to stash goods. Extra supervision reduces the problem.
- Avoid creating corners with no supervision sight lines in areas of stores favored by young males. Restrict and supervise areas where electronic tags can be removed.

Sources: Marcus Felson, "Preventing Retail Theft: An Application of Environmental Criminology," *Security Journal* 7 (1996): 71–75; Marc Brandeberry, "\$15 Billion Lost to Shoplifting," *Today's Coverage*, A Newsletter of the Grocers Insurance Group (Portland, OR: Grocers Insurance Group, 1997).

To encourage the arrest of shoplifters, a number of states have passed *merchant privilege laws* designed to protect retailers and their employers from litigation stemming from improper or false arrests of suspected shoplifters.³⁷ These laws protect but do not immunize merchants from lawsuits. They require that arrests be made on reasonable grounds or probable cause, detention be of short duration, and store employees or security guards conduct themselves in a reasonable fashion.

PREVENTION STRATEGIES Retail stores are now initiating a number of strategies designed to reduce or eliminate shoplifting. **Target removal strategies** involve putting dummy or disabled goods on display while the real merchandise is kept under lock and key. For example, audio equipment with missing parts is displayed, and only after items are purchased are the necessary components installed. Some stores sell from a catalogue while keeping merchandise in stockrooms.

Target hardening strategies involve locking goods in place or having them monitored by electronic systems. Clothing stores may use racks designed to prevent large quantities of garments from being slipped off easily. Store owners may rely on electronic article surveillance (EAS) systems, featuring tags with small electronic sensors that trip sound and light alarms if not removed by employees before the item leaves the store. Security systems now feature source

tagging, a process by which manufacturers embed the tag in the packaging or in the product itself. Thieves are hard-pressed to remove or defeat such tags, and retailers save on the time and labor needed to attach the tags at their stores.³⁸

Situational measures place the most valuable goods in the least vulnerable places, use warning signs to deter potential thieves, and use closed-circuit cameras. Goods may be tagged with devices that activate an alarm if they are taken out of the shop. Exhibit 11.2 illustrates some additional measures that stores can take to deter shoplifters.

Another approach to shoplifting prevention is to create specialized programs that use methods such as doing community service, paying monetary restitution, writing essays, watching anti-shoplifting videos, writing apology letters, and being placed in individual and/or family counseling. Evaluations indicate that such programs can be successful in reducing recidivism of young shoplifters.³⁹

Bad Checks

Another form of larceny is cashing bad bank checks, knowingly and intentionally drawn on a nonexistent or underfunded bank account, to obtain money or property. In general, for a person to be guilty of passing a bad check, the bank the check is drawn on must refuse payment, and the check casher must fail to make the check good within 10 days after finding out the check was not honored.

Edwin Lemert conducted the best-known study of check forgers more than forty years ago.⁴⁰ Lemert found that the majority of check forgers—he calls them **naive check forgers**—are amateurs who do not believe their actions will hurt anyone. Most naive check forgers come from middle-class backgrounds and have little identification with a criminal subculture. They cash bad checks because of a financial crisis that demands an immediate resolution—perhaps they have lost money at the horse track and have some pressing bills to pay. Lemert refers to this condition as **closure**. Naive check forgers are often socially isolated people who have been unsuccessful in their personal relationships. They are risk prone when faced with a situation that is unusually stressful for them. The willingness of stores and other commercial establishments to cash checks with a minimum of fuss to promote business encourages the check forger to risk committing a criminal act. Some of the different techniques used in check fraud schemes, which may cost retail establishment upwards of \$1 billion annually, are set out in Exhibit 11.3.

Not all check forgers are amateurs. Lemert found that a few professionals—whom he calls **systematic forgers**—make a substantial living by passing bad checks. However, professionals constitute a relatively small segment of the total population of check forgers. It is difficult to estimate the number of such forgeries committed each year or the amounts involved. Stores and banks may choose not to press charges because the effort to collect the money due them is often not worth their while. It is also difficult to separate the true check forger from the neglectful shopper.

Check Fraud Schemes and Techniques

- *Forged signatures:* Legitimate blank checks with an imitation of the payor signature.
- *Forged endorsements:* The use of a stolen check, which is then endorsed and cashed or deposited by someone other than the payee.
- *Identity assumption:* The use of information about a financial institution customer, such as name, address, financial institution account number, Social Security number, home and work telephone numbers or employer; criminals use the information to misrepresent themselves as the financial institution customer.
- *Counterfeit checks:* Counterfeit checks are presented based on fraudulent identification or are false checks drawn on valid accounts. Due to the advancement in color copying and desktop publishing capabilities, this is the fastest-growing source of fraudulent checks today.
- *Altered checks:* After a legitimate maker creates a valid check to pay a debt, a criminal takes the good check and uses chemicals or other means to erase the amount or the name of the payee so that new information can be entered. The new information can be added by typewriter, in handwriting or with a laser printer or check imprinter.
- *Closed account fraud:* This is based on checks being written against closed accounts. This type of fraud generally relies on the float time involved in interfinancial institution transactions.
- *Check kiting:* The process of depositing a check in one bank account into a second bank account without the sufficient funds to cover it.

Sources: Check Fraud Working Group, *Check Fraud: A Guide to Avoiding Losses* (Washington, DC: author). <http://www.occ.treas.gov/chckfrd/chckfrd.pdf>; National Check Fraud Center, Charleston, SC. <http://www.ckfraud.org/>.

Credit Card Theft

The use of stolen credit cards has become a major problem in U.S. society. It has been estimated that fraud has been responsible for a billion-dollar loss in the credit card industry. Most credit card abuse is the work of amateurs who acquire stolen cards through theft or mugging and then use them for two or three days. However, professional credit card rings may be getting into the act. They collect or buy from employees the names and credit card numbers of customers in retail establishments; then they buy plain plastic cards and have the numbers of the customers embossed on them. They create fictitious wholesale companies and apply for and received authorization to accept credit cards from the customers. They then use the phony cards to charge nonexistent purchases on the accounts of the people whose names and card numbers they had collected.

To combat losses from credit card theft, Congress passed a law in 1971 limiting a person's liability to \$50 per stolen card. Similarly, some states, such as California, have passed specific statutes making it a misdemeanor to obtain property

or services by means of cards that have been stolen, forged, canceled, or revoked, or whose use is for any reason unauthorized.⁴¹ However, while the public is protected, merchants may have to foot the bill. For example, Website Billing.com, a Hollywood, Florida-based web company that processes payments for merchants, was required to pay the Visa credit card company \$15 for each fraudulent transaction that it processed. But because fraudulent purchases exceeded 5 percent of all its international transactions, Visa assessed an additional \$100 penalty for each fraudulent transaction; in a single year, Website paid Visa more than \$1 million in fees. Merchants argue that these fees—which generate an estimated \$500 million in revenue for the card industry each year—eliminate much of the card companies' incentive to pursue credit card fraud.⁴²

||||||| CONNECTIONS |||||

Similar frauds are conducted over the Internet. These will be discussed in Chapter 12.



Want to avoid **credit card theft**? The Federal Trade Commission has some important tips: <http://www.ftc.gov/bcp/conline/pubs/credit/cards.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The problem of credit card misuse is being compounded by thieves who set up bogus Internet sites strictly to trick people into giving them their credit card numbers, which they then use for their own gain. The problem is growing so rapidly that a number of new technologies are being prepared, aimed at combating credit card number theft over the Internet. One method is to incorporate digital signatures into computer operating systems, which can be accessed with a digital key that comes with each computer. Owners of new systems can present three forms of identification to a notary public and trade a notarized copy of their key for a program that will sign files. The basis of the digital signature is a digital certificate, a small block of data that contains a person's "public key." This certificate is signed, in turn, by a certificate authority. This digital certificate will act like a credit card with a hologram and a photograph and identify the user to the distant website and vice versa.⁴³ The Criminological Enterprise feature discusses one such Internet credit card scheme.

Auto Theft

Motor vehicle theft is another common larceny offense. Yet because of its frequency and seriousness, it is treated as a separate category in the UCR. The FBI recorded about 1.2 million auto thefts in 2003, accounting for a total loss of more than \$8 billion. Like other crimes, motor vehicle theft has declined during the past decade, down 18 percent from

The Criminological Enterprise

Credit Card Fraud

Philip Arcand and his wife, Roberta Galway, lived a life of luxury. They owned two homes, one in British Columbia and one in Las Vegas. They had a Mercedes, Corvette, and Ferrari in their driveways. They took frequent trips around the world. All this without having a job. How did they do it? Through credit card fraud!

Arcand wrote high-pressure scripts to lure victims, arranged for telemarketing companies to make the pitch, and set up front businesses to process the illegal monies. The telemarketers claimed to be from a credit card company. They told victims how easy it is to steal a credit card number, especially over the Internet. They offered to sell protection policies that would insure that the buyer would not have to pay if thieves ran up a huge tab on their account. The telemarketers told the victims that if they did not get this protection, they would have to foot the bill for any unauthorized charges made if their credit cards were stolen. After making their pitch, the victims were asked: "May we have your credit card number, please?" Later, a

charge of between \$199 and \$389 appeared on their account, even if they did not sign up for the service.

The scheme was bogus, illegal, and entirely unnecessary because most major credit card companies protect you from fraudulent charges. Still, thousands of Americans were victimized by this scam—the overwhelming majority elderly victims who lived across the country, from Massachusetts and West Virginia to California and Hawaii. In all, they were defrauded of more than \$12 million.

Arcand and Galway were ultimately caught when some of the victims reported their suspicions and complaints to authorities. Because they were Canadian citizens, a joint partnership of Canadian and U.S. law enforcement agencies—including the Royal Canadian Mounted Police (RCMP), the FBI's Los Angeles field office, and the Federal Trade Commission (FTC)—pursued the case, which was called Project Emptor. In August 2002, the couple was arrested by FBI agents while living in Las Vegas, and on November 17, 2003, Arcand was sentenced to 10 years in federal prison; his wife Roberta Galway pled guilty

and was sentenced to 6 months in jail. The couple also paid a \$100,000 civil judgment in a case initiated by the FTC. Other charges are still outstanding.

Critical Thinking

1. Should a person such as Arcand be sentenced to 10 years in prison for credit card fraud? Is this too severe a punishment for someone whose victims actually lost relatively little money on an individual basis?
2. Should it be a crime to sell people services they are unaware of but are already eligible to receive? Is this fraud or merely taking advantage of the uninformed?

InfoTrac College Edition Research

To learn more, use "credit card fraud" in a key word search in InfoTrac College Edition.

Source: Federal Bureau of Investigation, "Credit Card Con: Canadian Man Gets 10 Years for \$12 Million Telemarketing Scam." <http://www.fbi.gov/page2/nov03/credit112803.htm>. Accessed August 11, 2004.

1994. UCR projections on auto theft are actually similar to the projections of the National Crime Victimization Survey (about 1 million thefts in 2003). The similarity of data between these sources occurs because almost every state jurisdiction requires owners to insure their vehicles. Auto theft is the most highly reported of all major crimes (80 percent of all auto thefts are reported to police).

A number of attempts have been made to categorize the various forms of auto theft. Distinctions typically are made between theft for temporary personal use, for resale, and for chopping or stripping cars for parts. One of the most detailed typologies was developed by Charles McCaghy and his associates after examining data from police and court files in several state jurisdictions.⁴⁴ The researchers uncovered five categories of auto theft transactions:

- **Joyriding:** Many car thefts are motivated by teenagers' desire to acquire the power, prestige, sexual potency,

and recognition associated with an automobile. Joyriders do not steal cars for profit or gain but to experience, even briefly, the benefits associated with owning an automobile.

- **Short-term transportation:** Auto theft for short-term transportation is most similar to joyriding. It involves the theft of a car simply to go from one place to another. In more serious cases, the thief may drive to another city or state and then steal another car to continue the journey.
- **Long-term transportation:** Thieves who steal cars for long-term transportation intend to keep the cars for their personal use. Usually older than joyriders and from a lower-class background, these auto thieves may repaint and otherwise disguise cars to avoid detection.



A tow truck pulls Nicolas Cage's 1989 Porsche Sportster from the Lake of the Ozarks, Missouri. The \$100,000 collectors' item was in transport from California to Pennsylvania when it was stolen Christmas Day 2001 from a parking lot in Arnold, south of St. Louis. About one million cars are stolen each year, most often Toyota Camrys and Honda Accords.

- *Profit:* Auto theft for profit is motivated by hope for monetary gain. At one extreme are highly organized professionals who resell expensive cars after altering their identification numbers and falsifying their registration papers. At the other end of the scale are amateur auto strippers who steal batteries, tires, and wheel covers to sell them or reequip their own cars.
- *Commission of another crime:* A small portion of auto thieves steal cars to use in other crimes, such as robberies and thefts. This type of auto thief desires both mobility and anonymity.

At one time, joyriding was the predominant motive for auto theft, and most cars were taken by relatively affluent, white, middle-class teenagers looking for excitement.⁴⁵ There appears to be a change in this pattern: Fewer cars are being taken today while, concomitantly, fewer stolen cars are being recovered. Part of the reason is that there has been an increase in professional car thieves who are linked to chop shops, export rings, or both. Export of stolen vehicles has become a global problem, and the emergence of capitalism in eastern Europe has increased the demand for U.S.-made cars.⁴⁶ Heath Copes has found that persistent auto theft may be more popular now because street hustlers view auto theft as a valuable tool to enlarge their bankroll and improve their street image. While few experienced thieves want to drive around in a stolen vehicle, they are more than willing to use their profit from selling a stolen car to buy a suitable ride. Even those without a connection to a chop shop or theft ring can profit handsomely from stealing cars.⁴⁷

WHICH CARS ARE TAKEN MOST? Car thieves show signs of rational choice when they make their target selections.

Today, luxury cars and utility vehicles are in greatest demand. According to the National Insurance Crime Bureau (NICB), the following ten cars are the most popular with auto thieves:

1. Toyota Camry
2. Honda Accord
3. Honda Civic
4. Chevrolet full-size C/K pickup
5. Ford full-size pickup (150/250/350)
6. Jeep Cherokee/Grand Cherokee
7. Oldsmobile Cutlass/Supreme/Ciera
8. Dodge Caravan/Grand Caravan
9. Ford Taurus
10. Toyota Corolla ⁴⁸

According to the NICB, thieves typically choose these vehicles because of the high profit potential when the cars are stripped of their component parts, which are then sold on the black market. These vehicles are popular overseas, and once taken, organized theft rings will illegally export them to foreign destinations. Many of the highly desired cars are never recovered because they are immediately shipped abroad where they command prices three times higher than their U.S. sticker price.⁴⁹

Car models that have been in production for a few years without many design changes stand the greatest risk of theft. These vehicles are popular because their parts are most valued in the secondary market. Luxury cars, on the other hand, typically experience a sharp decline in their theft rate

soon after a design change. Enduring models are also in demand because older cars are more likely to be uninsured, and demand for stolen used parts is higher for these vehicles.

||||| CONNECTIONS |||||

Chapter 4 discusses the rational choice view of car theft. As you may recall, cars with expensive radios and parts are more often the target of rational thieves.

CARJACKING You may have read about gunmen approaching a car and forcing the owner to give up the keys; in some cases, people have been killed when they reacted too slowly. This type of auto theft has become so common that it has its own name, **carjacking**.⁵⁰ Carjacking is legally considered a type of robbery because it involves force to steal. According to NCVS data, about 38,000 carjacking victimizations occur annually. During the past decade, that meant that there was an average of 1.7 victimizations per 10,000 persons annually; about 15 people are killed in auto-related crimes each year.⁵¹

Both victims and offenders in carjackings tend to be young black men. Urban residents are more likely to experience carjacking than suburban or rural residents. About half of all carjackings are typically committed by gangs or groups. These crimes are most likely to occur in the evening, in the central city, in an open area, or in a parking garage. This pattern may reflect the fact that carjacking seems to be a crime of opportunity; it is the culmination of the carjacker's personal needs and desires coinciding with the immediate opportunity for gain. This decision is also shaped by the carjacker's participation in urban street culture.⁵²

Weapons, most often guns, were used in about three-quarters of all carjacking victimizations.⁵³ Despite the presence of weapons, victims resisted the offender in two-thirds of carjackings, and, not surprisingly, about 32 percent of victims of completed carjackings and about 17 percent of victims of attempted carjackings were injured. Serious injuries, such as gunshot or knife wounds, broken bones, or internal injuries, occurred in about 9 percent of carjackings. More minor injuries, such as bruises and chipped teeth, occurred in about 15 percent of cases.

COMBATING AUTO THEFT Auto theft is a significant target of situational crime prevention efforts. One approach to theft deterrence has been to increase the risks of apprehension. Hot lines offer rewards for information leading to the arrest of car thieves. A Michigan-based program, Operation HEAT (Help Eliminate Auto Theft), is credited with recovering more than 900 vehicles, worth \$11 million, and resulting in the arrest of 647 people. Another approach has been to place fluorescent decals on windows that indicate that the car is never used between 1 A.M. and 5 A.M.; if police spot a car with the decal being operated during this period, they know it is stolen.⁵⁴

The Lojack system involves installing a hidden tracking device in cars that gives off a signal, enabling the police to pinpoint its location. Research evaluating the effectiveness of this device finds that it has a significant crime reduction capability.⁵⁵ Because car thieves cannot tell that Lojack has been installed, it does not reduce the likelihood that a protected car will be stolen. However, cars installed with Lojack have a much higher recovery rate. There may also be a general deterrent effect: Areas with high rates of Lojack use experience significant reductions in their auto theft rates. Ironically, Lojack owners actually accrue a smaller than anticipated reward for their foresight than the general public because they have to pay for installation and maintenance of the device. Those without it actually gain more because they benefit from a lower auto theft rate without paying any additional cost.

Other prevention efforts involve making it more difficult to steal cars. Publicity campaigns have been directed at encouraging people to lock their cars. Parking lots have been equipped with theft-deterrent closed-circuit TV cameras and barriers. Manufacturers have installed more sophisticated steering column locking devices and other security systems that make theft more difficult.

A study by the Highway Loss Data Institute (HLDI) found that most car theft prevention methods, especially alarms, have little effect on theft rates. The most effective methods appear to be devices that immobilize a vehicle by cutting off the electrical power needed to start the engine when a theft is detected.⁵⁶



Want to learn how to **prevent auto theft**? Go to <http://www.prevent-crime.com/auto-theft.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.



To learn more, use "Lojack" in a key word search in InfoTrac College Edition.

False Pretenses or Fraud

The crime of **false pretenses**, or **fraud**, involves misrepresenting a fact in a way that causes a victim to willingly give his or her property to the wrongdoer, who then keeps it.⁵⁷ In 1757, the English Parliament defined false pretenses to cover an area of law left untouched by larceny statutes. The first false pretenses law punished people who "knowingly and designedly by false pretense or pretenses, [obtained] from any person or persons, money, goods, wares or merchandise with intent to cheat or defraud any person or persons of the same."⁵⁸

False pretense differs from traditional larceny because the victims willingly give their possessions to the offender, and the crime does not, as does larceny, involve a "trespass in the taking." An example of false pretenses would be an unscrupulous merchant selling someone a chair by claiming it

was an antique, but knowing all the while that it was a cheap copy. Another example would be a phony healer selling a victim a bottle of colored sugar water as an elixir that would cure a disease.

Fraud may also occur when people conspire to cheat a third party or institution—for example, by selling fake IDs, tickets, vouchers, tokens, or licenses, which can be used to fraudulently gain services or illegal access. One example of an innovative cheating scheme was instituted by a man named Po Chieng Ma, who conspired to sell answers to the Graduate Management Administration Test (GMAT), the Graduate Record Examinations (GRE), and the Test of English as a Foreign Language (TOEFL) to an estimated 788 customers, each of whom had paid him \$2,000 to \$9,000. In the scheme, people were paid to take the multiple-choice tests in Manhattan and then call California, where the same tests were to be given, with the answers. The answers were passed on to Ma, who, taking advantage of the 3-hour time difference, carved the answers in code on the sides of pencils, which were then given to his customers. Ma pled guilty to conspiracy and obstruction of justice and received a 4-year prison term for his efforts. In this case, there were many victims, including the testing service, universities, and the students who lost places in school because those who inflated their scores through the scheme were admitted instead.⁵⁹

Confidence Games


Confidence games are run by swindlers who aspire to separate a victim (or “sucker”) from his or her hard-earned money. These con games usually involve getting a **mark**, the target of a con man or woman, interested in some get-rich-quick scheme, which may have illegal overtones. The criminal’s hope is that when victims lose their money they will either be too embarrassed or too afraid to call the police. There are hundreds of varieties of con games. The most common is called the **pigeon drop**.⁶⁰ Here, a package or wallet containing money is “found” by a con man or woman. A passing victim is stopped and asked for advice about what to do, since no identification can be found. Another “stranger,” who is part of the con, approaches and enters the discussion. The three decide to split the money; but first, to make sure everything is legal, one of the swindlers goes off to consult a lawyer. Upon returning, he or she says that the lawyer claims the money can be split up; first, however, each party must prove he or she has the means to reimburse the original owner, should one show up. The victim then is asked to give some good-faith money for the lawyer to hold. When the victim goes to the lawyer’s office to pick up a share of the loot, he or she finds the address bogus and the money gone.

In the new millennium, the pigeon drop has been appropriated by corrupt telemarketers, who contact people over the phone, typically elderly victims, to bilk them out of their savings. The FBI estimates that illicit telephone pitches cost Americans some \$40 billion a year.⁶¹ In one scam, a salesman tried to get \$500 out of a 78-year-old woman by

telling her the money was needed as a deposit to make sure she would get \$50,000 in cash she had supposedly won in a contest. In another scheme, a Las Vegas–based telephone con game used the name Feed America Inc. to defraud people out of more than \$1.3 million by soliciting donations for various causes, including families of those killed in the Oklahoma City bombing. With the growth of direct-mail marketing and “900” telephone numbers that charge callers more than \$2.50 per minute for conversations with what are promised to be beautiful, willing sex partners, a flood of new confidence games may be about to descend on the U.S. public. Some common confidence games include:

- Con artists read the obituary column and then send a surviving spouse bills supposedly owed by the person deceased. Or they deliver an item—like a Bible—that they say the deceased relative ordered just before he died.
- A swindler, posing as a bank employee, stops a customer as he or she is about to enter the bank. The swindler claims to be an investigator who is trying to catch a dishonest teller. He asks the customer to withdraw cash to see if he or she got the right amount. After the cash is withdrawn, the swindler asks that it be turned over to them so he can check the serial numbers.
- Pyramid schemes involve the selling of phony franchises. The investor buys a franchise to sell golf clubs or some other commodity paying thousands of dollars. He is asked to recruit some friends to buy more franchises and promised a percentage of the sales of every new franchisee he recruits. Eventually there are hundreds of distributors, few customers, and the merchandise is typically unavailable. Those at the top make lots of money before the pyramid collapses, leaving the individual investors without their cash.
- Shady contractors offer an unusually low price for an expensive job such as driveway repair and then use old motor oil rather than asphalt to make the repairs. The first rain brings disaster. Some offer a low rate but conduct a “free” inspection that turns up several expensive repairs that are actually bogus.
- A business office receives a mailing that looks like an invoice with a self-addressed envelope that makes it look like it comes from the phone company (walking fingers on a yellow background). It appears to be a contract for an ad in the Yellow Pages. On the back, in small print, will be written, “By returning this confirmation, you’re signing a contract to be an advertiser in the upcoming, and all subsequent, issues.” If the invoice is returned, the business soon finds that it has agreed to a long-term contract to advertise in some private publication that is not widely distributed.

In all, about 300,000 people were arrested for fraud in 2003, most likely a very small percentage of all swindlers, scam artists, and defrauders.

 To learn how con artists operate, go to: "How Not to Buy a Bridge; Con Artists Prey on the Unwary, as This Entrepreneur Discovered. A Few Simple Precautions Could Have Made All the Difference," *Business Week Online*, 11 April 2002. In InfoTrac College Edition, use "confidence games" as a subject guide to learn more.

Embezzlement

Embezzlement was mentioned in early Greek culture when, in his writings, Aristotle alluded to theft by road commissioners and other government officials.⁶² It was first codified in law by the English Parliament during the sixteenth century to fill a gap in the larceny law.⁶³ Until then, to be guilty of theft, a person had to take goods from the physical possession of another (trespass in the taking). However, as explained earlier, this definition did not cover instances in which one person trusted another and willfully gave that person temporary custody of his or her property. For example, in everyday commerce, store clerks, bank tellers, brokers, and merchants gain lawful possession but not legal ownership of other people's money. Embezzlement occurs when someone who is so trusted with property fraudulently converts it—that is, keeps it for his or her own use or the use of others. It can be distinguished from fraud on the basis of when the criminal intent was formed. Most U.S. courts require that a serious breach of trust must have occurred before a person can be convicted of embezzlement. The mere act of moving property without the owner's consent, or damaging it or using it, is not considered embezzlement. However, using it up, selling it, pledging it, giving it away, or holding it against the owner's will is considered to be embezzlement.⁶⁴

Although it is impossible to know how many embezzlement incidents occur annually, the FBI found that only 18,000 people were arrested for embezzlement in 2003—probably an extremely small percentage of all embezzlers. However, the number of people arrested for embezzlement has increased more than 40 percent since 1991, indicating that (1) more employees are willing to steal from their employers, (2) more employers are willing to report instances of embezzlement, or (3) law enforcement officials are more willing to prosecute embezzlers. There has also been a rash of embezzlement-type crimes around the world, especially in Third World countries where poverty is all too common and the economy is poor and supported by foreign aid and loans. Government officials and businessmen who have their hands on this money are tempted to convert it for their own use—a scenario that is sure to increase the likelihood of embezzlement.⁶⁵



To quiz yourself on this material, go to the Criminology 9e website.

BURGLARY

In common law, the crime of burglary is defined as "the breaking and entering of a dwelling house of another in the nighttime with the intent to commit a felony within."⁶⁶ Burglary is considered a much more serious crime than larceny/theft because it often involves entering another's home, a situation in which the threat of harm to occupants is great. Even though the home may be unoccupied at the time of the burglary, the potential for harm to the occupants is so significant that most state jurisdictions punish burglary as a felony.

The legal definition of burglary has undergone considerable change since its common-law origins. When first created by English judges during the late Middle Ages, laws against burglary were designed to protect people whose homes might be set upon by wandering criminals. Including the phrase "breaking and entering" in the definition protected people from unwarranted intrusions; if an invited guest stole something, it would not be considered a burglary. Similarly, the requirement that the crime be committed at nighttime was added because evening was considered the time when honest people might fall prey to criminals.⁶⁷

In more recent times, state jurisdictions have changed the legal requirements of burglary, and most have discarded the necessity of forced entry. Many now protect all structures, not just dwelling houses. A majority of states have removed the nighttime element from burglary definitions as well. It is common for states to enact laws creating different degrees of burglary. In this instance, the more serious and heavily punished crimes involve a nighttime forced entry into the home; the least serious involve a daytime entry into a nonresidential structure by an unarmed offender. Several gradations of the offense may be found between these extremes.

The Nature and Extent of Burglary

The FBI's definition of burglary is not restricted to burglary from a person's home; it includes any unlawful entry of a structure to commit theft or felony. Burglary is further categorized into three subclasses: forcible entry, unlawful entry where no force is used, and attempted forcible entry. According to the UCR, about 2.1 million burglaries occurred in 2003. The burglary rate has dropped by almost 30 percent since 1994; both residential and commercial burglaries underwent steep declines during this period. Preliminary data indicates a decline of 2 percent between 2003 and 2004. Overall, the average loss for a burglary was about \$1,600 per victim, for a total of about \$3.5 billion.

The NCVS reports that about 3.3 million residential burglaries were either attempted or completed in 2003. Despite this significant number, the NCVS indicates that the number of burglaries has declined significantly during the past decade; burglary rates are down 49 percent since 1993. According to the NCVS, those most likely to be burglarized are

relatively poor Latino and African American families (annual income under \$7,500). Owner-occupied and single-family residences had lower burglary rates than renter-occupied and multiple-family dwellings.

Residential Burglary

Some burglars are crude thieves who will smash a window and enter a vacant home or structure with minimal preparation; others plan out a strategy. For example, experienced burglars learn to avoid areas of the city in which most residents are renters and not homeowners, reasoning that renters are less likely to be suitable targets than are more affluent homeowners.⁶⁸ Because it involves planning, risk, and skill, burglary has been a crime long associated with professional thieves who carefully learn their craft. For example, Francis Hoheimer, an experienced professional burglar, has described how he learned the “craft of burglary” from a fellow inmate, Oklahoma Smith, when the two were serving time in the Illinois State Penitentiary. Among Smith’s recommendations are these:

Never wear deodorant or shaving lotion; the strange scent might wake someone up. The more people there are in a house, the safer you are. If someone hears you moving around, they will think it’s someone else. . . . If they call, answer in a muffled sleepy voice. . . . Never be afraid of dogs, they can sense fear. Most dogs are friendly, snap your finger, they come right to you.⁶⁹

Despite his elaborate preparations, Hoheimer spent many years in confinement.

Burglars must “master” the skills of their “trade,” learning to spot environmental cues “nonprofessionals” fail to notice.⁷⁰ For example, they must learn which targets contain valuables worth stealing and which are most likely to prove to be a dry hole. Research shows that burglary rates for student-occupied apartments is actually much lower than the rate for other residences in the same neighborhoods; burglars appear to have learned which apartments to avoid.⁷¹ Experienced burglars are more willing to travel to find rich targets. They have access to transportation that enables them to select a wider variety of targets than younger, more inexperienced thieves.⁷²

In an important book titled *Burglars on the Job*, Richard Wright and Scott Decker describe the working conditions of active burglars.⁷³ Most are motivated by the need for cash in order to get high; they want to enjoy the good life, “keeping the party going” without having to work. As Exhibit 11.4 shows, they approach their “job” in a rational workmanlike fashion, but their lives are controlled by their culture and environment. Unskilled and uneducated, urban burglars make the choices they do because there are few conventional opportunities for success.

Research also shows that gender plays an important role in shaping the lives and motivations of burglars. This is the topic of the Race, Culture, Gender, and Criminology feature.

Burglars on the Job

According to active burglars:

- Most avoid occupied residences, considering them high-risk targets.
- Most are not deterred by alarms and elaborate locks; in fact, these devices tell them there is something inside worth stealing.
- Some call occupants from a pay phone, and if the phone is still ringing when they arrive, they know no one is home.
- Once entering a residence, anxiety turns to calm as they first turn to the master bedroom for money and drugs. They also search kitchens believing that some people keep money in the mayonnaise jar!
- Most work in groups, one serving as a lookout while the other(s) ransacks the place.
- Some dispose of goods through a professional fence; others try to pawn the goods. Some exchange goods for drugs; some sell them to friends and relatives; and a few keep the stolen items for themselves, especially guns and jewelry.
- Many approach a target masquerading as workmen such as carpenters or house painters.
- Some stake out residences to learn occupants’ routine.
- Tipsters help them select attractive targets.
- Drug dealers are favored targets because they tend to have a lot of cash and drugs, and victims are not going to call police!
- Targets are often acquaintances.

Source: Richard Wright and Scott Decker, *Burglars on the Job: Streetlife and Residential Break-Ins* (Boston: Northeastern University Press, 1994).

Commercial Burglary

Some burglars prefer to victimize commercial property rather than private homes. Of all business establishments, retail stores are burglars’ favorite targets. They display merchandise so that burglars know exactly what to look for, where it can be found, and—because the prices are displayed—how much they can hope to gain in resale to a fence. Burglars can legitimately enter a retail store during business hours and gain knowledge about what the store contains and where it is stored; they can also check for security alarms and devices. Commercial burglars perceive retail establishments as quick sources of merchandise that can be easily sold.

Other commercial establishments such as service centers, warehouses, and factories are less attractive targets because it is more difficult to gain legitimate access to plan the theft. The burglar must use a great deal of guile to scope out these places, perhaps posing as a delivery person. In addition, the merchandise is more likely to be used, and it may be more difficult to fence at a premium price.

If burglars choose to attack factories, warehouses, or service centers, the most vulnerable properties are those

Race, Culture, Gender, and Criminology

Are There Gender Differences in Burglary?

Does gender play a role in shaping burglary careers? Are there differences in the way professional male and female burglars approach their craft? Do gender roles influence the burglar lifestyle? To find out, Christopher Mullins and Richard Wright used interviews with eighteen active female burglars and thirty-six males, matched approximately for age. Their findings indicate that significant gender-based differences exist in the way males and females begin and end their offending careers and how they carry out their criminal tasks.

There were similarities in the way most offenders, male or female, were initiated into residential burglary. Both became involved via interaction in intimate groups, such as older friends, family members, or street associates. One told them:

[M]e and my brother, we wanted, you know, he came and got me and say he know where a house at to break into. And, uhm, we go there and uh, we just do it . . . me and my brother, he and some more friends.

But there was one key difference between the male and female offenders: The men typically became involved in burglary with male peers; women more often were introduced to crime by their boyfriends. Males are more likely to bring their male peers and family members into their offending networks and resist working with women except their girlfriend or female relative. And when they do include women, they put them in a subservient role, such as a lookout.

Why do they get involved in a burglary career in the first place? Both males and females generally said they got involved in break-ins to finance a

party lifestyle centered on drug use and to buy bling bling like designer clothing and jewelry. There were some differences: Males reportedly wanted money to pursue sexual conquests; female burglars were far more likely to say that they needed money to buy necessities for their children.

When asked what they were looking for in a prospective residential burglary target, the male and female offenders expressed similar preferences; both wanted to find a dwelling that was (a) unoccupied and (b) contained something of value. Both the men and the women wanted to know something about the people who lived in the residence, be familiar with their day-to-day routine, and to have an idea of the target's valuables. Male offenders used their legitimate jobs as home remodelers, cable television installers, or gardeners to scout potential burglary targets. Female burglars who lacked legitimate entry had to rely on information generated by the men in their immediate criminal social network. Some used sexual attraction to gain the victim's confidence and gather information.

Mullins and Wright also found that men preferred to commit residential burglaries by themselves, while women most often worked with others. Males seemed unwilling to trust accomplices and were also unwilling to share the proceeds. Females, on the other hand, reported that they lacked the knowledge or skills needed to break into a dwelling on their own and were therefore more willing to work with a team.

Finally, when asked what it would take to make them stop committing crime, both male and female offenders claimed that a good job that paid well and involved little or no disciplined subordination to authority would be required to get them to give up their

careers in crime. Men also claimed they would probably give up burglary once they settled down and started a family. Because they were dependent on male help, female burglars needed to sever their relationships with criminally involved males in order to reduce their offending. Female burglars were also more sensitive than the males to shaming and ostracism at the hands of their relatives and might quit under family pressure.

Mullins and Wright found that residential burglary is a significantly gender-stratified offense; the processes of initiation, commission, and potential desistance are heavily structured by gender. Women have to negotiate the male-dominated world of burglary to accomplish their crimes. Gender, they find, plays a significant role in shaping opportunity (such as initiation) and the events leading up to residential burglaries (for example, information gathering), while playing a lesser but still important role in molding actual offense commission.

Critical Thinking

1. Do the gender differences in burglary reflect the gender differences found in other segments of society?
2. Do you think gender discrimination helps reduce the female crime rate? If gender equality were achieved, would differences in the crime rate narrow?

• InfoTrac College Edition 1 Research

Use “burglary” and “burglars” in key word searches in InfoTrac College Edition.

Source: Christopher Mullins and Richard Wright, “Gender, Social Networks, and Residential Burglary,” *Criminology* 41 (2003): 813–839.

located far from major thoroughfares and away from pedestrian traffic. Establishments located within three blocks of heavily traveled thoroughfares have been found to be less vulnerable to burglary than those located farther away; commercial establishments in wealthier communities have a higher probability of burglary.⁷⁴

Though alarms have been found to be an effective deterrent to burglary, they are less effective in isolated areas because it takes police longer to respond than on more heavily patrolled thoroughfares, and an alarm is less likely to be heard by a pedestrian who would be able to call for help. Even in the most remote areas, however, burglars are wary of alarms and try to choose targets without elaborate or effective security systems. One study found that the probability of burglary of non-alarmed properties is 4.57 times higher than that of similar property with alarms.⁷⁵

Careers in Burglary

Some criminals make burglary their career and continually develop new and specialized skills to aid their profession. Neal Shover has studied the careers of professional burglars and has uncovered the existence of a particularly successful type—the **good burglar**.⁷⁶ Professional burglars use this title to characterize colleagues who have distinguished themselves as burglars. Characteristics of the good burglar include:

- Technical competence
- Maintenance of personal integrity
- Specialization in burglary
- Financial success
- The ability to avoid prison sentences

To receive recognition as good burglars, Shover found that novices must develop four key requirements of the trade.

First, they must learn the many skills needed to commit lucrative burglaries. This process may include learning techniques such as how to gain entry into homes and apartment houses; how to select targets with high potential payoffs; how to choose items with a high resale value; how to open safes properly, without damaging their contents; and how to use the proper equipment, including cutting torches, electric saws, explosives, and metal bars.

Second, the good burglar must be able to team up to form a criminal gang. Choosing trustworthy companions is essential if the obstacles to completing a successful job—police, alarms, and secure safes—are to be overcome.

Third, the good burglar must have inside information. Without knowledge of what awaits them inside, burglars can spend a tremendous amount of time and effort on empty safes and jewelry boxes.

Finally, the good burglar must cultivate fences or buyers for stolen wares. Once the burglar gains access to people who buy and sell stolen goods, he or she must also learn how to successfully sell these goods for a reasonable profit. Evi-

dence of these skills was discovered in a study of more than 200 career burglars in Australia. Burglars reported that they had developed a number of relatively safe methods for disposing of their loot. Some traded stolen goods directly for drugs; others used fences, legitimate businesses, pawnbrokers, and secondhand dealers as trading partners. Surprisingly, many sold their illegal gains to family or friends. Burglars report that disposing of stolen goods was actually low risk and more efficient than expected. One reason was that in many cases fences and shady businesspeople put in a request for particular items, and the readymade market allowed the stolen merchandise to be disposed of quickly, often in less than 1 hour. Though the typical markdown was 67 to 75 percent of the price of the goods, most reported that they could still earn a good living, averaging AUS\$2,000 per week (about \$1,000 in U.S. dollars). Those who benefited most from these transactions were the receivers of stolen property, who make considerable profits and are unlikely to be caught.⁷⁷

According to Shover, a person becomes a good burglar by learning the techniques of the trade from older, more experienced burglars. During this process, the older burglar teaches the novice how to handle such requirements as dealing with defense attorneys, bail bond agents, and other agents of the justice system. Apprentices must be known to have the appropriate character before they are taken under the wing of the old pro. Usually, the opportunity to learn burglary comes as a reward for being a highly respected juvenile gang member; from knowing someone in the neighborhood who has made a living at burglary; or, more often, from having built a reputation for being solid while serving time in prison. Consequently, the opportunity to become a good burglar is not open to everyone.

|||||| CONNECTIONS |||

Shover finds that the process of becoming a professional burglar is similar to the process described in Sutherland's theory of Differential Association. You can read more about this theory in Chapter 7.

THE BURGLARY “CAREER LADDER” Paul Cromwell, James Olson, and D'Aunn Wester Avary interviewed thirty active burglars in Texas and found that burglars go through stages of career development. They begin as young *novices* who learn the trade from older more experienced burglars, frequently siblings or relatives. Novices will continue to get this tutoring as long as they can develop their own markets (fences) for stolen goods. After their education is over, novices enter the *journeyman* stage, characterized by forays in search of lucrative targets and careful planning. At this point, they develop reputations as experienced reliable criminals. Finally, they become *professional* burglars when they have developed advanced skills and organizational abilities that give them the highest esteem among their peers.

The Texas burglars also displayed evidence of rational decision making. Most seemed to carefully evaluate potential costs and benefits before deciding to commit crime. There is evidence that burglars follow this pattern in their choice of burglary sites. Burglars show a preference for corner houses because they are easily observed and offer the maximum number of escape routes.⁷⁸ They look for houses that show evidence of long-term care and wealth. Though people may erect fences and other barriers to deter burglars, these devices may actually attract crime because they are viewed as protecting something worth stealing: If there is nothing valuable inside, why go through so much trouble to secure the premises?⁷⁹

Cromwell, Olson, and Avari also found that many burglars had serious drug habits and that their criminal activity was, in part, aimed at supporting their substance abuse.

REPEAT BURGLARY To what extent do burglars strike the same victim more than once? Research suggests that burglars may in fact return to the scene of the crime to repeat their offenses. One reason is that many burgled items are indispensable (for example, televisions and VCRs); therefore, it is safe to assume that they will quickly be replaced.⁸⁰ Research shows that some burglars repeat their acts to steal these replacement goods.⁸¹ Graham Farrell, Coretta Phillips, and Ken Pease have articulated why burglars would most likely try to hit the same target more than once:

- It takes less effort to burgle a home or apartment known to be a suitable target than an unknown or unsuitable one.
- The burglar is already aware of the target's layout.
- The ease of entry of the target has probably not changed, and escape routes are known.
- The lack of protective measures and the absence of nosy and intrusive neighbors that made the first burglary a success have probably not changed.
- Goods have been observed that could not be taken out the first time.⁸²

The repeat burglary phenomenon should mean that homes in close proximity to a burgled dwelling have an increased burglary risk, especially if they are similar in structure to the initial target. When this hypothesis was recently tested by Michael Townsley and his colleagues in Brisbane, Australia, they found that the lack of diversity in the physical construction and general appearance of dwellings in a neighborhood, helped reduce repeat victimization. Townsley reasons that housing diversity allows offenders a choice of targets, and favored targets will be "revisited" by burglars. If houses are identical, there is no motive for an offender to favor one property over another, and therefore the risk of repeat victimization is limited.⁸³



To quiz yourself on this material, go to the Criminology 9e website.

||||| CONNECTIONS |||||

In Chapter 3, repeat victimization was discussed. As you may recall, it is common for particular people and places to be the targets of numerous predatory crimes.

ARSON

Arson is the willful and malicious burning of a home, public building, vehicle, or commercial building. About 71,000 known arsons were recorded in 2003. Many of these fires are set by adolescents, causing at least 300 deaths, 2,000 injuries, and more than \$300 million in damage; juveniles comprise about 40 percent of all people arrested for arson annually.⁸⁴ Arson arrests declined 7 percent between 2003 and 2004.



Use "arson" as a key word in InfoTrac College Edition to learn more about the nature and extent of fire setting.

Arson is not just an American phenomenon. According to the Arson Prevention Bureau, a British group that coordinates a national campaign to reduce arson, every week in England:

- There are 2,100 arson attacks.
- One or two people die in arson attacks.
- Fifty-five people are injured.
- Four churches or places of worship are damaged or destroyed.
- Twenty schools are damaged or destroyed by arson.
- Sixty million dollars of damage and costs result from arson.⁸⁵

There are several motives for arson. Adult arsonists may be motivated by severe emotional turmoil. Some psychologists view fire starting as a function of a disturbed personality. Arson, therefore, should be viewed as a mental health problem and not a criminal act.⁸⁶ It is alleged that arsonists often experience sexual pleasure from starting fires and then observing their destructive effects. Although some arsonists may be aroused sexually by their activities, there is little evidence that most arsonists are psychosexually motivated.⁸⁷ It is equally likely that fires are started by angry people looking for revenge against property owners or by teenagers out to vandalize property. Research on the background characteris-



There are numerous motivations for arson. Some fires are set by terrorist groups in an effort to undermine their opponents. The Earth Liberation Front (ELF) set four fires at different new home construction sites around the Carmel Valley section of San Diego, California, in September 2003. They also took responsibility for a \$50 million fire on August 3, 2003 that destroyed an apartment complex under construction in University City in the San Diego area. The activities of environmental terrorist groups like the ELF were also discussed in Chapter 10.

tics of juvenile fire setters shows that their acts are often associated with antisocial behavior and psychopathology.⁸⁸ These findings support the claim that arson should be viewed as a mental health problem, not a criminal act, and that it should be treated with counseling and other therapeutic measures rather than severe punishments.⁸⁹

Juveniles, the most prolific fire starters, may get involved in arson for a variety of reasons as they mature. Juvenile fire setting has long been associated with conduct problems, such as disobedience and aggressiveness, anger, hostility, and resentment over parental rejection. The *Criminological Enterprise* feature discusses the topic of juvenile fire setting.

During the past decade, hundreds of jurisdictions across the nation have established programs to address the growing problem of juvenile fire setting. Housed primarily within the fire service, these programs are designed to identify, evaluate, and treat juvenile fire setters to prevent the recurrence of fire-setting behaviors. A promising approach is the FireSafe Families effort in Rhode Island, which combines a training curriculum for fire-safety educators, a training program for community professionals to identify potential behavior that may lead to arson and a cognitive-behavioral therapy (CBT) program to treat children and their families who are at risk to becoming juvenile fire starters.⁹⁰

Other arsons are set by professional arsonists who engage in **arson for profit**. People looking to collect insurance money, but who are afraid or unable to set the fire themselves, hire professional arsonists. These professionals have acquired the skills to set fires yet make the cause seem accidental (for example, like an electrical short). Another form is **arson fraud**, which involves a business owner burning his or her property, or hiring someone to do it, to escape financial problems.⁹¹ Over the years, investigators have found that businesspeople are willing to become involved in arson to

collect fire insurance or for various other reasons, including but not limited to these:

- Obtaining money during a period of financial crisis
- Getting rid of outdated or slow-moving inventory
- Destroying outmoded machines and technology
- Paying off legal and illegal debt
- Relocating or remodeling a business; for example, when a theme restaurant has not been accepted by customers
- Taking advantage of government funds available for redevelopment
- Applying for government building money, pocketing it without making repairs, and then claiming that fire destroyed the “rehabilitated” building
- Planning bankruptcies to eliminate debts, after the merchandise supposedly destroyed was secretly sold before the fire
- Eliminating business competition by burning out rivals
- Employing extortion schemes that demand that victims pay up or the rest of their holdings will be burned
- Solving labor–management problems; arson may be committed by a disgruntled employee
- Concealing another crime, such as embezzlement

Some recent technological advances may help prove that many alleged arsons were actually accidental fires. There is now evidence of a fire effect called **flashover**. During the course of an ordinary fire, heat and gas at the ceiling of a room can reach 2,000 degrees. This causes clothes and

What Motivates Juvenile Fire Setters?

What motivates young people to commit arson? According to research by sociologist Wayne Wooden, juvenile arsonists can be classified in one of four categories:

- *The “playing with matches” fire setter:* This is the youngest fire starter, usually between the ages of 4 and 9, who sets fires because parents are careless with matches and lighters. Proper instruction on fire safety can help prevent fires set by these young children.
- *The “crying for help” fire setter:* This type of fire setter is a 7- to 13-year-old who turns to fire to reduce stress. The source of the stress is family conflict, divorce, death, or abuse. These youngsters have difficulty expressing their feelings of sorrow, rage, or anger and turn to fire as a means of relieving stress or getting back at their antagonists.
- *The “delinquent” fire setter:* Some youth set fires to school property or surrounding areas to retaliate for some slight experienced at school. These kids may break into the school to vandalize property with friends and later set a fire to cover up their activities.
- *The “severely disturbed” fire setter:* This youngster is obsessed with

Fire-Setting Groups

	Group 1 Under 7 Years	Group 2 8–12 Years	Group 3 13–18 Years
Reason(s) for fire-setting behavior	Accident or curiosity	Curiosity or psychological conflict	History of fire-starting behavior, or psychological conflict, or intentional criminal behavior

fires and often dreams about them in “vibrant colors.” This is the most disturbed type of juvenile fire setter and the one most likely to set numerous fires with the potential for death and damage.

Another research effort, by Eileen M. Garry, concluded that juvenile fire setters fall into three general groups. The first is made up of children under 7 years of age. Generally, fires started by these children are the result of accidents or curiosity. In the second group of fire setters are children ranging in age from 8 to 12. Although the fire setting of some of these children is motivated by curiosity or experimentation, a greater proportion of their fire setting represents underlying psychosocial conflicts. The third group comprises adolescents between the ages of 13 and 18. These youth tend to have a long history of undetected fire play and fire-starting behavior. Their current fire-setting episodes are usually either the result of psychosocial conflict and turmoil or intentional criminal behavior. This behavior is summarized in Table 11-A.

Critical Thinking

1. Have you ever been fascinated with fire? Did this result in experimenting with matches? If not, what stopped you from acting on your impulses?
2. If you knew of someone who frequently tampered with matches to the point of concern, how would you handle this situation?

InfoTrac College Edition Research

To read more on the subject of arson, check out this article: Herschel Prins, “Arson: A Review of the Psychiatric Literature,” *British Journal of Criminology* 36 (winter 1996): 162–163.

Sources: Wayne Wooden, “Juvenile Firesetters in Cross-Cultural Perspective: How Should Society Respond?” in *Official Responses to Problem Juveniles: Some International Reflections*, ed. James Hackler (Onati, Spain: Onati Publications, 1991), pp. 339–348; Eileen M. Garry, *Juvenile Firesetting and Arson* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1997).

furniture to burst into flame, duplicating the effects of arsonists’ gasoline or explosives. It is possible that many suspected arsons are actually the result of flashover.⁹²



To quiz yourself on this material, go to the Criminology 9e website.



The **Bureau of Alcohol, Tobacco, and Firearms** is the federal agency that has jurisdiction over violations of the federal law involving arson. You may go to their home page at <http://www.atf.treas.gov/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

SUMMARY

- Theft offenses are common throughout recorded history. During the Middle Ages, poachers stole game, smugglers avoided taxes, and thieves worked as pickpockets and forgers.
- Economic crimes are designed to financially reward the offender. Opportunistic amateurs commit the majority of economic crimes. Amateurs steal because of situational inducements.
- Economic crime has also attracted professional criminals. Professionals earn most of their income from crime, view themselves as criminals, and possess skills that aid them in their law-breaking behavior. A good example of the professional criminal is the fence who buys and sells stolen merchandise.
- Common theft offenses include larceny, fraud, and embezzlement. These are common-law crimes, originally defined by English judges.
- Larceny involves taking the legal possessions of another. Petty larceny is typically theft of amounts under \$100; grand larceny usually refers to amounts over \$100. Larceny is the most common theft crime and involves such activities as shoplifting, passing bad checks, and stealing or illegally using credit cards.
- Some shoplifters are amateurs who steal on the spur of the moment, while others are professionals who use sophisticated techniques to help them avoid detection.
- The crime of false pretenses, or fraud, is similar to larceny in that it involves the theft of goods or money; it differs in that the criminal tricks victims into voluntarily giving up their possessions.
- Embezzlement involves people taking something that was temporarily entrusted to them, such as bank tellers taking money out of the cash drawer and keeping it for themselves.
- Auto theft usually involves amateur joyriders who borrow cars for short-term transportation and professional auto thieves who steal cars often to sell off their parts, which are highly valuable.
- Burglary, a more serious theft offense, was defined in common law as the “breaking and entering of a dwelling house of another in the nighttime with the intent to commit a felony within.” This definition has also evolved over time. Today most states have modified their definitions of burglary to include theft from any structure at any time of day.
- Because burglary involves planning and risk, it attracts professional thieves. The most competent have technical ability and personal integrity, specialize in burglary, are financially successful, and avoid prison sentences.
- Professional burglars are able to size up the value of a particular crime and balance it out with the perceived risks. Many have undergone training in the company of older, more experienced burglars. They have learned the techniques to make them good burglars.
- Arson is another serious property crime. Although most arsonists are teenage vandals, there are professional arsonists who specialize in burning commercial buildings for profit.

Thinking Like a Criminologist

You are approached by the local police chief who is quite concerned about high burglary rates in some areas of the city. She is a former student of yours and well aware of recent developments in criminological theory. The chief is a strong advocate of rational choice theory and has already instituted a number of programs based on a deterrence/situational crime prevention model of control. The existing police initiatives include these programs:

- The police offer target hardening measures to repeat victims. They install high-tech security equipment in their homes so that the homes can be monitored on a 24-hour basis. The police plan an advertising campaign to alert would-be offenders that they are on watch at prior target residences.
- A new police initiative identifies repeat burglars in the area and provides intervention designed to supply them with legitimate economic opportunities to reduce their criminal motivation.
- A new school-based program designed to reduce criminal motivation seeks to raise young people’s awareness of the dangers of burglary and how it can result in a long prison sentence.
- The police have developed a series of environmental improvements in the target area with a view to minimizing burglary opportunities. These include improved visibility, better access control, and lighting in areas that have relatively high burglary rates. They have also instituted

high-visibility police patrols in these areas to deter criminals from committing crimes here.

- A Burglary Control Model House, fitted with low-cost methods of security, such as strengthened

door/window frames, bolts, locks, and so on, has been built and will be advertised to encourage residents to help themselves.

The chief has asked you to look over these initiatives and comment on their

anticipated effectiveness. She wants to know whether there are any pitfalls and whether you can suggest other policy initiatives that might prove effective in reducing the opportunity to commit burglary and deter potential burglars.



Doing Research on the Web

Before you answer the questions above, you may want to see what the Metropolitan Police Service, by far the largest of the police services that operate in greater London, suggest. Go to <http://www>

[.met.police.uk/crimeprevention/burglary.htm](http://www.met.police.uk/crimeprevention/burglary.htm).

Likewise, the Burglary Prevention Council offers advice at <http://www.burglaryprevention.org/10tips.htm>.

To get some advice on changing the environment to prevent burglary, go to <http://www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=4467>.



KEY TERMS

fence (384)
street crime (384)
economic crime (384)
skilled thieves (385)
flash houses (385)
smugglers (385)
poachers (385)
occasional criminals (385)
professional criminals (385)
situational inducement (385)
professional fence (387)
constructive possession (390)

petit (petty) larceny (390)
grand larceny (390)
shoplifting (391)
boosters (391)
heels (391)
snitches (391)
target removal strategies (392)
target hardening strategies (392)
naive check forgers (392)
closure (392)
systematic forgers (392)
carjacking (396)

false pretenses (396)
fraud (396)
confidence games (397)
mark (397)
pigeon drop (397)
embezzlement (398)
good burglar (401)
arson for profit (403)
arson fraud (403)
flashover (403)

CRITICAL THINKING QUESTIONS

1. Differentiate between an occasional and a professional criminal. Which one would be more likely to resort to violence? Which one would be more easily deterred?
2. What crime occurs when a person who owns an antique store sells a client an “original” Tiffany lamp that the person knows is a fake? Would it still be a crime if the person selling the lamp was not aware that it was a fake? As an antique dealer, should the seller have a duty to determine the authenticity of the products he or she sells?
3. What are the characteristics of good burglars? Can you compare their career path to any other professionals, such as doctors or lawyers? Which theory of criminal behavior best predicts the development of the good burglar?
4. You have been the victim of repeat burglaries. What could you do to reduce the chances of future victimization? (Hint: buying a gun is not an option!)

1. Rick Lyman, "Winona Ryder Found Guilty of 2 Counts in Shoplifting Case," *New York Times*, November 6, 2002, p. A1; Matt Bean, "Wynona Ryder Gets Probation for Shoplifting," Court TV.com, April 4, 2003, <http://www.courtTV.com/archive/trials/ryder/sentence.html>, accessed on November 21, 2003.
2. Andrew McCall, *The Medieval Underworld* (London: Hamish Hamilton, 1979), p. 86.
3. *Ibid.*, p. 104.
4. J. J. Tobias, *Crime and Police in England, 1700–1900* (London: Gill and Macmillan, 1979).
5. *Ibid.*, p. 9.
6. Marilyn Walsh, *The Fence* (Westport, CT: Greenwood Press, 1977), pp. 18–25.
7. John Hepburn, "Occasional Criminals," in *Major Forms of Crime*, ed. Robert Meier (Beverly Hills: Sage, 1984), pp. 73–94.
8. James Inciardi, "Professional Crime," in *Major Forms of Crime*, p. 223.
9. Harry King and William Chambliss, *Box Man: A Professional Thief's Journal* (New York: Harper & Row, 1972), p. 24.
10. Edwin Sutherland, "White-Collar Criminality," *American Sociological Review* 5 (1940): 2–10.
11. Gilbert Geis, "Avocational Crime," in *Handbook of Criminology*, ed. D. Glazer (Chicago: Rand McNally, 1974), p. 284.
12. Edwin Sutherland and Chic Conwell, *The Professional Thief* (Chicago: University of Chicago Press, 1937).
13. *Ibid.*, pp. 197–198.
14. *Ibid.*, p. 212.
15. See, for example, Edwin Lemert, "The Behavior of the Systematic Check Forger," *Social Problems* 6 (1958): 141–148.
16. Cited in Walsh, *The Fence*, p. 1.
17. Carl Klockars, *The Professional Fence* (New York: Free Press, 1976); Darrell Steffensmeier, *The Fence: In the Shadow of Two Worlds* (Totowa, NJ: Rowman and Littlefield, 1986); Walsh, *The Fence*, pp. 25–28.
18. Simon Fass and Janice Francis, "Where Have All the Hot Goods Gone? The Role of Pawnshops," *Journal of Research in Crime and Delinquency* 41 (2004): 156–179.
19. Walsh, *The Fence*, p. 34.
20. Paul Cromwell, James Olson, and D'Aunn Avary, "Who Buys Stolen Property? A New Look at Criminal Receiving," *Journal of Crime and Justice* 16 (1993): 75–95.
21. This section depends heavily on a classic book, Wayne La Fave and Austin Scott, *Handbook on Criminal Law* (St. Paul, MN: West Publishing, 1972).
22. *Ibid.*, p. 622.
23. General Laws of Massachusetts, Part IV, Crimes, Punishments, and Proceedings in Criminal Cases, Title I, Crimes and Punishments, Chapter 266. Crimes against Property, Chapter 266: Section 30 Larceny; General Provisions and Penalties: <http://www.mass.gov/legis/laws/mgl/266-30.htm>.
24. John Worrall, "The Effect of Three-Strikes Legislation on Serious Crime in California," *Journal of Criminal Justice* 32 (2004): 283–296.
25. FBI, *Crime in the United States, 2003* (Washington, DC: U.S. Government Printing Office, 2004). All official crime data used in this chapter comes from this source.
26. Margaret Loftus, "Gone: One TV," *U.S. News & World Report*, 14 July 1997, p. 61.
27. "Hot Cars: Parts Crooks Love Best," *Business Week* (15 September 2003): 104.
28. Timothy W. Maier, "Uncle Sam Gets Rolled," *Insight on the News*, 10 March 1997, p. 13.
29. Jill Jordan Siedfer, "To Catch a Thief, Try This: Peddling High-Tech Solutions to Shoplifting," *U.S. News & World Report* (23 September 1996): 71.
30. David Farrington, "Measuring, Explaining and Preventing Shoplifting: A Review of British Research," *Security Journal* 12 (1999): 9–27.
31. Mary Owen Cameron, *The Booster and the Snitch* (New York: Free Press, 1964).
32. *Ibid.*, p. 57.
33. Lawrence Cohen and Rodney Stark, "Discriminatory Labeling and the Five-Finger Discount: An Empirical Analysis of Differential Shoplifting Dispositions," *Journal of Research on Crime and Delinquency* 11 (1974): 25–35.
34. Lloyd Klemke, "Does Apprehension for Shoplifting Amplify or Terminate Shoplifting Activity?" *Law and Society Review* 12 (1978): 390–403.
35. Erhard Blankenburg, "The Selectivity of Legal Sanctions: An Empirical Investigation of Shoplifting," *Law and Society Review* 11 (1976): 109–129.
36. Michael Hindelang, "Decisions of Shoplifting Victims to Invoke the Criminal Justice Process," *Social Problems* 21 (1974): 580–595.
37. George Keckeisen, *Retail Security versus the Shoplifter* (Springfield, IL: Charles C Thomas, 1993), pp. 31–32.
38. Siedfer, "To Catch a Thief, Try This," p. 71.
39. Thomas Kelley, Daniel Kennedy, and Robert Homant, "Evaluation of an Individualized Treatment Program for Adolescent Shoplifters," *Adolescence* 38 (2003): 725–733.
40. Edwin Lemert, "An Isolation and Closure Theory of Naive Check Forgery," *Journal of Criminal Law, Criminology and Police Science* 44 (1953): 297–298.
41. La Fave and Scott, *Handbook on Criminal Law*, p. 672.
42. Paul Beckett and Jathon Sapsford, "As Credit-Card Theft Grows, a Tussle over Paying to Stop It," *Wall Street Journal*, 1 May 2003, p. A1.
43. Peter Wayner, "Bogus Web Sites Troll for Credit Card Numbers," *New York Times*, 12 February 1997, p. A18.
44. Charles McCaghy, Peggy Giordano, and Trudy Knically Henson, "Auto Theft," *Criminology* 15 (1977): 367–381.
45. Donald Gibbons, *Society, Crime and Criminal Careers* (Englewood Cliffs, NJ: Prentice-Hall, 1977), p. 310.
46. Kim Hazelbaker, "Insurance Industry Analyses and the Prevention of Motor Vehicle Theft," in *Business and Crime Prevention*, eds. Marcus Felson and Ronald Clarke (Monsey,

- NY: Criminal Justice Press, 1997), pp. 283–293.
47. Heith Copes, "Streetlife and the Rewards of Auto Theft," *Deviant Behavior* 24 (2003): 309–333.
48. National Insurance Crime Bureau, "2002 Top 25 Make and Model Thefts." <http://www.nicb.org/public/newsroom/whereismycar/top25makemodel.cfm>. Accessed August 11, 2004.
49. Hazelbaker, "Insurance Industry Analyses and the Prevention of Motor Vehicle Theft," p. 287.
50. Michael Rand, *Carjacking* (Washington, DC: Bureau of Justice Statistics, 1994), p. 1.
51. Patsy Klaus, *Carjacking, 1993–2002* (Washington, DC: Bureau of Justice Statistics, 2004).
52. Bruce Jacobs, Volkan Topalli, and Richard Wright, "Carjacking, Streetlife, and Offender Motivation," *British Journal of Criminology* 43 (2003): 673–688.
53. Klaus, *Carjacking, 1993–2002*.
54. Ronald Clarke and Patricia Harris, "Auto Theft and Its Prevention," in *Crime and Justice: An Annual Review*, eds. N. Morris and M. Tonry (Chicago: Chicago University Press, 1992).
55. Ian Ayres and Steven D. Levitt, "Measuring Positive Externalities from Unobservable Victim Precaution: An Empirical Analysis of Lojack," *Quarterly Journal of Economics* 113 (1998): 43–78.
56. Hazelbaker, "Insurance Industry Analyses and the Prevention of Motor Vehicle Theft," p. 289.
57. La Fave and Scott, *Handbook on Criminal Law*, p. 655.
58. 30 Geo. III, C. 24 (1975).
59. Benjamin Weiser, "4-Year Sentence for Mastermind of Scheme to Cheat on Graduate School Tests," *New York Times*, 3 October 1998, p. 8.
60. As described in Charles McCaghy, *Deviant Behavior* (New York: Macmillan, 1976), pp. 230–231.
61. Susan Gembrowski and Tim Dahlberg, "Over 100 Here Indicted after Telemarketing Fraud Probe around the U.S.," *San Diego Daily Transcript* [Online], 8 December 1995. http://www.sddt.com/files/library/95headlines/DN95_12_08/DN95_12_08_02.html.
62. Jerome Hall, *Theft, Law and Society* (Indianapolis: Bobbs-Merrill, 1952), p. 36.
63. La Fave and Scott, *Handbook on Criminal Law*, p. 644.
64. *Ibid.*, p. 649.
65. Dawit Kiros Fantaye, "Fighting Corruption and Embezzlement in Third World Countries," *Journal of Criminal Law* 68 (April 2004): 170–177.
66. La Fave and Scott, *Handbook on Criminal Law*, p. 708.
67. E. Blackstone, *Commentaries on the Laws of England* (London: 1769), p. 224.
68. Elizabeth Groff and Nancy La Vigne, "Mapping an Opportunity Surface of Residential Burglary," *Journal of Research in Crime and Delinquency* 38 (2001): 257–278.
69. Frank Hoheimer, *The Home Invaders: Confessions of a Cat Burglar* (Chicago: Chicago Review, 1975).
70. Richard Wright, Robert Logie, and Scott Decker, "Criminal Expertise and Offender Decision Making: An Experimental Study of the Target Selection Process in Residential Burglary," *Journal of Research in Crime and Delinquency* 32 (1995): 39–53.
71. Matthew Robinson, "Accessible Targets, but Not Advisable Ones: The Role of 'Accessibility' in Student Apartment Burglary," *Journal of Security Administration* 21 (1998): 28–44.
72. Brent Snook, "Individual Differences in Distance Travelled by Serial Burglars," *Journal of Investigative Psychology & Offender Profiling* 1 (2004): 53–66.
73. Richard Wright and Scott Decker, *Burglars on the Job: Streetlife and Residential Break-Ins* (Boston: Northeastern University Press, 1994).
74. Simon Hakim and Yochanan Shachmurove, "Spatial and Temporal Patterns of Commercial Burglaries," *American Journal of Economics and Sociology* 55 (1996): 443–457.
75. *Ibid.*, pp. 443–456.
76. See, generally, Neal Shover, "Structures and Careers in Burglary," *Journal of Criminal Law, Criminology and Police Science* 63 (1972): 540–549.
77. Richard Stevenson, Lubica Forsythe, and Don Weatherburn, "The Stolen Goods Market in New South Wales, Australia: An Analysis of Disposal Avenues and Tactics," *British Journal of Criminology* 41 (winter 2001): 101–118.
78. Paul Cromwell, James Olson, and D'Aunn Wester Avary, *Breaking and Entering: An Ethnographic Analysis of Burglary* (Newbury Park, CA: Sage, 1991), pp. 48–51.
79. See, M. Taylor and C. Nee, "The Role of Cues in Simulated Residential Burglary: A Preliminary Investigation," *British Journal of Criminology* 28 (1988): 398–401; Julia MacDonald and Robert Gifford, "Territorial Cues and Defensible Space Theory: The Burglar's Point of View," *Journal of Environmental Psychology* 9 (1989): 193–205.
80. Roger Litton, "Crime Prevention and the Insurance Industry," in *Business and Crime Prevention*, p. 162.
81. "Explaining Repeat Residential Burglaries: An Analysis of Property Stolen," Ronald Clarke, Elizabeth Perkins, and Donald Smith, in *Repeat Victimization*, Crime Prevention Studies, vol. 12, eds. Graham Farrell and Ken Pease (Monsey, NY: Criminal Justice Press, 2001): 119–132.
82. Graham Farrell, Coretta Phillips, and Ken Pease, "Like Taking Candy, Why Does Repeat Victimization Occur?" *British Journal of Criminology* 35 (1995): 384–399, at 391.
83. Michael Townsley, Ross Homel, and Janet Chaseling, "Infectious Burglaries," *British Journal of Criminology* 43 (2003): 615–634.
84. Jeffrey Zaslow, "Dangerous Games—Medical Mystery: Why Some Children Keep Setting Fires—Without Consensus on Cure, Groups Try Safety Lessons, Therapy and Scare Tactics—Sleeping Mom's Singed Hair," *Wall Street Journal*, 27 June 2003, p. A1.
85. Arson Prevention Bureau of Justice, key facts. <http://www.arsonprevention-bureau.org.uk/News/>. Accessed October 15, 2003.
86. Nancy Webb, George Sakheim, Luz Towns-Miranda, and Charles Wagner, "Collaborative Treatment of Juvenile Firestarters: Assessment and Outreach," *American Journal of Orthopsychiatry* 60 (1990): 305–310.
87. Vernon Quinsey, Terry Chaplin, and Douglas Unfold, "Arsonists and Sexual Arousal to Fire Setting: Correlations Unsupported," *Journal of Behavior*

Therapy and Experimental Psychiatry 20 (1989): 203–209.

88. Pekka Santtila, Helina Haikkanen, Laurence Alison, Laurence Whyte, and Carrie Whyte, “Juvenile Firesetters: Crime Scene Actions and Offender Characteristics,” *Legal and Criminological Psychology* 8 (2003): 1–20.

89. John Taylor, Ian Thorne, Alison Robertson, and Ginny Avery, “Evaluation of a Group Intervention for Convicted Arsonists with Mild and Borderline Intellectual Disabilities,” *Criminal Behaviour and Mental Health* 12 (2002): 282–294.
90. Scott Turner, “Funding Sparks Effort to Cut Juvenile Arson Rate,” *George Street Journal* 27 (31 January 2003): 1.

http://www.brown.edu/Administration/George_Street_Journal/vol27/27GSJ16f.html.

91. Leigh Edward Somers, *Economic Crimes* (New York: Clark Boardman, 1984), pp. 158–168.
92. Michael Rogers, “The Fire Next Time,” *Newsweek* (26 November 1990): 63.

CHAPTER 12



On October 15, 2002, Dr. Samuel Waksal, the founder of the biotech company ImClone Systems, pled guilty to charges of securities fraud, perjury, and obstruction of justice. The charges were a result of an investigation into the dumping of ImClone stock by Waksal and his friends and family shortly before the company announced that its application for approval of a cancer drug had been rejected by the Food and Drug Administration. The fraud charge

involved, among other acts, the sale of nearly 40,000 ImClone shares by Waksal's daughter Aliza, whom he called the day before the failure was made public and told to sell all her stock so that she would have cash to buy an apartment. "I have made terrible mistakes," Waksal, 55, told reporters after his courtroom appearance. "I deeply regret what has happened. I was wrong."¹ Ironically, in June 2003, clinical trials of ImClone's drug Erbitux proved positive, and the stock boomed at about the same time Waksal was sentenced to 7 years in prison.

Another player in the ImClone case was domestic guru Martha Stewart, who dumped her shares just prior to the negative announcement. Stewart's suspicious stock sales quickly made her the target of a government probe. She was never actually accused of insider trading—the more serious charge of selling the ImClone stock based on privileged knowledge not available to the general public. Instead, Stewart was accused of lying to the government when she claimed that she had a prior agreement with her stockbroker to sell ImClone stock at a certain price (her broker did not back up her story). Stewart was also accused of altering a telephone log about a call from the broker. She was convicted and sentenced to prison. People wondered how someone as wealthy and savvy as Stewart could get herself involved in a legally questionable scheme.

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

ENTERPRISE CRIME: WHITE-COLLAR, CYBER, AND ORGANIZED CRIME

CHAPTER OUTLINE

Enterprise Crime

Crimes of Business Enterprise

White-Collar Crime

Redefining White-Collar Crime

Components of White-Collar Crime

Stings and Swindles

Chiseling

Individual Exploitation of Institutional Position

Influence Peddling and Bribery

Embezzlement and Employee Fraud

Client Fraud

The Criminological Enterprise:

Tyco, Enron, and WorldCom:

Enterprise Crime at the Highest Levels

Corporate Crime

Causes of White-Collar Crime

Greedy or Needy?

Corporate Culture View

Self-Control View

White-Collar Law Enforcement Systems

Comparative Criminology: Snakes and Ladders:

Confronting White-Collar Crime in Britain

Controlling White-Collar Crime

Is the Tide Turning?

Cyber Crime

Internet Crime

Distributing Sexual Material

Denial of Service Attack

Illegal Copyright Infringement

Internet Securities Fraud

Identity Theft

Internet Fraud

Computer Crime

The Extent of Computer Crime

Controlling Cyber Crime

Organized Crime

Characteristics of Organized Crime

Activities of Organized Crime

Policy and Practice in Criminology:

Controlling Cyber Crime

The Concept of Organized Crime

Alien Conspiracy Theory

Contemporary Organized Crime Groups

The Evolution of Organized Crime

Controlling Organized Crime

Comparative Criminology: Russian Organized Crime

The Future of Organized Crime

CHAPTER OBJECTIVES

1. Understand the concept of enterprise crime
2. Be familiar with the various types of white-collar crime
3. Be familiar with the various types of corporate crime
4. Recognize the extent and various causes of white-collar crime
5. Be able to discuss the different approaches to combating white-collar crime
6. Recognize new types of cyber crime
7. Describe the methods being used to control Internet and computer crime
8. List the different types of illegal behavior engaged in by organized crime figures
9. Describe the evolution of organized crime
10. Explain how the government is fighting organized crime

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ENTERPRISE CRIME

It has become routine in our free enterprise, global economy for people such as Waksal and Stewart to use illegal tactics to make profit. We refer here to these crimes of the marketplace as **enterprise crime**.

In this chapter we divide these crimes of illicit entrepreneurship into three distinct categories: white-collar crime, cyber crime, and organized crime. **White-collar crime** involves illegal activities of people and institutions whose acknowledged purpose is profit through legitimate business transactions. While often difficult to define because there are so many variations, **cyber crime** involves people using the instruments of modern technology for criminal purpose.² **Organized crime** involves illegal activities of people and organizations whose acknowledged purpose is profit through illegitimate business enterprise.

Crimes of Business Enterprise

Cyber crime, organized crime, and white-collar crime are linked here because in each category offenders twist the legal rules of commercial enterprise for criminal purposes. The three types of crime often overlap. Organized criminals may use the Internet to conduct fraud schemes and then seek legitimate enterprises to launder money, diversify their sources of income, increase their power and influence, and gain and enhance respectability.³ Otherwise legitimate businesspeople may turn to organized criminals to help them with

economic problems (such as breaking up a strike or dumping hazardous waste products), stifle or threaten competition, and increase their influence.⁴ Whereas some corporate executives cheat to improve their company's position in the business world, others are motivated purely for personal gain, acting more like organized criminals than indiscreet businesspeople.⁵ (See Figure 12.1.)

These organizational crimes taint and corrupt the free market system. They mix and match illegal and legal methods and legal and illegal products in all phases of commercial activity. Organized criminals often use illegal marketing techniques (threat, extortion, and smuggling) to distribute otherwise legal products and services (lending money, union activities, selling securities); they also engage in the distribution of products and services (drugs, sex, gambling, and prostitution) that have been outlawed. White-collar criminals use illegal business practices (embezzlement, price fixing, bribery, and so on) to merchandise what are normally legitimate commercial products (securities, medical care, online auctions). Cyber criminals use their technical expertise for criminal misappropriations (Internet fraud).⁶

Surprisingly, all three forms of enterprise crime can involve violence. Although the use of force and coercion by organized crime members has been popularized in the media and therefore comes as no shock, that white-collar and high-tech criminals may inflict pain and suffering seems more astonishing. Yet experts claim that more than 200,000 occupational deaths occur each year and that "corporate violence" annually kills and injures more people than all street crimes combined.⁷

Enterprise Crime: White-Collar, Cyber, and Organized Crime





To quiz yourself on this material, go to the Criminology 9e website.

WHITE-COLLAR CRIME

In the late 1930s, the distinguished criminologist Edwin Sutherland first used the phrase “white-collar crime” to describe the criminal activities of the rich and powerful. He defined white-collar crime as “a crime committed by a person of respectability and high social status in the course of his occupation.”⁸ As Sutherland saw it, white-collar crime involved conspiracies by members of the wealthy classes to use their position in commerce and industry for personal gain without regard to the law. Often these actions were handled by civil courts because injured parties were more concerned with recovering their losses than with seeing the offenders punished criminally. Consequently, Sutherland believed that the great majority of white-collar criminals did not become the subject of criminological study. Yet the cost of white-collar crime is probably several times greater than all the crimes customarily regarded as the crime problem. And, in contrast to street crimes, white-collar offenses breed distrust in economic and social institutions, lower public morale, and undermine faith in business and government.⁹

Redefining White-Collar Crime

Although Sutherland’s work is considered a milestone in criminological history, his focus was on corporate criminality, including the crimes of the rich and powerful. Contemporary definitions of white-collar crime are typically much broader and include both middle-income Americans and corporate titans who use the marketplace for their criminal activity.¹⁰ Included within recent views of white-collar crime are such acts as income tax evasion, credit card fraud, and bankruptcy fraud. Other white-collar criminals use their positions of trust in business or government to commit crimes. Their activities might include pilfering, soliciting bribes or kickbacks, and embezzlement. Some white-collar criminals set up business for the sole purpose of victimizing the general public. They engage in land swindles (for example, representing swamps as choice building sites), securities theft, medical fraud, and so on.

In addition to acting as individuals, some white-collar criminals become involved in criminal conspiracies designed to improve the market share or profitability of their corporations. This type of white-collar crime, which includes antitrust violations, price fixing, and false advertising, is known as **corporate crime**.¹¹

It is difficult to estimate the extent and influence of white-collar crime on victims because all too often those who suffer the consequences of white-collar crime are ignored by victimologists.¹² Some experts place its total monetary value in the hundreds of billions of dollars, far outstripping the expense of any other type of crime. Nor is it likely that the full

extent of white-collar crime will ever be fully known because victims are often reluctant to report their crime to police, believing that nothing can be done and that getting further involved is pointless.¹³

Beyond the monetary cost, white-collar crime often damages property and kills people. Violations of safety standards, pollution of the environment, and industrial accidents due to negligence can be classified as corporate violence. White-collar crime also destroys confidence, saps the integrity of commercial life, and has the potential for devastating destruction. Think of the possible results if nuclear regulatory rules are flouted or if toxic wastes are dumped into a community’s drinking water supply.¹⁴



To quiz yourself on this material, go to the Criminology 9e website.

COMPONENTS OF WHITE-COLLAR CRIME

White-collar crime today represents a range of behaviors involving individuals acting alone and within the context of a business structure. The victims of white-collar crime can be the general public, the organization that employs the offender, or a competing organization. Numerous attempts have been made to create subcategories or typologies of white-collar criminality.¹⁵ This text adapts a typology created by criminologist Mark Moore to organize the analysis of white-collar crime.¹⁶ Moore’s typology contains seven elements, ranging from an individual using a business enterprise to commit theft-related crimes, to an individual using his or her place within a business enterprise for illegal gain, to business enterprises collectively engaging in illegitimate activity.

Stings and Swindles

For more than a decade, the Gold Club in Atlanta was the hottest spot in town, the destination for conventioners and businessmen looking for a rowdy night filled with good cigars, strong drinks, and nude dancers.¹⁷ It became the home away from home for well-known professional athletes who stopped by to receive sexual favors from the girls who worked at the club. In 2001, the federal government filed charges, claiming that the Gold Club manager, Steven Kaplan, was in cahoots with the Gambino organized crime family of New York to overcharge or double bill credit cards of unsuspecting customers. The club owners were also charged with ordering women in their employ to provide sexual services to professional athletes and celebrities to encourage their presence at the club. The government won its case when Kaplan pled guilty and received a 3- to 5-year prison sentence and a \$5 million fine. Ironically, as part of the deal, the federal government took over the Gold Club, making it the manager of one of the largest strip clubs in the nation!

Kaplan and his co-conspirators were found guilty of engaging in a **sting or swindle**, a white-collar crime in which people use their institutional or business position to trick others out of their money. Offenses in this category range from fraud involving the door-to-door sale of faulty merchandise to passing millions of dollars in counterfeit stock certificates to an established brokerage firm. If caught, white-collar swindlers are usually charged with common-law crimes such as embezzlement or fraud.

|||||| CONNECTIONS |||

In Chapter 11 fraud was described as a common theft offense. While these crimes are similar, common fraud involves a crime in which one person uses illegal methods to bilk another out of money, while white-collar fraud involves a person using his or her institutional or business position to reach the same goal. Common-law fraud is typically a short-term transaction whereas white-collar fraud involves a long-term criminal conspiracy. Although the ends are similar, the means are somewhat different.

The collapse of the Bank of Credit and Commerce International (BCCI) in 1991 was one of the most notorious swindles in recent history and cost depositors billions of dollars. BCCI was the world's seventh largest private bank, with assets of about \$23 billion. Investigators believe bank officials made billions of dollars in loans to confederates who had no intention of repaying them; BCCI officers also used false accounting methods to defraud depositors. Its officers helped clients—such as dictators Saddam Hussein and Ferdinand Marcos and Colombian drug cartel leaders—launder money, finance terrorist organizations, and smuggle illegal arms. BCCI officers aided drug dealers and helped launder drug money so that it could be shifted to legitimate banks.¹⁸ After the bank was closed, in addition to the billions of lost deposits, hundreds of millions were spent to pay auditors to liquidate the bank's holdings.¹⁹ Despite the notoriety of the BCCI case, investors continue to bite at bogus investment schemes promising quick riches.



To read more about the infamous case of the **Bank of Credit and Commerce International**, go to <http://www.apfn.org/apfn/BCCI.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

RELIGIOUS SWINDLES When oil prices skyrocketed in 2003 and 2004, one enterprising swindler, Linda Stetler of Albany, Kentucky-based Vision Oil Company, lured investors into risky schemes by claiming that God (and not geologists) guided her company's oil exploration: "God gave me a vision of three oil wells," she said in a letter sent to potential investors. State regulators found that Stetler and her company engaged in illegal practices, including inadequate disclosures of risks and selling to unsuitable investors; Vision Oil and its agents were fined by the state and ordered to pay restitution to investors.²⁰

It is estimated that fake religious organizations bilk thousands of people out of \$100 million per year.²¹ Swindlers take in worshippers of all persuasions: Jews, Baptists, Lutherans, Catholics, Mormons, and Greek Orthodox have all fallen prey to religious swindles. How do religious swindlers operate? Some create fraudulent charitable organizations and convince devout people to contribute to their seemingly worthwhile cause. Some use religious television and radio shows to sell their products. Others place verses from the scriptures on their promotional literature to comfort hesitant investors.

Chiseling

Chiseling, the second category of white-collar crime, involves regularly cheating an organization, its consumers, or both. Chiselers may be individuals looking to make quick profits in their own businesses or employees of large organizations who decide to cheat on obligations to their own company or its clients by doing something contrary to either the law or company policy. Chiseling can involve charging for bogus auto repairs, cheating customers on home repairs, or short-weighting (intentionally tampering with the accuracy of scales used to weigh products) in supermarkets or dairies. In one scheme, some New York City cab drivers routinely tapped the dashboards of their cabs with pens loaded with powerful magnets to zap their meters and jack up the fares.²²

In some cases, workers use their position in an organization to conduct illegal schemes or help others benefit illegally. For example, four racetrack tellers at Belmont, Aqueduct, and Saratoga in New York were arrested in 2001 when it was discovered that they used the flow of cash through betting windows to launder money for drug dealers. The tellers exchanged more than \$300,000 in small bills for large ones.²³

Chiseling may even involve illegal use of information about company policies that have not been disclosed to the public. The secret information can be sold to speculators or used to make money in the stock market. Use of the information violates the obligation to keep company policy secret.

PROFESSIONAL CHISELING It is not uncommon for professionals to use their positions to chisel clients. Pharmacists have been known to alter prescriptions or substitute low-cost generic drugs for more expensive name brands.²⁴ In one case that made national headlines in 2001, Kansas City pharmacist Robert R. Courtney was charged with fraud when it was discovered that he had been selling diluted mixtures of the cancer medications Taxol, Gemzar, Paraplatin, and Platinol, which are used to treat a variety of illnesses including pancreatic and lung cancer, advanced ovarian and breast cancer, and AIDS-related Kaposi's sarcoma. In one instance, Courtney provided a doctor with only 450 milligrams of Gemzar for a prescription that called for 1,900 mg, a transaction that netted him a profit of \$779.²⁵ After he pled guilty, Courtney told authorities that his drug dilution activities were not limited to the conduct he admitted to at the time of



Kansas City pharmacist Robert R. Courtney was charged with fraud after it was discovered that he had been selling diluted mixtures of the cancer medications Taxol, Gemzar, Paraplatin, and Platinol. These drugs are used to treat a variety of illnesses including pancreatic and lung cancer, advanced ovarian and breast cancer, and AIDS-related Kaposi's sarcoma. A plea bargain helped Courtney avoid a life sentence, but he will spend about 30 years in prison.

his guilty plea. His criminal activities had actually begun in 1992 or even earlier, affected the patients of 400 doctors, involved 98,000 prescriptions, and harmed approximately 4,200 patients.²⁶ There is no telling how many people died or suffered serious medical complications because of Courtney's criminal conduct.

SECURITIES FRAUD A great deal of chiseling takes place on the commodities and stock markets, where individuals engage in deceptive practices that are prohibited by federal law. Some investment counselors and insurance agents will use their positions to cheat individual clients by misleading them on the quality of their investments; financial organizations cheat their clients by promoting risky investments as being iron-clad safe. For example, in 2003 Arizona securities regulators obtained a \$4.3 million final judgment against a Scottsdale company and two insurance agents who fraudulently sold charitable gift annuities to mostly senior investors who were told their money would be invested in secure accounts. The funds were placed instead in high-risk investments while the insurance agents helped themselves to \$1.3 million in commissions. Also in 2003, California authorities ordered several insurance agents to stop selling high-risk **viatical investments**—interests in the death benefits of terminally ill patients. The agents promised investors returns as high as 150 percent in 3 years and guaranteed the investment through a “fidelity” bond but failed to tell investors that the bond was issued by a company incorporated in Vanuatu, South Pacific, that was not licensed to issue bonds in California. Another sales scam is “promissory notes,” which pay high interest

guaranteed by the issuing company. While they appear safe, the sale of the notes is fraudulent when the issuing company has neither the ability nor the intent to pay back the principal.²⁷

Stockbrokers violate accepted practices when they engage in **churning** the client's account by repeated, excessive, and unnecessary buying and selling of stock.²⁸ Other broker fraud includes **front running**, in which brokers place personal orders ahead of a large customer's order to profit from the market effects of the trade, and **bucketing**, which is skimming customer trading profits by falsifying trade information.²⁹

As discussed in the ImClone case, securities chiseling can also involve using one's position of trust to profit from inside business information, referred to as **insider trading**. The information can then be used to buy and sell securities, giving the trader an unfair advantage over the general public, which lacks this inside information.

Insider trading violations can occur in a variety of situations. As originally conceived, it was illegal for corporate employees with direct knowledge of market-sensitive information to use that information for their own benefit—for example, by buying stock in a company that they learn will be taken over by the larger concern for which they work. In recent years, the definition of insider trading has been expanded by federal courts to include employees of financial institutions, such as law or banking firms, who misappropriate confidential information on pending corporate actions to purchase stock or give the information to a third party so that party may buy shares in the company. Courts have ruled that such actions are deceptive and violate security trading codes.³⁰

When the stock market collapsed in 2000, securities fraud became a major national issue. Leading market analysts have been accused of providing false and misleading information in order to pump up the price of stocks in an effort to secure business for their firms. On April 28, 2003, the Securities and Exchange Commission announced a settlement in which leading Wall Street brokerage firms—including Salomon Smith Barney, CSFB (Credit Suisse First Boston), Morgan Stanley, Goldman Sachs, Bear Stearns, J.P. Morgan, Lehman Brothers, UBS Warburg, and U.S. Bancorp Piper Jaffray—paid a \$1.4 billion fine.³¹ Some leading analysts were fined millions of dollars and barred from the security industry for life.

Individual Exploitation of Institutional Position

Another type of white-collar crime involves individuals' exploiting their power or position in organizations to take advantage of other individuals who have an interest in how

that power is used. For example, a fire inspector who demands that the owner of a restaurant pay him to be granted an operating license is abusing his institutional position. In most cases, this type of offense occurs when the victim has a clear right to expect a service, and the offender threatens to withhold the service unless an additional payment or bribe is forthcoming.

On the local and state levels, scandals commonly emerge in which liquor license board members, food inspectors, and fire inspectors are named as exploiters. A striking example of exploitation made national headlines on October 6, 1998, when San Francisco 49ers co-owner Eddie DeBartolo, Jr., pled guilty to concealing an extortion plot by the former governor of Louisiana, Edwin Edwards. According to the authorities, Edwards demanded payments of \$400,000 or he would use his influence to prevent DeBartolo from obtaining a license for a riverboat gambling casino.³² Here a former politician is alleged to have used his still-considerable political clout to demand payment from a businessman desiring to engage in a legitimate business enterprise.

Exploitation can also occur in private industry. Purchasing agents in large companies often demand a piece of the action for awarding contracts to suppliers and distributors. Managing agents in some of New York City's most luxurious buildings have been convicted on charges that they routinely extorted millions of dollars from maintenance contractors and building suppliers. Building managers have been charged with steering repair and maintenance work to particular contractors in exchange for kickbacks totaling millions of dollars.³³ In 1998, the FBI arrested executives of Bayship Management Inc. (BSM), one of the largest private ship management companies in the United States. In a sting operation, FBI agents created a bogus undercover marine contracting business, which did business with BSM on government contracts. BSM employees directed the undercover agents to fraudulently inflate the dollar amounts of contracts to cover the cost of bribes! Totally fraudulent contracts were issued for work that was never performed in order to entertain the BSM employees at dinners, golf outings, and trips and for cash payoffs. BSM was "charging" its sub-contractors for the right to work on government jobs.³⁴

In some foreign countries, soliciting bribes to do business is a common, even expected, practice. Not surprisingly, U.S. businesses have complained that stiff penalties for bribery give foreign competitors an edge over them. In European countries, such as Italy and France, giving bribes to secure contracts is perfectly legal; and in West Germany, corporate bribes are actually tax deductible.³⁵ Some government officials solicit bribes to allow American firms to do business in their countries.³⁶

Influence Peddling and Bribery

Sometimes individuals holding important institutional positions sell power, influence, and information to outsiders who have an interest in influencing or predicting the activities of the institution. Offenses within this category include

government employees' taking kickbacks from contractors in return for awarding them contracts they could not have won on merit, or outsiders' bribing government officials, such as those in the Securities and Exchange Commission, who might sell information about future government activities. Political leaders have been convicted of accepting bribes to rig elections that enable their party to control state politics.³⁷

One major difference distinguishes **influence peddling** from the previously discussed exploitation. **Exploitation** involves forcing victims to pay for services to which they have a clear right. In contrast, influence peddlers and bribe takers use their institutional positions to grant favors and sell information to which their co-conspirators are not entitled. In sum, in crimes of institutional exploitation, the victim is threatened and forced to pay, whereas the victim of influence peddling is the organization compromised by its employees for their own interests.

INFLUENCE PEDDLING IN GOVERNMENT In the mid-1980s officials at the Department of Housing and Urban Development (HUD) were involved in a scheme to defraud the government of somewhere between \$4 billion and \$8 billion. Officials used their power to dispense huge grants to well-connected political figures. Several officials who left the department received huge consulting fees from former associates who still worked for the department. A number of officials were later convicted of taking bribes and defrauding the government, including one woman who siphoned off \$5 million from the sale of repossessed homes, the largest individual theft of U.S. government funds in history. Her feat earned her the name "Robin HUD" because she claimed that she gave much of the money to charity; the judge gave her 4 years in prison.³⁸

Federal officials are not the only ones to be accused of influence peddling. It has become all too common for legislators and other state officials to be forced to resign or even to be jailed for accepting bribes to use their influence. For example, in 2003 Manhattan prosecutors began an investigation into whether lobbyists for the Correctional Services Corporation, a firm that builds and runs private prison facilities, failed to follow state laws in their efforts to gain favor with legislators. The investigation focused on whether "gifts" to state lawmakers exceeded the legal limit and whether the lobbyists accurately reported, or reported at all, these gifts. One state assemblywoman resigned after admitting to accepting free transportation from the company in return for helping it obtain state contracts.³⁹ The state's lobbying commission fined the company a record \$300,000 for failing to report free transportation, meals, and other gifts it had given to legislators in an effort to keep millions of dollars in state contracts; the \$300,000 fine is the largest that the state had ever imposed on a single company for breaking its lobbying laws.⁴⁰

Agents of the criminal justice system have also gotten caught up in official corruption, a circumstance that is particularly disturbing because society expects a higher standard of moral integrity from people empowered to uphold the law and judge their fellow citizens. Police officers have been

particularly vulnerable to charges of corruption. Thirty years ago, the Knapp Commission found that police corruption in New York City was pervasive and widespread, ranging from patrol officers' accepting small gratuities from local businesspeople to senior officers receiving payoffs in the thousands of dollars from gamblers and narcotics violators.⁴¹ Despite years of effort to eradicate police corruption, instances still abound. For example, in 1998 more than twenty officers were alleged to have been patrons of prostitutes working at 335 West 39th Street and a nearby massage parlor; some officers were filmed demanding sex.⁴²

INFLUENCE PEDDLING IN BUSINESS Politicians and government officials are not the only ones accused of bribery; business has had its share of scandals. The 1970s witnessed revelations that multinational corporations regularly made payoffs to foreign officials and businesspeople to secure business contracts. Gulf Oil executives admitted paying \$4 million to the South Korean ruling party; Burroughs Corporation admitted paying \$1.5 million to foreign officials; and Lockheed Aircraft admitted paying \$202 million. McDonnell-Douglas Aircraft Corporation was indicted for paying \$1 million in bribes to officials of Pakistani International Airlines to secure orders.⁴³

In response to these revelations, in 1977 Congress passed the Foreign Corrupt Practices Act (FCPA), which makes it a criminal offense to bribe foreign officials or to make other questionable overseas payments. Violations of the FCPA draw strict penalties for both the defendant company and its officers.⁴⁴ Moreover, all fines imposed on corporate officers are paid by them, not absorbed by the company. For example, for violating the antibribery provisions of the FCPA, a domestic corporation can be fined up to \$1 million. Company officers, employees, or stockholders who are convicted of bribery may have to serve a prison sentence of up to 5 years and pay a \$10,000 fine. Congressional dissatisfaction with

the harshness and ambiguity of the bill has caused numerous revisions to be proposed. Despite the penalties imposed by the FCPA, corporations that deal in foreign trade have continued to give bribes to secure favorable trade agreements.⁴⁵ In 1995, for example, several former executives of the Lockheed Aircraft Corporation pleaded guilty to bribery in the sale of transport aircraft to the Egyptian government.⁴⁶ A recent example illustrates the breadth of the FCPA. On June 16, 2004, Schering-Plough Corporation agreed to pay a civil penalty of \$500,000 for violating provisions of the FCP. An employee of Schering-Plough's Polish subsidiary made a payment to a charitable foundation headed by a Polish government official. The government charged that these "charitable" payments were designed to influence the official to purchase Schering-Plough's pharmaceutical products for his region's health fund. Although the donations were made without the knowledge or approval of any employee in the United States, the government found that Schering's internal controls were inadequate to prevent or detect the improper payments. The case is significant because it suggests that payments to a second party—in this case, a charity—are illegal if they are designed to influence the actions of a government official.⁴⁷



To find out more about the **FCPA** and read its provisions, go to its website: <http://www.usdoj.gov/criminal/fraud/fcpa/dojdocb.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Embezzlement and Employee Fraud

Another type of white-collar crime involves individuals' use of their positions to embezzle company funds or appropriate company property for themselves. Here the company or organization that employs the criminal, rather than an outsider, is the victim of white-collar crime.



On November 19, 2003, James Comey, the U.S. Attorney for the Southern District of New York, explains charges of conspiracy, wire fraud, money laundering, and securities fraud brought against foreign-exchange traders caught in an FBI-led action named "Operation Wooden Nickel." FBI agents arrested dozens of people and seized boxes of records from small trading firms like Madison Deane & Associates as well as giants such as J.P. Morgan Chase and UBS. As part of the scheme, banks like J.P. Morgan Chase were "scammed" by their own employees who engineered trades in which their firms and their customers lost money while the small trading houses made money. Some of the profits were then kicked back to the bank employees.

© Reuters/Henry Ray Abrams/Landov

BLUE-COLLAR FRAUD In 2002, three employees and a friend allegedly stole moon rocks from a NASA laboratory in Houston. FBI agents arrested them after they tried to sell the contraband to an undercover agent in Orlando, Florida. The would-be seller reportedly asked \$2,000 per gram for the rocks initially but later bumped the price to \$8,000 per gram.⁴⁸ While the theft of moon rocks does not happen very often, systematic theft of company property by employees, or **pilferage**, is common.⁴⁹

Employee theft is most accurately explained by factors relevant to the work setting, such as job dissatisfaction and the workers' belief that they are being exploited by employers or supervisors; economic problems play a relatively small role in the decision to pilfer. So, although employers attribute employee fraud to economic conditions and declining personal values, workers themselves say they steal because of strain and conflict.

Though it is difficult to determine the value of goods taken by employees, some recent surveys indicate it is substantial and not confined to the United States. Shrinkage costs the European economy \$29 billion—more than the losses due to car theft and/or domestic burglary.⁵⁰ Shrinkage may be on the rise because employees are influenced by economic conditions. A study co-sponsored by the National Food Service Security Council found the average restaurant worker now steals \$204 in cash or merchandise per year, up from \$96 in 1998 when the economy was in better shape.⁵¹ However, these figures may underestimate the problem because they rely on employee self-reporting; experts believe that, on average, each worker takes \$1,500 each year!⁵² This evidence indicates that the scope of employee theft is truly staggering, amounting to almost \$35 billion per year.⁵³



Where do you go to report cases of employee fraud? The **National Whistleblower Center** is a nonprofit educational advocacy organization that works for the enforcement of environmental laws, nuclear safety, civil rights, and government and industry accountability through the support and representation of employee whistleblowers: <http://www.whistleblowers.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

MANAGEMENT FRAUD Blue-collar workers are not the only employees who commit corporate theft. Management-level fraud is also quite common. Such acts include converting company assets for personal benefit; fraudulently receiving increases in compensation (such as raises or bonuses); fraudulently increasing personal holdings of company stock; retaining one's present position within the company by manipulating accounts; and concealing unacceptable performance from stockholders.⁵⁴ In one strange case of management fraud that almost defies classification, the FBI uncovered a scheme by eight McDonald's employees to steal \$13 million worth of McDonald's game prizes from its Monopoly game promotion, which offered a top prize of \$1 million. Those involved in the scam were in a position to obtain winning game

pieces, which they distributed to friends and associates who acted as recruiters. These recruiters then solicited individuals who falsely and fraudulently represented that they were the legitimate winners of the McDonald's games.⁵⁵

Management fraud has involved some of the nation's largest companies and richest people. The *Criminological Enterprise* feature on pages 420–421 focuses on three of the most prominent cases of recent years.

Client Fraud

Another component of white-collar crime is theft by an economic client from an organization that advances credit to its clients or reimburses them for services rendered. These offenses are linked because they involve cheating an organization (such as a government agency or insurance company) with many individual clients that the organization supports financially (such as welfare clients), reimburses for services provided (such as healthcare providers), covers losses of (such as insurance policyholders), or extends credit to (such as bank clients or taxpayers). Included in this category are insurance fraud, credit card fraud, fraud related to welfare and Medicare programs, and tax evasion. For example, some critics suggest that welfare recipients cheat the federal government out of billions each year. As eligibility for public assistance becomes more limited, recipients are resorting to a number of schemes to maintain their status. Some women collect government checks while working on the side or living illegally with boyfriends or husbands. Some young mothers tell children to answer exam questions incorrectly to be classified as disabled and receive government assistance.⁵⁶

HEALTHCARE FRAUD It is also common for doctors to violate their ethical vows and engage in fraud in obtaining patients and administering their treatment. An extreme instance occurred in 2001 when 172 people in New Jersey—including a medical doctor, a lawyer, and two chiropractors—were charged with staging nineteen automobile accidents and filing false medical claims totaling more than \$5 million. They recruited participants who were paid up to \$2,500 to claim they were injured in an accident. The ringleaders coached them about the types of injuries to fake. The medical professionals would then file claims with the drivers' insurance companies for services never rendered.⁵⁷

Another target of medical fraud is the federal Medicaid program. Under Medicaid, recipients under age 21 are entitled to dental checkups and cleanings twice a year and a limited number of other treatments. In 2001, prosecutors in Miami filed charges against two former dentists, Joel Berger and Charles Kravitz, for allegedly setting up a Medicaid fraud scheme that cost the state millions in bogus fees. Berger was charged with hiring recruiters to pick up children, some as young as 2, from street corners, school buses, and daycare centers and take them to dental facilities for unneeded procedures that included cleanings, X-rays, and even extractions. Recruiters received \$25 for every child they placed in a dental chair; the kids got \$5 for participating. The

procedures were frequently administered by untrained dental employees. The scheme involved a dozen dentists and nearly ninety recruiters and dental workers and may have cost taxpayers up to \$20 million in illegal Medicaid payments. Similar, albeit smaller-scale, frauds have been uncovered in Texas, Kansas, and other states.⁵⁸

Abusive and deceptive healthcare practices include such techniques as “ping-ponging” (referring patients to other physicians in the same office), “gang visits” (billing for multiple services), and “steering” (directing patients to particular pharmacies). Doctors who abuse their Medicaid or Medicare patients in this way are liable to civil suits and even criminal penalties.

In addition to individual physicians, some large healthcare providers have been accused of routinely violating the law to obtain millions in illegal payments. In 1998 the federal government filed suit against two of the nation’s largest hospital chains, Columbia/HCA Healthcare Corporation (320 hospitals) and Quorum Health Group (250 hospitals), alleging that they routinely overstated expenses to bilk Medicare.⁵⁹ It has been estimated that \$100 billion spent annually on federal healthcare is lost to fraudulent practices.⁶⁰ Despite the magnitude of this abuse, state and federal governments have been reluctant to prosecute Medicaid fraud.⁶¹

In light of these and other healthcare scandals, the government has attempted to tighten control over the industry. New regulations restrict the opportunity for physicians to commit fraud. Healthcare companies providing services to federal healthcare programs are also regulated by federal laws that prohibit kickbacks and self-referrals. For example, it is a crime, punishable by up to 5 years in prison, to provide anything of value, money or otherwise, directly or indirectly, with the intent to induce a referral of a patient or a healthcare service. Liability attaches to both parties in the transaction—the entity or individual providing the kickbacks and the individual receiving payment of the referral.

Federal law also prohibits so-called physicians and other healthcare providers from referring beneficiaries in federal healthcare programs to clinics or other facilities in which the physician or healthcare provider has a financial interest. For example, it would be illegal for a doctor to refer her patients to a blood-testing lab in which she has an ownership share. These practices—kickbacks and self-referrals—are prohibited under federal law because they would compromise a medical professional’s independent judgment. Federal law prohibits arrangements that tend to corrupt medical judgment and put the provider’s bottom line ahead of the patient’s well-being.⁶²

BANK FRAUD Bank fraud can encompass such diverse schemes as check kiting (Exhibit 12.1), check forgery, false statements on loan applications, sale of stolen checks, bank credit card fraud, unauthorized use of automatic teller machines (ATMs), auto title fraud, and illegal transactions with offshore banks.⁶³ To be found guilty of bank fraud, one must knowingly execute or attempt to execute a scheme to fraudulently obtain money or property from a financial

Check Kiting

Check kiting is a scheme whereby a client with accounts in two or more banks takes advantage of the time required for checks to clear in order to obtain unauthorized use of bank funds.

- A person has \$5,000 on account in a bank and cashes a check for \$3,000 from an account in another bank in which he has no funds.
- The bank cashes the check because he is already a customer.
- He then closes his account before the check clears or . . .
- He may write checks on his account totaling \$5,000 which are cleared because he has funds in his account.
- In some instances the kiter expects a bank to cover a withdrawal before a check is presented to another bank for collection (she simply wants a short-term, interest-free loan).
- Others have no intention of ever covering the transaction, but instead want to take cash out of the system after building accounts to artificially high amounts.
- Kiting can be a multimillion-dollar offense involving checks written and deposited in banks in two or more states or separate countries.

institution. For example, a car dealer would commit bank fraud by securing loans on titles to cars it no longer owned. A real estate owner would be guilty of bank fraud if he or she obtained a false appraisal on a piece of property with the intention of obtaining a bank loan in excess of the property’s real worth. Penalties for bank fraud include a maximum fine of \$1 million and up to 30 years in prison.

TAX EVASION Another important aspect of client fraud is tax evasion. Here the victim is the government that is cheated by one of its clients, the errant taxpayer to whom it extended credit by allowing the taxpayer to delay paying taxes on money he or she had already earned. Tax fraud is a particularly challenging area for criminological study because so many U.S. citizens regularly underreport their income, and it is often difficult to separate honest error from deliberate tax evasion.

The basic law on tax evasion is contained in the U.S. Internal Revenue Code, section 7201, which states:

Any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 or imprisoned not more than five years, or both, together with the costs of prosecution.

To prove tax fraud, the government must find that the taxpayer either underreported his or her income or did not report taxable income. No minimum dollar amount is stated before fraud exists, but the government can take legal action when there is a “substantial underpayment of tax.”

The Criminological Enterprise

Tyco, Enron, and WorldCom: Enterprise Crime at the Highest Levels

The Tyco Case

Tyco International Ltd. is a gigantic corporate entity that today operates in all fifty U.S. states and over 100 countries and employs more than 250,000 people. Despite its great success, the U.S. government indicted Tyco's Chief Executive Officer L. Dennis Kozlowski and Chief Financial Officer Marc Swartz on a variety of fraud and larceny charges including misappropriating \$170 million in company funds by hiding unauthorized bonuses and secretly forgiving loans to themselves. Kozlowski and Swartz were also accused of making more than \$430 million by lying about Tyco's financial condition in order to inflate the value of their stock.

During their 2004 trial, the government tried to establish a motive by showing jurors elements of their extravagant lifestyle. Kozlowski spent more than \$2 million on a party for his wife on the Italian island of Sardinia that featured a performance by singer Jimmy Buffett; young men and women—dressed as Roman soldiers and maidens—danced and served the guests. He also spent \$15 million to furnish an \$18 million Tyco-owned apartment on Fifth Avenue in New York City; his expenses included a \$15,000 umbrella holder, a \$2,200 gilt metal trash basket, and a \$6,000 shower curtain.

The defense claimed that the two men were merely highly paid

executives and that everything they received was approved by Tyco's board of directors and their accounting firm, PricewaterhouseCoopers. Because there was no stealth, there could be no embezzlement. However, on April 2, 2004, before the jury could decide on the matter, the judge was forced to declare a mistrial after a juror revealed that she had been the subject of threats. A retrial is planned, with the outcome of the case still pending.

The Enron Case

Enron Corporation, an oil and gas trading firm, was one of the largest companies in the United States before it collapsed and cost thousands of employees their life savings and millions of investors their hard-earned money.

Enron was an aggressive energy company that sought to transform itself into the world's biggest energy trader. Enron's share price collapsed when word got out that the company had been setting up shell companies and limited partnerships to conceal debts so they did not show up in the company's accounts.

In one incident, six Enron executives negotiated complex deals in which they made at least \$42 million on personal investments totaling \$161,000, all the while knowing that the limited partnerships they sold to retirement plans and private foundations were collapsing in value. It is also suspected that Enron engaged in sham transactions in late 2000 that drove up electricity prices in California and helped worsen the energy crisis that plagued the West for more than a year.

Enron's auditors—Arthur Andersen, a prestigious accounting firm—actually shredded key documents to keep them out of the hands of the government. One man involved in the incident, David Duncan, a former Andersen partner who was head of the team that audited Enron, agreed to serve as a government witness after pleading guilty to obstruction of justice. Duncan admitted in court that he “knowingly, intentionally, and corruptly persuaded and attempted to persuade” Andersen employees to withhold records, documents, and other objects from an investigation by the Securities and Exchange Commission (SEC).

In the aftermath of the Enron collapse, Chairman Kenneth L. Lay was charged with conspiracy, securities fraud, wire fraud, bank fraud, and making false statements. Enron CEO Jeffrey K. Skilling and former Enron Chief Accounting Officer Richard Causey were also charged with money laundering and conspiracy. The government claimed that Lay, Skilling, Causey, and others oversaw a massive conspiracy to delude investors into believing that Enron was a growing company when, in fact, it was undergoing business setbacks.

The government charges indicate that between 1999 and 2001, these executives used their position of trust to engage in a wide-ranging scheme to deceive the public and the SEC about the true performance of Enron's businesses. Their fraud helped inflate Enron's stock price from \$30 per share in early 1998 to over \$80 per share in January 2001. The three allegedly

A second element of tax fraud is “willfulness” on the part of the tax evader. In the major case on this issue, willfulness was defined as a “voluntary, intentional violation of a known legal duty and not the careless disregard for the truth.”⁶⁴ Finally, to prove tax fraud, the government must show that the taxpayer

has purposely attempted to evade or defeat a tax payment. If the offender is guilty of passive neglect, the offense is a misdemeanor. Passive neglect means simply not paying taxes, not reporting income, or not paying taxes when due. On the other hand, affirmative tax evasion, such as keeping double

orchestrated a series of accounting frauds designed to make up the shortfall between what the company actually earned and what was expected by Wall Street analysts. The government contends that, after Lay participated in management committee meetings at which reports showed that Enron was losing billions, Lay stated on an online forum (on September 26, 2001) with thousands of Enron employees, many of whom were investors in Enron stock, that Enron was doing great and was going to “hit [its] numbers.”

What would motivate the head of one of the nation's largest companies to commit fraud? The government believes it was greed: Between 1998 and 2001, Lay received approximately \$300 million from the sale of Enron stock options and restricted stock and made over \$217 million in profit; he was also paid more than \$19 million in salary and bonuses. If convicted of all the charges in the indictment, Lay faces a maximum sentence of 175 years in prison and millions of dollars in fines.

At the time of this writing, a number of Enron executives have already plead guilty to securities fraud. Andrew S. Fastow, the former chief financial officer (CFO) of Enron Corporation, pled guilty to two counts of conspiracy to commit securities and wire fraud and is cooperating with an ongoing criminal investigation into Enron's collapse. On August 25, 2004, Mark Koenig, former director of investor relations and executive vice president at Enron, also pled guilty to security charges and admitted that he was aware that Enron's publicly reported financial results and filings

with the SEC did not truthfully present Enron's financial position.

The WorldCom Case

At the time of this writing former WorldCom CEO Bernie Ebbers faces criminal charges for what the government believes was his role in falsifying the company's financial statements by more than \$9 billion; WorldCom was forced to file for the largest bankruptcy in U.S. history. One of the most important elements of the case was the more than \$400 million that WorldCom loaned or guaranteed to loan Ebbers at an interest rate of 2.15 percent.

Ebbers began his career by creating the LDDS (Long Distance Discount Services), which gained many of America's largest corporations as customers for its voice and data network. He then bought IDB Company and renamed it WorldCom. Through a series of acquisitions, WorldCom became one of the largest Internet hookup and networking companies in the United States.; its stock value increased 7,000 percent during the 1990s.

When the market collapsed in 2000, WorldCom was heavily in debt and hemorrhaging money. While people were being laid off, the company made its loans to Ebbers so he could hold onto his company stock, for which he had taken out loans to purchase. Then on June 25, 2002, WorldCom announced that it had illegally treated \$3.8 billion in ordinary costs as capital expenditures. The bottom dropped out of the stock, creditors began to sue, and Ebbers was in

no position to pay back the loans. The company admitted to overstating profits by a whopping \$74.4 billion between 2000 and 2001, including at least \$10.6 billion that the firm attributed to accounting “errors” as well as “improper” and “inappropriate” accounting. Ebbers was indicted and is currently awaiting trial.

Critical Thinking

1. Considering the various theories of criminal behavior we have discussed, how would you explain the alleged behavior of millionaire businesspeople such as Bernie Ebbers and Kenneth Lay? Are they impulsive? Do they lack “self-control”? Is there a personality deficit that can explain their behavior?
2. Should white-collar criminals be punished with a prison sentence or would society be better served if all their ill-gotten gains were confiscated?

InfoTrac College Edition Research

Look up the Enron, WorldCom, and Tyco cases in InfoTrac College Edition.

Sources: Lynne W. Jeter, *Disconnected: Deceit and Betrayal at WorldCom* (New York: Wiley, 2003); Bethany McLean and Peter Elkind, *Smartest Guys in the Room: The Amazing Rise and Scandalous Fall of Enron* (New York: Penguin, 2003); Kurt Eichenwald, “Ex-Andersen Partner Pleads Guilty in Record-Shredding,” *New York Times*, 12 April 2002, p. C1; John A. Byrne, “At Enron, the Environment Was Ripe for Abuse,” *Business Week* (25 February 2002):12.; Peter Behr and Carrie Johnson, “Govt. Expands Charges Against Enron Execs,” *Washington Post*, 1 May 2003, p.1.

books, making false entries, destroying books or records, concealing assets, or covering up sources of income, constitutes a felony.

Although tax cheating is a serious crime, the great majority of major tax cheats (in some categories, four of five

cheaters) are not prosecuted because the IRS lacks the money to enforce the law.⁶⁵ Today, the IRS has a budget that amounts to only 41 cents per tax return; this is 10 percent less, after adjusting for inflation, than in 1997. In addition, because most IRS resources are devoted to processing tax returns,

there is less money for audits, investigations, and collections than there was a decade ago.

The problem of tax fraud is significant, and honest taxpayers are forced to bear the costs that may run into the hundreds of billions. For example, the IRS must process each year more than 13 million cases in which financial documents from business partnerships do not match up with reports on individual tax returns. But the agency has the resources to pursue only a fifth of these cases. The losses from the failure to report income from partnerships alone could be as high as \$64 billion per year. Another loophole in the tax law is the use of offshore accounts to evade taxes. Interest earned in these accounts may not be reported as income on U.S. tax returns, costing the federal government an estimated \$70 billion annually. And though the IRS has identified more than 80,000 people currently using this type of scheme to defraud the government, budget restraints mean that it can only investigate about 20 percent of the cases.

Corporate Crime

Yet another component of white-collar crime involves situations in which powerful institutions or their representatives willfully violate the laws that restrain these institutions from doing social harm or require them to do social good. This is also known as corporate or **organizational crime**.

Interest in corporate crime first emerged in the early 1900s, when a group of writers, known as the *muckrakers*, targeted the unscrupulous business practices of John D. Rockefeller, Andrew Carnegie, J. P. Morgan, and other corporate business leaders. In a 1907 article, sociologist E. A. Ross described the “criminaloid”: a business leader who while enjoying immunity from the law victimized an unsuspecting public.⁶⁶ Edwin Sutherland focused theoretical attention on corporate crime when he began his research on the subject in

the 1940s; corporate crime was probably what he had in mind when he coined the phrase “white-collar crime.”⁶⁷

Corporate crimes are socially injurious acts committed by people who control companies to further their business interests. The target of their crimes can be the general public, the environment, or even company workers. What makes these crimes unique is that the perpetrator is a legal fiction—a corporation—and not an individual. In reality, it is company employees or owners who commit corporate crimes and who ultimately benefit through career advancement or greater profits. For a corporation to be held criminally liable, the employee committing the crime must be acting within the scope of his employment and must have actual or apparent authority to engage in the particular act in question. **Actual authority** occurs when a corporation knowingly gives authority to an employee; **apparent authority** is satisfied if a third party, like a customer, reasonably believes the agent has the authority to perform the act in question. Courts have ruled that actual authority may occur even when the illegal behavior is not condoned by the corporation but is nonetheless within the scope of the employee’s authority.⁶⁸

Some of the acts included within corporate crime are price fixing and illegal restraint of trade, false advertising, and the use of company practices that violate environmental protection statutes. The variety of crimes contained within this category is great, and they cause vast damage. The following subsections examine some of the most important offenses.

ILLEGAL RESTRAINT OF TRADE AND PRICE FIXING A restraint of trade involves a contract or conspiracy designed to stifle competition, create a monopoly, artificially maintain prices, or otherwise interfere with free market competition. The control of restraint of trade violations has its legal basis in the **Sherman Antitrust Act**, which subjects to criminal

A 24-foot long representation of a screw is hoisted into position outside Federal Hall in New York’s financial district on June 11, 2003, at a protest against a possible \$500 million settlement between WorldCom Inc., the bankrupt long-distance telephone company, and securities regulators. WorldCom was the target of one of the biggest accounting fraud investigations in U.S. history.



© Reuters/Corbis

or civil sanctions any person “who shall make any contract or engage in any combination or conspiracy” in restraint of interstate commerce.⁶⁹ For violations of its provisions, this federal law created criminal penalties of up to 3 years’ imprisonment and \$100,000 in fines for individuals and \$10 million in fines for corporations.⁷⁰ The Act outlaws conspiracies between corporations designed to control the marketplace.

In most instances, the Act lets the presiding court judge whether corporations have conspired to “unreasonably restrain competition.” However, four types of market conditions are considered so inherently anticompetitive that federal courts, through the Sherman Antitrust Act, have defined them as illegal per se, without regard to the facts or circumstances of the case:

- **Division of markets:** Firms divide a region into territories, and each firm agrees not to compete in the others’ territories.
- **Tying arrangement:** A corporation requires customers of one of its services to use other services it offers. For example, it would be an illegal restraint of trade if a railroad required that companies doing business with it or supplying it with materials ship all goods they produce on trains owned by the rail line.⁷¹
- **Group boycott:** An organization or company boycotts retail stores that do not comply with its rules or desires.
- **Price fixing:** A conspiracy to set and control the price of a necessary commodity is considered an absolute violation of the act.

DECEPTIVE PRICING Even the largest U.S. corporations commonly use deceptive pricing schemes when they respond to contract solicitations. Deceptive pricing occurs when contractors provide the government or other corporations with incomplete or misleading information on how much it will actually cost to fulfill the contracts on which they are bidding or use mischarges once the contracts are signed.⁷² For example, defense contractors have been prosecuted for charging the government for costs incurred on work they are doing for private firms or shifting the costs on fixed-price contracts to ones in which the government reimburses the contractor for all expenses (“cost-plus” contracts). One well-known example of deceptive pricing occurred when the Lockheed Corporation withheld information that its labor costs would be lower than expected on the C-5 cargo plane. The resulting overcharges were an estimated \$150 million. Although the government was able to negotiate a cheaper price for future C-5 orders, it did not demand repayment on the earlier contract. The government prosecutes approximately 100 cases of deceptive pricing in defense work each year, involving 59 percent of the nation’s largest contractors.⁷³

FALSE CLAIMS AND ADVERTISING Executives in even the largest corporations sometimes face stockholders’ expectations of ever-increasing company profits that seem to demand

that sales be increased at any cost. At times executives respond to this challenge by making claims about their products that cannot be justified by actual performance. However, there’s a fine line between clever, aggressive sales techniques and fraudulent claims. It is traditional to show a product in its best light, even if that involves resorting to fantasy. It is not fraudulent to show a delivery service vehicle taking off into outer space or to imply that taking one sip of beer will make people feel they have just jumped into a freezer. However, it is illegal to knowingly and purposely advertise a product as possessing qualities that the manufacturer realizes it does not have, such as the ability to cure the common cold, grow hair, or turn senior citizens into rock stars (though some rock stars are senior citizens these days).

In 2003 the U.S. Supreme Court, in the case of *Illinois Ex Rel. Madigan v. Telemarketing Associates*, helped define the line separating illegal claims from those that are artistic hyperbole protected by free speech.⁷⁴ Telemarketing Associates, a for-profit fundraising corporation, was retained by a charity to solicit donations to aid Vietnam veterans in the state of Illinois. Though donors were told that a significant portion of the money would go to the vets, the telemarketers actually retained 85 percent of all the money collected. The Illinois attorney general filed a complaint in state court, alleging that such representations were knowingly deceptive and materially false. The telemarketers said they were exercising their First Amendment free speech rights when they made their pitch for money.

The Supreme Court disagreed and found that states may charge fraud when fundraisers make false or misleading representations designed to deceive donors about how their donations will be used. The Court held that it is false and misleading for a solicitor to fool potential donors into believing that a substantial portion of their contributions would fund specific programs or services, knowing full well that was not the case.

WORKER SAFETY/ENVIRONMENTAL CRIMES Much attention has been paid to intentional or negligent environmental pollution caused by many large corporations. The numerous allegations in this area involve almost every aspect of U.S. business. There are many different types of environmental crimes. Some corporations have endangered the lives of their own workers by maintaining unsafe conditions in their plants and mines. It has been estimated that more than 20 million workers have been exposed to hazardous materials while on the job. Some industries have been hit particularly hard by complaints and allegations. The control of workers’ safety has been the province of the Occupational Safety and Health Administration (OSHA). OSHA sets industry standards for the proper use of such chemicals as benzene, arsenic, lead, and coke. Intentional violation of OSHA standards can result in criminal penalties.

The major enforcement arm against environmental crimes is the Environmental Protection Agency, which was given full law enforcement authority in 1988. The EPA has successfully prosecuted significant violations across all major

environmental statutes, including data fraud cases (for instance, private laboratories submitting false environmental data to state and federal environmental agencies); indiscriminate hazardous waste dumping that resulted in serious injuries and death; industry-wide ocean dumping by cruise ships; oil spills that caused significant damage to waterways, wetlands, and beaches; international smuggling of CFC refrigerants that damage the ozone layer and increase skin cancer risk; and illegal handling of hazardous substances such as pesticides and asbestos that exposed children, the poor, and other especially vulnerable groups to potentially serious illness.⁷⁵ Its Criminal Investigation Division (EPA CID) investigates allegations of criminal wrongdoing prohibited by various environmental statutes. Such investigations involve, but are not limited to:

- The illegal disposal of hazardous waste
- The export of hazardous waste without the permission of the receiving country
- The illegal discharge of pollutants to a water of the United States; the removal and disposal of regulated asbestos containing materials in a manner inconsistent with the law and regulations
- The illegal importation of certain restricted or regulated chemicals into the United States
- Tampering with a drinking water supply
- Mail fraud
- Wire fraud
- Conspiracy and money laundering relating to environmental criminal activities



To quiz yourself on this material, go to the Criminology 9e website.

CAUSES OF WHITE-COLLAR CRIME

Ivan Boesky was a famous Wall Street trader who had amassed a fortune of about \$200 million by betting on corporate takeovers, a practice called *arbitrage*. In 1986, he was investigated by the Securities and Exchange Commission for insider trading. To escape serious punishment, he informed on several associates. In exchange for cooperation, Boesky received a sentence of 3 1/2 years in prison and a \$100 million fine. Released after serving 2 years, Boesky was barred from working in the securities business for the remainder of his life.

Caught in the web was billionaire junk bond trader Michael Milken. Indicted by a federal grand jury, Milken pled guilty to five securities and reporting violations and was sentenced to 10 years in prison; he served 22 months.

He also paid a \$200 million fine and another \$400 to \$800 million in settlements relating primarily to civil lawsuits.

How can people with so much disposable wealth get involved in risky schemes to produce even more? There are probably as many explanations for white-collar crime as there are white-collar criminals.

Many offenders feel free to engage in business crime because they can easily rationalize its effects. Some convince themselves that their actions are not really crimes because the acts involved do not resemble street crimes. For example, a banker who uses his position of trust to lend his institution's assets to a company he secretly controls may see himself as a shrewd businessman, not as a criminal. Or a pharmacist who chisels customers on prescription drugs may rationalize her behavior by telling herself that it does not really hurt anyone. Further, some businesspeople feel justified in committing white-collar crimes because they believe government regulators do not really understand the business world or the problems of competing in the free enterprise system.

Even when caught, many white-collar criminals cannot see the error of their ways. For example, one offender who was convicted in an electrical industry price fixing conspiracy categorically denied the illegality of his actions. "We did not fix prices," he said; "I am telling you that all we did was recover costs."⁷⁶ Some white-collar criminals believe that everyone violates business laws, so it is not so bad if they do so themselves. Rationalizing greed is a common trait of white-collar criminals.

Greedy or Needy?

When a Kansas City pharmacist was asked after his arrest why he substituted improper doses of drugs instead of what doctors had prescribed, Courtney told investigators he cut the drugs' strength "out of greed."⁷⁷

Greed is not the only motivation for white-collar crime; need also plays an important role. Executives may tamper with company books because they feel the need to keep or improve their jobs, satisfy their egos, or support their children. Blue-collar workers may pilfer because they need to keep pace with inflation or buy a new car. Kathleen Daly's analysis of convictions in seven federal district courts indicates that many white-collar crimes involve relatively trivial amounts. Women convicted of white-collar crime typically work in lower-echelon positions, and their acts seem motivated more by economic survival than by greed and power.⁷⁸

Even people in the upper echelons of the financial world, such as Boesky, may carry scars from an earlier needy period in their lives that can be healed only by accumulating ever-greater amounts of money. As one of Boesky's associates put it:

I don't know what his devils were. Maybe he's greedy beyond the wildest imaginings of mere mortals like you and me. And maybe part of what drives the guy is an inherent insecurity that was operative here even after he had arrived. Maybe he never arrived.⁷⁹

A well-known study of embezzlers by Donald Cressey illustrates the important role need plays in white-collar crime. According to Cressey, embezzlement is caused by what he calls a “nonshareable financial problem.” This condition may be the result of offenders’ living beyond their means, perhaps piling up gambling debts; offenders feel they cannot let anyone know about such financial problems without ruining their reputations.

Cressey claims that the door to solving personal financial problems through criminal means is opened by the rationalizations society has developed for white-collar crime: “Some of our most respectable citizens got their start in life by using other people’s money temporarily”; “in the real estate business, there is nothing wrong about using deposits before the deal is closed”; “all people steal when they get in a tight spot.”⁸⁰ Offenders use these and other rationalizations to resolve the conflict they experience over engaging in illegal behavior. Rationalizations allow offenders’ financial needs to be met without compromising their values. The Comparative Criminology feature discusses this view in greater detail.

There are a number of more formal theories of white-collar crime. The next sections describe two of the more prominent theories.

Corporate Culture View

The corporate culture view is that some business organizations promote white-collar criminality in the same way that lower-class culture encourages the development of juvenile gangs and street crime. According to the corporate culture view, some business enterprises cause crime by placing excessive demands on employees while at the same time maintaining a business climate tolerant of employee deviance. New employees learn the attitudes and techniques needed to commit white-collar crime from their business peers.

The corporate culture theory can be used to explain the collapse of Enron. A new CEO had been brought in to revitalize the company, and he wanted to become part of the “new economy” based on the Internet. Layers of management were wiped out, and hundreds of outsiders were recruited. Huge cash bonuses and stock options were granted to top performers. Young managers were given authority to make \$5 million decisions without higher approval. It became common for executives to change jobs two or three times in an effort to maximize bonuses and pay. Seminars were conducted showing executives how to hide profits and avoid taxes.⁸¹

||||||| CONNECTIONS |||||

The view that white-collar crime is a learning process is reminiscent of Edwin Sutherland’s description of how gang boys learn the techniques of drug dealing and burglary from older youths through differential association. See Chapter 7 for a description of this process.

Those holding the corporate culture view would point to the Enron scandal as a prime example of what happens when people work in organizations in which the cultural values stress profit over fair play, government scrutiny is limited and regulators are viewed as the enemy, and senior members encourage newcomers to believe that “greed is good.”

Self-Control View

Not all criminologists agree with corporate culture theory. Travis Hirschi and Michael Gottfredson take exception to the hypothesis that white-collar crime is a product of corporate culture.⁸² If that were true, there would be much more white-collar crime than actually exists, and white-collar criminals would not be embarrassed by their misdeeds, as most seem to be. Instead, Hirschi and Gottfredson maintain that the motives that produce white-collar crimes—quick benefits with minimal effort—are the same as those that produce any other criminal behaviors.

||||||| CONNECTIONS |||||

As you may recall from Chapter 9, Gottfredson and Hirschi’s General Theory of Crime holds that criminals lack self-control. Because Gottfredson and Hirschi believe all crime has a similar basis, the motivation and pressure to commit white-collar crime is the same as for any other form of crime.

White-collar criminals have low self-control and are inclined to follow momentary impulses without considering the long-term costs of such behavior.⁸³ White-collar crime is relatively rare because, as a matter of course, business executives tend to hire people with self-control, thereby limiting the number of potential white-collar criminals. Hirschi and Gottfredson have collected data showing that the demographic distribution of white-collar crime is similar to other crimes. For example, gender, race, and age ratios are the same for crimes such as embezzlement and fraud as they are for street crimes such as burglary and robbery.



To quiz yourself on this material, go to the Criminology 9e website.

WHITE-COLLAR LAW ENFORCEMENT SYSTEMS

On the federal level, detection of white-collar crime is primarily in the hands of administrative departments and agencies.⁸⁴ The decision to pursue criminal rather than civil violations usually is based on the seriousness of the case and the perpetrator’s intent, actions to conceal the violation, and prior record. Any evidence of criminal activity is then sent to the Department of Justice or the FBI for investigation.

Snakes and Ladders: Confronting White-Collar Crime in Britain

How do otherwise law-abiding people cope with the emotional turmoil created when they are cast as white-collar criminals? This issue was explored by Sara Willott, Christine Griffin, and Mark Torrance through a series of interviews they conducted with groups of working-class and professional men in Great Britain who had been convicted of white-collar offenses.

Willott and her colleagues found that members of both groups used linguistic devices to justify their behavior. The working-class men argued that they were the breadwinners of their families and were forced by dire economic circumstances to commit crime. Their crimes were not for personal gain but simply to feed their families. They also viewed themselves as modern-day Robin Hoods who were taking from the rich to help the poor, who in this case were their own families. Rather than accept blame, they positioned themselves as decent men who were forced to commit crimes: It was not their fault but the government's for failing to provide them with a safety net during a time of financial crisis. And, having been forced into crime by an unfair system, the men claimed they were revictimized and humiliated when sent to prison. They viewed themselves as the bottom of life's barrel, as pawns similar to the ones used in the children's game Snakes and Ladders (called Chutes and Ladders in the United States). They were being kept in place by powerful forces beyond their control.

The professional men used some similar linguistic tools to justify their behavior. They also saw themselves as breadwinners who used other people's money to help their families. But, unlike the blue-collar workers, they saw their professional responsibilities as adding to their burden. As businesspeople, they saw themselves as protectors of a wider circle of dependents, including their employees and their families. They did not steal but were "digging into funds" when the need arose. They were careful to point out that they did not use the funds to support an extravagant lifestyle but to shoulder the responsibility they had been socialized to carry.

The professionals were also aware of the high social standing demanded by their profession and lifestyle. Along with power come the obligations and trappings of power, and they were forced to violate the law to meet these obligations.

Some of the professional men viewed themselves as victims of bureaucrats who relentlessly pursued them to enhance their careers in government. They viewed law enforcers, many of whom had lower-class backgrounds, as ruthlessly ambitious people who used the prosecutions as stepping stones to success. Class envy, then, was responsible in part for their current dilemma.

The businesspeople believed the conditions that produced their descent were not of their doing and were beyond their control. Economic decline and recession had pushed them down the slippery slope. And, once in the "system," their entire world was rocked to its very foundations. They were aliens in a strange land of

courts and correctional facilities: Although working-class criminals might feel at home in their current surroundings, they complained that as professionals "we have fallen out of the structures of our lives" (p. 457). And, even though they viewed themselves as competent professionals in the business world, their amateurism as criminals helped get them into their current predicament. They sought to distinguish themselves as being morally superior to both working-class criminals and the justice officials who led them to their disgrace.

Critical Thinking

1. Willott and her colleagues found that both working-class and professional-class white-collar offenders created elaborate justifications for their behavior. They were pawns in an economic and social system beyond their control. Do their findings seem similar to Cressey's earlier research, which indicates that white-collar criminals are more likely to view themselves as victims than predators?
2. Would you put violators in prison? Or should white-collar criminals be given economic sanctions alone?

InfoTrac College Edition Research

Use "white-collar crime" as a key word in InfoTrac College Edition and access the articles in the *American Criminal Law Review*, annual edition, which reviews all the recent case law on business-related crimes.

Source: Sara Willott, Christine Griffin, and Mark Torrance, "Snakes and Ladders: Upper-Middle-Class Male Offenders Talk about Economic Crime," *Criminology* 39 (2001): 441–466.

Some other federal agencies, such as the Securities and Exchange Commission and the U.S. Postal Service, have their own investigative arms. Enforcement generally is reactive (generated by complaints) rather than proactive (involving ongoing investigations or the monitoring of activities).

Investigations are carried out by the various federal agencies and the FBI. If criminal prosecution is called for, the case will be handled by attorneys from the criminal, tax, antitrust, and civil rights divisions of the Justice Department. If insufficient evidence is available to warrant a criminal prosecution, the

case will be handled civilly or administratively by some other federal agency. For example, the Federal Trade Commission can issue a cease and desist order in antitrust or merchandising fraud cases.

The number of state-funded technical assistance offices to help local prosecutors has increased significantly; more than forty states offer such services. On the state and local levels, law enforcement officials have made progress in a number of areas, such as controlling consumer fraud. For example, the Environmental Crimes Strike Force in Los Angeles County, California, is considered a model for the control of illegal dumping and pollution.⁸⁵ Some of the more common environmental offenses investigated and prosecuted by the task force include:

- The illegal transportation, treatment, storage or disposal of hazardous waste
- Oil spills
- Fraudulent certification of automobile smog tests⁸⁶

Nonetheless, while local agencies recognize the seriousness of enterprise-type crimes, they rarely have the funds necessary for effective enforcement.⁸⁷



Since 1999, **Florida's Department of Environmental Protection** has fielded a multi-agency Strike Force—led by the Department's Division of Law Enforcement—to investigate pollutant discharges and the release of hazardous material statewide: <http://www.savefl.org/strike/backgrd.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Local prosecutors pursue white-collar criminals more vigorously if they are part of a team effort involving a network of law enforcement agencies.⁸⁸ National surveys of local prosecutors find that many do not consider white-collar crimes particularly serious problems. They are more willing to prosecute cases if the offense causes substantial harm and if other agencies fail to act. Relatively few prosecutors participate in interagency task forces designed to investigate white-collar criminal activity.⁸⁹

Controlling White-Collar Crime

The prevailing wisdom is that, unlike lower-class street criminals, white-collar criminals are rarely prosecuted and, when convicted, receive relatively light sentences. There have also been charges that efforts to control white-collar crime are biased against specific classes and races: Authorities seem to be less diligent when victims are poor or minority group members or the crimes take place in minority areas. For example, Michael Lynch and his associates studied whether petroleum refineries violating environmental laws in black, Latino, and low-income communities receive smaller fines than those refineries in white and affluent communities; they found that violations of the Clean Air Act, the

Clean Water Act, and/or the Resource Conservation and Recovery Act in minority areas received much smaller fines than the same types of violations occurring in white areas (\$108,563 versus \$341,590).⁹⁰

In years past, it was rare for a corporate or white-collar criminal to receive a serious criminal penalty.⁹¹ White-collar criminals are often considered nondangerous offenders because they usually are respectable older citizens who have families to support. These “pillars of the community” are not seen in the same light as a teenager who breaks into a drugstore to steal a few dollars. Their public humiliation at being caught is usually deemed punishment enough; a prison sentence seems unnecessarily cruel.

The prevailing wisdom, then, is that many white-collar criminals avoid prosecution, and those that are prosecuted receive lenient punishment. What efforts have been made to bring violators of the public trust to justice? White-collar criminal enforcement typically involves two strategies designed to control organizational deviance: compliance and deterrence.⁹²

COMPLIANCE STRATEGIES Compliance strategies aim for law conformity without the necessity of detecting, processing, or penalizing individual violators. At a minimum, they ask for cooperation and self-policing among the business community. Compliance systems attempt to create conformity by giving companies economic incentives to obey the law. They rely on administrative efforts to prevent unwanted conditions before they occur. Compliance systems depend on the threat of economic sanctions or civil penalties to control corporate violators.

One method of compliance is to set up administrative agencies to oversee business activity. The Securities and Exchange Commission regulates Wall Street activities, and the Food and Drug Administration regulates drugs, cosmetics, medical devices, meats, and other foods. The legislation creating these agencies usually spells out the penalties for violating regulatory standards. This approach has been used to control environmental crimes by levying heavy fines based on the quantity and quality of pollution released into the environment.⁹³ It is easier and less costly to be in compliance, the theory goes, than to pay costly fines and risk criminal prosecution for repeat violations. Moreover, the federal government bars people and businesses from receiving government contracts if they have engaged in repeated business law violations.

Another approach is to force corporate boards to police themselves and take more oversight responsibility. In the wake of the Enron and WorldCom debacles, the federal government enacted the Sarbanes–Oxley (SOX) legislation in 2002 to combat fraud and abuse in publicly traded companies.⁹⁴ This law limits the nonaudit services auditing firms can perform for publicly traded companies in order to make sure accounting firms do not fraudulently collude with corporate officers; as well, it places greater responsibilities on boards to preserve an organization's integrity and reputation, primarily for U.S. publicly traded companies. It also

penalizes any attempts to alter or falsify company records in order to delude shareholders:

Sec. 802(a) Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

It seems that enforcing compliance with civil penalties is on the upswing. For example, the antitrust division of the U.S. Department of Justice reports that between 1997 and 2003, over \$2 billion in criminal fines was levied on business violators, an amount equal to more than all the money collected for violations of the Sherman Antitrust Act between 1890 and 1997! In the ten years prior to 1997, the Anti-Trust Division obtained, on average, \$29 million in criminal fines annually; by 2001, fines amounted to over \$280 million. Among the biggest settlements:

- \$500 million against F. Hoffmann-La Roche (vitamin cartel—May 1999), largest fine ever imposed in a criminal prosecution of any kind
- \$225 million against BASF AG (vitamin cartel—May 1999)
- \$135 million against SGL Carbon AG (graphite electrodes cartel—May 1999)
- \$134 million against Mitsubishi Corp. (graphite electrodes cartel—May 2001)
- \$110 million against UCAR International (graphite electrodes cartel—April 1998)
- \$100 million against Archer Daniels Midland Company (lysine and citric acid cartels—October 1996)⁹⁵

In sum, compliance strategies attempt to create a marketplace incentive to obey the law; for example, the more a company pollutes, the more costly and unprofitable that pollution becomes. Compliance strategies also avoid stigmatizing and shaming businesspeople by focusing on the act, rather than the actor, in white-collar crime.⁹⁶

DETERRENCE STRATEGIES Some criminologists say that the punishment of white-collar crimes should include a retributive component similar to that used in common-law crimes. White-collar crimes, after all, are immoral activities that have harmed social values and deserve commensurate punishment.⁹⁷ Even the largest fines and penalties are no more than a slap on the wrist to multibillion-dollar companies. Corporations can get around economic sanctions by moving their rule-violating activities overseas, where legal controls over injurious corporate activities are lax or nonexistent.⁹⁸ They argue that the only way to limit white-collar crime is to deter potential offenders through fear of punishment.

Deterrence strategies involve detecting criminal violations, determining who is responsible, and penalizing the offenders to deter future violations.⁹⁹ Deterrence systems are oriented toward apprehending violators and punishing them rather than creating conditions that induce conformity to the law.

Deterrence strategies should work—and they have—because white-collar crime by its nature is a rational act whose perpetrators are extremely sensitive to the threat of criminal sanctions. Perceptions of detection and punishment for white-collar crimes appear to be powerful deterrents to future law violations. Although deterrence strategies may prove effective, federal agencies have traditionally been reluctant to throw corporate executives in jail. Courts have not hesitated to enforce the Sherman Antitrust Act in civil actions, but they have limited application of the criminal sanctions. Similarly, the government seeks criminal indictments in corporate violations only in “instances of outrageous conduct of undoubted illegality,” such as price fixing.¹⁰⁰ The government has also been lenient with companies and individuals that cooperate voluntarily after an investigation has begun; leniency is not given as part of a confession or plea arrangement. Those who comply with the leniency policy are charged criminally for the activity reported.¹⁰¹

Some federal courts are likely to send convicted white-collar criminals to prison, whereas others seem reluctant to use incarceration. For a news report on this phenomenon, go to InfoTrac College Edition and read this article: “Wide Disparity in White-Collar Sentences,” *USA Today* 128 (April 2000): 11.

Is the Tide Turning?

Despite years of neglect, there is growing evidence that white-collar crime deterrence strategies have become normative. Deterrence policies are now being aided because the federal government has created sentencing guidelines for convicted criminals. Prosecutors can now control the length and type of sentence through their handling of the charging process. The guidelines also create mandatory minimum prison sentences that must be served for some crimes; judicial clemency can no longer be counted on.¹⁰²

||||||| CONNECTIONS |||||

At the time of this writing, the future of guidelines are in doubt. See discussion of the *Blakely* case in Chapter 16 in which the Supreme Court prohibited elements of the sentencing guideline statutes.

This get-tough deterrence approach appears to be affecting all classes of white-collar criminals. Although many people believe affluent corporate executives usually avoid serious punishment, public displeasure with such highly publicized white-collar crimes may be producing a backlash

that is resulting in more frequent use of prison sentences.¹⁰³ With the Enron scandal depriving so many people of their life savings, the general public has become educated as to the damage caused by white-collar criminals and may now consider white-collar crimes as more serious offenses than common-law theft offenses.¹⁰⁴

Some commentators now argue that the government may actually be going overboard in its efforts to punish white-collar criminals, especially for crimes that are the result of negligent business practices rather than intentional criminal conspiracy.¹⁰⁵ For example, in April 2001, the U.S. Sentencing Commission voted to increase penalties for high-dollar fraud and theft offenses.¹⁰⁶ While the Sherman Antitrust Act caps fines at \$10 million, the commission's penalties are far more severe. Under these guidelines, corporations convicted of antitrust felonies may result in fines equal to the greater of twice the corporation's illegal financial gain or twice the victim's loss. Both fines and penalties have been increasing, and in one case a food company executive was sentenced to serve more than 5 years in prison for his role in a bid-rigging scheme; it was the longest single prison sentence ever obtained for an antitrust violation.¹⁰⁷



To quiz yourself on this material, go to the Criminology 9e website.

CYBER CRIME

Cyber crime is a new breed of white-collar offense that can be singular or ongoing and typically involves the theft of information, resources, or funds. Cyber criminals use emerging forms of technology to commit criminal acts. In some instances, they involve the use of technology to commit common-law crimes such as fraud and theft. In other instances, the technology itself is the target, for example, illegal copying and sale of computer software.

Cyber crime costs consumers billions of dollars each year and will most likely increase dramatically in the years to come. What are some of these emerging forms of white-collar crime?

INTERNET CRIME

Millions of people use the Internet daily in the United States and Canada alone, and the number entering cyberspace is growing rapidly. Criminal entrepreneurs view this vast pool as a target for cyber crime. A recent survey by the Computer Security Institute found that 78 percent of the employers they contacted had detected employee abuse of Internet access privileges (for example, downloading pirated software or inappropriate use of e-mail systems); 38 percent suffered

unauthorized access or misuse on their websites within the last 12 months, and 25 percent of those reported attacks involved from two to five incidents; 39 percent reported ten or more incidents.¹⁰⁸ With the continuing growth of e-commerce, payment card fraud on the Internet is expected to increase from \$1.6 billion in 2000 to \$15.5 billion in 2005.¹⁰⁹

Almost by definition, Internet fraud is international. The European Commission reported that in 2000 online credit card fraud in the European Union rose by 50 percent to \$553 million in fraudulent transactions; the International Chamber of Commerce reported that nearly two-thirds of all cases it handled in 2000 involved online fraud.¹¹⁰ What are some of the forms of Internet crime?¹¹¹

Distributing Sexual Material

The Internet is an ideal venue for selling and distributing obscene material. In one well-known case, Landslide Productions of Fort Worth, Texas, operated as a highly profitable Internet-based pornography ring, taking in as much as \$1.4 million in 1 month.¹¹² Having at least 250,000 subscribers worldwide, it offered access to websites that advertised themselves with such phrases as "Child Rape" or "Cyber Lolita."

Landslide provided a credit card verification service that acted as an electronic gateway to the pictures and movies of minors engaging in sexually explicit conduct. Internet customers were required to provide a credit card number as well as a charge authorization in order to gain access, by a user name and password provided by Landslide, to the pornographic productions on the websites. Landslide charged each customer approximately \$29.95 per month per site for access to these pornographic images of minors and was the only gateway to these child pornography websites.¹¹³ The sites, off limits to U.S. control because they were located in Russia and Indonesia, had a fee-sharing arrangement with Landslide's owners, Thomas and Janice Reedy. The Reedys pocketed millions, drove a Mercedes, and lived in a luxury home. Reedy was sentenced to life in prison for his crimes.

||||||| CONNECTIONS |||||

The use of the Internet in the sex industry will be discussed more fully in Chapter 13. Needless to say, being able to access pornographic material over the Internet has helped expand the sale of sexually related material. However, the federal government has recently cracked down on this type of offense, resulting in hundreds of arrests.

Denial of Service Attack

Some Internet criminals threaten to or actually flood an Internet site with millions of bogus messages or orders so that their services will be tied up and unable to perform as

promised. Unless the site operator pays extortion, the attackers threaten to keep up the interference until real consumers become frustrated and abandon the site. In 2004 Jay R. Echouafni of Orbit Communication Corporation left the country rather than face charges that he had hired hackers to set up online attacks that interfered with rivals' websites.¹¹⁴

Online gambling casinos—a \$7 billion a year industry—have proven particularly vulnerable to attack. Hundreds of attacks have been launched against online casinos located in Costa Rica, the Caribbean, and Great Britain. If the attack coincides with a big sporting event such as the Super Bowl, the casinos may give in and make payments rather than lose revenue and fray customer relations.¹¹⁵

Illegal Copyright Infringement

For the past decade, groups of individuals have been working together to illegally obtain software and then “crack” or “rip” its copyright protections, before posting it on the Internet for other members of the group to use; this is called **warez**.

Frequently, these new pirated copies reach the Internet days or weeks before the product is commercially available. The government has actively pursued members of the warez community, and some have been charged and convicted under the Computer Fraud and Abuse Act (CFAA), which criminalizes accessing computer systems without authorization to obtain information¹¹⁶ and the Digital Millennium Copyright Act (DMCA), which makes it a crime to circumvent antipiracy measures built into most commercial software and also outlaws the manufacture, sale, or distribution of code-cracking devices used to illegally copy software.¹¹⁷

Another form of illegal copyright infringement involves file-sharing programs that allow Internet users to download music and other copyrighted material without paying the artists and record producers their rightful royalties. Theft through the illegal reproduction and distribution of movies, software, games, and music is estimated to cost U.S. industries \$19 billion worldwide each year. Although some students routinely share files and download music, criminal copyright infringement represents a serious economic threat. The United States Criminal Code provides penalties for a first-time offender of 5 years incarceration and a fine of \$250,000.¹¹⁸ Other provisions provide for the forfeiture and destruction of infringing copies and all equipment used to make the copies.¹¹⁹

In August 2004, the FBI announced it had carried out Operation Digital Gridlock, the first criminal enforcement action against peer-to-peer copyright piracy. Operation Digital Gridlock targeted illegal file sharing of copyrighted materials over five direct connect peer-to-peer networks that belonged to a group known as the Underground Network. Members were required to share a minimum of 1 to 100 gigabytes of computer files with other users on the network so that each user could download shared files from the hard drives of all other members on the network.¹²⁰

Internet Securities Fraud

Some criminals make use of Internet chat rooms in their fraudulent schemes. In one famous case, 15-year-old Jonathan Lebed was charged with securities fraud by the SEC after he repeatedly bought low-cost, thinly traded stocks and then spread hundreds of false and misleading messages concerning them—generally baseless price predictions. After their values were artificially inflated, Lebed sold the securities at an inflated price. Lebed agreed to findings of fraud but later questioned whether he had done anything wrong.¹²¹

Though he might not agree, young Lebed's actions are considered Internet fraud because they involve using the Internet to intentionally manipulate the securities marketplace for profit. There are actually three major types of Internet securities fraud today:

- *Market manipulation:* Stock market manipulation occurs when an individual tries to control the price of stock by interfering with the natural forces of supply and demand. There are two principal forms of this crime: the “pump and dump” and the “cyber smear.” In a pump and dump scheme, erroneous and deceptive information is posted online to get unsuspecting investors to become interested in a stock while those spreading the information sell previously purchased stock at an inflated price. The cyber smear is a reverse pump and dump: Negative information is spread online about a stock, driving down its price and enabling people to buy it at an artificially low price before rebuttals by the company's officers reinflate the price.¹²²
- *Fraudulent offerings of securities:* Some cyber criminals create websites specifically designed to fraudulently sell securities. To make the offerings look more attractive than they are, assets may be inflated, expected returns overstated, and risks understated.
- *Illegal touting:* This crime occurs when individuals make securities recommendations and fail to disclose that they are being paid to disseminate their favorable opinions. Section 17(b) of the Securities Act of 1933 requires that paid touters disclose the nature, source, and amount of their compensation. If those who tout stocks fail to disclose their relationship with the company, information misleads investors into believing that the speaker is objective and credible rather than bought and paid for.

Identity Theft

Identity theft occurs when a person uses the Internet to steal someone's identity and/or impersonate the victim to open a new credit card account or conduct some other financial transaction.

Identity information can be gathered easily in a process known as **phishing** because people routinely share their



Fear of identity theft has prompted changes in the way the government conducts business. Here, Department of Motor Vehicles Director Steve Gourley (right) and California's Business, Transportation, and Housing Agency Secretary Maria Contreras-Sweet display a facsimile of the state's new driver's license at a news conference in Culver City, California. The license uses new printing and ink technology in an effort to deter identity theft or fraudulent duplication.

© AP/Nick Ut/Wide World Photos

name, address, phone numbers, personal information, credit card account numbers, and Social Security number (SSN) when making routine purchases over the Internet or in stores.

Identity thieves appropriate personal information to commit fraud or theft. For example, they can fill out change of address cards at the post office and obtain people's credit card bills and bank statements. They may then call the credit card issuer and, pretending to be the victim, ask for a change in address on the account. They can then charge numerous items over the Internet and have the merchandise sent to the new address. It may take months for the victim to realize the fraud because the victim is not getting bills from the credit card company.

The cost of identity theft now runs in the billions in the United States. In Britain, identity (ID) fraud is one of the fastest-growing criminal trends and costs the British economy around £1.3 billion per year (more than \$2 billion); it takes victims up to 300 hours of effort to regain their former status with banks and credit reference agencies.¹²³

To meet this increasing threat, Congress passed the Identity Theft and Assumption Deterrence Act of 1998 (Identity Theft Act) to make it a federal crime when anyone:

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.¹²⁴

Violations of the act are investigated by federal investigative agencies such as the U.S. Secret Service, the FBI, and the U.S. Postal Inspection Service. In 2004 the Identity Theft

Penalty Enhancement Act was signed into law; the act increases existing penalties for the crime of identity theft, establishes aggravated identity theft as a criminal offense, and establishes mandatory penalties for aggravated identity theft. According to the new law, anyone who knowingly "transfers, possesses, or uses, without lawful authority" someone else's identification will be sentenced to an extra prison term of 2 years with no possibility of probation. Committing identity fraud while engaged in crimes associated with terrorism—such as aircraft destruction, arson, airport violence or kidnapping top government officials—will receive a mandatory sentence enhancement of 5 years.¹²⁵


Internet Fraud

Other common Internet crimes include ponzi or pyramid schemes and nondelivery of computer purchases for items or services.

PONZI/PYRAMID SCHEMES In these schemes, investors are promised abnormally high profits on their investments. No investment is actually made. Early investors are paid returns with the investment money received from the later investors. The system usually collapses, and the later investors do not receive dividends and lose their initial investment. For example, the Tri-West Investment Company solicited investments in "prime bank notes" from 1999 to 2001.¹²⁶ Visitors to their website were promised an annualized rate of return of 120 percent plus return of their principal at the end of a year, as well as substantial referral fees of 15 percent of all referred investments. The website, which contained alleged testimonials describing instant wealth from early investors,

also told visitors that their investments were “guaranteed.” Investors contributed \$60 million in funds to Tri-West, and some “dividends” were paid. However, no money was actually invested, the dividends were paid from new investments, and most of the cash was siphoned off by the schemers.

NONDELIVERY OF GOODS OR SERVICES This scheme involves not delivering on promised purchases or services, which were purchased or contracted remotely through the Internet; eBay, the online auction site, is fertile ground for such fraud. In one case a California man named Jie Dong built a record of satisfied customers on eBay by selling \$150,000 worth of merchandise at low prices; however, before he fled the country, Dong sold \$800,000 worth of goods, like DVD players and digital cameras, to 5,000 people and never delivered the products.¹²⁷

 Internet information theft and access violations threaten companies worldwide. To read how business leaders are fighting back, go to InfoTrac College edition and read this article: Luis Ramiro Hernandez, “Integrated Risk Management in the Internet Age,” *Risk Management* 47 (June 2000): 29.



To quiz yourself on this material, go to the Criminology 9e website.

COMPUTER CRIME

Computer-related thefts are a new trend in employee theft and embezzlement. The widespread use of computers to record business transactions has encouraged some people to use them for illegal purposes. Computer crime generally falls into one of five categories:¹²⁸

1. Theft of services, in which the criminal uses the computer for unauthorized purposes or an unauthorized user penetrates the computer system. Included within this category is the theft of processing time and services not entitled to an employee.
2. Use of data in a computer system for personal gain.
3. Unauthorized use of computers employed for various types of financial processing to obtain assets.
4. Theft of property by computer for personal use or conversion to profit. For example, using a computer to illegally copy and sell software.
5. Making the computer itself the subject of a crime—for example, when a virus is placed in it to destroy data.

Although most of these types of crime involve using computers for personal gain, the last category typically involves activities that are motivated more by malice than by

profit. When computers themselves are the target, criminals are typically motivated by revenge for some perceived wrong; a need to exhibit their technical prowess and superiority; a wish to highlight the vulnerability of computer security systems; a desire to spy on other people’s private financial and personal information (“computer voyeurism”); or a philosophy of open access to all systems and programs.¹²⁹

Several common techniques are used by computer criminals. In fact, computer theft has become so common that experts have created their own jargon to describe theft styles and methods:

- *The Trojan horse:* One computer is used to reprogram another for illicit purposes. In one incident, two teenage computer users reprogrammed the computer at DePaul University, preventing that institution from using its own processing facilities. The youths were convicted of a misdemeanor.
- *The salami slice:* An employee sets up a dummy account in the company’s computerized records. A small amount—even a few pennies—is subtracted from customers’ accounts and added to the account of the thief. Even if they detect the loss, customers do not complain because a few cents is an insignificant amount to them. The pennies picked up here and there eventually amount to thousands of dollars in losses.
- *Super-zapping:* Most computer programs used in business have built-in antitheft safeguards. However, employees can use a repair or maintenance program to supersede the antitheft program. Some tinkering with the program is required, but the “super-zapper” is soon able to order the system to issue checks to his or her private account.
- *The logic bomb:* A program is secretly attached to the company’s computer system. The new program monitors the company’s work and waits for a sign of error to appear, some illogic that was designed for the computer to follow. Illogic causes the logic bomb to kick into action and exploit the weakness. The way the thief exploits the situation depends on his or her original intent—thrift of money or defense secrets, sabotage, or the like.
- *Impersonation:* An unauthorized person uses the identity of an authorized computer user to access the computer system.
- *Data leakage:* A person illegally obtains data from a computer system by leaking it out in small amounts.

A different type of computer crime involves installing a **computer virus** in a system. A virus is a program that disrupts or destroys existing programs and networks, causing them to perform the task for which the virus was designed.¹³⁰

The virus is then spread from one computer to another when a user sends out an infected file through e-mail, a


network, or a disk. **Computer worms** are similar to viruses but use computer networks or the Internet to self-replicate and “send themselves” to other users, generally via e-mail without the aid of the operator.

On March 26, 1999, the Melissa virus disrupted e-mail service around the world when it was posted to an Internet newsgroup, causing more than \$80 million in damage. Its creator, David Smith, pled guilty to state and federal charges and was later sentenced to 20 months in prison (leniency was granted because he cooperated with authorities in thwarting other hackers).¹³¹


An accurate accounting of computer crime will probably never be made because so many offenses go unreported. Sometimes company managers refuse to report the crime to police lest they display their incompetence and vulnerability to stockholders and competitors.¹³² In other instances, computer crime goes unreported because it involves low-visibility acts such as copying computer software in violation of copyright laws.¹³³

The Extent of Computer Crime

How much computer crime is there? One important source is the Computer Crime and Security Survey conducted by the Computer Security Institute (CSI) with the participation of the Federal Bureau of Investigation's Computer Intrusion Squad. Based on a survey of about 500 computer security practitioners in U.S. corporations, government agencies, financial institutions, medical institutions, and universities, the latest survey available (2004) indicates that the threat from computer crime and other information security breaches is significant. Overall computer-related financial losses in these agencies totaled more than \$140 million; denial of services and theft of intellectual property were the two most significant causes of financial loss.¹³⁴

 **Computer Security Institute (CSI)** is a membership association and education provider serving the information security community. CSI has helped security professionals protect their organizations' valuable information assets through conferences, seminars, publications, and membership benefits: <http://www.gocsi.com/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.


In addition to these losses, the Business Software Alliance (BSA), a professional watchdog group, found in a 2003 survey that 36 percent of the software installed on computers worldwide (including operating systems, consumer software, and local market software) was pirated, representing a loss of nearly \$29 billion. The study found that while \$80 billion in software was installed on computers, only \$51 billion was legally purchased.¹³⁵

 To quiz yourself on this material, go to the Criminology 9e website.

CONTROLLING CYBER CRIME

The proliferation of cyber crime has created the need for new laws and enforcement processes specifically aimed at controlling its new and emerging formulations. Because technology evolves so rapidly, the enforcement challenges are particularly vexing. There have been numerous organizations set up to provide training and support for law enforcement agents. In addition, new federal and state laws have been aimed at particular areas of high-tech crimes.


Congress has treated computer-related crime as a distinct federal offense since the passage of the Counterfeit Access Device and Computer Fraud and Abuse Law in 1984.¹³⁶ The 1984 act protected classified U.S. defense and foreign relations information, financial institution and consumer reporting agency files, and access to computers operated for the government. The act was supplemented in 1996 by the National Information Infrastructure Protection Act (NIIPA), which significantly broadens the scope of the law. The key provisions of this act are set out in Exhibit 12.2. The Policy and Practice in Criminology feature outlines the most current measures undertaken to control cyber crime.

 To quiz yourself on this material, go to the Criminology 9e website.

ORGANIZED CRIME

The third branch of enterprise crime involves organized crime—ongoing criminal enterprise groups whose ultimate purpose is personal economic gain through illegitimate means. Here a structured enterprise system is set up to continually supply consumers with merchandise and services banned by criminal law but for which a ready market exists: prostitution, pornography, gambling, and narcotics. The system may resemble a legitimate business run by an ambitious chief executive officer, his or her assistants, staff attorneys, and accountants, with thorough, efficient accounts receivable and complaint departments.¹³⁷

Because of its secrecy, power, and fabulous wealth, a great mystique has grown up about organized crime. Its legendary leaders—Al Capone, Meyer Lansky, Lucky Luciano—have been the subjects of books and films. The famous *Godfather* films popularized and humanized organized crime figures; the media often glamorize organized crime figures.¹³⁸ Watching the exploits of Tony Soprano and his family life has become a national craze.

 Want to learn more about the **Sopranos**? There are a number of websites devoted to Tony and his clan. Go to <http://www.the-sopranos.com/>. Want to learn Tony's “business secrets”? Go to <http://www.businessknowhow.com/growth/soprano.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Key Provisions of the National Information Infrastructure Protection Act (NIIPA)

- NIIPA makes it a crime to access computer files without authorization, or in excess of authorization, and subsequently to transmit classified government information.
- The act criminalizes gaining information without access, or in excess of authorized access, from financial institutions, the U.S. government, or private sector computers used in interstate commerce.
- The act proscribes intentionally accessing a U.S. department or agency nonpublic computer without authorization. If the government or a government agency does not use the computer exclusively, the illegal access must affect the government's use.
- The act prohibits accessing a protected computer, without or beyond authorization, with the intent to defraud and obtain something of value. There is an exception if the defendant only obtained computer time with a value less than \$5,000 per year.
- The act extends the protection against computer hacking by including interstate, government, and financial institution computers as "protected" computers. It prohibits unauthorized access that causes damage regardless of whether or not the damage was "recklessly caused."
- The act criminalizes knowingly causing the transmission of a program, code, or command, and as a result, intentionally causing damage to a protected computer (without regard as to authorization to access the computer). Company employees and other authorized users can be culpable for intentional damage to a protected computer. The act makes unauthorized users, such as hackers, who cause the transmission of viruses responsible even if the transmission was not intentional because it was only reckless or negligent.
- The act prohibits one with intent to defraud from trafficking in passwords, which either would permit unauthorized access to a government computer or affect interstate or foreign commerce.
- The act makes it illegal to transmit in interstate or foreign commerce any threat to cause damage to a protected computer with intent to extort something of value. For example, hackers threatening to crash a system if not given system privileges or encrypting a company's data and demanding money for the key would be held criminally liable.

Source: Public Law 104–294, Title II, [sections] 201, 110 Stat. 3488, 3491–94 (1996).

Most citizens believe organized criminals are capable of taking over legitimate business enterprises if given the opportunity. Almost everyone is familiar with such terms as mob, underworld, Mafia, wise guys, syndicate, or La Cosa Nostra, which refer to organized crime. Although most of us have neither met nor seen members of organized crime families, we feel sure that they exist, and we fear them. This section briefly defines organized crime, reviews its history, and discusses its economic effect and control.

Characteristics of Organized Crime

A precise description of the characteristics of organized crime is difficult to formulate, but here are some of its general traits:¹³⁹

- Organized crime is a conspiratorial activity, involving the coordination of numerous people in the planning and execution of illegal acts or in the pursuit of a legitimate objective by unlawful means (for example, threatening a legitimate business to get a stake in it). Organized crime involves continuous commitment by primary members, although individuals with specialized skills may be brought in as needed. Organized crime is usually structured along hierarchical lines—a chieftain supported by close advisers, lower subordinates, and so on.
- Organized crime has economic gain as its primary goal, although power and status may also be motivating factors. Economic gain is achieved through maintenance of a near-monopoly on illegal goods and services, including drugs, gambling, pornography, and prostitution.
- Organized crime activities are not limited to providing illicit services. They include such sophisticated activities as laundering illegal money through legitimate businesses, land fraud, and computer crime.
- Organized crime employs predatory tactics, such as intimidation, violence, and corruption. It appeals to greed to accomplish its objectives and preserve its gains.
- By experience, custom, and practice, organized crime's conspiratorial groups are usually very quick and effective in controlling and disciplining their members, associates, and victims. The individuals involved know that any deviation from the rules of the organization will evoke a prompt response from the other participants. This response may range from a reduction in rank and responsibility to a death sentence.
- Organized crime is not synonymous with the Mafia, which is really a common stereotype of organized crime. Although several families in the organization called the Mafia are important components of organized crime activities, they do not hold a monopoly on underworld activities.
- Organized crime does not include terrorists dedicated to political change. Although violent acts are a major tactic of organized crime, the use of violence does not mean that a group is part of a confederacy of organized criminals.

Activities of Organized Crime

What are the main activities of organized crime? The traditional sources of income are derived from providing illicit materials and using force to enter into and maximize profits

Policy and Practice in Criminology

Controlling Cyber Crime

What is now being done to control the newest forms of white-collar crime, which use technology and the Internet for criminal pursuits?

Controlling Internet Crime

- Because cyber crime is new, existing laws sometimes are inadequate to address the problem. Therefore new legislation must be drafted to protect the public from this new breed of cyber criminal. For example, before October 30, 1998, when the Identity Theft and Assumption Act of 1998 became law, there was no federal statute that made identity theft a crime. Today, federal prosecutors are making substantial use of the statute and are actively prosecuting cases of identity theft.
- The federal government is now operating a number of organizations to control cyber fraud. One approach is to create working groups that coordinate the activities of numerous agencies involved in investigating cyber crime. For example, the Interagency Telemarketing and Internet Fraud Working Group brings together representatives of numerous U.S. attorneys' offices, the FBI, the Secret Service, the Postal Inspection Service, the Federal Trade Commission, the Securities and Exchange Commission, and other law enforcement and regulatory agencies to share information about trends and patterns in Internet fraud schemes.
- Specialized enforcement agencies have been created. The Internet Fraud Complaint Center, based in Fairmont, West Virginia, is run by the FBI and the National White-Collar Crime Center. It brings together about 1,000 state and local law enforcement officials

and regulators. It then analyzes the fraud-related complaints for patterns, develops additional information on particular cases, and sends investigative packages to law enforcement authorities in the jurisdiction that appears likely to have the greatest investigative interest in the matter. In the first year of its operation, the center has received 36,000 complaints, the majority involving auction fraud. Law enforcement has made remarkable strides in dealing with identity theft as a crime problem over the last several years.

- Some private security companies now offer services to counter Internet criminals. For example, Equifax Corporation has a credit-monitoring service that alerts clients by e-mail whenever an inquiry is made of their credit file or a new account is opened under their name. Other firms already sell credit-monitoring services, and several of them offer daily alerts.

Controlling Computer Crime

In the wake of the 9/11 attacks, the NIIPA has been amended by sections of the USA Patriot Act to make it easier to enforce crimes by terrorists and other organized enemies against the nation's computer systems. Subsection 1030(a)(5)(A)(i) of the act criminalizes knowingly causing the transmission of a program, code, or command, and as a result, intentionally causing damage to a protected computer. This section applies regardless of whether the user had authorization to access the protected computer; company insiders and authorized users can be culpable for intentional damage to a protected computer. The act also prohibits intentional access without authorization that results in damage but does not require intent to damage; the attacker can merely be negligent or reckless.

In addition to these main acts, computer-related crimes can also be charged under at least forty different federal statutes. These include the Copyright Act and Digital Millennium Copyright Act, the National Stolen Property Act, the mail and wire fraud statutes, the Electronic Communications Privacy Act, the Communications Decency Act of 1996, the Child Online Protection Act, the Child Pornography Prevention Act of 1996, and the Internet False Identification Prevention Act of 2000.

Critical Thinking

1. How far should the government go in protecting consumers from Internet crime? Might aggressive efforts inhibit the development of this technology?
2. Considering the complexity of this task, should a new law enforcement agency be devoted solely to investigating high-tech crimes? This agency would recruit people who are computer/Internet literate but may not be able to fire guns.

• InfoTrac College Edition Research

Use "Internet crime" as key words in InfoTrac College Edition to learn more about this contemporary crime problem.

Sources: Heather Jacobson and Rebecca Green, "Computer Crime," *American Criminal Law Review* 39 (2002): 273–326; Identity Theft and Assumption Act of 1998 (18 U.S.C. § 1028(a)(7)); Bruce Swartz, Deputy Assistant General, Criminal Division, Justice Department, "Internet Fraud Testimony before the House Energy and Commerce Committee," May 23, 2001; Comprehensive Crime Control Act of 1984, PL 98–473, 2101–03, 98 Stat. 1837, 2190 (1984), adding 18 USC 1030 (1984); Counterfeit Active Device and Computer Fraud and Abuse Act Amended by PL 99–474, 100 Stat. 1213 (1986) codified at 18 U.S.C. 1030 (Supp. V 1987); Computer Abuse Amendments Act 18 U.S.C. section 1030 (1994); Copyright Infringement Act 17 U.S.C. section 506(a) 1994; Electronic Communications Privacy Act of 1986 18 U.S.C. 2510–2520 (1988 and Supp. II 1990).

in legitimate businesses.¹⁴⁰ Most organized crime income comes from narcotics distribution, loan sharking (lending money at illegal rates), and prostitution. However, additional billions come from gambling, theft rings, pornography, and other illegal enterprises. Organized criminals have infiltrated labor unions and taken control of their pension funds and dues.¹⁴¹ Hijacking of shipments and cargo theft are other sources of income. Underworld figures fence high-value items and maintain international sales territories. In recent years they have branched into computer crime and other white-collar activities. Organized crime figures have also kept up with the information age by using computers and the Internet to sell illegal material such as pornography.

Organized crime figures are also involved in stock market manipulation. The FBI notes that organized crime groups target “small cap” or “micro cap” stocks, over-the-counter stocks, and other types of thinly traded stocks that can be easily manipulated and sold to elderly or inexperienced investors. The conspirators use offshore bank accounts to conceal their participation in the fraud scheme and to launder the illegal proceeds in order to avoid paying income tax.¹⁴²

The Concept of Organized Crime

The term *organized crime* conjures up images of strong men in dark suits, machine gun–toting bodyguards, rituals of allegiance to secret organizations, professional “gangland” killings, and meetings of “family” leaders who chart the course of crime much as the board members at General Motors decide on the country’s transportation needs. These images have become part of what criminologists refer to as the **alien conspiracy theory** concept of organized crime. This is the belief, adhered to by the federal government and many respected criminologists, that organized crime is a direct offshoot of a criminal society—the **Mafia**—that first originated in Italy and Sicily and now controls racketeering in major U.S. cities. A major premise of the alien conspiracy theory is that the Mafia is centrally coordinated by a national committee that settles disputes, dictates policy, and assigns territory.¹⁴³

Not all criminologists believe in this narrow concept of organized crime, and many view the alien conspiracy theory as a figment of the media’s imagination.¹⁴⁴ Their view depicts organized crime as a group of ethnically diverse gangs or groups who compete for profit in the sale of illegal goods and services or who use force and violence to extort money from legitimate enterprises. These groups are not bound by a central national organization but act independently on their own turf. We will now examine these perspectives in some detail.

Alien Conspiracy Theory

According to the alien conspiracy theory, organized crime is made up of a national syndicate of 25 or so Italian-dominated crime families that call themselves **La Cosa Nostra**. The

major families have a total membership of about 1,700 “made men,” who have been inducted into organized crime families, and another 17,000 “associates,” who are criminally involved with syndicate members. The families control crime in distinct geographic areas. New York City, the most important organized crime area, alone contains five families—the Gambino, Columbo (formerly Profaci), Lucchese, Bonnano, and Genovese families—named after their founding “godfathers”; in contrast, Chicago contains a single mob organization called the “outfit,” which also influences racketeering in such cities as Milwaukee, Kansas City, and Phoenix.¹⁴⁵ The families are believed to be ruled by a “commission” made up of the heads of the five New York families and bosses from Detroit, Buffalo, Chicago, and Philadelphia, which settles personal problems and jurisdictional conflicts and enforces rules that allow members to gain huge profits through the manufacture and sale of illegal goods and services.

In sum, the alien conspiracy theory sees organized crime as being run by an ordered group of ethnocentric (primarily of Italian origin) criminal syndicates, maintaining unified leadership and shared values. These syndicates communicate closely with other groups and obey the decisions of a national commission charged with settling disputes and creating crime policy.

Contemporary Organized Crime Groups


Even such devoted alien conspiracy advocates as the U.S. Justice Department now view organized crime as a loose confederation of ethnic and regional crime groups, bound together by a commonality of economic and political objectives.¹⁴⁶ Some of these groups are located in fixed geographical areas. Chicano crime families are found in areas with significant Latino populations, such as California and Arizona. White-ethnic crime organizations are found across the nation. Some Italian and Cuban groups operate internationally. Some have preserved their past identity, whereas others are constantly changing organizations.

One important contemporary change in organized crime is the interweaving of ethnic groups into the traditional structure. African American, Latino, and Asian racketeers now compete with the more traditional groups, overseeing the distribution of drugs, prostitution, and gambling in a symbiotic relationship with old-line racketeers.

EASTERN EUROPEAN CRIME GROUPS Eastern Europe has been the scene of a massive buildup in organized crime since the fall of the Soviet Union. Trading in illegal arms, narcotics, pornography, and prostitution, they operate a multibillion-dollar transnational crime cartel. For example, organized groups prey upon women in the poorest areas of Europe—Romania, the Ukraine, Bosnia—and sell them into virtual sexual slavery. Many of these women are transported as prostitutes around the world, some finding themselves in the United States.

In September 2002, an intensive European enforcement operation conducted with American assistance to eliminate some of the major players in the international sex trade resulted in the arrest of 293 traffickers. However, this is the tip of the iceberg: It is estimated that 700,000 women are transported, mostly involuntarily, over international borders each year for the sex trade. One reason for the difficulty in creating effective enforcement is the complicity of local authorities with criminal organizations. For example, during the 2002 raids, the United Nations Mission in Sarajevo dismissed eleven Bosnian police officers, including members of the antitrafficking squad, after they were apprehended visiting brothels and abusing prostitutes.¹⁴⁷

Since 1970, Russian and other eastern European groups have been operating on U.S. soil. Some groups are formed by immigrants from former satellites of the Soviet Union. For example, in 1998 the FBI established the Yugoslavian/Albanian/Croatian/Serbian (YACS) Crime Group initiative as a response to the increasing threat of criminal activity by people originating from these areas. YACS gangs focus on highly organized and specialized thefts from ATM machines in the New York City area.¹⁴⁸

 Some experts believe Russian crime families, thanks to their control of gasoline terminals and distributorships in the New York metropolitan area, evade as much as \$5 billion a year in state and federal taxes. Some of that money then goes to pay off their allies, the Italian Mafia. To find out more, use "Russian organized crime" as a subject guide in InfoTrac College Edition. Also, read this article: Sherry Ricchiardi, "The Best Investigative Reporter You've Never Heard of," *American Journalism Review* 22 (January 2000): 44.


In addition, as many as 2,500 Russian immigrants are believed to be involved in criminal activity, primarily in Russian enclaves in New York City. Beyond extortion from immigrants, Russian organized crime groups have cooperated with Mafia families in narcotics trafficking, fencing stolen property, money laundering, and other traditional organized crime schemes.¹⁴⁹

Some of these gangs have engaged in wide-ranging multinational conspiracies. In 1999, after a 2-year criminal investigation in Italy, investigators turned up evidence that alleged Russian organized crime operators had funneled millions of dollars through the Bank of New York in a massive money-laundering scheme.¹⁵⁰ Italian prosecutors found that the Russian criminal gangs were raising money in Italy through a mixture of legitimate business activities as well as extortion and tax fraud. Their targets were the Russian businessmen and immigrants who had flooded into Italy with the collapse of communism. The illegal funds were then routed to Moscow and New York, where they were transferred to accounts belonging to suspected organized crime operators. Between 1996 and 1999, the Russian mob is believed to have moved at least \$7.5 billion from Russia into the Bank of New York. For more on the Russian mob, see the Comparative Criminology feature.

The Evolution of Organized Crime

Have these newly emerging groups achieved the same level of control as traditional crime families? Some experts argue that contemporary gangs will have a tough time developing the network of organized corruption, which involves working with government officials and unions, that traditional crime families enjoyed.¹⁵¹ As law enforcement pressure has been put on traditional organized crime figures, other groups have filled the vacuum. The Hell's Angels motorcycle club is now believed to be one of the leading distributors of narcotics in the United States. Similarly, Chinese criminal gangs have taken over the dominant role in New York City's heroin market from the traditional Italian-run syndicates.

In sum, most experts now agree that it is simplistic to view organized crime in the United States as a national syndicate that controls all illegitimate rackets in an orderly fashion. This view ignores the variety of gangs and groups, their membership, and their relationship to the outside world.¹⁵² Mafia-type groups may play a major role in organized crime, but they are by no means the only ones that can be considered organized criminals.¹⁵³

 For a site devoted to **organized crime** and links to other similar sites, go to <http://organizedcrime.about.com/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Controlling Organized Crime

George Vold has argued that the development of organized crime parallels early capitalist enterprises. Organized crime employs ruthless monopolistic tactics to maximize profits; it is also secretive, protective of its operations, and defensive against any outside intrusion.¹⁵⁴ Consequently, controlling its activities is extremely difficult.

Federal and state governments actually did little to combat organized crime until fairly recently. One of the first measures aimed directly at organized crime was the Interstate and Foreign Travel or Transportation in Aid of Racketeering Enterprises Act (Travel Act).¹⁵⁵ The Travel Act prohibits travel in interstate commerce or use of interstate facilities with the intent to promote, manage, establish, carry on, or facilitate an unlawful activity; it also prohibits the actual or attempted engagement in these activities. In 1970 Congress passed the Organized Crime Control Act. Title IX of the act, probably its most effective measure, has been called the **Racketeer Influenced and Corrupt Organization Act (RICO)**.¹⁵⁶

RICO did not create new categories of crimes but rather new categories of offenses in racketeering activity, which it defined as involvement in two or more acts prohibited by twenty-four existing federal and eight state statutes. The offenses listed in RICO include state-defined crimes, such as murder, kidnapping, gambling, arson, robbery, bribery, extortion, and narcotic violations; and federally defined crimes,

Russian Organized Crime

In the decade since the collapse of the Soviet Union, criminal organizations in Russia and other former Soviet republics such as the Ukraine have engaged in a variety of crimes: drugs and arms trafficking, stolen automobiles, trafficking in women and children, and money laundering. No area of the world seems immune to this menace, especially not the United States. America is the land of opportunity for unloading criminal goods and laundering dirty money.

Unlike Colombian, Italian, Mexican, or other well-known forms of organized crime, Russian organized crime is not primarily based on ethnic or family structures. Instead, Russian organized crime is based on economic necessity that was nurtured by the oppressive Soviet regime. Here, a professional criminal class developed in Soviet prisons during the Stalinist period that began in 1924—the era of the gulag. These criminals adopted behaviors, rules, values, and sanctions

that bound them together in what was called the thieves' world, led by the elite *vory v zakone*, criminals who lived according to the "thieves' law." This thieves' world, and particularly the *vory*, created and maintained the bonds and climate of trust necessary for carrying out organized crime.

The following are some specific characteristics of Russian organized crime in the post-Soviet era:

- Russian criminals make extensive use of the state governmental apparatus to protect and promote their criminal activities. For example, most businesses in Russia—legal, quasi-legal, and illegal—must operate with the protection of a *krysha* (roof). The protection is often provided by police or security officials employed outside their "official" capacities for this purpose. In other cases, officials are "silent partners" in criminal enterprises that they, in turn, protect.
- The criminalization of the privatization process has resulted in the massive use of state funds for

criminal gain. Valuable properties are purchased through insider deals for much less than their true value and then resold for lucrative profits.

- Criminals have been able to directly influence the state's domestic and foreign policy to promote the interests of organized crime, either by attaining public office themselves or by buying public officials.

Beyond these particular features, organized crime in Russia shares other characteristics that are common to organized crime elsewhere in the world:

- Systematic use of violence, including both the threat and the use of force
- Hierarchical structure
- Limited or exclusive membership
- Specialization in types of crime and a division of labor
- Military-style discipline, with strict rules and regulations for the organization as a whole

such as bribery, counterfeiting, transmission of gambling information, prostitution, and mail fraud. RICO is designed to limit patterns of organized criminal activity by prohibiting involvement in acts intended to

- Derive income from racketeering or the unlawful collection of debts and use or invest such income
- Acquire through racketeering an interest in or control over any enterprise engaged in interstate or foreign commerce
- Conduct business through a pattern of racketeering
- Conspire to use racketeering as a means of making income, collecting loans, or conducting business

An individual convicted under RICO is subject to 20 years in prison and a \$25,000 fine. Additionally, the accused must forfeit to the U.S. government any interest in a business in violation of RICO. These penalties are much more potent than simple conviction and imprisonment.

RICO's success has shaped the way the FBI attacks organized crime groups. They now use the **enterprise theory of investigation (ETI)** model as their standard investigative tool. Rather than investigate crimes after they are committed, under the ETI model the focus is on criminal enterprise and investigation attacks on the structure of the criminal enterprise rather than on criminal acts viewed as isolated incidents.¹⁵⁷ For example, a drug trafficking organization must get involved in such processes as transportation and distribution of narcotics, finance such as money laundering, and communication with clients and dealers. The ETI identifies and then targets each of these areas simultaneously, focusing on the subsystems that are considered the most vulnerable.

The Future of Organized Crime

Indications are that the traditional organized crime syndicates are in decline. Law enforcement officials in Philadelphia, New Jersey, New England, New Orleans, Kansas City,

- Possession of high-tech equipment, including military weapons; threats, blackmail, and violence are used to penetrate business management and assume control of commercial enterprises or, in some instances, to found their own enterprises with money from their criminal activities.

As a result of these activities:

- Russia has high rates of homicide that are now more than twenty times those in western Europe and approximately three times the rates recorded in the United States. The rates more closely resemble those of a country in civil war or in conflict than those of a country ten years into a transition.
- Corruption and organized crime are globalized. Russian organized crime is active in Europe, Africa, Asia, and North and South America.
- Massive money laundering is now common. It allows Russian and foreign organized crime to flourish. In some cases, it is tied to terrorist funding.

The organized crime threat to Russia's national security is now becoming a global threat. Russian organized crime operates both on its own and in cooperation with foreign groups. The latter cooperation often comes in the form of joint money laundering ventures. Russian criminals have become involved in killings for hire in central and western Europe, Israel, Canada, and the United States.

However, in the United States, with the exception of extortion and money laundering, Russians have had little or no involvement in some of the more traditional types of organized crime, such as drug trafficking, gambling, and loan sharking. Instead, these criminal groups are extensively engaged in a broad array of frauds and scams, including healthcare fraud, insurance scams, stock frauds, antiques swindles, forgery, and fuel tax evasion schemes. Recently, for example, Russians have become the main purveyors of credit card fraud in the United States. Legitimate businesses, such as the movie business and textile industry, have become targets of

criminals from the former Soviet Union, and they are often used for money laundering.

Critical Thinking

The influence of new immigrant groups in organized crime seems to suggest that illegal enterprise is a common practice among "new" Americans. Do you believe that there is some aspect of American culture that causes immigrants to choose a criminal lifestyle? Or does our open culture encourage criminal activities that may have been incubating in people's native lands?

InfoTrac College Edition Research

To read more about Russian organized crime, go to InfoTrac College Edition and access: Scott O'Neal, "Russian Organized Crime," *FBI Law Enforcement Bulletin* 69 (May 2000): 1.

Sources: Louise I. Shelley, "Crime and Corruption: Enduring Problems of Post-Soviet Development," *Demokratizatsiya* 11 (2003): 110–114; James O. Finckenauer and Yuri A. Voronin, *The Threat of Russian Organized Crime* (Washington, DC: National Institute of Justice, 2001).

Detroit, and Milwaukee all report that years of federal and state interventions have severely eroded the Mafia organizations in their areas.

What has caused this alleged erosion of Mafia power? First, a number of the reigning family heads are quite old, in their 80s and older, prompting some law enforcement officials to dub them "the Geritol gang."¹⁵⁸ A younger generation of mob leaders is stepping in to take control of the families, and they seem to lack the skill and leadership of the older bosses. In addition, active government enforcement policies have halved what the estimated mob membership was twenty-five years ago, and a number of the highest-ranking leaders have been imprisoned.

Additional pressure comes from newly emerging ethnic gangs that want to muscle in on traditional syndicate activities, such as drug sales and gambling. For example, Chinese Triad gangs in New York and California have been active in the drug trade, loan sharking, and labor racketeering. Other ethnic crime groups include black and Colombian drug

cartels and the Sicilian Mafia, which operates independently of U.S. groups.

The Mafia has also been hurt by changing values in U.S. society. White, ethnic, inner-city neighborhoods, which were the locus of Mafia power, have been shrinking as families move to the suburbs. (It comes as no surprise that fictional character Tony Soprano lives in suburban New Jersey and his daughter goes to Columbia.) Organized crime groups have consequently lost their political and social base of operations. In addition, the code of silence that protected Mafia leaders is now broken regularly by younger members who turn informer rather than face prison terms. It is also possible that their success has hurt organized crime families: Younger members are better educated than their forebears and are equipped to seek their fortunes through legitimate enterprise.¹⁵⁹

If traditional organized gangs are in decline, that does not mean the end of organized crime. Russian, Caribbean, and Asian gangs seem to be thriving, and there are always

new opportunities for illegal practices. Law enforcement officials believe that Internet gambling sites are a tempting target for enterprise criminals. It is not surprising then that Illinois, Louisiana, Nevada, Oregon, and South Dakota have recently passed laws specifically banning Internet gambling.¹⁶⁰ It is unlikely, considering the demand for illegal

goods and services and the emergence of newly constituted crime families, that organized criminal behavior will ever be eradicated.



To quiz yourself on this material, go to the Criminology 9e website.

SUMMARY

- Enterprise crime involves illicit entrepreneurship and commerce; types of enterprise crime are white-collar crime (involving the illegal distribution of legal material), cyber crime (involving using technology to commit crime), and organized crime (involving the illegal distribution of illegal material).
- White-collar, cyber, and organized crime are linked together because they involve entrepreneurship. Losses from enterprise crime may far outstrip any other type of crime.
- Enterprise crime involves criminal acts that twist the legal rules of commercial enterprise for criminal purposes.
- There are various types of white-collar crime: Stings and swindles involve long-term efforts to cheat people out of their money; chiseling involves regular cheating of an organization or its customers; exploitation involves coercing victims (clients) into paying for services for which they are entitled by threatening consequences if they refuse; influence peddling and bribery involve demanding payment for a service for which the payer is clearly not entitled (the victim here is the organization).
- Embezzlement and employee fraud occur when a person uses a position of trust to steal from an organization.
- Client fraud involves theft from an organization that advances credit, covers losses, or reimburses for services.
- Corporate crime involves various illegal business practices such as price fixing, restraint of trade, and false advertising.
- There are numerous explanations for white-collar crime: Some offenders are motivated by greed; others offend due to personal problems.
- Corporate culture theory suggests that some businesses actually encourage employees to cheat or cut corners.
- The self-control view is that white-collar criminals are like any other law violators: impulsive people who lack self-control.
- Little has been done in the past to combat white-collar crime. Most offenders do not view themselves as criminals and therefore do not seem to be deterred by criminal statutes. Although thousands of white-collar criminals are prosecuted each year, their numbers are insignificant compared with the magnitude of the problem.
- The government has used various law enforcement strategies to combat white-collar crime. Some involve deterrence, which uses punishment to frighten potential abusers. Others involve economic or compliance strategies, which create economic incentives to obey the law.
- Cyber criminals use emerging forms of technology to commit criminal acts. In some instances, they involve the use of technology to commit common-law crimes such as fraud and theft. In other instances, the technology itself is the target, for example, illegal copying and sale of computer software. Law enforcement officials fear that high-tech crimes will explode in the future.
- Organized crime supplies alcohol, gambling, drugs, prostitutes, and pornography to the public. It is immune from prosecution because of public apathy and because of its own strong political connections.
- Organized criminals used to be white ethnics—Jews, Italians, and Irish—but today African Americans, Latinos, and other groups have become involved in organized crime activities. The old-line “families” are now more likely to use their criminal wealth and power to buy into legitimate businesses.
- There is debate over the control of organized crime. Some experts believe a national crime cartel controls all activities. Others view organized crime as a group of disorganized, competing gangs dedicated to extortion or to providing illegal goods and services. Efforts to control organized crime have been stepped up. The federal government has used antiracketeering statutes to arrest syndicate leaders. But as long as huge profits can be made, illegal enterprises will continue to flourish.

Thinking Like a Criminologist

People who commit computer crime are found in every segment of society. They range in age from 10 to 60, and their skill level runs from novice to professional. They are otherwise average people, not supercriminals possessing unique abilities and talents. Any person of any age with even a little skill is a potential computer criminal.

Most studies indicate that employees represent the greatest threat to computers. Almost 90 percent of computer

crime against businesses are inside jobs. Ironically, as advances continue in remote data processing, the threat from external sources will probably increase. With the networking of systems and the adoption of more user-friendly software, the sociological profile of the computer offender may change. For example, computer criminals may soon be members of organized crime syndicates. They will use computer systems to monitor law enforcement activities. To become a

made man in the twenty-first-century organized crime family, the recruit will have to develop knowledge of the equipment used for audio surveillance of law enforcement communications: computers with sound card or microphone, modems, and software programs for the remote operation of the systems.

Which theories of criminal behavior best explain the actions of computer criminals, and which ones fail to account for computer crime?

Doing Research on the Web

To help you in your research, you might want to check out the following sites:

The U.S. Department of Justice Computer crime website is a good place

to begin your research: <http://www.cybercrime.gov/>.

The Computer Crime Research Center is a nonprofit organization

focused on international exchange of information on computer crimes: <http://www.crime-research.org/eng/>.

KEY TERMS

enterprise crime (412)
white-collar crime (412)
cyber crime (412)
organized crime (412)
corporate crime (413)
sting or swindle (414)
chiseling (414)
viatical investments (415)
churning (415)
front running (415)
bucketing (415)
insider trading (415)

influence peddling (416)
exploitation (416)
pilferage (418)
organizational crime (422)
actual authority (422)
apparent authority (422)
Sherman Antitrust Act (422)
division of markets (423)
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group boycott (423)
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phishing (430)
computer virus (432)
computer worm (433)
Mafia (436)
alien conspiracy theory (436)
La Cosa Nostra (436)
Racketeer Influenced and Corrupt Organization Act (RICO) (437)
enterprise theory of investigation (ETI) (438)

CRITICAL THINKING QUESTIONS

1. How would you punish a corporate executive whose product killed people if the executive had no knowledge that the product was potentially lethal? What if the executive did know?
2. Is organized crime inevitable as long as immigrant groups seek to become part of the American Dream?
3. Does the media glamorize organized crime? Does it paint an inaccurate picture of noble crime lords fighting to protect their families?
4. Apply traditional theories of criminal behavior to white-collar and organized crime. Which one seems to best predict why someone would engage in these behaviors?

1. Constance Hays, "ImClone Founder Pleads Guilty to 6 Charges," *New York Times*, 16 October 2002, p. A1.
2. Orin Kerr, "Cybercrime's Scope: Interpreting 'Access' and 'Authorization' in Computer Misuse Statutes," *New York University Law Review* 78 (2003): 1596–1668.
3. Nikos Passas and David Nelken, "The Thin Line between Legitimate and Criminal Enterprises: Subsidy Frauds in the European Community," *Crime, Law, and Social Change* 19 (1993): 223–243.
4. For a thorough review, see David Friedrichs, *Trusted Criminals* (Belmont, CA: Wadsworth, 1996).
5. Kitty Calavita and Henry Pontell, "Savings and Loan Fraud as Organized Crime: Toward a Conceptual Typology of Corporate Illegality," *Criminology* 31 (1993): 519–548.
6. Mark Haller, "Illegal Enterprise: A Theoretical and Historical Interpretation," *Criminology* 28 (1990): 207–235.
7. Nancy Frank and Michael Lynch, *Corporate Crime, Corporate Violence* (Albany, NY: Harrow & Heston, 1992), p. 7.
8. Edwin Sutherland, *White-Collar Crime: The Uncut Version* (New Haven, CT: Yale University Press, 1983).
9. Edwin Sutherland, "White-Collar Criminality," *American Sociological Review* 5 (1940): 2–10.
10. David Weisburd and Kip Schlegel, "Returning to the Mainstream," in *White-Collar Crime Reconsidered*, eds. Kip Schlegel and David Weisburd (Boston: Northeastern University Press, 1992), pp. 352–365.
11. Ronald Kramer and Raymond Michalowski, "State-Corporate Crime." Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990.
12. Elizabeth Moore and Michael Mills, "The Neglected Victims and Unexamined Costs of White-Collar Crime," *Crime and Delinquency* 36 (1990): 408–418.
13. Natalie Taylor, "Under-Reporting of Crime against Small Business: Attitudes towards Police and Reporting Practices," *Policing and Society* 13 (2003): 79–90.
14. Gilbert Geis, "White-Collar and Corporate Crime," in *Major Forms of Crime*, ed. Robert Meier (Beverly Hills: Sage, 1984), p. 145.
15. Marshall Clinard and Richard Quinney, *Criminal Behavior Systems: A Typology* (New York: Holt, Rinehart & Winston, 1973), p. 117.
16. Mark Moore, "Notes Toward a National Strategy to Deal with White-Collar Crime," in *A National Strategy for Containing White-Collar Crime*, eds. Herbert Edelhertz and Charles Rogovin (Lexington, MA: Lexington Books, 1980), pp. 32–44.
17. David Firestone, "In Racketeering Trial, Well-Dressed Strip Club Takes the Stage," *New York Times*, 5 May 2001, p. 3.
18. Nikos Passas, "Structural Sources of International Crime: Policy Lessons from the BCCI Affair," *Crime, Law and Social Change* 19 (1994): 223–231.
19. Nikos Passas, "Accounting for Fraud: Auditors' Ethical Dilemmas in the BCCI Affair," in *The Ethics of Accounting and Finance*, eds. W. Michael Hoffman, Judith Brown Kamm, Robert Frederick, and Edward Petry (Westport, CT: Quorum Books, 1996), pp. 85–99.
20. North American Securities Administrators Association (NASAA), "Beware of Oil and Gas Schemes, State Securities Regulators Warn Investors, Con Artists May Seek to Exploit Fears over Mideast, Oil Supply." http://www.nasaa.org/nasaa/abtnasaa/display_top_story.asp?stid=348. Accessed August 25, 2004.
21. Earl Gottschalk, "Churchgoers Are the Prey as Scams Rise," *Wall Street Journal*, 7 August 1989, p. C1.
22. Associated Press, "NYC Cab Scam Warning Given," *Boston Globe*, 19 September 1997, p. 13.
23. Richard Pérez-Peña, "Indictments Charge 4 Racetrack Tellers with Laundering Money at Betting Windows," *New York Times*, 20 July 2001, p. A4.
24. Richard Quinney, "Occupational Structure and Criminal Behavior: Prescription Violation of Retail Pharmacists," *Social Problems* 11 (1963): 179–185; see also John Braithwaite, *Corporate Crime in the Pharmaceutical Industry* (London: Routledge and Kegan Paul, 1984).
25. Pam Belluck, "Prosecutors Say Greed Drove Pharmacist to Dilute Drugs," *New York Times*, 18 August 2001, p. 3.
26. Press Release, April 22, 2002, Kansas City Division, Federal Bureau of Investigation.
27. North American Securities Administrators Association's (NASAA), "Top 10 Scams, Schemes & Scandals: 2004 List." http://www.nasaa.org/nasaa/scripts/prel_display.asp?rcid=244. Accessed August 25, 2004.
28. James Armstrong, et al., "Securities Fraud," *American Criminal Law Review* 33 (1995): 973–1,016.
29. Scott McMurray, "Futures Pit Trader Goes to Trial," *Wall Street Journal*, 8 May 1990, p. C1; Scott McMurray, "Chicago Pits' Dazzling Growth Permitted a Free-for-All Mecca," *Wall Street Journal*, 3 August 1989, p. A4.
30. *Carpenter v. United States* 484 U.S. 19 (1987); also see John Boland, "The SEC Trims the First Amendment," *Wall Street Journal*, 4 December 1986, p. 28.
31. Securities and Exchange Commission Press Release, "Ten of Nation's Top Investment Firms Settle Enforcement Actions Involving Conflicts of Interest Between Research and Investment Banking. Historic Settlement Requires Payments of Penalties of \$487.5 Million, Disgorgement of \$387.5 Million, Payments of \$432.5 Million to Fund Independent Research, and Payments of \$80 Million to Fund Investor Education and Mandates Sweeping Structural Reforms." Monday, April 28, 2003.
32. Kevin Sack, "49ers Owner Pleads Guilty in Louisiana Casino Case," *New York Times*, 7 October 1998, p. 1.
33. Charles V. Bagli, "Kickback Investigation Extends to Middle-Class Buildings in New York," *New York Times*, 14 October 1998, p. A19.
34. Press Release, FBI National Press Office, August, 19, 1999.
35. Marshall Clinard and Peter Yeager, *Corporate Crime* (New York: Free Press, 1980), p. 67.
36. Ibid.
37. United Press International, "Minority Leader in N.Y. Senate Is Charged," *Boston Globe*, 17 September 1987, p. 20.

38. Discussed in Friedrichs, *Trusted Criminals*, p. 147.
39. Al Baker, "Wide Inquiry into Lobbyists' Gifts and Payments to Legislators," *New York Times*, 17 January 2003, p. B1.
40. James C. McKinley, Jr., "Company Gets Record Fine for Its Giving to Lawmakers," *New York Times*, 27 February 2003, p. B1.
41. *The Knapp Commission Report on Police Corruption* (New York: George Braziller, 1973), pp. 1–3, 170–182.
42. David Kocieniewski and David M. Halbfinger, "New York's Most Respected Officers Led Precinct Where Sex Scandal Festered," *New York Times*, 20 July 1998, p. 1.
43. Cited in Hugh Barlow, *Introduction to Criminology*, 2nd ed. (Boston: Little, Brown, 1984).
44. PL No. 95–213, 101–104, 91 Stat. 1494.
45. Thomas Burton, "The More Baxter Hides Its Israeli Boycott Role, the More Flak It Gets," *Wall Street Journal*, 25 April 1991, p. 1.
46. "Newsbreaks," *Aviation Week and Space Technology*, 10 July 1995, p. 19.
47. Foreign Corrupt Practices Act Update, "Schering-Plough Settles FCPA Case with SEC for Payments to Charity Headed by Government Official." http://wilmer.admin.hubbardone.com/files/tbl_s29Publications%5CFileUpload5665%5C4421%5CFCPA%2006-30-04.pdf. Accessed June 30, 2004.
48. Adrian Cho, "Hey Buddy . . . Wanna Buy a Moon Rock?" *Science Now*, 7 July 2002, p. 1.
49. Charles McCaghy, *Deviant Behavior* (New York: Macmillan, 1976), p. 178.
50. "While Stocks Last," *The Economist* 364 (21 September 2002): 64–67.
51. The National Food Service Council, 2002. The council's website can be accessed at <http://www.nfssc.com/>.
52. Joshua Kurlantzick, "Those Sticky Fingers," *U.S. News & World Report* 130 (4 June 2001): 44.
53. National Food Service Council. <http://www.nfssc.com/Newsletters/NLv5i3.pdf>. Accessed August 26, 2004.
54. J. Sorenson, H. Grove, and T. Sorenson, "Detecting Management Fraud: The Role of the Independent Auditor," in *White-Collar Crime, Theory and Research*, eds. G. Geis and E. Stotland (Beverly Hills: Sage, 1980), pp. 221–251.
55. Associated Press, "F.B.I. Arrests 8 in McDonald's Prize Scheme," *New York Times*, 21 August 2001, p. B1.
56. Joe Sexton, "In Brooklyn Neighborhood, Welfare Fraud Is Nothing New," *New York Times*, 19 March 1997, p. A1.
57. Metropolitan Desk, "False Claims from Fake Crashes Lead to Charges against 172," *New York Times*, 20 July 2001, p. C1.
58. Dana Canedy, "Children Are Prey in a Medicaid Dental Scheme," *New York Times*, 17 August 2001, p. 1.
59. Kurt Eichenwald, "Hospital Chain Cheated U.S. on Expenses, Documents Show," *New York Times*, 18 December 1997, p. B1.
60. Laura Johannes and Wendy Bounds, "Corning Agrees to Pay \$6.8 Million to Settle Medicare Billing Charges," *Wall Street Journal*, 22 February 1996, p. B2.
61. Ibid.
62. 42 USC 1320a-7b(b); 42 USC 1320a-7b(b)(3); 42 CFR 1001.952 (regulatory safe harbors). 42 USC 1395nn (codifying "Stark I" and "Stark II" statutes).
63. 18 U.S.C. section 1344 (1994).
64. *United States v. Bishop*, 412 U.S. 346 (1973).
65. David Cay Johnston, "Departing Chief Says I.R.S. Is Losing War on Tax Cheats," *New York Times*, 5 November 2002, p. 1.
66. Cited in Frank and Lynch, *Corporate Crime, Corporate Violence*, pp. 12–13.
67. Sutherland, "White-Collar Criminality," pp. 2–10.
68. Joseph S. Hall, "Corporate Criminal Liability," *American Criminal Law Review* 35 (1998): 549–560.
69. 15 U.S.C. section 1 (1994).
70. 15 U.S.C. 1–7 (1976).
71. *Northern Pacific Railways v. United States*, 356 U.S. 1 (1958).
72. Tim Carrington, "Federal Probes of Contractors Rise for Year," *Wall Street Journal*, 23 February 1987, p. 50.
73. Ibid.
74. *Illinois Ex Rel. Madigan v. Telemarketing Associates, Inc., et al.* Number 01-1806 (2003).
75. Environmental Protection Agency, Criminal Investigation Division. <http://www.epa.gov/compliance/criminal/index.html>.
76. Herbert Edelhertz and Charles Rogovin, eds., *A National Strategy for Containing White-Collar Crime* (Lexington, MA: Lexington Books, 1980), Appendix A, pp. 122–123.
77. Belluck, "Prosecutors Say Greed Drove Pharmacist to Dilute Drugs," p. 3.
78. Kathleen Daly, "Gender and Varieties of White-Collar Crime," *Criminology* 27 (1989): 769–793.
79. Quoted in Tim Metz and Michael Miller, "Boesky's Rise and Fall Illustrates a Compulsion to Profit by Getting Inside Track on Market," *Wall Street Journal*, 17 November 1986, p. 28.
80. Donald Cressey, *Other People's Money: A Study of the Social Psychology of Embezzlement* (Glencoe, IL: Free Press, 1973), p. 96.
81. John A. Byrne, "At Enron, the Environment Was Ripe for Abuse," *Business Week*, 25 February 2002, p. 14.
82. Travis Hirschi and Michael Gottfredson, "Causes of White-Collar Crime," *Criminology* 25 (1987): 949–974.
83. Michael Gottfredson and Travis Hirschi, *A General Theory of Crime* (Stanford, CA: Stanford University Press, 1990), p. 191.
84. This section relies heavily on Daniel Skoler, "White-Collar Crime and the Criminal Justice System: Problems and Challenges," in *A National Strategy for Containing White-Collar Crime*, eds. Herbert Edelhertz and Charles Rogovin (Lexington, MA: Lexington Books, 1980), pp. 57–76.
85. Theodore Hammett and Joel Epstein, *Prosecuting Environmental Crime: Los Angeles County* (Washington, DC: National Institute of Justice, 1993).
86. Information provided by Los Angeles County District Attorney's Office, April 2003.
87. Ronald Burns, Keith Whitworth, Carol Thompson, "Assessing Law Enforcement Preparedness to Address Internet Fraud," *Journal of Criminal Justice* 32 (2004): 477–493.
88. Michael Benson, Francis Cullen, and William Maakestad, "Local Prosecutors and Corporate Crime," *Crime and Delinquency* 36 (1990): 356–372.
89. Ibid., pp. 369–370.
90. Michael Lynch, Paul Stretesky, and Ronald Burns, "Slippery Business,"

- Journal of Black Studies* 34 (2004): 421–440.
91. David Simon and D. Stanley Eitzen, *Elite Deviance* (Boston: Allyn & Bacon, 1982), p. 28.
 92. This section relies heavily on Albert Reiss, Jr., “Selecting Strategies of Social Control over Organizational Life,” in *Enforcing Regulation*, eds. Keith Hawkins and John M. Thomas (Boston: Kluwer Publications, 1984), pp. 25–37.
 93. John Braithwaite, “The Limits of Economism in Controlling Harmful Corporate Conduct,” *Law and Society Review* 16 (1981–1982): 481–504.
 94. Sarbanes–Oxley Act, H.R. 3763-2 (2002).
 95. Status Report: Criminal Fines: Criminal Enforcement Division, Anti-Trust Division, United States Department of Justice, June 1, 2002.
 96. Michael Benson, “Emotions and Adjudication: Status Degradation among White-Collar Criminals,” *Justice Quarterly* 7 (1990): 515–528; John Braithwaite, *Crime, Shame, and Reintegration* (Sydney: Cambridge University Press, 1989).
 97. Kip Schlegel, “Desert, Retribution and Corporate Criminality,” *Justice Quarterly* 5 (1988): 615–634.
 98. Raymond Michalowski and Ronald Kramer, “The Space between Laws: The Problem of Corporate Crime in a Transnational Context,” *Social Problems* 34 (1987): 34–53.
 99. Ibid.
 100. Christopher M. Brown and Nikhil S. Singhvi, “Antitrust Violations,” *American Criminal Law Review* 35 (1998): 467–501.
 101. Howard Adler, “Current Trends in Criminal Antitrust Enforcement,” *Business Crimes Bulletin* (April 1996): 1.
 102. Robert Bennett, “Eighth Survey of White Collar Crime” (Foreword), *American Criminal Law Review* 30 (1993).
 103. David Weisburd, Elin Waring, and Stanton Wheeler, “Class, Status, and the Punishment of White-Collar Criminals,” *Law and Social Inquiry* 15 (1990): 223–243.
 104. Sean Rosenmerkel, “Wrongfulness and Harmfulness as Components of Seriousness of White-Collar Offenses,” *Journal of Contemporary Criminal Justice* 17 (2001): 308–328.
 105. Mark Cohen, “Environmental Crime and Punishment: Legal/Economic Theory and Empirical Evidence on Enforcement of Federal Environmental Statutes,” *Journal of Criminal Law and Criminology* 82 (1992): 1,054–1,109.
 106. Russell Mokhiber, “White Collar Crime Penalties,” *Multinational Monitor* 22 (2001): 30.
 107. Jonathan Lechter, Daniel Posner, and George Morris, “Antitrust Violations,” *American Criminal Law Review* 39 (2002): 225–273.
 108. Computer Security Institute, Press Release, “Cyber Crime Bleeds U.S. Corporations, Survey Shows; Financial Losses from Attacks Climb for Third Year in a Row.” April 7, 2002.
 109. Jeanne Capachin and Dave Potterton, “Online Card Payments, Fraud Solutions Bid to Win,” *Meridian Research Report*, 18 January 2001.
 110. Bruce Swartz, Deputy Assistant General, Criminal Division, Justice Department, “Internet Fraud Testimony before the House Energy and Commerce Committee,” 23 May 2001.
 111. Ibid.
 112. Christopher Marquis, “U.S. Says It Broke Pornography Ring Featuring Youths,” *New York Times*, 9 August 2001, p. 6.
 113. U.S. Department of Justice, Press Release, “Thomas Reedy Sentenced to Life Imprisonment in Child Porn Case,” August 6, 2001. http://www.usdoj.gov/usao/txn/PressRel01/reedy_sent_pr.htm. Accessed August 25, 2004.
 114. Saul Hansell, “U.S. Tally in Online-Crime Sweep: 150 Charged,” *New York Times*, 27 August 2004, p. C1.
 115. Stephen Baker and Brian Grow, “Gambling Sites, This Is a Holdup,” *Business Week* 3895 (9 August 2004): 60–62.
 116. The Computer Fraud and Abuse Act (CFAA). 18 U.S.C. §1030 (1998).
 117. The Digital Millennium Copyright Act, Public Law 105–304 (1998).
 118. Title 18, United States Code, Section 2319.
 119. Title 17, United States Code, Section 506.
 120. U.S. Department of Justice, Press Release, “Attorney General Ashcroft Announces First Criminal Enforcement Action against Peer-to-Peer Copyright Piracy,” August 25, 2004. http://www.usdoj.gov/opa/pr/2004/August/04_ag_578.htm.
 121. This section is based on Richard Walker and David M. Levine, “‘You’ve Got Jail’: Current Trends in Civil and Criminal Enforcement of Internet Securities Fraud,” *American Criminal Law Review* 38 (2001): 405–430.
 122. Jim Wolf, “Internet Scams Targeted in Sweep: A 10-Day Crackdown Leads to 62 Arrests and 88 Indictments,” *Boston Globe*, 22 May 2001, p. A2.
 123. David Porter, “Identity Fraud: The Stealth Threat to UK PLC,” *Computer Fraud & Security* (2004): 4–7.
 124. Identity Theft and Assumption Deterrence Act, as amended by Public Law 105–318, 112 Stat. 3007 (October 30, 1998).
 125. Public Law 108–275 (2004).
 126. U.S. Department of Justice, Press Release, “Alleged Leaders of \$60 Million Internet Scam Indicted on Fraud and Money Laundering Charges Massive Internet Investment Fraud Case Involves 15,000 Investors from 60 Countries.” January 3, 2003.
 127. Hansell, “U.S. Tally in Online-Crime Sweep: 150 Charged.”
 128. M. Swanson and J. Terriot, “Computer Crime: Dimensions, Types, Causes and Investigations,” *Journal of Political Science and Administration* 8 (1980): 305–306; see Donn Parker, “Computer-Related White-Collar Crime,” in *White Collar Crime, Theory and Research*, eds. G. Geis and E. Stotland (Beverly Hills: Sage, 1980), pp. 199–220.
 129. Anne Branscomb, “Rogue Computer Programs and Computer Rogues: Tailoring Punishment to Fit the Crime,” *Rutgers Computer and Technology Law Journal* 16 (1990): 24–26.
 130. Heather Jacobson and Rebecca Green. “Computer Crimes,” *American Criminal Law Review* 39 (2002): 272–326.
 131. U.S. Department of Justice, “Creator of ‘Melissa’ Computer Virus Pleads Guilty to State and Federal Charges.” December 9, 1999. <http://www.cybercrime.gov/melissa.htm>. Last visited October 21, 2002. See Jacobson and Green, “Computer Crimes,” 273–275.
 132. Erik Larson, “Computers Turn Out to Be Valuable Aid in Employee Crime,” *Wall Street Journal*, 14 January 1985, p. 1.

133. Clyde Wilson, "Software Piracy: Uncovering Mutiny on the Cyberspace," *Trial* 32 (1996): 24–31.
134. Computer Security Institute, "Cyber Crime Bleeds U.S. Corporations."
135. Business Software Alliance, "BSA Seventh Annual Global Software Piracy Study," 2003. <http://www.bsa.org/globalstudy/loader.cfm?url=/commonspot/security/getfile.cfm&pageid=16947&hitboxdone=yes>. Accessed August 25, 2004.
136. Public Law 98–473, Title H, Chapter XXI, [sections] 2102(a), 98 Stat. 1837, 2190 (1984).
137. See, generally, President's Commission on Organized Crime, *Report to the President and the Attorney General, The Impact: Organized Crime Today* (Washington, DC: U.S. Government Printing Office, 1986). Herein cited as *Organized Crime Today*.
138. Frederick Martens and Michele Cunningham-Niederer, "Media Magic, Mafia Mania," *Federal Probation* 49 (1985): 60–68.
139. *Organized Crime Today*, pp. 7–8.
140. Alan Block and William Chambliss, *Organizing Crime* (New York: Elsevier, 1981).
141. Alan Block, *East Side/West Side* (New Brunswick, NJ: Transaction Books, 1983), pp. vii, 10–11.
142. Statement for the record of Thomas V. Fuentes, Chief Organized Crime Section, Criminal Investigative Division, Federal Bureau of Investigation, "Organized Crime before the House Subcommittee on Finance and Hazardous Materials." September 13, 2000.
143. Donald Cressey, *Theft of the Nation* (New York: Harper & Row, 1969).
144. Dwight Smith, *The Mafia Mystique* (New York: Basic Books, 1975).
145. Stanley Einstein, and Menachem Amir, *Organized Crime: Uncertainties and Dilemmas* (Chicago: University of Illinois at Chicago, Office of International Criminal Justice, 1999); William Kleinknecht, *The New Ethnic Mobs: The Changing Face of Organized Crime in America* (New York: Free Press, 1996); Don Liddick, *An Empirical, Theoretical, and Historical Overview of Organized Crime* (Lewiston, NY: Edwin Mellen Press, 1999); Maria Minniti, "Membership Has Its Privileges: Old and New Mafia Organizations," *Comparative Economic Studies* 37 (1995): 31–47.
146. *Organized Crime Today*, p. 11.
147. David Binder, "In Europe, Sex Slavery Is Thriving Despite Raids," *New York Times*, 19 October 2002, p. A3.
148. Richard A. Ballezza, "YACS Crime Groups: An FBI Major Crime Initiative," *FBI Law Enforcement Bulletin* 67 (1998): 7–13.
149. Omar Bartos, "Growth of Russian Organized Crime Poses Serious Threat," *CJ International* 11 (1995): 8–9.
150. John Tagliabue, "Russian Racket Linked to New York Bank," *New York Times*, 28 September 1999, p. 1.
151. Robert Kelly and Rufus Schatzberg, "Types of Minority Organized Crime: Some Considerations." Paper presented at the annual meeting of the American Society of Criminology, Montreal, November 1987.
152. Phillip Jenkins and Gary Potter, "The Politics and Mythology of Organized Crime: A Philadelphia Case Study," *Journal of Criminal Justice* 15 (1987): 473–484.
153. William Chambliss, *On the Take* (Bloomington: Indiana University Press, 1978).
154. George Vold, *Theoretical Criminology*, 2nd ed., rev. Thomas Bernard (New York: Oxford University Press, 1979).
155. 18 U.S.C. 1952 (1976).
156. PL 91–452, Title IX, 84 Stat. 922 (1970) (codified at 18 U.S.C. 1961–68, 1976).
157. Richard McFeely, "Enterprise Theory of Investigation," *FBI Law Enforcement Bulletin* 70 (2001): 19–26.
158. Selwyn Raab, "A Battered and Ailing Mafia Is Losing Its Grip on America," *New York Times*, 22 October 1990, p. 1.
159. Raab, "A Battered and Ailing Mafia Is Losing Its Grip on America," p. B7.
160. Rebecca Porter, "Prosecutors, Plaintiffs Aim to Curb Internet Gambling," *Trial* 40 (August 2004): 14.

CHAPTER 13



The issue of gay marriage has proven quite controversial. On September 21, 1996, President Clinton signed the federal Defense of Marriage Act, which both defined marriage as involving a man and a woman and allowed states to not recognize same-sex marriages performed in other states. Today more than thirty-seven states have their own versions of this act, defining marriage as a union exclusively between one man and one woman. In 2003 however,

the highest court in Massachusetts ruled that same-sex couples are legally entitled to wed under the state constitution.¹ The Supreme Judicial Court said the state of Massachusetts may not “deny the protections, benefits, and obligations conferred by civil marriage to two individuals of the same sex who wish to marry.” The decision followed a June 10, 2003 ruling by an appeals court in the Canadian province of Ontario, which revoked a ban on same-sex marriage. Those opposed to gay marriage struck back in the November 2004 elections: Voters in Arkansas, Georgia, Kentucky, Michigan, Mississippi, Montana, North Dakota, Ohio, Oklahoma, Oregon, and Utah all approved by wide margins state constitutional amendments against same-sex marriage.

The debate over gay marriage rages on: Is it fair to prevent one group of loyal tax-paying citizens from engaging in a behavior that is allowed others who do not share that status or orientation? Are there objective standards of morality or should society respect people’s differences? How far should the law go in curbing human behaviors that do not cause social harm? Who controls the law and should the law be applied to shape morality?

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CHAPTER OUTLINE

Law and Morality

Debating Morality
Social Harm
Moral Crusaders

Homosexuality

Attitudes toward Homosexuality
Homosexuality and the Law
Is the Tide Turning?

Paraphilias

Prostitution

Incidence of Prostitution
International Sex Trade
Types of Prostitutes

Comparative Criminology: The Natasha Trade: International Trafficking in Prostitution

Becoming a Prostitute
Controlling Prostitution
Legalize Prostitution?

Pornography

Child Pornography
Does Pornography Cause Violence?
Pornography and the Law
Controlling Pornography
Technological Change

Substance Abuse

When Did Drug Use Begin?
Alcohol and Its Prohibition
The Extent of Substance Abuse
AIDS and Drug Use
What Causes Substance Abuse?
Is There a Drug Gateway?
Types of Drug Users
Drugs and Crime
Drugs and the Law
Drug Control Strategies

Policy and Practice in Criminology: Drug Abuse Resistance Education

Drug Legalization

CHAPTER OBJECTIVES

1. Be familiar with the association between law and morality
2. Be able to discuss the legal problems faced by gay people
3. Know what is meant by paraphilias
4. Be able to discuss the various types of prostitution
5. Describe the relationship between obscenity and pornography
6. Know the various techniques being used to control pornography
7. Discuss the history and extent of drug abuse
8. Be able to discuss the cause of substance abuse
9. Describe the different types of drug users
10. Identify the various drug control strategies

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To read more about this controversial topic, use “gay marriage” in a key word search in InfoTrac College Edition.

To read more about Dworkin and her life, go to: “Radical Feminist Spills Her Heartbreak onto the Page,” *Chicago Tribune*, 4 April 2002.

Crimes involving sexuality and morality are often referred to as **public order crimes** or **victimless crimes**, although this latter term can be misleading.² Public order crimes involve acts that interfere with the operations of society and the ability of people to function efficiently.

Put another way, common-law crimes such as rape or robbery are considered inherently wrong and damaging, but other behaviors are outlawed (public order crimes) because they conflict with social policy, prevailing moral rules, and current public opinion. Statutes designed to uphold public order usually prohibit the manufacture and distribution of morally questionable goods and services such as erotic material, commercial sex, and mood-altering drugs. Statutes like these are controversial in part because millions of otherwise law-abiding citizens often engage in these outlawed activities and consequently become criminals. These statutes are also controversial because they selectively prohibit desired goods, services, and behaviors; in other words, they outlaw sin and vice.

This chapter covers these public order crimes; it first briefly discusses the relationship between law and morality. Next the chapter addresses public order crimes of a sexual nature: homosexuality, paraphilias, prostitution, and pornography. The chapter concludes by focusing on the abuse of drugs and alcohol.

LAW AND MORALITY

Legislation of moral issues has continually frustrated lawmakers. There is little debate that the purpose of criminal law is to protect society and reduce social harm. When a store is robbed or a child assaulted, it is relatively easy to see and condemn the harm done the victim. It is, however, more difficult to sympathize with or even identify the victims of immoral acts, such as pornography or prostitution, where the parties involved may be willing participants. If there is no victim, can there be a crime?

To answer this question, we might first consider whether there is actually a victim in so-called victimless crimes. Some participants may have been coerced into their acts; they are therefore its victims. Opponents of pornography, such as Andrea Dworkin, charge that women involved in adult films, far from being highly paid stars, are “dehumanized—turned into objects and commodities.”³

Research on prostitution shows that many young runaways and abandoned children are coerced into a life on the streets, where they are cruelly treated and held as virtual captives.⁴

Even if public order crimes do not actually harm their participants, perhaps society as a whole should be considered the victim of these crimes. Is the community harmed when an adult bookstore opens or a brothel is established? Does this signal that a neighborhood is in decline? Does it teach children that deviance is to be tolerated and profited from?

Debating Morality

Some scholars argue that acts like pornography, prostitution, and drug use erode the moral fabric of society and therefore should be prohibited and punished. They are crimes, according to the great legal scholar Morris Cohen, because “it is one of the functions of the criminal law to give expression to the collective feeling of revulsion toward certain acts, even when they are not very dangerous.”⁵ In his classic statement on the function of morality in the law, legal scholar Sir Patrick Devlin states,

Without shared ideas on politics, morals, and ethics no society can exist. . . . If men and women try to create a society in which there is no fundamental agreement about good and evil, they will fail; if having based it on common agreement, the agreement goes, the society will disintegrate. For society is not something that is kept together physically; it is held by the invisible bonds of common thought. If the bonds were too far relaxed, the members would drift apart. A common morality is part of the bondage. The bondage is part of the price of society; and mankind, which needs society, must pay its price.⁶

According to this view, so-called victimless crimes are prohibited because one of the functions of criminal law is to express a shared sense of public morality.⁷

Some influential legal scholars have questioned the propriety of legislating morals. H. L. A. Hart states,

It is fatally easy to confuse the democratic principle that power should be in the hands of the majority with the utterly different claim that the majority, with power in their hands, need respect no limits. Certainly there is a special risk in a democracy that the majority may dictate how all should live.⁸

Hart may be motivated by the fact that defining morality may be an impossible task: Who defines morality? Are we not punishing differences rather than social harm? As U.S. Supreme Court Justice William O. Douglas once so succinctly put it, “What may be trash to me may be prized by others.”⁹ After all, many of the great works of Western art depict nude males and females, some quite young. Are the paintings of Rubens or the sculpture of Michelangelo obscene?

Joseph Gusfield argues that the purpose of outlawing immoral acts is to show the moral superiority of those who condemn the acts over those who partake of them. The legislation



Michelangelo's statue of David is one of the most important and beloved pieces of Western art. Is it possible that some might consider the unclothed David obscene or prurient? If so, should children be prevented from viewing the statue? Should it be covered up? If David's nudity is not offensive or sexually suggestive, then what does it take to make a statue or photo "pornographic"?

of morality "enhances the social status of groups carrying the affirmed culture and degrades groups carrying that which is condemned as deviant."¹⁰ Research indicates that people who define themselves as liberals are also the most tolerant of sexually explicit material. Demographic attributes such as age, educational attainment, and occupational status may also

influence views of pornography: The young and better educated tend to be more tolerant than older, less-educated people.¹¹ Whose views should prevail?

And, if a majority of the population chooses to engage in what might objectively be considered immoral or deviant behavior, would it be to prohibit or control such behavior or render it criminal? According to Hitwise, an Internet monitoring corporation, online porn sites get about three times more visits than the top three web search engines, including Google, Yahoo! Search and MSN Search: Adult websites accounted for about 18.8 percent of all Internet visits by U.S. users for the week ending May 29, 2004, compared to 5.5 percent for these three widely used search engines, combined. Should pornography be criminalized or sanctioned if so many people are active users and wish to enjoy its content?¹² And if the law tried to define or limit objectionable material, might it not eventually inhibit free speech and political dissent? Not so, according to social commentator Irving Kristol:

If we start censoring pornography and obscenity, shall we not inevitably end up censoring political opinion? A lot of people seem to think this would be the case—which only shows the power of doctrinaire thinking over reality. We had censorship of pornography and obscenity for 150 years, until almost yesterday, and I am not aware that freedom of opinion in this country was in any way diminished as a consequence of this fact.¹³

Cultural clashes may ensue when behavior that is considered normative in one society is deplored by those living in another. For example, by 2004, Amnesty International estimates that 135 million of the world's females will have undergone genital mutilation.¹⁴ Custom and tradition are by far the most frequently cited reasons for mutilation, and it is often carried out in a ritual during which the young woman is initiated into adulthood.¹⁵ The surgery is done to ensure virginity, remove sexual sensation, and render the females suitable for marriage; a girl in these societies cannot be considered an adult unless she has undergone genital mutilation. Critics of this practice, led by American author Alice Walker (*The Color Purple*), consider the procedure mutilation and torture; others argue that this ancient custom should be left to the discretion of the indigenous people who consider it part of their culture. "Torture," counters Walker, "is not culture." Can an outsider define the morality of another culture?¹⁶ Amnesty International and the United Nations have worked to end the practice. Because of outside pressure, several African nations south of the Sahara have now instituted bans that are enforced with fines and jail terms. The procedure is now forbidden in Senegal, Egypt, Burkina Faso, the Central African Republic, Djibouti, Ghana, Guinea, and Togo. Other countries, among them Uganda, discourage it. In North Africa, the Egyptian Supreme Court upheld a ban on the practice and also ruled it had no place in Islam.¹⁷ Despite these efforts, approximately 6,000 girls are still subject to female circumcision every day in Africa and the Middle East and in Muslim areas all over the world.

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• While almost universally condemned in the West, female circumcision is still common in Africa and the Middle East. To find out why, read this article in InfoTrac College Edition: Richard A. Shweder, "What about 'Female Genital Mutilation'? and Why Understanding Culture Matters in the First Place," *Daedalus* 129 (2000): 209.

Social Harm

Stuart J. Roll built a thriving business selling mustard, ketchup, jelly, and jam that did \$10 million in sales each year and made him a multimillionaire. Then he decided to branch out into prostitution. Roll solicited women through ads in local newspapers seeking a "companion/housekeeper." When women applied, he proposed that they become prostitutes. He employed at least three women and charged customers \$150 for half an hour or \$250 for an hour, which he split fifty-fifty with the women. He got customers through classified ads in New York magazines that promised "pvt. relaxation for the refined gentleman. Elegant European beauty. Private res. Upscale/Expensive."

After his arrest, Roll, 68, told the media that he set up the new business using the same kind of principles—catering to his customers' needs and paying meticulous attention to detail—that he had used to start his food business. "What we are performing here is more of a community service than breaking the law," Roll said of his new enterprise. "People need love so badly. Here a man can come in and have his sanctuary, his peace of mind and his fantasy all wrapped in a million-dollar home ready to serve him. . . . It is a victimless crime. . . . I want to take sex out of the street and put it in the home, where it belongs," he claimed.¹⁸

Were Roll's activities really harmful, or do you agree with his viewpoint that his prostitution ring was providing a desirable community service? Unfortunately for him, most societies have long banned or limited behaviors that are believed to run contrary to social norms, customs, and values. However, many acts that most of us deem highly immoral and objectionable are not in fact criminal. There is no law against lust, gluttony, avarice, sloth, envy, pride, or anger, although they are considered the seven deadly sins. Nor is it a crime in most jurisdictions to ignore the pleas of a drowning person, even though such callous behavior is quite immoral. How then do we distinguish between acts that are criminal and outlawed and those that are merely objectionable but tolerated and legal?

In our society, immoral acts can be distinguished from crimes on the basis of the **social harm** they cause. Acts that are believed to be extremely harmful to the general public are usually outlawed; those that may only harm the actor are more likely to be tolerated. Yet even this perspective does not always hold sway. Some acts that cause enormous amounts of social harm are perfectly legal. It is well documented that the consumption of tobacco and alcohol is extremely harmful, but these products remain legal to produce and sell; manufacturers continue to sell sports cars and motorcycles

that can accelerate to more than 100 mph, but the legal speed limit is usually 65 mph. More people die each year from alcohol-, tobacco-, and auto-related deaths than from all illegal drugs combined. Should drugs be legalized and fast cars outlawed?

Moral Crusaders

In the early West, vigilance committees were set up in San Francisco and other boom towns to pursue cattle rustlers and stage coach robbers and to dissuade undesirables from moving in. These **vigilantes** held a strict standard of morality that, when they caught their prey, resulted in sure and swift justice.

The avenging vigilante has remained part of popular culture. Fictional do-gooders who take it on themselves to enforce the law, battle evil, and personally deal with those whom they consider immoral have become enmeshed in the public psyche. From the Lone Ranger to Spiderman, the righteous vigilante is expected to go on moral crusades without any authorization from legal authorities. The assumption that it is okay to take matters into your own hands if the cause is right and the target is immoral is not lost on the younger generation. Gang boys sometimes take on the street identity of Batman or Superman so they can battle their rivals with impunity.

Fictional characters are not the only ones who take it upon themselves to fight for moral decency; members of special interest groups are also ready to do battle. Popular targets of moral crusaders are abortion clinics, pornographers, gun dealers, and logging companies. For example, after the 9/11 attacks, minister Jerry Falwell, pastor of the 22,000-member Thomas Road Baptist Church, claimed on a broadcast of the Christian television program *The 700 Club*,

I really believe that the pagans, and the abortionists, and the feminists, and the gays and the lesbians who are actively trying to make that an alternative lifestyle, the ACLU, People For the American Way, all of them who have tried to secularize America. I point the finger in their face and say "you helped this happen."

He viewed the attacks as God's judgment on America for "throwing God out of the public square, out of the schools. The abortionists have got to bear some burden for this because God will not be mocked." Falwell, under pressure from gay and lesbian groups, later apologized for his stormy rhetoric.¹⁹

Moral crusaders (also known as *moral entrepreneurs*) are rule creators who have an absolute certainty that their way is right and that any means are justified to get their way; "the crusader is fervent and righteous, often self-righteous."²⁰ Today moral crusaders take on such issues as prayer in school, the right to legal abortions, and the distribution of sexually explicit books and magazines.

Moral crusaders run the risk of engaging in immoral conduct in their efforts to protect society from those they consider immoral. Abortion foes have resorted to violence

and murder to rid the nation of pro-choice healthcare providers whom they consider immoral while failing to realize the depravity of their own extreme acts. Acts that are illegal because they are viewed as a threat to morality are referred to as public order crimes.

Some moral crusaders, such as Reverend Falwell, justify their actions by claiming that the very structure of our institutions and beliefs are in danger because of immorality. For example, Andrea Friedman's analysis of anti-obscenity campaigns during the Cold War era (post–World War II) found that the politics of the times led to an image of aggressive, even violent, males that were being used in comic books and pornography. Moral crusaders argued that this depiction was threatening to family values, which led them to advocate a ban on violent comics and porn magazines.²¹

Moral crusades are directed against acts that some people believe threaten the moral fabric of society and are a danger to the public order. Those public order crimes discussed in this chapter are divided into two broad areas. The first relates to what conventional society considers deviant sexual practices: homosexual acts, paraphilias, prostitution, and pornography. The second area concerns the use of substances that have been outlawed or controlled because of the alleged harm they cause: drugs and alcohol.

• Moral crusaders come in many different forms. Read about how some early feminists tried to shape the sexual cultural during Victorian times: Jesse F. Battan, "You Cannot Fix the Scarlet Letter on My Breast!": Women Reading, Writing, and Reshaping the Sexual Culture of Victorian America," *Journal of Social History* 37 (2004): 601–624.

• To quiz yourself on this material, go to the Criminology 9e website.

HOMOSEXUALITY

It may be surprising that a section on homosexuality is still included in a criminology text, but today homosexual men and women not only face archaic legal restrictions that criminalize their behavior but are targeted for so many violent hate crimes that a specific term, **gay bashing**, has been coined to describe violent acts directed at people because of their sexual orientation.

Homosexuality (the word derives from the Greek *homos*, meaning "same") refers to erotic interest in members of one's own sex. However, engaging in homosexual behavior does not necessarily mean one is a homosexual. People may engage in homosexuality because heterosexual partners are unavailable. Some may have sex forced on them by aggressive homosexuals, a condition common in prisons. Some adolescents may experiment with partners of the same sex

although their sexual affiliation is heterosexual.²² Finally, it is possible to be a homosexual but not to engage in sexual conduct with members of the same sex. To avoid this confusion, it might be helpful to adopt the definition of a homosexual as one "who is motivated in adult life by a definite preferential erotic attraction to members of the same sex and who usually (but not necessarily) engages in overt sexual relations with them."²³

Homosexual behavior has existed in most societies. Records of it can be found in prehistoric art and hieroglyphics.²⁴ Even when homosexuality was banned or sanctioned, it persisted.²⁵ The U.S. Census Bureau now measures the number of unmarried, same-sex partner households in the United States; today there are more than 600,000 gay partnerships (more than 1.2 million people), a 314 percent increase over the 145,130 same-sex, unmarried partner households tallied in the 1990 census. More than 99 percent of all counties in the United States have same-sex households; only twenty-two counties in the entire country reported no same-sex households.²⁶

Attitudes toward Homosexuality

Throughout much of Western history, homosexuals have been subject to discrimination, sanction, and violence. The Bible implies that God destroyed the ancient cities of Sodom and Gomorrah because of their residents' deviant behavior, presumably homosexuality; Sodom is the source of the term **sodomy** (deviant intercourse). The Bible expressly forbids homosexuality—in Leviticus in the Old Testament; Paul's Epistles, Romans, and Corinthians in the New Testament—and this prohibition has been the basis for repressing homosexual behavior.²⁷

Intolerance continues today. In 2002 three men in Saudi Arabia were beheaded after they "committed acts of sodomy, married each other, seduced young men, and attacked those who rebuked them."²⁸ Gay bashing still remains a common occurrence around the world.²⁹

The cause of antigay feelings or **homophobia** is uncertain. Ultraconservative religious leaders believe that the Bible condemns same-sex relations and that this behavior is therefore a sin. Some are ignorant about the lifestyle of gays and fear that homosexuality is a contagious disease or that homosexuals will seduce their children.³⁰ Others develop a deep-rooted hatred of gays because they are insecure about their own sexual identity. Research shows that males who express homophobic attitudes are also likely to become aroused by erotic images of homosexual behavior. Homophobia, then, may be associated with homosexual arousal that the homophobe is either unaware of or denies.³¹

||||||| CONNECTIONS |||||

As you may recall from Chapter 10, gay men and women are still subject to thousands of incidents of violence and other hate crimes each year.

Homosexuality and the Law

Homosexuality, considered a legal and moral crime throughout most of Western history, is no longer a crime in the United States. In the case of *Robinson v. California*, the U.S. Supreme Court determined that people could not be criminally prosecuted because of their status (such as drug addict or homosexual).³² Despite this protection, most states and the federal government penalize the lifestyle and activities of homosexuals. For example, no state or locality save Massachusetts allows same-sex marriage, and homosexuals cannot obtain a marriage license to legitimize their relationship. The Defense of Marriage Act, which President Clinton signed in 1996, declared that states are not obligated to recognize single-sex marriages performed in other states.³³

The military still bans openly gay people from serving but has compromised with a "don't ask, don't tell" policy: The military does not ask about sexual orientation; gay people can serve as long as their sexuality remains secret. In 1996, the U.S. Supreme Court tacitly approved this policy by declining to hear a case brought by Navy Lieutenant Paul Thomasson, who was discharged in 1994 for openly declaring himself homosexual.³⁴ In January 1998, a federal judge barred the U.S. Navy from dismissing Chief Petty Officer Timothy McVeigh, who had posted sexually oriented material on the Internet. The judge ruled that the Navy had violated McVeigh's privacy when it asked America Online to divulge his identity; in so doing, the Navy violated the spirit of the "don't ask, don't tell" policy.³⁵ Gays have also lost custody of their children because of their sexual orientation, although more courts are now refusing to consider a gay lifestyle alone as evidence of parental unfitness.³⁶ And in an important 2000 case, *Boy Scouts of America v. Dale*, the Supreme Court ruled that the Boy Scouts are entitled to exclude openly gay scouts and scout leaders.³⁷ In their decision, the Court recognized that employing an openly gay scout leader would significantly burden the organization's right to oppose or disfavor homosexual conduct.

Is the Tide Turning?

Although the unenlightened may still hold negative attitudes toward gays and they still face legal burdens, there seems to be a long overdue increase in social tolerance. Surveys show that a significant majority of Americans now support gays in the military and equality in employment, housing, inheritance rights, and Social Security benefits for same-sex couples.³⁸

Two Supreme Court cases illustrate changing attitudes toward the gay lifestyle. In a 1996 Colorado case, *Romer v. Evans*, the U.S. Supreme Court ruled six to three that Colorado's Amendment 2, which prohibited state and local governments from protecting the civil rights of gay people,

was unconstitutional. The Court ruled that the state is not entitled to distinguish a group of people for the single purpose of treating them different than everyone else. In essence, the *Romer* decision said that gay people cannot be stripped of legal protection and made "strangers to the law."³⁹

In 2003 the Court rendered a historic decision in *Lawrence v. Texas*, which made it impermissible for states to criminalize oral and anal sex and all other forms of intercourse that are not heterosexual under statutes prohibiting sodomy, deviant sexuality, or buggery.⁴⁰ In so doing it overruled the 1986 *Bowers v. Hardwick* case, which had upheld a Georgia statute making it a crime to engage in consensual sodomy, even within one's own home.⁴¹ The *Lawrence* case involved two gay men who had been arrested in 1998 for having sex in the privacy of their Houston home. In overturning their convictions, the Court said

Although the laws involved . . . here . . . to do not more than prohibit a particular sexual act, their penalties and purposes have more far-reaching consequences, touching upon the most private human conduct, sexual behavior, and in the most private of places, the home. They seek to control a personal relationship that, whether or not entitled to formal recognition in the law, is within the liberty of persons to choose without being punished as criminals. The liberty protected by the Constitution allows homosexual persons the right to choose to enter upon relationships in the confines of their homes and their own private lives and still retain their dignity as free persons.

As a result, laws banning gay sex among consenting adults are now unconstitutional and unenforceable.⁴²

While some believe that the *Romer* and *Lawrence* decisions have heralded a new era of legal and civil rights for gay men and women, some states still punish gay people more harshly than heterosexuals. For example, Kansas law punishes someone having sex with a minor of the same sex much more harshly than it does someone having sexual relations with an opposite-sex minor. In the case of *State v. Limon*, a 19-year-old boy was sentenced to more than 17 years in prison for having sex with a 14-year-old boy; had Limon engaged in sex with an underage girl, he could have been sentenced to no more than 1 year and 3 months in prison.⁴³



To quiz yourself on this material, go to the Criminology 9e website.

PARAPHILIAS

Between 2002 and 2004, the archdiocese of Boston was rocked by allegations that a significant number of priests had engaged in sexual relations with minor children. The archdiocese eventually turned over the names of nearly 100 priests to prosecutors. As the scandal spread, clergy elsewhere in the United States and abroad resigned amid allegations that they had abused children or failed to stop abuse of

which they had knowledge. In Ireland the Most Rev. Brendan Comiskey, the Bishop of Ferns, offered his resignation to the pope, and an archbishop in Wales was forced to resign because he had ignored complaints about two priests later convicted of sexually abusing children. Responding to the crisis, Pope John Paul II called a special meeting of American Catholic leaders in April 2002 to create new policies on sex abuse. The pope issued a statement in which he said that there is “no place in the priesthood . . . for those who would harm the young.” He added that sexual abuse by the clergy was not only an “appalling sin” but a crime, and he noted that “many are offended at the way in which church leaders are perceived to have acted in this matter.”⁴⁴

Nowhere did the scandal take on greater proportion than in the Boston area where Cardinal Bernard Law was forced to step down as leader of the diocese. Numerous churches were closed or sold to help raise money for legal fees and victim compensation. Among the most notorious offenders was Father James Porter, accused of molesting at least 125 children of both sexes over a 30-year period reaching back to the early 1960s. Porter was eventually sentenced to an 18- to 20-year prison term.



To read more about the **clergy scandal**, go to <http://www.boston.com/globe/spotlight/abuse/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Paraphilias have been recorded for thousands of years. From the Greek *para*, “to the side of,” and *philos*, “loving,” **paraphilias** are bizarre or abnormal sexual practices involving recurrent sexual urges focused on (1) nonhuman objects (such as underwear, shoes, or leather), (2) humiliation or the experience of receiving or giving pain (such as in sadomasochism or bondage), or (3) children or others who cannot grant consent. More than 2000-year-old Buddhist texts contain references to sexually deviant behaviors among monastic communities including sexual activity with animals and sexual interest in corpses. Richard von Krafft-Ebing’s *Psychopathia Sexualis*, first published in 1887, was the first text to discuss such paraphilias as sadism, bestiality, and incest.⁴⁵

Some paraphilias, such as wearing clothes normally worn by the opposite sex (transvestite fetishism), can be engaged in by adults in the privacy of their homes and do not involve a third party; these are usually out of the law’s reach. Others, however, risk social harm and are subject to criminal penalties. Included in this group of outlawed sexual behaviors are these practices:

- **Asphyxiophilia (autoerotic asphyxia)**: By means of a noose, ligature, plastic bag, mask, volatile chemicals, or chest compression, attempting partial asphyxia and oxygen deprivation to the brain to enhance sexual gratification. Almost all cases of hypoxiphilia involve males.
- **Frotteurism**: Rubbing against or touching a nonconsenting person in a crowd, elevator, or other public area.

- **Voyeurism**: Obtaining sexual pleasure from spying on a stranger while he or she disrobes or engages in sexual behavior with another.
- **Exhibitionism**: Deriving sexual pleasure from exposing the genitals to surprise or shock a stranger.
- **Sadomasochism**: Deriving pleasure from receiving pain or inflicting pain on another.
- **Pedophilia**: Attaining sexual pleasure through sexual activity with prepubescent children. Research indicates that more than 20 percent of males report sexual attraction to at least one child, although the rate of sexual fantasies and the potential for sexual contacts are much lower.⁴⁶

Paraphilias that involve unwilling or underage victims are illegal. Most state criminal codes also ban indecent exposure and voyeurism. Others prosecute paraphilias under common-law assault and battery or sodomy statutes. In their extreme, paraphilias can lead to sexual assaults in which the victims suffer severe harm.



To quiz yourself on this material, go to the Criminology 9e website.

PROSTITUTION

Prostitution has been known for thousands of years. The term derives from the Latin *prostituere*, which means “to cause to stand in front of.” The prostitute is viewed as publicly offering his or her body for sale. The earliest record of prostitution appears in ancient Mesopotamia, where priests engaged in sex to promote fertility in the community. All women were required to do temple duty, and passing strangers were expected to make donations to the temple after enjoying its services.⁴⁷

Modern commercial sex appears to have its roots in ancient Greece, where Solon established licensed **brothels** in 500 BCE. The earnings of Greek prostitutes helped pay for the temple of Aphrodite. Famous men openly went to prostitutes to enjoy intellectual, aesthetic, and sexual stimulation; prostitutes, however, were prevented from marrying.⁴⁸

Although some early Christian religious leaders, such as St. Augustine and St. Thomas Aquinas, tolerated prostitution as a necessary evil, this tolerance disappeared after the reformation. Martin Luther advocated abolishing prostitution on moral grounds, and Lutheran doctrine depicted prostitutes as emissaries of the devil who were sent to destroy the faith.⁴⁹

During the early nineteenth century, prostitution was tied to the rise of English breweries: Saloons controlled by the companies employed prostitutes to attract patrons and encourage them to drink. This relationship was repeated in major U.S. cities, such as Chicago, until breweries were forbidden to own the outlets that distributed their product.

Today there are many variations, but in general, **prostitution** can be defined as granting nonmarital sexual access, established by mutual agreement of the prostitutes, their clients, and their employers, for remuneration. This definition is sexually neutral because prostitutes can be straight or gay and male or female.

Prostitutes are referred to by sociologists as “street-level sex workers” whose activities are similar to any other service industry. These conditions are usually present in a commercial sexual transaction:

- *Activity that has sexual significance for the customer:* This includes the entire range of sexual behavior, from sexual intercourse to exhibitionism, sadomasochism, oral sex, and so on.
- *Economic transaction:* Something of economic value, not necessarily money, is exchanged for the activity.
- *Emotional indifference:* The sexual exchange is simply for economic consideration. Although the participants may know each other, their interaction has nothing to do with affection.⁵⁰ Men believe that the lack of involvement makes hiring a prostitute less of a hassle and less trouble than becoming involved in a romantic relationship.⁵¹

Sociologist Monica Prasad observed these conditions when she interviewed both men and women about their motivation to employ a prostitute. Although their choice was shaped by sexuality, she found that their decision was also influenced by pressure from friends to try something different and exciting, the wish for a sexual exchange free from obligations, and curiosity about the world of prostitution. Prasad found that most customers who became “regulars” began to view prostitution merely as a “service occupation.”⁵²

Incidence of Prostitution

It is difficult to assess the number of prostitutes operating in the United States. Fifty years ago, about two-thirds of non-college-educated men and one-quarter of college-educated men had visited a prostitute.⁵³ It is likely that the number of men who hire prostitutes has declined sharply; the number of arrests for prostitution has remained stable for the past two decades while the population has increased.⁵⁴

How can these changes be accounted for? The sexual revolution has liberalized sexuality so that men are less likely to use prostitutes because legitimate alternatives for sexuality are now available. In addition, the prevalence of sexually transmitted diseases has caused many men to avoid visiting prostitutes for fear of irreversible health hazards.

Despite such changes, the Uniform Crime Report (UCR) indicates that about 80,000 prostitution arrests are made annually, with the gender ratio about 2 to 1 female to male.⁵⁵ More alarming is the fact that about 1,000 arrests involved minors under the age of 18, including almost 150 kids aged 15 and under. Arguments that criminal law should not inter-

fere with sexual transactions because no one is harmed are undermined by these disturbing statistics.

International Sex Trade

There is also a troubling overseas trade in prostitution in which men from wealthy countries frequent semi-regulated sex areas in needy nations such as Thailand in order to procure young girls forced or sold into prostitution—a phenomenon known as *sex tourism*. In addition to sex tours, there has also been a soaring demand for pornography, strip clubs, lap dancing, escorts, and telephone sex in developing countries.⁵⁶

In addition, every year, hundreds of thousands of women and children—primarily from Southeast Asia and eastern Europe—are lured by the promise of good jobs and then end up forced into brothels or as circuit travelers in labor camps. It is believed that traffickers import up to 50,000 women and children every year into the United States despite legal prohibitions (in addition to prostitution, some are brought in to work in sweat shops).⁵⁷ The international trade in prostitution is the subject of the Comparative Criminology feature titled “The Natasha Trade.”



To read Amnesty International's report on the exploitation of women in Kosovo and Bosnia and their forced entry in the **international sex trade**, go to <http://web.amnesty.org/library/Index/ENGEUR700102004>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Types of Prostitutes

Several different types of prostitutes operate in the United States. As you will see, each group operates in a particular venue.

STREETWALKERS Prostitutes who work the streets in plain sight of police, citizens, and customers are referred to as *hustlers*, *hookers*, or *streetwalkers*. Although glamorized by the Julia Roberts character in the film *Pretty Woman* (who winds up with the multimillionaire character played by Richard Gere), streetwalkers are considered the least attractive, lowest paid, most vulnerable men and women in the profession. They are most likely to be impoverished members of ethnic or racial minorities. Many are young runaways who gravitate to major cities to find a new, exciting life and escape from sexual and physical abuse at home.⁵⁸ In the United States and abroad, street workers tend to be younger than other prostitutes, start working at a younger age, and have less education. More use money from sex work for drugs and use drugs at work; they are more likely than other prostitutes to be the targets of extreme forms of violence.⁵⁹

Streetwalkers wear bright clothing, makeup, and jewelry to attract customers; they take their customers to hotels. The term *hooker*, however, is not derived from the ability

of streetwalkers to hook clients on their charms. It actually stems from the popular name given women who followed Union General “Fighting Joe” Hooker’s army during the Civil War.⁶⁰ Because streetwalkers must openly display their occupation, they are likely to be involved with the police.

The street life is very dangerous. Recent interviews conducted with 325 sex workers in Miami by Hilary Surratt and her colleagues found that over 40 percent experienced violence from clients in the prior year: 24.9 percent were beaten, 12.9 percent were raped, and 13.8 percent were threatened with weapons.⁶¹ If they survive and gain experience, street workers learn to adopt sex practices that promote their chances of survival, such as refusing to trade sex for drugs and refusing to service clients they consider too dangerous or distasteful for sex.⁶²

BAR GIRLS B-girls, as they are also called, spend their time in bars, drinking and waiting to be picked up by customers. Although alcoholism may be a problem, B-girls usually work out an arrangement with the bartender so they are served diluted drinks or water colored with dye or tea, for which the customer is charged an exorbitant price. In some bars, the B-girl is given a credit for each drink she gets the customer to buy. It is common to find B-girls in towns with military bases and large transient populations.⁶³

BROTHEL PROSTITUTES Also called bordellos, cathouses, sporting houses, and houses of ill repute, brothels flourished in the nineteenth and early twentieth centuries. They were large establishments, usually run by madams that housed several prostitutes. A **madam** is a woman who employs prostitutes, supervises their behavior, and receives a fee for her services; her cut is usually 40 to 60 percent of the prostitute’s earnings. The madam’s role may include recruiting women into prostitution and socializing them in the trade.⁶⁴

Brothels declined in importance following World War II. The closing of the last brothel in Texas is chronicled in the play and movie *The Best Little Whorehouse in Texas*. Today the most well-known brothels exist in Nevada, where prostitution is legal outside large population centers (one, the Mustang Ranch, has an official website that sells souvenirs!). Despite their decline, some madams and their brothels have achieved national prominence. In 1984 socialite Sydney Biddle Barrows was arrested by New York police for operating a \$1 million per year prostitution ring out of a bordello on West 74th Street.⁶⁵ Descended from a socially prominent family who traced their lineage to the Mayflower, Barrows ranked her twenty women on looks and personality from A (\$125 per hour) to C (\$400 per hour) and kept 60 percent of their take. Her book of clients was described by police as a mini “Who’s Who” of celebrities.



Read more about the life of **Sydney Biddle Barrows** at <http://www.annonline.com/interviews/970211/biography.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

CALL GIRLS The aristocrats of prostitution are **call girls**. Some charge customers thousands per night and net more than \$100,000 per year. Some gain clients through employment in escort services, and others develop independent customer lists. Many call girls come from middle-class backgrounds and service upper-class customers. Attempting to dispel the notion that their service is simply sex for money, they concentrate on making their clients feel important and attractive. Working exclusively via telephone “dates,” call girls get their clients by word of mouth or by making arrangements with bellhops, cab drivers, and so on. They either entertain clients in their own apartments or visit clients’ hotels and apartments. Upon retiring, a call girl can sell her “date book” listing client names and sexual preferences for thousands of dollars. Despite the lucrative nature of their business, call girls suffer considerable risk by being alone and unprotected with strangers. They often request the business cards of their clients to make sure they are dealing with “upstanding citizens.”

ESCORT SERVICES/CALL HOUSES Some escort services are fronts for prostitution rings. Both male and female sex workers can be sent out after the client calls an ad in the yellow pages. In 2003, Las Vegas had 561 listings for adult services in the yellow pages; New York City had 135.

A relatively new phenomenon, call houses, combines elements of the brothel and call girl rings: A madam receives a call from a prospective customer, and if she finds the client acceptable, she arranges a meeting between the caller and a prostitute in her service. The madam maintains a list of prostitutes who are on call rather than living together in a house. The call house insulates the madam from arrest because she never meets the client or receives direct payment.⁶⁶

CIRCUIT TRAVELERS Prostitutes known as circuit travelers move around in groups of two or three to lumber, labor, and agricultural camps. They ask the foremen for permission to ply their trade, service the whole crew in an evening, and then move on. Some circuit travelers seek clients at truck stops and rest areas.

Sometimes young girls are forced to become circuit travelers by unscrupulous pimps. In 1998, sixteen people were charged with enslaving at least twenty women from Mexico, some as young as 14, and forcing them to work for months as prostitutes in agricultural migrant camps in Florida and South Carolina. Their captors, known as *ticketeros*, forced them to work 6 days a week under the threat of violence and for little pay; the women were paid \$3 for each sexual act, but the *ticketeros* charged \$20.⁶⁷

SKEEZERS Surveys conducted in New York and Chicago have found that a significant portion of female prostitutes have substance abuse problems, and more than half claim that prostitution is how they support their drug habits; on the street, women who barter drugs for sex are called **skeezers**. Not all drug-addicted prostitutes barter sex for drugs, but

The Natasha Trade: International Trafficking in Prostitution

Trafficking in women and girls for the purpose of sexual exploitation is market valued at \$7 billion annually, in U.S. dollars. Trafficking may be the result of force, coercion, manipulation, deception, abuse of authority, initial consent, family pressure, past and present family and community violence, economic deprivation, or other conditions of inequality for women and children. Women are trafficked to, from, and through every region in the world.

Exact numbers are unknown, but international agencies and governmental bodies estimate that each year over 1 million women and girls are trafficked for sexual exploitation in sex industries. The U.S. State Department estimates that 50,000 to 100,000 women and children are trafficked into the United States each year for labor or sexual exploitation. The money-makers are transnational networks

of traffickers and pimps who prey on women seeking employment and opportunities. These illegal activities and related crimes not only harm the women involved; they also undermine the social, political, and economic fabric of the nations where they occur.

Countries with large sex industries create the demand for women; countries where traffickers easily recruit women provide the supply. For decades, the primary sending countries were in Asia. But the collapse of the Soviet Union opened up a pool of millions of women from which traffickers can recruit. Former Soviet republics such as Belarus, Latvia, Moldova, Russia, and the Ukraine have become major suppliers of women to sex industries all over the world. These young women are the “Natashas” who fuel the international sex trade.

In the sex industry today, the most popular and valuable women are from Russia and the Ukraine. Authorities in the Ukraine estimate that more than 100,000 women were trafficked

during the previous decade. Popular destination countries include Canada, the Czech Republic, Germany, Greece, Hungary, the Netherlands, Turkey, the United Arab Emirates, the United States, and Yugoslavia. Large numbers of Ukrainian women are trafficked into Korea to be used as prostitutes near military bases.

Migration from the former Soviet Republics has aided trafficking. Members of organized crime rings establish contacts with collaborators in overseas communities and work within migrating populations to build criminal networks. Increased migration also serves as a cover for traffickers transporting women. Computer technologies also have enabled the increased volume and complexity of international financial transactions, increasing opportunities for transnational crime and decreasing the probability of detection.

Recruiting Women

Recruiters, traffickers, and pimps have developed common operating methods. One strategy is advertisements

those that do report more frequent drug abuse and sexual activity than other prostitutes.⁶⁸

MASSAGE PARLORS/PHOTO STUDIOS Some “working girls” are based in massage parlors and photo studios. Although it is unusual for a masseuse to offer all the services of prostitution, oral sex and manual stimulation are common. Most localities have attempted to limit commercial sex in massage parlors by passing ordinances specifying that the masseuse keep certain parts of her body covered and limiting the areas of the body that can be massaged. Some photo studios allow customers to put body paint on models before the photo sessions start.

CYBER PROSTITUTE In 2004, nearly seventy men were arrested in Odessa, Texas, after a year-long prostitution sting that focused on a massage parlor run by a woman named Misty Lane. Lane had her own website, was known as Hot Fort Worth Girl, and contacted her clients via e-mail.⁶⁹ As Lane seemed to know, the technological revolution has

altered the world of prostitution. Cyber prostitutes set up personal websites or put listings on web boards such as Adult Friendfinder that carry personals. They may use loaded phrases such as “looking for generous older man” in their self-descriptions. When contacted, they ask to exchange e-mails, chat online, or make voice calls with prospective clients. They may even exchange pictures. This allows them to select who they want to be with and avoid clients who may be threatening or dangerous. Some cyber prostitution rings offer customers the opportunity to choose women from their Internet page and then have them flown in from around the country.

Becoming a Prostitute

Why does someone turn to prostitution? In the United States, both male and female street-level sex workers often come from troubled homes marked by extreme conflict and hostility and from poor urban areas or rural communities. Divorce, separation, or death splits the family; most prostitutes grew

in newspapers offering lucrative job opportunities in foreign countries for low-skilled jobs, such as waitresses and nannies. Another method of recruitment is through “marriage agencies,” sometimes called mail-order bride agencies or international introduction services.

But the most common way for women to be recruited is through a friend or acquaintance who gains the woman's confidence. “Second wave” recruiting occurs when a trafficked woman returns home to draft other women. Once a woman has been trafficked and trapped in the sex industry, she has few options. One of the few means of escaping the brutality of being forced to have sex with multiple men each day is to move from victim to perpetrator. Once they reach the destination country, travel documents are confiscated, the women are subjected to violence, and threats are made to harm their family members. They are told they owe thousands in travel costs and must pay them off through prostitution. The women get to keep little, if any, of the money.

The women must repay their purchase price and travel and other expenses before they are allowed to leave. They can expect little help from law enforcement authorities who are either ambivalent or working with the traffickers.

Combating Trafficking

Recently, the United States made stopping the trafficking of women a top priority. In 1998, the “Memorandum on Steps to Combat Violence Against Women and the Trafficking of Women and Girls” was issued that directed the secretary of state, the attorney general, and the president's Interagency Council on Women to expand their work against violence against women to include work against the trafficking of women.

In the former Soviet Union, prevention education projects are aimed at potential victims of trafficking, and nongovernmental organizations have established hotlines for victims or women seeking information about the risks of accepting job offers abroad.

Critical Thinking

1. If put in charge, what would you do to slow or end the international sex trade? Before you answer, remember the saying that prostitution is the oldest profession, which implies that curbing it may prove quite difficult.
2. Should men who hire prostitutes be punished very severely in order to deter them from getting involved in the exploitation of these vulnerable young women?

InfoTrac College Edition Research

For more on the international sex trade, go to: Brenda Platt, “Commercial Sexual Exploitation of Children: A Global Problem Requiring Global Action,” *Sexual Health Exchange* (2002): 10–12.

Source: Donna Hughes, “The ‘Natasha’ Trade: Transnational Sex Trafficking,” *National Institute of Justice Journal* (January 2001). <http://ncjrs.org/pdffiles1/jr000246c.pdf>. Accessed November 15, 2004.

up in homes with absent fathers. One recent survey of street-level sex workers in Phoenix found that women engaging in prostitution have limited educational backgrounds; most did not complete high school. They had experienced high rates of physical and sexual abuse in childhood, as well as parental substance abuse.⁷⁰

Lower-class girls who get into “the life” report conflict with school authorities, poor grades, and an overly regimented school experience; a significant portion have long histories of drug abuse.⁷¹ Young girls who frequently use drugs and begin using at an early age are most at risk for prostitution to support their habits.⁷²

Once they get into the life, personal danger begins to escalate. Their continuous exposure to violence, both as victims and as witnesses, leaves street workers suffering from emotional trauma that, in the absence of adequate support services, may cause them to increase their drug intake in an attempt to cope with the harsh realities of their daily lives. Life on the street increases women's risk for physical, emotional, and sexual abuse as well as their risk for HIV/AIDS.

Prostitutes then find themselves in a vicious cycle of violence, substance abuse, and AIDS risk.⁷³

Studies conducted abroad, especially in Third World countries, are more likely to find that prostitution is linked to economic necessity. Prostitutes in Dakar, Senegal, report that they are in the life because sexual relations with men are an important means to achieving social and economic status and, for some, a necessary means for survival.⁷⁴

Another recent survey of female sex workers in Tijuana, Mexico, found that many of the women were single mothers (40 percent) who entered the trade because of its flexible work hours and good income. While sex work has risks such as physical assault, diseases, and unwanted pregnancies, the women believed that sex work did have some upside: It provided women with an easy and simple way to get off the streets and avoid homelessness.⁷⁵ However, despite its economic benefits there are significant downsides to entering sex work. The Dakar prostitutes reported a significant chance of contracting HIV.

CHILD SEXUAL ABUSE AND PROSTITUTION Child prostitution is not a recent development. For example, it was routine for poor young girls to serve as prostitutes in nineteenth-century England.⁷⁶ In contemporary society, child prostitution has been linked to sexual trauma experienced at an early age.⁷⁷ Many prostitutes were initiated into sex by family members at ages as young as 10 to 12 years; they have long histories of sexual exploitation and abuse.⁷⁸ The early experiences with sex help teach them that their bodies have value and that sexual encounters can be used to obtain affection, power, or money. In a detailed study of child sexual exploitation in North America, Richard J. Estes and Neil Alan Weiner found that the problem of child sexual abuse is much more widespread than has been previously believed or documented.⁷⁹ Their research indicated that each year in the United States, 25,000 children are subjected to some form of sexual exploitation, which often begins with sexual assaults by relatives and acquaintances, such as a teacher, coach, or a neighbor. Abusers are nearly always men, and about a quarter of them are married with children.

Once they fled an abusive situation at home, kids were vulnerable to life on the streets. Some get hooked up in the sex trade, starting as strippers and lap dancers and drifting into prostitution and pornography. They remain in the trade because they have lost hope and are resigned to their fate.⁸⁰ Some meet pimps who quickly turn them to a life of prostitution and beat them if they do not make their daily financial quotas. Others who fled to the streets exchange sex for money, food, and shelter. Some have been traded between prostitution rings, and others are shipped from city to city and even sent overseas as prostitutes. About 20 percent of sexually exploited children were involved in prostitution rings that worked across state lines.

Controlling Prostitution

In the late nineteenth and early twentieth century, efforts were made to regulate prostitution in the United States through medical supervision and the licensing and zoning of brothels in districts outside residential neighborhoods.⁸¹ After World War I, prostitution became associated with disease, and the desire to protect young servicemen from harm helped to end almost all experiments with legalization in the United States.⁸² Some reformers attempted to paint pimps and procurers as immigrants who used their foreign ways to snare unsuspecting American girls into prostitution. Such fears prompted passage of the federal Mann Act (1925), which prohibited bringing women into the country or transporting them across state lines for the purposes of prostitution. Often called the “white slave act,” it carried a \$5,000 fine, 5 years in prison, or both.⁸³

Today, prostitution is considered a misdemeanor, punishable by a fine or a short jail sentence. In practice, most law enforcement is uneven and aims at confining illegal activities to particular areas in the city.⁸⁴ Prostitution is illegal in all states except Nevada (in the counties in which Las Vegas and Reno are located), where it is a highly regulated business enterprise. Some local police agencies concerned about prostitution have used high-visibility patrols to discourage prostitutes and their customers, undercover work to arrest prostitutes and drug dealers, and collaboration with hotel and motel owners to identify and arrest pimps and drug dealers.⁸⁵

There has also been an effort to reduce prostitution and protect children forced into the life by punishing sex tourism (see the section above on international sex trade). The Violent Crime Control and Law Enforcement Act of 1994 included a provision, referred to as the Child Sexual Abuse Prevention

A female police officer poses as a prostitute on Holt Boulevard in Pomona (known to sex workers throughout southern California as “the track”) during a major prostitution sting operation on November 12, 2004. Approximately 60 to 80 men are arrested each night during the sting operations. Cars driven by the arrested men are seized and become city property until a \$1000 fine is paid. Each vehicle is then labeled with a large window sticker stating that the car was seized for solicitation of prostitution and the photos of the men appear in a full-page ad in the local newspaper. Do you think such aggressive police tactics can successfully reduce or eliminate prostitution?



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Act, which made it a criminal offense to travel abroad for the purpose of engaging in sexual activity with a minor.⁸⁶ Some loopholes in the law were closed when President George W. Bush signed the Protect Act into law in 2003.⁸⁷ Despite these efforts, prosecuting sex tourists is often tricky due to the difficulty of gathering evidence of crimes that were committed in other countries and that involve minor children.⁸⁸

Legalize Prostitution?

Feminists have staked out conflicting views of prostitution. One position is that women must become emancipated from male oppression and reach sexual equality. The *sexual equality view* considers the prostitute a victim of male dominance. In patriarchal societies, male power is predicated on female subjugation, and prostitution is a clear example of this gender exploitation.⁸⁹ In contrast, for some feminists, the fight for equality depends on controlling all attempts by men or women to impose their will on women. The *free choice view* is that prostitution, if freely chosen, expresses women's equality and is not a symptom of subjugation.

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Research that highlights the survival skills of streetwalkers seems to support the rational choice approach discussed in Chapter 4. Such rules of behavior would not be learned and adopted if prostitutes were compulsive or irrational.

Advocates of both positions argue that the penalties for prostitution should be reduced (decriminalized); neither side advocates outright legalization. Decriminalization would relieve already desperate women of the additional burden of severe legal punishment. In contrast, legalization might be coupled with regulation by male-dominated justice agencies. For example, required medical examinations would mean increased male control over women's bodies.

Both positions have had significant influence around the world. In Sweden, feminists have succeeded in getting legislation passed that severely restricts prostitution and criminalizes any effort to buy sexual activities.⁹⁰ In contrast, Holland legalized brothels in 2001 but ordered that they be run under a strict set of guidelines.⁹¹ The English government is considering licensing brothels and creating managed areas or "toleration zones" to combat street prostitution.⁹² Should prostitution be legalized in the United States? In her book *Brothel*, Alexa Albert, a Harvard-trained physician who interviewed young women working at a legal brothel in Nevada, makes a compelling case for legalization. She found that the women remained HIV-free and felt safer working in a secure environment than alone on city streets. Despite long hours and rules that gave too much profit to the owners, the women actually took pride in their work. In addition to the added security, most earned between \$300 and \$1,500 per day.⁹³



To quiz yourself on this material, go to the Criminology 9e website.

PORNOGRAPHY

The term **pornography** derives from the Greek *porne*, meaning "prostitute," and *graphein*, meaning "to write." In the heart of many major cities are stores that display and sell books, magazines, and films depicting every imaginable explicit sex act. Suburban video stores also rent and sell sexually explicit tapes, which make up 15 to 30 percent of the home rental market. The Internet contains at least 200,000 websites offering pornographic material and adult sex films. The purpose of this material is to provide sexual titillation and excitement for paying customers. Although material depicting nudity and sex is typically legal, protected by the First Amendment's provision limiting governmental control of speech, most criminal codes prohibit the production, display, and sale of obscene material.

Obscenity, derived from the Latin *caenum*, for "filth," is defined by Webster's dictionary as "deeply offensive to morality or decency . . . designed to incite to lust or depravity."⁹⁴ The problem of controlling pornography centers on this definition of obscenity. Police and law enforcement officials can legally seize only material that is judged obscene. But who, critics ask, is to judge what is obscene? At one time, such novels as *Tropic of Cancer* by Henry Miller, *Ulysses* by James Joyce, and *Lady Chatterley's Lover* by D. H. Lawrence were prohibited because they were considered obscene; today they are considered works of great literary value. Thus, what is obscene today may be considered socially acceptable at a future time. After all, *Playboy* and other adult magazines, sold openly on most college campuses, display nude models in all kinds of sexually explicit poses.

Allowing individual judgments on what is obscene makes the Constitution's guarantee of free speech unworkable. Could not anti-obscenity statutes also be used to control political and social dissent? The uncertainty surrounding this issue is illustrated by Supreme Court Justice Potter Stewart's famous 1964 statement on how he defined obscenity: "I know it when I see it." Because of this legal and moral ambiguity, a global pornography industry is becoming increasingly mainstream, currently generating up to \$60 billion per year in revenue. In fact, some Internet pornography companies are now listed on the NASDAQ stock exchange.⁹⁵

• Prior to the nineteenth century, pornography essentially involved the written word. During the 1880s and 1890s, the photographic image began to replace older forms of pornography. The content stayed remarkably similar: Visual pornography continued to focus on women as the objects of sexual desire. To read more about the history of pornography, go to InfoTrac College Edition and read: Lisa Z. Sigel, "Filth in the Wrong People's Hands: Postcards and the Expansion of Pornography in Britain and the Atlantic World, 1880–1914," *Journal of Social History* 33 (summer 2000): 859.

Child Pornography

The use of children in pornography is the most controversial and reprehensible aspect of the business. Each year more than a million children are believed to be used in pornography or prostitution, many of them runaways whose plight is exploited by adults.⁹⁶ Sexual exploitation by child pornography rings can devastate victims, causing them physical problems ranging from headaches and loss of appetite to genital soreness, vomiting, and urinary tract infections and psychological problems including mood swings, withdrawal, edginess, and nervousness. In cases of extreme, prolonged victimization, children may lock onto the sex group's behavior and become prone to further victimization or even become victimizers themselves.

Child pornography has become widespread on the Internet. In his book, *Beyond Tolerance: Child Pornography on the Internet*, sociologist Philip Jenkins argues that activists are focused on stamping out Internet pornography but that they have not focused on its most dangerous form, kiddie porn, which sometimes involves pictures of 4- and 5-year-old girls in sexual encounters.

When an effort is made to target pedophilic websites, investigators often go in the wrong direction, failing to recognize that most sites are short-lived entities whose addresses are passed around to users. Jenkins suggests that kiddie porn is best combated by more effective law enforcement: Instead of focusing on users, efforts should be directed against suppliers. He also suggests that newsgroups and bulletin boards that advertise and discuss kiddie porn be criminalized.⁹⁷

Does Pornography Cause Violence?

An issue critical to the debate over pornography is whether viewing it produces sexual violence or assaultive behavior. This debate was given added attention when serial killer Ted Bundy claimed his murderous rampage was fueled by reading pornography.

The evidence is mixed. Some studies indicate that viewing sexually explicit material actually has little effect on sexual violence. For example, when Neil Malamuth, Tamara Addison, and Mary Koss surveyed 2,972 male college students, they discovered that frequent use of pornography was not related to sexual aggression. There were only relatively minor differences in sexual aggression between men who report using pornography very frequently when compared to those who said they rarely used it at all. However, men who were both at high risk for sexual aggression and who were very frequent users of pornography were much more likely to engage in sexual aggression than their counterparts who consume pornography less frequently. Put simply, if a person has relatively aggressive sexual inclinations resulting from various personal and cultural factors, exposure to pornography may activate and reinforce associated coercive tendencies and behaviors. But even high levels of exposure to pornography do not turn nonaggressive men into sexual predators.⁹⁸

How might we account for this surprisingly modest association?⁹⁹ It is possible that viewing erotic material may act as a safety valve for those whose impulses might otherwise lead them to violence. Convicted rapists and sex offenders report less exposure to pornography than a control group of nonoffenders.¹⁰⁰ Viewing prurient material may have the unintended side effect of satisfying erotic impulses that otherwise might result in more sexually aggressive behavior.

While the pornography–violence link seems modest, there is more evidence that people exposed to material that portrays violence, sadism, and women enjoying being raped and degraded are also likely to be sexually aggressive toward female victims.¹⁰¹ Laboratory experiments conducted by a number of leading authorities have found that men exposed to violent pornography are more likely to act aggressively and hold aggressive attitudes toward women.¹⁰² James Fox and Jack Levin find it common for serial killers to collect and watch violent pornography. Some make their own “snuff” films starring their victims.¹⁰³ On a macro-level, cross-national research indicates that nations that consume the highest levels of pornography also have extremely high rape rates.¹⁰⁴ However, it is still not certain if such material drives people to sexual violence or whether people predisposed to sexual violence are drawn to pornography with a violent theme.

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Chapter 5 discusses the effects of media on violence. As you may recall, while there is some evidence that people exposed to violent media will become violent themselves, the association is still being debated.

Pornography and the Law

All states and the federal government prohibit the sale and production of pornographic material. Child pornography is usually a separate legal category that involves either (1) the creation or reproduction of materials depicting minors engaged in actual or simulated sexual activity (“sexual exploitation of minors”) or (2) the publication or distribution of obscene, indecent, or harmful materials to minors.¹⁰⁵ Under existing federal law, trafficking in obscenity (18 U.S.C. Sec. 1462, 1464, 1466), child pornography (18 U.S.C. Sec. 2252), harassment (18 U.S.C. Sec. 875(c)), illegal solicitation or luring of minors (18 U.S.C. Sec. 2423(b)), and threatening to injure someone (18 U.S.C. Sec. 875(c)) are all felonies punished by long prison sentences.

While these laws are designed to control obscene material, the First Amendment of the U.S. Constitution protects free speech and prohibits police agencies from limiting the public's right of free expression. This legal protection has sent the government along a torturous road in the attempt to define when material is criminally obscene and eligible for legal control. For example, the Supreme Court held in the twin

cases of *Roth v. United States* and *Alberts v. California* that the First Amendment protects all “ideas with even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion, but implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance.”¹⁰⁶ In the 1966 case of *Memoirs v. Massachusetts*, the Supreme Court again required that for a work to be considered obscene it must be shown to be “utterly without redeeming social value.”¹⁰⁷ These decisions left unclear how obscenity is defined. If a highly erotic movie tells a “moral tale,” must it be judged legal even if 95 percent of its content is objectionable? A spate of movies made after the *Roth* decision alleged that they were educational so they could not be said to lack redeeming social importance. Many state obscenity cases were appealed to federal courts so judges could decide whether the films totally lacked redeeming social importance. To rectify the situation, the Supreme Court redefined its concept of obscenity in the case of *Miller v. California*:

The basic guidelines for the trier of fact must be (a) whether the average person applying contemporary community standards would find that the work taken as a whole appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.¹⁰⁸

To convict a person of obscenity under the *Miller* doctrine, the state or local jurisdiction must specifically define obscene conduct in its statute, and the pornographer must engage in that behavior. The Court gave some examples of what is considered obscene: “patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of the genitals.” In subsequent cases the Court overruled convictions for “offensive” or “immoral” behavior; these are not considered obscene. The *Miller* doctrine has been criticized for not spelling out how community standards are to be determined. Obviously, a plebiscite cannot be held to determine the community’s attitude for every trial concerning the sale of pornography. Works that are considered obscene in Omaha might be considered routine in New York, but how can we be sure? To resolve this dilemma, the Supreme Court articulated in *Pope v. Illinois* a reasonableness doctrine: A work is not obscene if a reasonable person applying objective standards would find that the material in question has at least some social value:¹⁰⁹

The ideas that a work represents need not obtain majority approval to merit protection, and the value of that work does not vary from community to community based on the degree of local acceptance it has won. The proper inquiry is not whether an ordinary member of any given community would find serious value in the allegedly obscene material, but whether a reasonable person would find such value in the material, taken as a whole.¹¹⁰



To read ***Pope v. Illinois***, go to <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=.>
For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Controlling Pornography

Sex for profit predates Western civilization. Considering its longevity, there seems to be little evidence that it can be controlled or eliminated by legal means alone. In 1986, the Attorney General’s Commission on Pornography advocated a strict law enforcement policy to control obscenity, directing that “the prosecution of obscene materials that portray sexual violence be treated as a matter of special urgency.”¹¹¹ Since then, there has been a concerted effort by the federal government to prosecute adult movie distributors. Law enforcement has been so fervent that industry members have filed suit claiming they are the victims of a “moral crusade” by right-wing zealots.¹¹²

Although politically appealing, controlling sex for profit is difficult because of the public’s desire to purchase sexually related material and services. Law enforcement crusades may not necessarily obtain the desired effect. A get-tough policy could make sex-related goods and services scarce, driving up prices and making their sale even more desirable and profitable. Going after national distributors may help decentralize the adult movie and photo business and encourage local rings to expand their activities, for example, by making and marketing videos as well as still photos or distributing them through computer networks.

An alternative approach has been to restrict the sale of pornography within acceptable boundaries. Some municipal governments have tolerated or even established adult entertainment zones in which obscene material can be openly sold. In the case of *Young v. American Mini Theaters*, the Supreme Court permitted a zoning ordinance that restricted theaters showing erotic movies to one area of the city, even though it did not find that any of the movies shown were obscene.¹¹³ The state, therefore, has the right to regulate adult films as long as the public has the right to view them. Some jurisdictions have responded by limiting the sale of sexually explicit material in residential areas and restricting the number of adult stores that can operate in a particular area. For example, New York City has enacted zoning that seeks to break up the concentration of peep shows, topless bars, and X-rated businesses in several neighborhoods, particularly in Times Square.¹¹⁴ The law forbids sex-oriented businesses within 500 feet of residential zones, schools, churches, or daycare centers. Sex shops cannot be located within 500 feet of each other, so concentrated “red light” districts must be dispersed. Rather than close their doors, sex shops got around the law by adding products like luggage, cameras, T-shirts, and classic films. The courts have upheld the law, ruling that stores can stay in business if no more than 40 percent of their floor space and inventory are dedicated to adult entertainment.¹¹⁵

Technological Change

Technological change will provide the greatest challenge to those seeking to control the sex-for-profit industry. Adult movie theaters are closing as people are able to buy or rent tapes in their local video stores and play them in the privacy of their homes.¹¹⁶ Adult CD-ROMs are now a staple of the computer industry. Internet sex services include live, interactive stripping and sexual activities.¹¹⁷ The government has moved to control the broadcast of obscene films via satellite and other technological innovations. On February 15, 1991, Home Dish Only Satellite Networks was fined \$150,000 for broadcasting pornographic movies to its 30,000 clients throughout the United States; it was the first prosecution of the illegal use of satellites to broadcast obscene films.¹¹⁸

Despite these cases, the First Amendment right to free speech makes legal control of pornography, even kiddie porn, quite difficult. For example, to control the spread of Internet pornography, Congress passed the Communications Decency Act (CDA), which made all Internet service providers, commercial online services, bulletin board systems, and electronic mail providers criminally liable whenever their services were used to transmit material considered “obscene, lewd, lascivious, filthy, or indecent” (S 314, 1996). However, in *Reno v. ACLU* (1997), the Supreme Court ruled that the CDA unconstitutionally restricted free speech, once again illustrating the difficulty enforcement have when trying to balance the need to control obscenity with the First Amendment.¹¹⁹

In 1996 Congress again attempted to control the growth of Internet porn when it passed the Child Pornography Prevention Act (CPPA). CPPA expanded the federal prohibition on child pornography to include not only pornographic

images made using actual children but also any visual depiction that is or appears to be of a minor engaging in sexually explicit conduct. The careful language of the act was used to ban “virtual child pornography” that appears to depict minors, whether or not minors are actually used.¹²⁰ However, in 2002, the U.S. Supreme Court struck down some sections of CPPA as being unconstitutionally deficient, especially those that ban “virtual porn”:

Finally, the First Amendment is turned upside down by the argument that, because it is difficult to distinguish between images made using real children and those produced by computer imaging, both kinds of images must be prohibited. The overbreadth doctrine prohibits the Government from banning unprotected speech if a substantial amount of protected speech is prohibited or chilled in the process.¹²¹

Since the Court’s ruling, the act has not been enforced. The legal difficulties encountered by the CPPA illustrate the difficulty society has controlling the distribution of sexually related materials. Recent reports indicate that the sex business is currently booming and now amounts to \$10 billion per year.¹²²



To quiz yourself on this material, go to the Criminology 9e website.

SUBSTANCE ABUSE

The problem of substance abuse stretches across the United States. Large urban areas are beset by drug-dealing gangs, drug users who engage in crime to support their habits, and

The technological revolution represented by the Internet poses a major obstacle for people who want to control or limit sex-related entertainment. Here, Ashley West, one of the roommates on the VoyeurDorm.com website, poses in front of a new recreational vehicle owned by the site while Faith Gardner demonstrates the real-time video being shot inside. Clients pay a monthly fee to watch the girls 24 hours a day. Should such activities be criminalized? Or are they legitimate and harmless business transactions between consenting adults?



© AP/Wide World Photos

alcohol-related violence. Rural areas are important staging centers for the shipment of drugs across the country and are often the production sites for synthetic drugs and marijuana farming.¹²³ Nor is the United States alone in experiencing a problem with substance abuse. In Australia 19 percent of youths in detention centers and 40 percent of adult prisoners report having used heroin at least once; in Canada, cocaine and crack are considered serious urban problems; South Africa reports increased cocaine and heroin abuse; Thailand has a serious heroin and methamphetamine problem; and British police have found a major increase in heroin abuse.¹²⁴



For a list of the most **commonly used drugs and an explanation of their effects**, go to <http://www.nida.nih.gov/DrugPages/DrugsofAbuse.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Another indication of the concern about drugs has been the increasing number of drug-related arrests: from less than half a million in 1977 to more than 1.5 million today.¹²⁵ Similarly, the proportion of prison inmates incarcerated for drug offenses has increased by 300 percent since 1986.¹²⁶ Clearly the justice system views drug abuse as a major problem and is taking what decision makers regard as decisive measures for its control.

Despite the scope of the drug problem, some still view it as another type of victimless public order crime. There is great debate over the legalization of drugs and the control of alcohol. Some consider drug use a private matter and drug control another example of government intrusion into people's private lives. Furthermore, legalization could reduce the profit of selling illegal substances and drive suppliers out of the market.¹²⁷ Others see these substances as dangerous, believing that the criminal activity of users makes the term *victimless* nonsensical. Still another position is that the possession and use of all drugs and alcohol should be legalized but that the sale and distribution of drugs should be heavily penalized. This would punish those profiting from drugs and would enable users to be helped without fear of criminal punishment.

When Did Drug Use Begin?

The use of chemical substances to change reality and to provide stimulation, relief, or relaxation has gone on for thousands of years. Mesopotamian writings indicate that opium was used 4,000 years ago—it was known as the “plant of joy.”¹²⁸ The ancient Greeks knew and understood the problem of drug use. At the time of the Crusades, the Arabs were using marijuana. In the Western hemisphere, natives of Mexico and South America chewed coca leaves and used “magic mushrooms” in their religious ceremonies.¹²⁹ Drug use was also accepted in Europe well into the twentieth century. Recently uncovered pharmacy records circa 1900 to 1920 showed sales of cocaine and heroin solutions to members of the British royal family; records from 1912 show that

Winston Churchill, then a member of Parliament, was sold a cocaine solution while staying in Scotland.¹³⁰

In the early years of the United States, opium and its derivatives were easily obtained. Opium-based drugs were used in various patent medicine cure-alls. Morphine was used extensively to relieve the pain of wounded soldiers in the Civil War. By the turn of the century, an estimated 1 million U.S. citizens were opiate users.¹³¹

Several factors precipitated the current stringent U.S. drug laws. The rural religious creeds of the nineteenth century—especially those of the Methodists, Presbyterians, and Baptists—emphasized individual human toil and self-sufficiency while designating the use of intoxicating substances as an unwholesome surrender to the evils of urban morality. Religious leaders were thoroughly opposed to the use and sale of narcotics. The medical literature of the late 1800s began to designate the use of morphine and opium as a vice, a habit, an appetite, and a disease. Nineteenth- and early twentieth-century police literature described drug users as habitual criminals. Moral crusaders in the nineteenth century defined drug use as evil and directed that local and national entities should outlaw the sale and possession of drugs. Some well-publicized research efforts categorized drug use as highly dangerous.¹³² Drug use was also associated with the foreign immigrants recruited to work in factories and mines; they brought with them their national drug habits. Early antidrug legislation appears to be tied to prejudice against immigrating ethnic minorities.¹³³

After the Spanish-American War of 1898, the United States inherited Spain's opium monopoly in the Philippines. Concern over this international situation, along with the domestic issues just outlined, led the U.S. government to participate in the First International Drug Conference, held in Shanghai in 1908, and a second one at The Hague in 1912. Participants in these two conferences were asked to strongly oppose free trade in drugs. The international pressure, coupled with a growing national concern, led to the passage of the antidrug laws discussed here.

Alcohol and Its Prohibition

The history of alcohol and the law in the United States has also been controversial and dramatic. At the turn of the century, a drive was mustered to prohibit the sale of alcohol. This **temperance movement** was fueled by the belief that the purity of the U.S. agrarian culture was being destroyed by the growth of the city. Urbanism was viewed as a threat to the lifestyle of the majority of the nation's population, then living on farms and in villages. The forces behind the temperance movement were such lobbying groups as the Anti-Saloon League led by Carrie Nation, the Women's Temperance Union, and the Protestant clergy of the Baptist, Methodist, and Congregationalist faiths.¹³⁴ They viewed the growing city, filled with newly arriving Irish, Italian, and eastern European immigrants, as centers of degradation and wickedness. The propensity of these ethnic people to drink heavily was viewed as the main force behind their degenerate lifestyle. The eventual

Commonly Used Drugs

Anesthetics	Anesthetics, such as PCP or “angel dust,” are drugs used as nervous system depressants. They act on the brain to produce a generalized loss of sensation, stupor, or unconsciousness (called narcosis).
Volatile liquids	Volatile liquids are liquids that are easily vaporized. Some substance abusers inhale vapors from lighter fluid, paint thinner, cleaning fluid, and model airplane glue to reach a drowsy, dizzy state sometimes accompanied by hallucinations. The psychological effect produced by inhaling these substances is a short-term sense of excitement and euphoria followed by a period of disorientation, slurred speech, and drowsiness.
Barbiturates	These hypnotic, sedative drugs depress the central nervous system into a sleeplike condition. On the illegal market, barbiturates are called “goofballs” or “downers” or are known by the color of the capsules—“reds” (Seconal), “blue dragons” (Amytal), and “rainbows” (Tuinal).
Tranquilizers	Tranquilizers relieve uncomfortable emotional feelings by reducing levels of anxiety; they ease tension and promote a state of relaxation. The major tranquilizers are used to control the behavior of the mentally ill who are suffering from psychoses, aggressiveness, and agitation. They are known by their brand names—Ampazine, Thorazine, Pacatal, Largactil, and Sparine. Improper dosages can lead to addiction, and withdrawal can be painful and hazardous.
Amphetamines	Amphetamines (Dexedrine, “dex”), Dexamyl, Bephetamine (“whites”), and Methedrine (“meth,” “speed,” “crystal meth,” “ice”) are synthetic drugs that stimulate action in the central nervous system. They produce an intense physical reaction: mood elevation and increased blood pressure, breathing rate, and bodily activity. Amphetamines also produce psychological effects, such as increased confidence, euphoria, fearlessness, talkativeness, impulsive behavior, and loss of appetite. Methedrine is probably the most widely used and most dangerous amphetamine. Long-term heavy use can result in exhaustion, anxiety, prolonged depression, and hallucinations.
Cannabis (marijuana)	Commonly called “pot,” “grass,” “ganja,” “marijuana,” “dope,” and a variety of other names, marijuana is produced from the leaves of <i>Cannabis sativa</i> , a plant grown throughout the world. Hashish (hash) is a concentrated form of cannabis made from unadulterated resin from the female plant. Smoking large amounts of pot or hash can cause drastic distortion in auditory and visual perception, even producing hallucinatory effects.
Hallucinogens	Hallucinogens are drugs, either natural or synthetic, that produce vivid distortions of the senses without greatly disturbing the viewer’s consciousness. Some produce hallucinations, and others cause psychotic behavior in otherwise normal people. D-lysergic acid diethylamide-25, commonly called LSD, is a powerful substance that stimulates cerebral sensory centers to produce visual hallucinations in all ranges of colors, to intensify hearing, and to increase sensitivity.
Cocaine	Cocaine is an alkaloid derivative of the coca leaf first isolated in 1860 by Albert Niemann of Göttingen, Germany. When originally discovered, it was considered a medicinal breakthrough that could relieve fatigue,

prohibition of the sale of alcoholic beverages brought about by ratification of the Eighteenth Amendment in 1919 was viewed as a triumph of the morality of middle- and upper-class Americans over the threat posed to their culture by the “new Americans.”¹³⁵

Prohibition failed. It was enforced by the Volstead Act, which defined intoxicating beverages as those containing one-half of 1 percent, or more, alcohol.¹³⁶ What doomed Prohibition? One factor was the use of organized crime to supply illicit liquor. Also, the law made it illegal only to sell alcohol, not to purchase it; this cut into the law’s deterrent capability. Finally, despite the work of Elliot Ness and his “Untouchables,” law enforcement agencies were inadequate, and officials were likely to be corrupted by wealthy bootleggers.¹³⁷ Eventually, in 1933, the Twenty-First Amendment to the Constitution repealed Prohibition, signaling the end of the “noble experiment.”

The Extent of Substance Abuse

Despite continuing efforts at control, the use of mood-altering substances persists in the United States. Some of the most commonly abused drugs are described in Exhibit 13.1.

What is the extent of the substance abuse problem today? A number of national surveys attempt to chart trends in drug abuse in the general population. Results from two of the most important sources are described in the next sections.

MONITORING THE FUTURE (MTF) One important source of information on drug use is the annual self-report survey of drug abuse among high school students conducted by the Institute of Social Research (ISR) at the University of Michigan.¹³⁸ This survey is based on the self-report responses of nearly 50,000 high school students in the 8th, 10th, and 12th grades in almost 400 schools across the United States (8th and 10th graders were added to the survey in 1991).

As Figure 13.1 shows, drug use declined from a high point around 1980 until 1990, when it began once again to increase until 1996; since then teenage drug use has either stabilized or declined.¹³⁹ Marijuana, the most widely used of the illicit drugs, accounted for most of the increase in overall illicit drug use during the 1990s, but use is now in decline and more kids view it as dangerous. Even though marijuana use has now stabilized, more than one-third of all seniors said they smoked pot at least once during the prior 12 months. The MTF survey shows that the popularity of Ecstasy

depression, and various other symptoms. Cocaine, or coke, is the most powerful natural stimulant. Its use produces euphoria, laughter, restlessness, and excitement. Overdoses can cause delirium, increased reflexes, violent manic behavior, and possible respiratory failure.

Freebase

Freebase is a chemical produced from street cocaine by treating it with a liquid to remove the hydrochloric acid with which pure cocaine is bonded during manufacture. The free cocaine, or cocaine base (hence the term "freebase") is then dissolved in a solvent, usually ether, that crystallizes the purified cocaine. The resulting crystals are crushed and smoked in a special glass pipe; the high produced is more immediate and powerful than snorting street-strength coke.

Crack

Crack is processed street cocaine. Its manufacture involves using ammonia or baking soda to remove the hydrochlorides and create a crystalline form of cocaine base that can then be smoked. Crack is not a pure form of cocaine and contains both remnants of hydrochloride and additional residue from the baking soda (sodium bicarbonate); it gets its name from the fact that the sodium bicarbonate often emits a crackling sound when the substance is smoked. It is relatively cheap and provides a powerful high; users rapidly become psychologically addicted to crack.

Narcotics/ Heroin

Narcotic drugs produce insensibility to pain (analgesia) and free the mind of anxiety and emotion (sedation). Users experience a rush of euphoria, relief from fear and apprehension, release of tension, and elevation of spirits. After experiencing this uplifting mood for a short period, users become apathetic and drowsy and nod off. Heroin, the most commonly used narcotic, was first produced in 1875 and used as a painkiller (the drug's name derives from the fact it was considered a "hero" because of its painkilling ability when it was first isolated). It is also possible to create synthetic narcotics in the laboratory. Synthetics include Demerol, Methadone, Nalline, and Darvon.

Steroids

Anabolic steroids are used to gain muscle bulk and strength for athletics and bodybuilding. Although not physically addicting, steroid use can be an obsession among people who desire athletic success. Steroids are dangerous because of the significant health problems associated with long-term use: liver ailments, tumors, hepatitis, kidney problems, sexual dysfunction, hypertension, and mental problems such as depression.

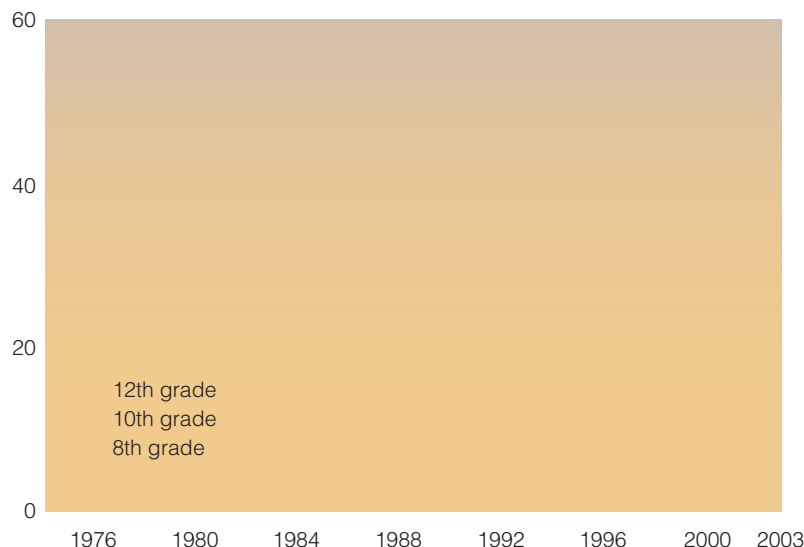
Alcohol

Although the purchase and sale of alcohol are legal today in most U.S. jurisdictions, excessive alcohol consumption is considered a major substance abuse problem. Drinkers report that alcohol reduces tension, diverts worries, enhances pleasure, improves social skills, and transforms experiences for the better. Long-term use has been linked with depression and numerous physical ailments ranging from heart disease to cirrhosis of the liver (although some research links moderate drinking to a reduction in the probability of heart attack).

Club drugs

Club drugs are primarily synthetic substances that are commonly used at nightclubs, bars, and raves. Within this category are MDMA (Ecstasy), GHB (gamma hydroxybutyrate), Rohypnol, DMT and 2c-B or "Nexus," Ketamine, and methamphetamine. MDMA (Ecstasy) combines an amphetaminelike rush with hallucinogenic experiences. Rohypnol is a central nervous system depressant that has been connected with sexual assault, rape, and robbery. OxyContin (also known by its generic name oxycodone) is widely used as a painkiller. Though it should be released slowly into the system, abusers grind tablets into powder and snort or inject the drug to produce feelings of euphoria.

Percent who used drugs in the last 12 months



Trends in Annual Prevalence of Teenage Illicit Drug Use

Source: Monitoring the Future, 2003.

increased dramatically in the period from 1998 to 2001 until about 12 percent of seniors reported having ever used the drug. Its usage is now in decline as kids have begun to realize the danger it presents. Though alcohol use has stabilized since 1990, 12 percent of 8th graders, 22 percent of 10th graders, and more than 27 percent of 12th graders report having five drinks in a row (binge drinking) in the past 2 weeks.

||||| CONNECTIONS |||||

The MTF is a prime example of the use of self-report surveys. Go to Chapter 2 for a review of this data collection technique. Can this survey be valid considering the problem of absenteeism, dropping out, and so on?

NATIONAL SURVEY ON DRUG USE AND HEALTH Each year the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of the Department of Health and Human Services, conducts the National Survey on Drug Use and Health (NSDUH) (the survey was called the National Household Survey on Drug Abuse—NHSDA—prior to 2002). The NSDUH collects information from all U.S. residents of households, noninstitutional group quarters (such as shelters, rooming houses, dormitories), and civilians living on military bases (it excludes homeless people who do not use shelters, military personnel on active duty, and residents of institutional group quarters, such as jails and hospitals).

According to the last available data (2003), an estimated 19.5 million Americans aged 12 or older (about 8 percent of the population) were current illicit drug users, meaning they had used an illicit drug during the month prior to the survey interview. There was no change in the overall rate of illicit drug use between 2002 and 2003. Marijuana is the most commonly used illicit drug, with a rate of 6.2 percent. Of the 14.6 million Americans who claim to have used marijuana in the past month, about one-third, or 4.8 million people, used it on 20 or more days.¹⁴⁰

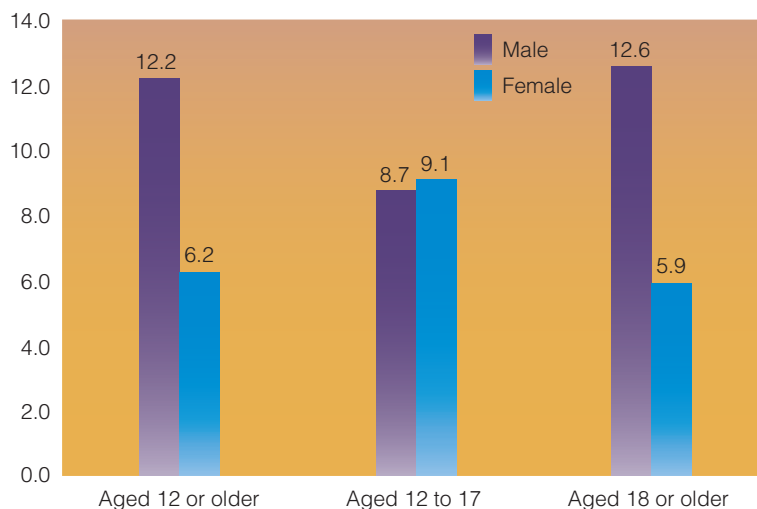
Agreeing with the MTF survey, the NSDUH indicates that drug use trends have been in decline since 1996. However, as Figure 13.2 shows, both male and female Americans still use a significant amount of illegal drugs, and they continue to do so from childhood into young adulthood and beyond.

NATIONAL CENTER ON ADDICTION AND SUBSTANCE ABUSE (CASA) SURVEY

Surveys conducted by the National Center on Addiction and Substance Abuse show that alcohol abuse begins at an early age and remains an extremely serious problem over the life course. According to CASA research conducted at Columbia University, children under the age of 21 drink about 19 percent of the alcohol consumed in the United States. More than 5 million high school students (31.5 percent) admit to binge drinking at least once a month. The age at which children begin drinking is dropping: Since 1975, the proportion of children who begin drinking in the 8th grade or earlier has jumped by almost a third, from 27 to 36 percent.¹⁴¹ In addition, there appears to be a significant association between teen drinking and precocious sexuality:

- Compared to teens with no sexually active friends, teens who report half or more of their friends are sexually active are more than six and one-half times likelier to drink; 31 times likelier to get drunk; 22.5 times likelier to have tried marijuana; and more than five and one-half times likelier to smoke.
- Teens who spend 25 or more hours a week with a boyfriend/girlfriend are two and one-half times likelier to drink; five times likelier to get drunk; 4.5 times likelier to have tried marijuana; and more than 2.5 times likelier to smoke than teens who spend less than 10 hours a week with a boyfriend/girlfriend.
- Girls with boyfriends 2 or more years older are more than twice as likely to drink; almost six times likelier to get drunk; six times likelier to have tried marijuana;

Percent dependent or abusing in past year



Past Year Illicit Drug or Alcohol Dependence or Abuse, by Age and Gender: 2003

Source: National Survey on Drug Abuse and Health, 2003 (Washington, DC: U.S. Department of Health and Human Services, 2003). <http://www.oas.samhsa.gov/nhsda/2k3nsduh/2k3Overview.htm#ch3>.

Drug Use Surveys

GENERAL INFORMATION			COVERAGE		DATES
TITLE	AGENCY	DESCRIPTION	POPULATION	GEOGRAPHIC AREA	FREQUENCY
National Survey on Drug Use and Health (NSDUH) (formerly National Household Survey on Drug Abuse)	SAMHSA	The primary source of information on the prevalence, patterns, and consequences of drug and alcohol use and abuse	General U.S. civilian non institutionalized population, aged 12 and older	National, regional, state	Annually; started 1976; most recent 2002
Monitoring the Future (MTF)	NIDA	An ongoing study of the drug-related behaviors, attitudes, and values of American secondary school students, college students, and young adults	8th, 10th, 12th graders, college students, and young adults	National	Annually; started 1972; most recent 2003
National Center on Addiction and Substance Abuse (CASA)	Columbia University	An ongoing survey of teen attitudes and the factors that produce drug usage	1,000 teens; 500 parents	National	Annually; started 1996; most recent 2004
Arrestee Drug Abuse Monitoring Program (ADAM)	NIJ	Traces trends in the prevalence and types of drug use among booked arrestees in urban areas (formerly Drug Use Forecasting—DUF)	Adult arrestees and juvenile detainees	Local, multi-jurisdictional	Annually; started 1997; most recent 2003 (DUF 1986 to 1996)

and four and one-half times likelier to smoke than girls whose boyfriends are less than two years older or who do not have a boyfriend.¹⁴²



The **National Center on Addiction and Substance Abuse** is devoted to informing Americans about the economic and social costs of substance abuse and its impact on their lives: <http://www.casacolumbia.org>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The various drug use surveys are set out in Concept Summary 13.1.

ARE THE SURVEYS ACCURATE? The ISR survey is methodologically sophisticated, but it relies on self-report evidence that is subject to error. Drug users may boastfully exaggerate the extent of their substance abuse, underreport out of fear, or simply be unaware or forgetful. About 20 percent of the ISR survey respondents say they would not provide or are not sure if they provide honest answers.

Another problem is that these national surveys overlook important segments of the drug-using population. For ex-

ample, the NSDUH survey misses people who are homeless, in prison, in drug rehabilitation or AIDS clinics, and those (about 20 percent of the people contacted) who refuse to participate in the interview. The ISR survey omits kids who are institutionalized, who are absent on the day the survey is administered, who refuse to answer target questions such as their racial background, and who have dropped out of school. Research indicates that dropouts may, in fact, be the most frequent users of dangerous drugs.¹⁴³ The surveys also rely on accurate self-reporting by drug users, a group whose recall and dependability may be questionable. A number of studies indicate that serious abusers underreport drug use in surveys.¹⁴⁴ There is evidence that reporting may be affected by social and personal traits: Girls are more willing than boys to admit taking drugs; kids from two-parent homes are less willing to admit taking drugs than kids growing up in single-parent homes.¹⁴⁵

These surveys also use statistical estimating methods to project national use trends from relatively small samples.¹⁴⁶ Although these weaknesses are troubling, the surveys are administered yearly, in a consistent fashion, so that the effects of over- and underreporting and missing subjects should have a consistent effect in every survey year. The surveys

have attempted to improve their methodologies to increase validity. For example, the ISR survey now includes 8th and 10th graders in an attempt to survey youths before they drop out of school.

AIDS and Drug Use

Intravenous (IV) drug use is closely tied to the threat of AIDS.¹⁴⁷ Since monitoring the spread of AIDS began in 1981, about one-fourth of all adult AIDS cases reported to the Centers for Disease Control in Atlanta have occurred among IV drug users. It is now estimated that as many as one-third of all IV drug users are AIDS carriers.¹⁴⁸

One reason for the AIDS–drug use relationship is the widespread habit of needle sharing among IV users. For example, a recent study of Los Angeles drug “shooting galleries” conducted by researcher Douglas Longshore found that about one-quarter of users shoot drugs in these abandoned buildings, private apartments, or other sites, where for a small entry fee injection equipment can be borrowed or rented.¹⁴⁹ Most users (72 percent) shared needles, and although some tried to use bleach as a disinfectant, the majority ignored this safety precaution. Asking for or bringing bleach ruined the moment because it reminded the addicts of the risk of AIDS; others were too high to be bothered. As one user told Longshore,

After I started shooting coke, all hell broke loose, no holds barred, couldn't be bothered to get bleach. That was out of the question. Literally picking needles up that I had no idea who had used. . . . I was just out of my mind insane. [HIV] wasn't a consideration. It was more like, I hope this is going to be okay. You just aren't in your right mind anymore.¹⁵⁰

Needle sharing has been encouraged by efforts to control drugs by outlawing the over-the-counter sale of hypodermic needles. Consequently, some jurisdictions have developed outreach programs to help these drug users; others have made an effort to teach users how to clean their needles and syringes; a few states have gone so far as to give addicts sterile needles.¹⁵¹

The threat of AIDS may be changing the behavior of recreational and middle-class users, but drug use may still be increasing among the poor, high school dropouts, and other disadvantaged groups. If that pattern is correct, then the recently observed decline in substance abuse may be restricted to one segment of the at-risk population while another is continuing to use drugs at ever-increasing rates.

What Causes Substance Abuse?

What causes people to abuse substances? Although there are many different views on the causes of drug use, most can be characterized as seeing the onset of an addictive career as being either an environmental or a personal matter.

SUBCULTURAL VIEW Those who view drug abuse as having an environmental basis concentrate on lower-class addiction. Because a disproportionate number of drug abusers

are poor, the onset of drug use can be tied to such factors as racial prejudice, devalued identities, low self-esteem, poor socioeconomic status, and the high level of mistrust, negativism, and defiance found in impoverished areas. Residents feel trapped in a cycle of violence, drug abuse, and despair.¹⁵² Youths in these disorganized areas may join peers to learn the techniques of drug use and receive social support for their habit. Research shows that peer influence is a significant predictor of drug careers that actually grow stronger as people mature.¹⁵³ Drug use splits some communities into distinct groups of relatively affluent abstainers and desperately poor abusers.¹⁵⁴

PSYCHOLOGICAL VIEW Not all drug abusers reside in lower-class slum areas; the problem of middle-class substance abuse is very real. Consequently, some experts have linked substance abuse to psychological deficits such as impaired cognitive functioning, personality disturbance, and emotional problems that can strike people in any economic class.¹⁵⁵

Drugs may help people deal with unconscious needs and impulses and relieve dependence and depression. People may turn to drug abuse as a form of self-medication in order to reduce the emotional turmoil of adolescence, deal with troubling impulses, or cope with traumatic life experiences.¹⁵⁶ For example, survivors of sexual assault and physical abuse may turn to drug and alcohol abuse as a coping mechanism.¹⁵⁷ Depressed people may use drugs as an alternative to more radical solutions to their pain such as suicide.¹⁵⁸

Research on the psychological characteristics of drug abusers does in fact reveal the presence of a significant degree of personal pathology. Studies have found that addicts suffer personality disorders characterized by a weak ego, low frustration tolerance, anxiety, and fantasies of omnipotence. Many addicts exhibit psychopathic or sociopathic behavior characteristics, forming what is called an addiction-prone personality.¹⁵⁹ One study of abusers conducted in five large U.S. cities found a significant association between mental illness and drug abuse: About 53 percent of drug abusers and 37 percent of alcohol abusers have at least one serious mental illness. Conversely, 29 percent of the diagnosed mentally ill people in the survey have substance abuse problems.¹⁶⁰

GENETIC FACTORS Research shows that substance abuse may have a genetic basis.¹⁶¹ For example, a number of studies comparing alcoholism among identical twins and fraternal twins have found that the degree of concordance (both siblings behaving identically) is twice as high among the identical twin groups.¹⁶²

Taken as a group, studies of the genetic basis of substance abuse suggest that people whose parents were alcoholic or drug dependent have a greater chance of developing a problem than the children of nonabusers, and this relationship occurs regardless of parenting style or the quality of the parent–child relationship.¹⁶³ However, not all children of abusing parents become drug dependent themselves, suggesting that even if drug abuse is heritable, environment and socialization must play some role in the onset of abuse.¹⁶⁴

SOCIAL LEARNING Social psychologists suggest that drug abuse may also result from observing parental drug use. Parental drug abuse begins to have a damaging effect on children as young as 2 years old, especially when parents manifest drug-related personality problems such as depression or poor impulse control.¹⁶⁵ Children whose parents abuse drugs are more likely to have persistent abuse problems than the children of non-abusers.¹⁶⁶

People who learn that drugs provide pleasurable sensations may be the most likely to experiment with illegal substances; a habit may develop if the user experiences lower anxiety, fear, and tension levels.¹⁶⁷ Having a history of family drug and alcohol abuse has been found to be a characteristic of violent teenage sexual abusers.¹⁶⁸ Heroin abusers report an unhappy childhood that included harsh physical punishment and parental neglect and rejection.¹⁶⁹

PROBLEM BEHAVIOR SYNDROME (PBS) For many people, substance abuse is just one of many problem behaviors. Longitudinal studies show that drug abusers are maladjusted, alienated, and emotionally distressed and that drug use is only one among many social problems.¹⁷⁰ Having a deviant lifestyle begins early in life and is punctuated with criminal relationships, family history of substance abuse, educational failure, and alienation. Crack cocaine use has been linked to sexual abuse as children and social isolation as adults.¹⁷¹ There is robust support for the interconnection of problem drinking and drug abuse, delinquency, precocious sexual behavior, school failure, running away, homelessness, family conflict, and other similar social problems.¹⁷²

RATIONAL CHOICE Not all people who abuse drugs do so because of personal pathology. Some may use drugs and alcohol because they want to enjoy their effects: get high, relax, improve creativity, escape reality, and increase sexual responsiveness. Research indicates that adolescent alcohol abusers believe that getting high will make them powerful, increase their sexual performance, and facilitate their social behavior; they care little about negative future consequences.¹⁷³ Claire Sterk-Elifson's research on middle-class drug-abusing women shows that most were introduced by friends in the context of "just having some fun."¹⁷⁴

Substance abuse, then, may be a function of the rational but mistaken belief that drugs can benefit the user. The decision to use drugs involves evaluations of personal consequences (such as addiction, disease, and legal punishment) and the expected benefits of drug use (such as peer approval, positive affective states, heightened awareness, and relaxation). Adolescents may begin using drugs because they believe their peers expect them to do so.¹⁷⁵

Is There a Drug Gateway?

Some experts believe that, regardless of its cause, most people fall into drug abuse slowly, beginning with alcohol and then following with marijuana and more serious drugs as the need for a more powerful high intensifies. A number of research ef-

forts have confirmed this **gateway model**. For example, James Inciardi, Ruth Horowitz, and Anne Pottier found a clear pattern of adult involvement in adolescent drug abuse. Kids on crack started their careers with early experimentation with alcohol at age 7, began getting drunk at age 8, had alcohol with an adult present by age 9, and became regular drinkers by the time they were 11 years old.¹⁷⁶ Drinking with an adult present, presumably a parent, was a significant precursor of future substance abuse and delinquency. "Adults who gave children alcohol," they argue, "were also giving them a head start in a delinquent career."¹⁷⁷ Other research efforts support this view when they find that the most serious drug users have a history of alcohol abuse.¹⁷⁸ Kids who begin using alcohol in adolescence become involved in increasing levels of deviant behavior as they mature.¹⁷⁹

The drug gateway vision is popular, but not all research efforts find that users progress to ever-more potent drugs, and some show that, surprisingly, many hard-core drug abusers never actually smoked pot or used alcohol.¹⁸⁰ And although many American youths have tried marijuana, few actually progress to crack or heroin abuse.¹⁸¹

In sum, there may be no single cause of substance abuse. People may try and continue to use illegal substances for a variety of reasons. As Inciardi points out,

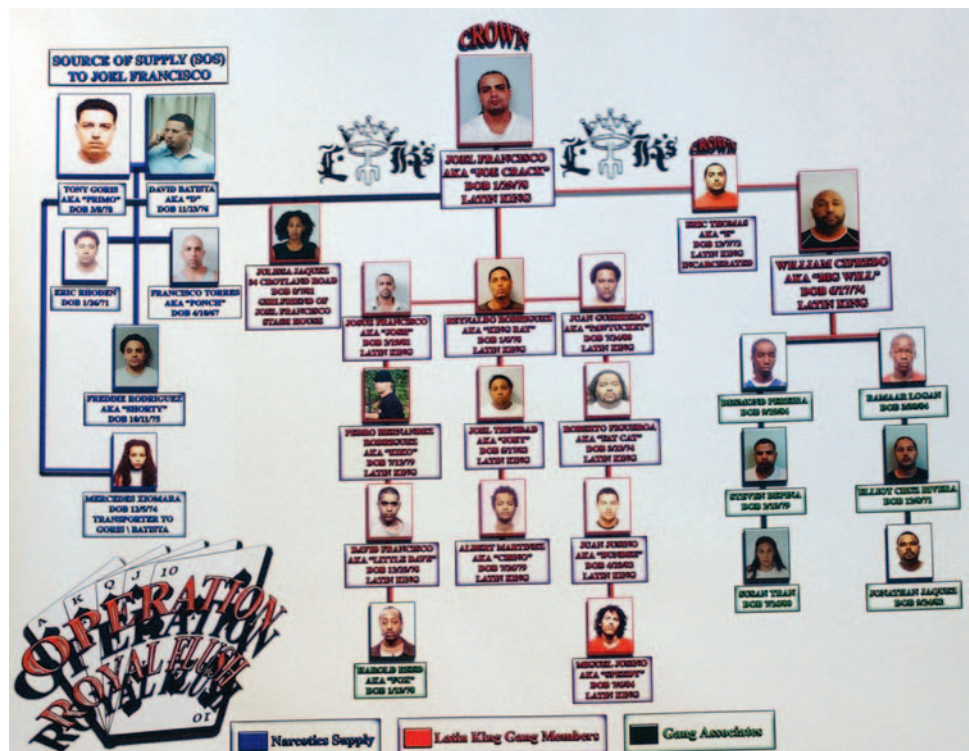
There are as many reasons people use drugs as there are individuals who use drugs. For some, it may be a function of family disorganization, or cultural learning, or maladjusted personality, or an "addiction-prone" personality. . . . For others, heroin use may be no more than a normal response to the world in which they live.¹⁸²

Types of Drug Users

The general public often groups all drug users together without recognizing that there are many varieties, ranging from adolescent recreational drug users to adults who run large smuggling operations.¹⁸³

- *Adolescents who distribute small amounts of drugs:* Many adolescents begin their involvement in the drug trade by using and distributing small amounts of drugs; they do not commit any other serious criminal acts. Kenneth Tunnell found in his interviews with low-level drug dealers that many started out as "stash dealers" who sold drugs to maintain a consistent access to drugs for their own consumption; their customers are almost always personal acquaintances, including friends and relatives.¹⁸⁴ They are insulated from the legal system because their activities rarely result in apprehension and sanction.
- *Adolescents who frequently sell drugs:* A small number of adolescents, most often multiple-drug users or heroin or cocaine users, are high-rate dealers who bridge the gap between adult drug distributors and the adolescent user. Frequent dealers often have adults who "front" for them—that is, loan them drugs to sell without upfront cash. The teenagers then distribute the drugs

Some drug users are “winners.” They commit hundreds of crimes each year but are rarely arrested. On the streets, they are known for their calculated violence. Their crimes are carefully planned and coordinated. However, on occasion their activities are cut short by dedicated police action. An illustration put together by the Providence, Rhode Island, Police Department details the players in “Operation Royal Flush,” a 10-month-long drug investigation that ended on November 10, 2004. Officials said 21 members of the Latin Kings street gang or their associates have been either arrested or indicted by a federal grand jury for their involvement in a drug trafficking ring. Authorities said they are still looking for five other people involved.



© AP/Wide World Photos

to friends and acquaintances, returning most of the proceeds to the supplier while keeping a commission for themselves. Frequent dealers are more likely to sell drugs in public and can be seen in known drug user hangouts in parks, schools, or other public places. Deals are irregular, so the chances of apprehension are slight.

■ **Teenage drug dealers who commit other delinquent acts:**

A more serious type of drug-involved youth comprises those who use and distribute multiple substances and also commit both property and violent crimes; many are gang members.¹⁸⁵ Although these youngsters make up about 2 percent of the teenage population, they commit 40 percent of the robberies and assaults and about 60 percent of all teenage felony thefts and drug sales.

These youths are frequently hired by older dealers to act as street-level drug runners. Each member of a crew of three to twelve boys will handle small quantities of drugs, perhaps three bags of heroin, which are received on consignment and sold on the street; the supplier receives 50 to 70 percent of the drug's street value. The crew members also act as lookouts, recruiters, and guards. Between drug sales, the young dealers commit robberies, burglaries, and other thefts.¹⁸⁶

■ **Adolescents who cycle in and out of the justice system:**

Some drug-involved youths are failures at both dealing and crime. They do not have the savvy to join gangs or groups and instead begin committing unplanned, opportunistic crimes that increase their chances of arrest. They are heavy drug users, which both increases

apprehension risk and decreases their value for organized drug distribution networks. Drug-involved “losers” can earn a living steering customers to a seller in a “copping” area, “touting” drug availability for a dealer, or acting as a lookout. However, they are not considered trustworthy or deft enough to handle drugs or money. They may bungle other criminal acts, which solidifies their reputation as undesirable.

■ **Drug-involved youth who continue to commit crimes as adults:** Although about two-thirds of substance-abusing youths continue to use drugs after they reach adulthood, about half desist from other criminal activities.

Those who persist in both substance abuse and crime as adults exhibit a garden variety of social and developmental problems. Some evidence also exists that these drug-using persisters have low nonverbal IQs and poor physical coordination.

■ **Outwardly respectable adults who are top-level dealers:**

A few outwardly respectable adult dealers sell large quantities of drugs to support themselves in high-class lifestyles. Outwardly respectable dealers often seem indistinguishable from other young professionals. Upscale dealers seem to drift into dealing from many different walks of life. Some begin as campus dealers whose lifestyle and outward appearance are indistinguishable from other students (though they are more frequently involved in illegal behavior outside of drug dealing).¹⁸⁷ Frequently they are drawn from professions and occupations that are unstable, have irregular working hours, and accept drug abuse. Former graduate students, musicians, performing artists, and bar-

keepers are among those who are likely to fit the profile of the adult who begins dealing drugs in his or her 20s. Some use their business skills and drug profits to get into legitimate enterprises or illegal scams. Others drop out of the drug trade because they are the victims of violent crime committed by competitors or disgruntled customers; a few wind up in jail or prison.

- *Smugglers:* Smugglers import drugs into the United States. They are generally men, middle-aged or older, who have strong organizational skills, established connections, capital to invest, and a willingness to take large business risks. Smugglers are a loosely organized, competitive group of individual entrepreneurs. There is a constant flow in and out of the business as some sources become the target of law enforcement activities, new drug sources become available, older smugglers become dealers, and former dealers become smugglers.
- *Adult predatory drug users who are frequently arrested:* Many users who begin abusing substances in early adolescence continue in drugs and crime in their adulthood. Getting arrested, doing time, using multiple drugs, and committing predatory crimes are a way of life for them. They have few skills, did poorly in school, and have long criminal records. The threat of conviction and punishment has little effect on their criminal activities. These “losers” have friends and relatives involved in drugs and crime. They specialize in robberies, burglaries, thefts, and drug sales. They filter in and out of the justice system and begin committing crimes as soon as they are released. In some populations, at least one-third of adult males are involved in drug trafficking and other criminal acts well into their adulthood.¹⁸⁸

If they make a “big score,” perhaps through a successful drug deal, they may significantly increase their drug use. Their increased narcotics consumption then destabilizes their lifestyle, destroying family and career ties. When their finances dry up, they may become *street junkies*, people whose traditional lifestyle has been destroyed, who turn to petty crime to maintain an adequate supply of drugs. Cut off from a stable source of quality heroin, not knowing from where their next fixes or the money to pay for them will come, looking for any opportunity to make a buck, getting sick or “jonesing,” being pathetically unkempt and unable to maintain even the most primitive routines of health or hygiene, street junkies live a very difficult existence. Because they are unreliable and likely to become police informants, street junkies pay the highest prices for the poorest quality heroin; lack of availability increases their need to commit habit-supporting crimes.¹⁸⁹
- *Adult predatory drug users who are rarely arrested:* Some drug users are “winners.” They commit hundreds of

crimes each year but are rarely arrested. On the streets, they are known for their calculated violence. Their crimes are carefully planned and coordinated. They often work with partners and use lookouts to carry out the parts of their crimes that have the highest risk of apprehension. These “winners” are more likely to use recreational drugs, such as coke and pot, than the more addicting heroin or opiates. Some become high-frequency users and risk apprehension and punishment. But for the lucky few, their criminal careers can stretch for up to 15 years without interruption by the justice system.

These users are sometimes referred to as *stabilized junkies* who have learned the skills needed to purchase and process larger amounts of heroin. Their addiction enables them to maintain normal lifestyles, although they may turn to drug dealing to create contacts with drug suppliers. They are employable, but earning legitimate income does little to reduce their drug use or dealing activities.¹⁹⁰

- *Less predatory drug-involved adult offenders:* Most adult drug users are petty criminals who avoid violent crime. These occasional users are people just beginning their addiction, who use small amounts of narcotics, and whose habit can be supported by income from conventional jobs; narcotics have relatively little influence on their lifestyles.¹⁹¹ They are typically high school graduates and have regular employment that supports their drug use. They usually commit petty thefts or pass bad checks. They stay on the periphery of the drug trade by engaging in such acts as helping addicts shoot up, bagging drugs for dealers, operating shooting galleries, renting needles and syringes, and selling small amounts of drugs. These petty criminal drug users do not have the stomach for a life of hard crime and drug dealing. They violate the law in proportion to the amount and cost of the drugs they are using. Pot smokers have a significantly lower frequency of theft violations than daily heroin users, whose habit is considerably more costly.
- *Women who are drug-involved offenders:* Women who are drug-involved offenders constitute a separate type of substance abuser. Although women are far less likely than men to use addictive drugs, female offenders are just as likely to be involved in drugs as male offenders. Though infrequently violent criminals, they are often involved in prostitution and low-level drug dealing; a few become top-level dealers. Many are pregnant or are already mothers, and because they share needles, they are at high risk of contracting AIDS and passing the HIV virus to their newborn children. They maintain a high risk of victimization. One study of 171 women using crack cocaine found that since initiating crack use, 62 percent of the women reported suffering a physical attack and 32 percent suffered rape; more than half were forced to seek medical care for their injuries.¹⁹²

Drugs and Crime

One of the main reasons for the criminalization of particular substances is the assumed association between drug abuse and crime. Research suggests that many criminal offenders have extensive experience with drug use and that drug users commit an enormous amount of crime; alcohol abuse has also been linked to criminality.¹⁹³ Research shows that almost four in ten violent crimes and fatal motor vehicle accidents involve alcohol.¹⁹⁴ This pattern is not unique to the United States. Research conducted in England found that about 61 percent of arrestees tested positively for at least one drug, a finding comparable to arrestees in the United States.¹⁹⁵

Although the drug–crime connection is powerful, the true relationship between them is still uncertain because many users have had a history of criminal activity before the onset of their substance abuse.¹⁹⁶ It is possible that:

- Chronic criminal offenders begin to abuse drugs and alcohol after they have engaged in crime; that is, crime causes drug abuse.
- Substance abusers turn to a life of crime to support their habits; that is, drug abuse causes crime.
- Drug use and crime co-occur in individuals; that is, both crime and drug abuse are caused by some other common factor. For example, people with a fondness for risk-taking activities may take drugs and also commit crime.¹⁹⁷
- Drug users begin to engage in activities such as heavy drinking, which leads them to commit crime.¹⁹⁸

Considering these possible scenarios, it is impossible to make a definitive statement such as “drugs cause crime.” However, while it is not certain whether drug use turns otherwise law-abiding citizens into criminals, it certainly amplifies the extent of their criminal activities.¹⁹⁹ And, as addiction levels increase, so does the frequency and seriousness of criminality.²⁰⁰

Two approaches have been used to study the relationship between drugs and crime. One has been to survey known addicts to assess the extent of their law violations; the other has been to survey known criminals to see if they were or are drug users. These are discussed separately next.

USER SURVEYS Numerous studies have examined the criminal activity of drug users. As a group, they show that people who take drugs have extensive involvement in crime.²⁰¹ Youths who abuse alcohol are also the most likely to engage in violence during their life course; violent adolescents report histories of alcohol abuse; adults with long histories of drinking are also more likely to report violent offending patterns.²⁰² One often-cited study of this type was conducted by sociologist James Inciardi. After interviewing 356 addicts in Miami, Inciardi found that they reported 118,134 criminal offenses during a 12-month period; of these, 27,464 were index crimes.²⁰³ If this behavior is typical, the country’s estimated 300,000 to 700,000 heroin users could be responsible

for a significant amount of all criminal behavior. An English study using a sample of 100 known abusers found that more than half of the subjects reported involvement in crime in the month prior. The most common offenses were shoplifting, receiving stolen goods, and theft; violence was used relatively rarely (11 percent).²⁰⁴

SURVEYS OF KNOWN CRIMINALS The second method used to link drugs and crime involves testing known criminals to determine the extent of their substance abuse. For example, the NSDUH survey found that youths who self-reported delinquent behavior during the past year were also more likely to use illicit drugs in the past month than other youths. Those who reported getting into a serious fight at school or work (20.7 versus 9.3 percent); carrying a handgun (34.6 versus 10.8 percent); selling illegal drugs (68.8 versus 9.0 percent); and stealing or trying to steal something worth \$50 or more (43.8 versus 9.9 percent) were significantly more likely to use drugs than those who did not engage in such anti-social behaviors.²⁰⁵

Surveys of prison inmates disclose that many (80 percent) are lifelong substance abusers. More than one-third claim to have been under the influence of drugs when they committed their last offense.²⁰⁶ These data support the view that a strong association exists between substance abuse and serious crime.

Another important source of data on the drug abuse–crime connection is the federally sponsored Arrestee Drug Abuse Monitoring Program (ADAM), which interviews and tests thousands of arrestees for drug abuse each year. Its most recent surveys indicate that approximately two-thirds of both female and male arrestees tested positive for at least one of the following drugs: cocaine, opiates, marijuana, methamphetamine, and PCP. Marijuana was the drug most commonly used by male arrestees, followed by cocaine, opiates, methamphetamine, and PCP. Cocaine was the drug most commonly used by female arrestees, followed by marijuana, methamphetamine, opiates, and PCP.²⁰⁷

THE DRUG–CRIME CONNECTION It is of course possible that most criminals are not actually drug users but that police are more likely to apprehend muddle-headed substance abusers than clear-thinking abstainers. A second, and probably more plausible, interpretation is that most criminals are in fact substance abusers. While the drug–crime link is still uncertain, drug use interferes with maturation and socialization. Drug abusers are more likely to drop out of school, be underemployed, engage in premarital sex, and become unmarried parents. These factors have been linked to a weakening of the social bond that may lead to antisocial behaviors.²⁰⁸

In sum, research testing both the criminality of known narcotics users and the narcotics use of known criminals produces a very strong association between drug use and crime. Even if the crime rate of drug users were actually half that reported in the research literature, users would be responsible for a significant portion of the total criminal activity in the United States.

Drugs and the Law

The federal government first initiated legal action to curtail the use of some drugs early in the twentieth century.²⁰⁹ In 1906 the Pure Food and Drug Act required manufacturers to list the amounts of habit-forming drugs in products on the labels but did not restrict their use. However, the act prohibited the importation and sale of opiates except for medicinal purposes. In 1914 the Harrison Narcotics Act restricted importation, manufacture, sale, and dispensing of narcotics. It defined *narcotic* as any drug that produces sleep and relieves pain, such as heroin, morphine, and opium. The act was revised in 1922 to allow importation of opium and coca (cocaine) leaves for qualified medical practitioners. The Marijuana Tax Act of 1937 required registration and payment of a tax by all who imported, sold, or manufactured marijuana. Because marijuana was classified as a narcotic, those registering would also be subject to criminal penalty.

In later years, other federal laws were passed to clarify existing drug statutes and revise penalties. For example, the Boggs Act of 1951 provided mandatory sentences for violating federal drug laws. The Durham-Humphrey Act of 1951 made it illegal to dispense barbiturates and amphetamines without a prescription. The Narcotic Control Act of 1956 increased penalties for drug offenders. In 1965 the Drug Abuse Control Act set up stringent guidelines for the legal use and sale of mood-modifying drugs, such as barbiturates, amphetamines, LSD, and any other “dangerous drugs,” except narcotics prescribed by doctors and pharmacists. Illegal possession was punished as a misdemeanor and manufacture or sale as a felony. And in 1970 the Comprehensive Drug Abuse Prevention and Control Act set up unified categories of illegal drugs and associated penalties with their sale, manufacture, or possession. The law gave the U.S. attorney general discretion to decide in which category to place any new drug.

Since then, various federal laws have attempted to increase penalties imposed on drug smugglers and limit the manufacture and sale of newly developed substances. For example, the 1984 Controlled Substances Act set new, stringent penalties for drug dealers and created five categories of narcotic and non-narcotic substances subject to federal laws.²¹⁰ The Anti-Drug Abuse Act of 1986 again set new standards for minimum and maximum sentences for drug offenders, increased penalties for most offenses, and created a new drug penalty classification for large-scale offenses (such as trafficking in more than 1 kilogram of heroin), for which the penalty for a first offense was 10 years to life in prison.²¹¹ With then-President George Bush’s endorsement, Congress passed the Anti-Drug Abuse Act of 1988, which created a coordinated national drug policy under a “drug czar,” set treatment and prevention priorities, and, symbolizing the government’s hard-line stance against drug dealing, imposed the death penalty for drug-related killings.²¹²

For the most part, state laws mirror federal statutes. Some states now apply extremely heavy penalties for selling or distributing dangerous drugs, involving long prison sentences of up to 25 years.

Drug Control Strategies

Substance abuse remains a major social problem in the United States. Politicians looking for a safe campaign issue can take advantage of the public’s fear of drug addiction by calling for a war on drugs. These wars have been declared even when drug usage is stable or in decline.²¹³ Can these efforts pay off? Can illegal drug use be eliminated or controlled?

A number of different drug control strategies have been tried with varying degrees of success. Some aim to deter drug use by stopping the flow of drugs into the country, apprehending and punishing dealers, and cracking down on street-level drug deals. Others focus on preventing drug use by educating potential users to the dangers of substance abuse (convincing them to “say no to drugs”) and by organizing community groups to work with the at-risk population in their area. Still another approach is to treat known users so they can control their addictions. Some of these efforts are discussed here.

SOURCE CONTROL One approach to drug control is to deter the sale and importation of drugs through the systematic apprehension of large-volume drug dealers, coupled with the enforcement of strict drug laws that carry heavy penalties. This approach is designed to capture and punish known international drug dealers and deter those who are considering entering the drug trade. A major effort has been made to cut off supplies of drugs by destroying overseas crops and arresting members of drug cartels in Central and South America, Asia, and the Middle East, where many drugs are grown and manufactured. The federal government has been in the vanguard of encouraging exporting nations to step up efforts to destroy drug crops and prosecute dealers. However, translating words into deeds is a formidable task. Drug lords are willing and able to fight back through intimidation, violence, and corruption when necessary.

The amount of narcotics grown each year is so vast that even if three-quarters of the opium crop were destroyed, the U.S. market would still require only 10 percent of the remainder to sustain the drug trade. Radically reducing the amount of illegal drugs produced each year might have little effect on U.S. consumption. Drug users in the United States are more able and willing to pay for drugs than anyone else in the world. Even if the supply were reduced, whatever drugs there were would find their way to the United States.

Adding to control problems is the fact that the drug trade is an important source of foreign revenue, and destroying the drug trade undermines the economies of Third World nations. Even if the government of one nation were willing to cooperate in vigorous drug suppression efforts, suppliers in other nations, eager to cash in on the sellers’ market, would be encouraged to turn more acreage over to coca or poppy production. For example, between 1994 and 1999, enforcement efforts in Peru and Bolivia were so successful that they altered cocaine cultivation patterns. Colombia became the premier coca cultivating country, growing or refining 80 percent of the world’s cocaine supply. Rather than rely on shaky

foreign sources, the drug cartels are encouraging local growers to cultivate coca plants. When the Colombian government mounted an effective eradication campaign in the traditional growing areas, the cartel linked up with rebel groups in remote parts of the country for their drug supply.²¹⁴ There are also indications that the drug syndicates may be planting a higher yield variety of coca and improving refining techniques to replace crops lost to government crackdowns.

Adding to the problem of source control is the fact that the United States has little influence in some key drug-producing areas such as Vietnam, Cambodia, and Myanmar (formerly Burma).²¹⁵ War and terrorism also may make source control strategies problematic. After the United States destroyed Afghanistan's Taliban government, local warlords seized power and resumed the drug trade; Afghanistan now supplies 75 percent of the world's opium.²¹⁶ And while the Colombian guerillas may not be interested in joining or colluding with crime cartels, they finance their war against the government by aiding drug traffickers and "taxing" crops and sales.²¹⁷

INTERDICTION STRATEGIES Law enforcement efforts have also been directed at intercepting drug supplies as they enter the country. Border patrols and military personnel using sophisticated hardware have been involved in massive interdiction efforts; many impressive multimillion-dollar seizures have been made. Yet the U.S. borders are so vast and unprotected that meaningful interdiction is impossible. And even if all importation were shut down, homegrown marijuana and laboratory-made drugs, such as "ice," LSD, and PCP, could become the drugs of choice. Even now, their easy availability and relatively low cost are increasing their popularity among the at-risk population.

LAW ENFORCEMENT STRATEGIES Local, state, and federal law enforcement agencies have been actively fighting against drugs. One approach is to direct efforts at large-scale drug rings. The long-term consequence has been to decentralize drug dealing and encourage young independent dealers to become major suppliers. Ironically, it has proven easier for federal agents to infiltrate and prosecute traditional organized crime groups than to take on drug-dealing gangs. Consequently, some nontraditional groups have broken into the drug trade. For example, the Hell's Angels motorcycle club has become one of the primary distributors of cocaine and amphetamines in the United States.

Police can also target, intimidate, and arrest street-level dealers and users in an effort to make drug use so much of a hassle that consumption is cut back and the crime rate reduced. Approaches that have been tried are reverse stings, in which undercover agents pose as dealers to arrest users who approach them for a buy. One approach is to direct efforts at large-scale drug rings. However, this effort has merely served to decentralize drug dealing. Asian, Latin American, and Jamaican groups, motorcycle clubs, and local gangs, such as the Crips and Bloods, are all involved in large-scale dealing.

Colombian syndicates have established cocaine distribution centers on every continent, and Mexican organizations are responsible for large methamphetamine shipments to U.S., Russian, Turkish, Italian, Nigerian, Chinese, Lebanese, and Pakistani heroin trafficking syndicates, which are now competing for dominance.

In terms of weight and availability, there is still no commodity more lucrative than illegal drugs. They cost relatively little to produce and provide large profit margins to dealers and traffickers. At an average street price of \$100 per gram in the United States (the current price according to the Office of National Drug Control Policy), a metric ton of pure cocaine is worth \$100 million; cutting it and reducing purity can double or triple the value.²¹⁸ It is difficult for law enforcement agencies to counteract the inducement of drug profits. When large-scale drug busts are made, supplies become scarce and market values increase, encouraging more people to enter the drug trade. There are also suspicions that a displacement effect occurs: Stepped-up efforts to curb drug dealing in one area or city simply encourage dealers to seek out friendlier territory.²¹⁹

PUNISHMENT STRATEGIES Even if law enforcement efforts cannot produce a general deterrent effect, the courts may achieve the required result by severely punishing known drug dealers and traffickers. A number of initiatives have made the prosecution and punishment of drug offenders a top priority. State prosecutors have expanded their investigations into drug importation and distribution and created special prosecutors to focus on drug dealers. Once convicted, drug dealers can get very long sentences.

However, these efforts often have their downside. Defense attorneys consider delay tactics to be sound legal maneuvering in drug-related cases. Courts are so backlogged that prosecutors are anxious to plea bargain. The consequence of this legal maneuvering is that about 25 percent of people convicted on federal drug charges are granted probation or some other form of community release. Even so, prisons have become jammed with inmates, many of whom were involved in drug-related cases. Many drug offenders sent to prison do not serve their entire sentences because they are released in an effort to relieve prison overcrowding. The mean sentence for a drug crime is 47 months, but the actual time served is 23 months or about half of the original sentence.²²⁰

It is unlikely that the public would approve of a drug control strategy that locks up large numbers of traffickers; research indicates that the public already believes drug trafficking penalties are too harsh (while supporting the level of punishment for other crimes).²²¹ And some critics are disturbed because punishment strategies seem to have a disproportionate effect on minority group members and the impoverished. Some have gone as far as suggesting that government agencies are either ignoring or covering up the toll harsh drug penalties have on society's disadvantaged because it is politically expedient to be a tough defender of the nation's moral climate.²²²

COMMUNITY STRATEGIES Another type of drug-control effort relies on the involvement of local community groups to lead the fight against drugs. Representatives of various local government agencies, churches, civic organizations, and similar institutions are being brought together to create drug prevention and awareness programs.

Citizen-sponsored programs attempt to restore a sense of community in drug-infested areas, reduce fear, and promote conventional norms and values.²²³ These efforts can be classified into one of four distinct categories.²²⁴ The first involves law enforcement-type efforts, which may include block watches, cooperative police–community efforts, and citizen patrols. Some of these citizen groups are nonconfrontational: They simply observe or photograph dealers, write down their license plate numbers, and then notify police. On occasion, telephone hot lines have been set up to take anonymous tips on drug activity. Other groups engage in confrontational tactics that may even include citizens' arrests. Area residents have gone as far as contracting with private security firms to conduct neighborhood patrols.

Another tactic is to use the civil justice system to harass offenders. Landlords have been sued for owning properties that house drug dealers; neighborhood groups have scrutinized drug houses for building code violations. Information acquired from these various sources is turned over to local authorities, such as police and housing agencies, for more formal action.

There are also community-based treatment efforts in which citizen volunteers participate in self-help support programs, such as Narcotics Anonymous or Cocaine Anonymous, which have more than 1,000 chapters nationally. Other programs provide youths with martial arts training, dancing, and social events as an alternative to the drug life.

The fourth drug prevention effort is designed to enhance the quality of life, improve interpersonal relationships, and upgrade the neighborhood's physical environment. Activities might include the creation of drug-free school zones (which encourage police to keep drug dealers away from the vicinity of schools). Consciousness-raising efforts include demonstrations and marches to publicize the drug problem and build solidarity among participants. Politicians have been lobbied to get better police protection or tougher laws passed; New York City residents even sent bags filled with crack collected from street corners to the mayor and police commissioner to protest drug dealing. Residents have cleaned up streets, fixed broken streetlights, and planted gardens in empty lots to broadcast the message that they have local pride and do not want drug dealers in their neighborhoods.

Community crime prevention efforts seem appealing, but there is little conclusive evidence that they are an effective drug control strategy. Some surveys indicate that most residents do not participate in programs. There is also evidence that community programs work better in stable, middle-income areas than in those that are crime ridden and disorganized.²²⁵ Although these findings are discouraging, some studies do find that on occasion deteriorated areas can sustain successful antidrug programs.²²⁶ Future evaluations

of community control efforts should determine whether they can work in the most economically depressed areas. The most common community-based program is Drug Abuse Resistance Education (DARE), which is discussed more fully in the Policy and Practice in Criminology feature.

DRUG-TESTING PROGRAMS Drug testing of private employees, government workers, and criminal offenders is believed to deter substance abuse. In the workplace, employees are tested to enhance on-the-job safety and productivity. In some industries, such as mining and transportation, drug testing is considered essential because abuse can pose a threat to the public.²²⁷ Business leaders have been enlisted in the fight against drugs. Mandatory drug-testing programs in government and industry are common: More than 40 percent of the country's largest companies, including IBM and AT&T, have drug-testing programs. The federal government requires employee testing in regulated industries such as nuclear energy and defense contracting. About 4 million transportation workers are subject to testing.

Drug testing is also common in government and criminal justice agencies. About 30 percent of local police departments test applicants, and 16 percent routinely test field officers. However, larger jurisdictions serving populations over 250,000 are much more likely to test applicants (84 percent) and field officers (75 percent). Drug testing is also part of the federal government's Drug-Free Workplace Program, which has the goal of improving productivity and safety. Employees most likely to be tested include presidential appointees, law enforcement officers, and people in positions of national security.

Criminal defendants are now routinely tested at all stages of the justice system, from arrest to parole. The goal is to reduce criminal behavior by detecting current users and curbing their abuse. Can such programs reduce criminal activity? Two evaluations of pretrial drug-testing programs found little evidence that monitoring defendants' drug use influenced their behavior.²²⁸

TREATMENT STRATEGIES A number of approaches are taken to treat known users, getting them clean of drugs and alcohol, and thereby reducing the at-risk population. One approach rests on the assumption that users have low self-esteem and treatment efforts must focus on building a sense of self. For example, users have been placed in worthwhile programs of outdoor activities and wilderness training to create self-reliance and a sense of accomplishment.²²⁹ More intensive efforts use group therapy approaches relying on group leaders who have been substance abusers; through such sessions users get the skills and support to help them reject social pressure to use drugs. These programs are based on the Alcoholics Anonymous approach, which holds that users must find within themselves the strength to stay clean and that peer support from those who understand their experiences can help them achieve a drug-free life.

There are also residential programs for the more heavily involved, and a large network of drug treatment centers has

Drug Abuse Resistance Education

The most widely known drug education program, Drug Abuse Resistance Education (DARE), is an elementary school course designed to give students the skills for resisting peer pressure to experiment with tobacco, drugs, and alcohol. It is unique because it employs uniformed police officers to carry the antidrug message to the students before they enter junior high school. The program focuses on five major areas:

1. Providing accurate information about tobacco, alcohol, and drugs
2. Teaching students techniques to resist peer pressure
3. Teaching students respect for the law and law enforcers
4. Giving students ideas for alternatives to drug use
5. Building the self-esteem of students

DARE is based on the concept that the young students need specific analytical and social skills to resist peer pressure and say no to drugs. Instructors work with children to raise their self-esteem, provide them with decision-making tools, and help them identify positive alternatives to substance abuse. Millions of students have already taken the DARE program. More than 40 percent of all school districts incorporate assistance from local law enforcement agencies in their drug prevention programming. New community policing strategies commonly incorporate the DARE program in their efforts to provide services to local neighborhoods at the grassroots level.

Does DARE Work?

DARE is popular with both schools and police agencies, but a highly sophisticated evaluation of the program by Dennis Rosenbaum and his associates found that it had only a marginal impact on student drug use and attitudes. A longitudinal study by psychologist Donald Lynam and his colleagues found that DARE had no effect on students' drug use at any time through 10th grade, and a 10-year followup failed to find any hidden or delayed "sleeper" effects. At age 20, there were no differences in drug use between those who received DARE and those who did not; the only difference was that those who received DARE reported slightly lower levels of self-esteem at age 20, an effect that proponents were not aiming for.

Changing the DARE Curriculum

Although national evaluations have questioned the validity of DARE and a few communities have discontinued its use, it is still widely employed in school districts around the United States. To meet criticism head on, DARE began testing a new curriculum in 2001. The new program is aimed at older students and relies more on having them question their assumptions about drug use than on listening to lectures on the subject. Among other changes, the new program will work largely on changing social norms, teaching students to question whether they really have to use drugs to fit in with their peers. Police officers will now serve more as coaches than as lecturers, encouraging students to challenge the social norm of drug use in discussion groups. Students also do

role playing in an effort to learn decision-making skills. There is also an emphasis on the role of media and advertising in shaping behavior.

Critical Thinking

1. If DARE does not work as expected, what policy might be the best strategy to reduce teenage drug use? Source control? Reliance on treatment? Community-level enforcement?
2. Should all teens who are receiving a free education from the state be tested for drugs and alcohol in order to remain in school?
3. Do you think that the DARE program would be more successful if taught by people other than police officers? What about ex-addicts?

InfoTrac College Edition Research

Use "Drug Abuse Resistance Education" as a subject guide in InfoTrac College Edition. To learn more about the Lynam research, read this article: "DARE: Doubtful after 10 Years," *Harvard Mental Health Letter* 17 (August 2000).

Sources: Kate Zernike, "Antidrug Program Says It Will Adopt a New Strategy," *New York Times*, 15 February 2001, p. 1; Donald R. Lynam, Rick Milich, Rick Zimmerman, Scott Novak, T. K. Logan, Catherine Martin, Carl Leukefeld, and Richard Clayton, "Project D.A.R.E.: No Effects at 10-Year Follow-Up," *Journal of Consulting and Clinical Psychology* 67 (1999): 590–593; Dennis Rosenbaum, Robert Flewelling, Susan Bailey, Chris Ringwalt, and Deanna Wilkinson, "Cops in the Classroom: A Longitudinal Evaluation of Drug Abuse Resistance Education (D.A.R.E.)," *Journal of Research in Crime and Delinquency* 31 (1994): 3–31; David Carter, *Community Policing and D.A.R.E.: A Practitioner's Perspective* (Washington, DC: Bureau of Justice Assistance, 1995).

been developed. Some detoxification units use medical procedures to wean patients from the more addicting drugs to others, such as methadone, that can be more easily regulated. Methadone is a drug similar to heroin, and addicts can be treated at clinics where they receive methadone under

controlled conditions. However, methadone programs have been undermined because some users sell their methadone on the black market, and others supplement their dosages with illegally obtained heroin. Other programs utilize drugs such as Naxalone, which counter the effects of narcotics and



Walden House residents Dennis, left, and his mentor, Jamal, talk during the group's morning walk to Alamo Square in San Francisco. New clients are assigned a senior member of the program who is responsible for teaching them the rules and systems of the house. California has embarked on an ambitious experiment to divert thousands of nonviolent drug offenders out of the prison system and into community treatment programs like this one in the tough Mission District.

© AP/Wide World Photos

ease the trauma of withdrawal, but results have not been conclusive.²³⁰

Cocaine Anonymous is a fellowship of men and women who share their experience, strength, and hope with one another so that they may solve their common problem and help others to recover from their addiction: <http://www.ca.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Other therapeutic programs attempt to deal with the psychological causes of drug use. Hypnosis, aversion therapy (getting users to associate drugs with unpleasant sensations, such as nausea), counseling, biofeedback, and other techniques are often used.

The long-term effects of treatment on drug abuse are still uncertain. Critics charge that a stay in a residential program can help stigmatize people as addicts even if they never used hard drugs; and in treatment they may be introduced to hard-core users with whom they will associate after release. Users do not often enter these programs voluntarily and have little motivation to change.²³¹ And even those who could be helped soon learn that there are simply more users who need treatment than there are beds in treatment facilities. Many facilities are restricted to users whose health insurance will pay for short-term residential care; when their insurance coverage ends, patients are often released, even though their treatment is incomplete.

Narcotics Anonymous can be reached at <http://www.na.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Supporters of treatment argue that many addicts are helped by intensive in- and out-patient treatment. As one District of Columbia program shows, clients who complete treatment programs are less likely to use drugs than those who drop out.²³² Although such data support treatment strategies, it is also possible that completers are motivated individuals who would have stopped using drugs even if they had not been treated.

Although these and similar results are encouraging, treatment strategies have been thwarted because relatively few drug-dependent people actually receive the rehabilitation efforts they so desperately need. Unfortunately, those requiring treatment may not often receive the proper care. More than 4.1 million people may now be drug dependent, but less than 1 million are receiving treatment. The treatment gap is most pronounced for adolescents: The number of people aged 12 to 25 dependent on illicit drugs is nearly six times greater than the number receiving treatment.

EMPLOYMENT PROGRAMS Research indicates that drug abusers who obtain and keep employment will end or reduce the incidence of their substance abuse.²³³ Not surprisingly, then, there have been a number of efforts to provide vocational rehabilitation for drug abusers. One approach is the supported work program, which typically involves job-site training, ongoing assessment, and job-site intervention. Rather than teach work skills in a classroom, support programs rely on helping drug abusers deal with real work settings. Other programs that have merit provide training to overcome the barriers to employment and improve work skills, including help with motivation, education, experience, the job market, job-seeking skills, and personal issues.²³⁴

Drug Legalization

Considering these problems, some commentators have called for the legalization or decriminalization of restricted drugs. The so-called war on drugs is expensive, costing more than \$500 billion over the past twenty years—money that could have been spent on education and economic development. Drug enforcement and treatment now costs federal, state, and local governments about \$100 billion per year. The National Center on Addiction and Substance Abuse at Columbia University claims that a conservative estimate of what the states have spent on substance abuse and addiction is \$81.3 billion, 13.1 percent of the \$620 billion of total state spending.²³⁵ The federal government plans to spend close to \$12 billion more on drug control, up from \$7 billion in 1995; this figure does not reflect treatment costs.²³⁶

Despite the massive effort to control drugs through prevention, deterrence, education, and treatment strategies, the fight against substance abuse has not proved successful. It is difficult to get people out of the drug culture because of the enormous profits involved in the drug trade. It has also proven difficult to control drugs by convincing known users to quit; few treatment efforts have been successful. Legalization is warranted, according to drug expert Ethan Nadelmann, because the use of mood-altering substances is customary in almost all human societies; people have always wanted, and will find ways of obtaining, psychoactive drugs.²³⁷ Banning drugs creates networks of manufacturers and distributors, many of whom use violence as part of their standard operating procedures. Although some believe that drug use is immoral, Nadelmann questions whether it is any worse than the unrestricted use of alcohol and cigarettes, both of which are addicting and unhealthful. Far more people die each year because they abuse these legal substances than are killed in drug wars or from abusing illegal substances.

Nadelmann also states that just as Prohibition failed to stop the flow of alcohol in the 1920s while it increased the power of organized crime, the policy of prohibiting drugs is similarly doomed to failure. When drugs were legal and freely available in the early twentieth century, the proportion of Americans using drugs was not much greater than today. Most users led normal lives, probably because of the legal status of their drug use.

If drugs were legalized, the argument goes, price and distribution could be controlled by the government. This would reduce addicts' cash requirements, so crime rates would drop because users would no longer need the same cash flow to support their habits. Drug-related deaths would decline because government control would reduce needle sharing and the spread of AIDS. Legalization would also destroy the drug-importing cartels and gangs. Because drugs would be bought and sold openly, the government would reap a tax windfall both from taxes on the sale of drugs and

from income taxes paid by drug dealers on profits that have been part of the hidden economy. Of course, drug distribution would be regulated, like alcohol, keeping drugs away from adolescents, public servants such as police and airline pilots, and known felons. Those who favor legalization point to the Netherlands as a country that has legalized drugs and remains relatively crime free.²³⁸

THE CONSEQUENCES OF LEGALIZATION Critics claim the legalization approach might have the short-term effect of reducing the association between drug use and crime, but it might also have grave social consequences. Legalization might increase the nation's rate of drug usage, creating an even larger group of nonproductive, drug-dependent people who must be cared for by the rest of society.²³⁹ If drugs were legalized and freely available, drug users might significantly increase their daily intake. In countries like Iran and Thailand, where drugs are cheap and readily available, the rate of narcotics use is quite high. Historically, the availability of cheap narcotics has preceded drug-use epidemics, as was the case when British and American merchants sold opium in nineteenth-century China.

Furthermore, if the government tried to raise money by taxing legal drugs, as it now does with liquor and cigarettes, that might encourage drug smuggling to avoid tax payments; these "illegal" drugs might then fall into the hands of adolescents.

THE LESSON OF ALCOHOL The problems of alcoholism should serve as a warning of what can happen when controlled substances are made readily available. Because women may more easily become dependent on crack than men, the number of drug-dependent babies could begin to match or exceed the number delivered with fetal alcohol syndrome.²⁴⁰ Drunk-driving fatalities, which today number about 25,000 per year, might be matched by deaths due to driving under the influence of pot or crack. And although distribution would be regulated, it is likely that adolescents would have the same opportunity to obtain potent drugs as they now have to obtain alcoholic beverages.

Decriminalization or legalization of controlled substances is unlikely in the near term, but further study is warranted. What effect would a policy of partial decriminalization (for example, legalizing small amounts of marijuana) have on drug use rates? Would a get-tough policy help to "widen the net" of the justice system and actually deepen some youths' involvement in substance abuse? Can society provide alternatives to drugs that will reduce teenage drug dependency?²⁴¹ The answers to these questions have proven elusive.



To quiz yourself on this material, go to the Criminology 9e website.

SUMMARY

- Public order crimes are acts considered illegal because they conflict with social policy, accepted moral rules, and public opinion. There is usually great debate over public order crimes. Some charge that public order crimes are not crimes at all and that it is foolish to legislate morality. Others view such morally tinged acts as prostitution, gambling, and drug abuse as harmful and therefore subject to public control.
- Many public order crimes are sex related.
- Although homosexuality is not a crime, homosexual acts are subject to legal control. Gay people are still not allowed to married and are barred from the military and other groups such as the Boy Scouts. In 2003 the Supreme Court ruled that sexual relations between gay people cannot be criminalized.
- Prostitution is another sex-related public order crime. Although prostitution has been practiced for thousands of years and is legal in some areas, most states outlaw commercial sex.
- The international sex trade is a multibillion-dollar business; it involves tricking young girls from primarily eastern Europe and Asia into becoming prostitutes.
- There are a variety of prostitutes, including streetwalkers, B-girls, and call girls. A new type of prostitution is cyber prostitution, which is Internet based.
- Studies indicate that prostitutes came from poor, troubled families and have abusive parents. However, there is little evidence that prostitutes are emotionally disturbed, addicted to drugs, or sexually abnormal.
- Although prostitution is illegal, some cities have set up adult entertainment areas where commercial sex is tolerated by law enforcement agents.
- Pornography involves the sale of sexually explicit material intended to sexually excite paying customers. The depiction of sex and nudity is not illegal, but it does violate the law when it is judged obscene. *Obscenity* is a legal term that today is defined as material offensive to community standards. Thus, each local jurisdiction must decide what pornographic material is obscene. A growing problem is the exploitation of children in obscene materials (kiddie porn), which has been expanded through the Internet.
- The Supreme Court has ruled that local communities can pass statutes outlawing any sexually explicit material. There is no hard evidence that pornography is related to crime or aggression, but data suggest that sexual material with a violent theme is related to sexual violence by those who view it.
- Substance abuse is another type of public order crime. Most states and the federal government outlaw a wide variety of drugs they consider harmful, including narcotics, amphetamines, barbiturates, cocaine, hallucinogens, and marijuana.
- One of the main reasons for the continued ban on drugs is their relationship to crime. Numerous studies have found that drug addicts commit enormous amounts of property and violent crime.
- Alcohol is another commonly abused substance. Although alcohol is legal to possess, it too has been linked to crime. Drunk driving and deaths caused by drunk drivers are growing national problems.
- There are many different strategies to control substance abuse, ranging from source control to treatment. So far, no single method seems effective. Although hotly debated, because so many people already take drugs and because there is an association of drug abuse with crime, legalization is unlikely in the near term.



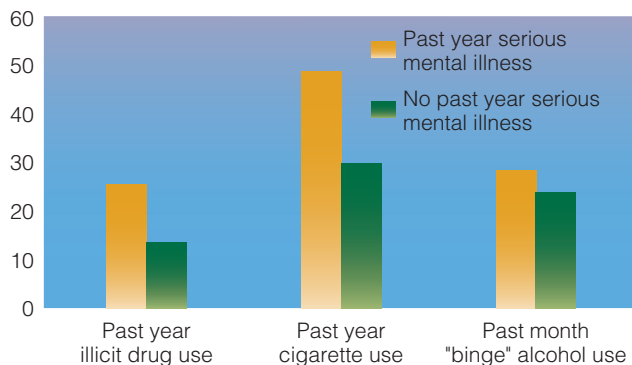
Thinking Like a Criminologist

You have been called upon by the director of the Department of Health and Human Services to give your opinion on a recent national survey finding that serious mental illness is highly correlated with illicit drug use. Among adults who used an illicit drug in the past year, 17.1 percent had serious mental illness in that year, while the rate of serious mental

illness was 6.9 percent among adults who did not use an illicit drug. Among adults with serious mental illness, 28.9 percent used an illicit drug in the past year, while the rate of illicit drug use was 12.7 percent among those without serious mental illness. The relationship is illustrated in Figure 13-A.

Among adults with serious mental illness, 23.2 percent (4 million) were dependent on or abused alcohol or illicit drugs, while the rate among adults without serious mental illness was only 8.2 percent. Adults with serious mental illness were more likely than those without serious mental illness to be dependent on or abuse illicit drugs

Percent using



Rates of Serious Mental Illness Correlated with Illicit Drug, Alcohol, and Cigarette Use among Adults Aged 18 or Older, 2002

Source: National Household Survey on Drug Abuse, 2002 (Washington, DC: U.S. Department of Health and Human Services, 2003).

(9.6 versus 2.1 percent) and more likely to be dependent on or abuse alcohol (18.0 versus 7.0 percent). Among adults with substance dependence or abuse, 20.4 percent had serious mental illness.

The rate of serious mental illness was 7.0 percent among adults who did not have substance abuse or dependence.

The director realizes that one possible explanation of this data is that

drugs cause people to become mentally ill. He asks you to comment on other possible explanations. What you tell him?

Doing Research on the Web

To learn more about the association between mental illness and drug abuse, check out the website of the National Alliance for Mental Illness: <http://web.nami.org/helpline/dualdiagnosis.htm>.

You may also want to check out research at a Substance Abuse and Mental Health Service Administration website: http://www.gainsctr.com/pdfs/fact_sheets/gainsjailprev.pdf.

For more on drugs and mental illness, go to <http://www.nlm.nih.gov/medlineplus/drugabuse.html>.

KEY TERMS

public order crimes (448)
victimless crimes (448)
social harm (450)
vigilantes (450)
moral crusaders (450)
gay bashing (451)
homosexuality (451)

sodomy (451)
homophobia (451)
paraphilias (453)
brothels (453)
prostitution (454)
madam (455)
call girls (455)

skeezers (455)
pornography (459)
obscenity (459)
temperance movement (463)
gateway model (469)

CRITICAL THINKING QUESTIONS

- Under what circumstances, if any, might the legalization or decriminalization of drugs be beneficial to society?
- Do you consider alcohol a drug? Should greater control be placed on the sale of alcohol?
- Do TV shows and films glorify drug usage and encourage youths to enter

the drug trade? Should all images on TV of drugs and alcohol be banned?

- Is prostitution really a crime? Should a man or woman have the right to sell sexual favors if they so choose?
- Do you believe there should be greater controls placed on the distribution of sexually explicit material

on the Internet? Would you approve of the online sale of sexually explicit photos of children if they were artificial images created by computer animation?

- Which statement is more accurate: (a) Sexually aggressive men are drawn to pornography because it reinforces their preexisting hostile

orientation to sexuality; or (b) Reading or watching pornography can make men become sexually aggressive.

7. Are there objective standards of morality? Does the existing criminal code reflect contemporary national moral standards? Or are laws ban-

ning sexual behaviors and substance abuse the product of a relatively few "moral entrepreneurs" who seek to control other people's behaviors?

NOTES

1. *Hillary Goodridge, and others [fn 1] v. Department of Public Health and another [fn 2]* SJC-08860. November 18, 2003.
2. Edwin Schur, *Crimes without Victims* (Englewood Cliffs, NJ: Prentice-Hall, 1965).
3. Andrea Dworkin, quoted in "Where Do We Stand on Pornography," *Ms* (January–February 1994): 34.
4. Jennifer Williard, *Juvenile Prostitution* (Washington, DC: National Victim Resource Center, 1991).
5. Morris Cohen, "Moral Aspects of the Criminal Law," *Yale Law Journal* 49 (1940): 1017.
6. Sir Patrick Devlin, *The Enforcement of Morals* (New York: Oxford University Press, 1959), p. 20.
7. See Joel Feinberg, *Social Philosophy* (Englewood Cliffs, NJ: Prentice-Hall, 1973), chap. 2, 3.
8. H. L. A. Hart, "Immorality and Treason," *Listener* 62 (1959): 163.
9. *United States v. 12 200-ft Reels of Super 8mm Film*, 413 U.S. 123 (1973) at 137.
10. Joseph Gusfield, "On Legislating Morals: The Symbolic Process of Designating Deviancy," *California Law Review* 56 (1968): 58–59.
11. John Franks, "The Evaluation of Community Standards," *Journal of Social Psychology*, 139 (1999): 253–255.
12. Information provided by Hitwise, Inc. June 4, 2004; <http://www.hitwise.com/>.
13. Irving Kristol, "Liberal Censorship and the Common Culture," *Society* 36 (September 1999): 5.
14. Amnesty International, <http://www.amnesty.org/ailib/intcam/femgen/fgm1.htm>. Accessed September 8, 2004.
15. Barbara Crossette, "Senegal Bans Cutting of Genitals of Girls," *New York Times*, 18 January 1999, p. A11.
16. David Kaplan, "Is It Torture or Tradition?" *Newsweek* (20 December 1993): 124.
17. Crossette, "Senegal Bans Cutting of Genitals of Girls."
18. Al Baker, "L. I. Millionaire's Newest Venture Was Oldest Profession, Police Say," *New York Times*, 21 July 2001.
19. CNN News Service, "Falwell Apologizes to Gays, Feminists, Lesbians," 14 September 2001. <http://www.cnn.com/2001/US/09/14/Falwell.apology/>.
20. Howard Becker, *Outsiders* (New York: Macmillan, 1963), pp. 13–14.
21. Andrea Friedman, "Sadists and Sissies: Anti-Pornography Campaigns in Cold War America," *Gender and History* 15 (2003): 201–228.
22. Albert Reiss, "The Social Integration of Queers and Peers," *Social Problems* 9 (1961): 102–120.
23. Judd Marmor, "The Multiple Roots of Homosexual Behavior," in *Homosexual Behavior*, ed. J. Marmor (New York: Basic Books, 1980), p. 5.
24. J. Money, "Sin, Sickness, or Status? Homosexual Gender Identity and Psychoneuroendocrinology," *American Psychologist* 42 (1987): 384–399.
25. C. S. Ford and F. A. Beach, *Patterns of Sexual Behavior* (New York: Harper, 1951).
26. U.S. Census Bureau, *Current Population Survey*, March 2000.
27. J. McNeil, *The Church and the Homosexual* (Kansas City, MO: Sheed, Andrews, and McNeel, 1976).
28. "Executing Injustice," *The Advocate* (5 February 2002): 16.
29. Sue Headley, "Anti-Homosexual Homicides Most Often Perpetrated by Young Males," *Youth Studies Australia* 22 (2003): 55.
30. *Ibid.*, p. 19.
31. Henry Adams, Lester Wright, and Bethany Lohr, "Is Homophobia Associated with Homosexual Arousal?" *Journal of Abnormal Psychology* 105 (1996): 440–445.
32. 376 U.S. 660; 82 S.Ct. 1417; 8 L.Ed.2d 758 (1962).
33. Elsa Arnett, "Efforts Grow to Cap Gay-Rights Gains," *Boston Globe*, 12 April 1998, p. A10.
34. John Biskupic, "Justice Let Stand 'Don't Ask, Don't Tell' Policy," *Boston Globe*, 22 October 1996, p. A6.
35. Michael Joseph Gross, "A Problem with Privacy, and with Openness," *Boston Globe*, 15 February 1998, p. C3.
36. Associated Press, "Court Gives Sons Back to Gay Father," *Boston Globe*, 16 October 1996, p. A5.
37. *Boy Scouts of America v. Dale* 530 U.S. 640 (2000).
38. National Gay and Lesbian Task Force, press release, "Eye on Equality: Pride and Public Opinion," July 5, 1998.
39. *Romer v. Evans*, 517 U.S. 620 (1996).
40. F. Inbau, J. Thompson, and J. Zagel, *Criminal Law and Its Administration* (Mineola, NY: Foundation Press, 1974), p. 287.
41. *Bowers v. Hardwick*, 106 S.Ct. 2841 (1986); reh. den. 107 S.Ct. 29 (1986).
42. *Lawrence et al. v. Texas*, 02-102. June 26, 2003.
43. *State v. Limon*, Court of Appeals of the State of Kansas, 2004. No. 85, 898.
44. Charles M. Sennott, "Pope Calls Sex Abuse Crime, Pontiff Says Cases Mishandled, Voices Solidarity with Victims," *Boston Globe*, 24 April 2002, p. A1; Kevin Cullen, "Irish Bishop Quits over Priest Case, Prelate Admits He Failed to Stop Abuse of Children," *Boston Globe*, 2 April 2002, p. A6.
45. W. P. de Silva, "Sexual Variations," *British Medical Journal* 318 (1999): 654–655.
46. Kathy Smiljanich and John Briere, "Self-Reported Sexual Interest in Children: Sex Differences and Psychosocial Correlates in a University Sample," *Violence and Victims* 11 (1996): 39–50.

47. See, generally, V. Bullock, *Sexual Variance in Society and History* (Chicago: University of Chicago Press, 1958), pp. 143–144.
48. Spencer Rathus, *Human Sexuality* (New York: Holt, Rinehart & Winston, 1983), p. 463.
49. Annette Jolin, “On the Backs of Working Prostitutes: Feminist Theory and Prostitution Policy,” *Crime and Delinquency* 40 (1994): 60–83.
50. Charles McCaghy, *Deviant Behavior* (New York: Macmillan, 1976), pp. 348–349.
51. Marian Pitts, Anthony Smith, Jeffrey Grierson, Mary O’Brien, and Sebastian Misson, “Who Pays for Sex and Why? An Analysis of Social and Motivational Factors Associated with Male Clients of Sex Workers,” *Archives of Sexual Behavior* 33 (2004): 353–358.
52. Monica Prasad, “The Morality of Market Exchange: Love, Money, and Contractual Justice,” *Sociological Perspectives* 42 (1999): 181–187.
53. Cited in McCaghy, *Deviant Behavior*.
54. FBI, *Crime in the United States, 1999* (Washington, DC: U.S. Government Printing Office, 2000), p. 217; updated with data from FBI, *Crime in the United States, 2000* (Washington, DC: U.S. Government Printing Office, 2001), p. 217.
55. FBI, *Crime in the United States, 2003*, p. 270.
56. Elizabeth Bernstein, “The Meaning of the Purchase: Desire, Demand, and the Commerce of Sex,” *Ethnography* 2 (2001): 389–420.
57. David Enrich, “Trafficking in People,” *U.S. News & World Report* 131 (23 July 2001): 34.
58. Mark-David Janus, Barbara Scanlon, and Virginia Price, “Youth Prostitution,” in *Child Pornography and Sex Rings*, ed. Ann Wolbert Burgess (Lexington, MA: Lexington Books, 1989), pp. 127–146.
59. Libby Plumridge and Gillian Abel, “A ‘Segmented’ Sex Industry in New Zealand: Sexual and Personal Safety of Female Sex Workers,” *Australian and New Zealand Journal of Public Health* 25 (2000): 78–83.
60. Charles Winick and Paul Kinsie, *The Lively Commerce* (Chicago: Quadrangle Books, 1971), p. 58.
61. Hilary Surratt, James Inciardi, Steven Kurtz, and Marion Kiley, “Sex Work and Drug Use in a Subculture of Violence,” *Crime and Delinquency* 50 (2004): 43–60.
62. Lisa Maher, “Hidden in the Light: Occupational Norms among Crack-Using Street-Level Sex Workers,” *Journal of Drug Issues* 26 (1996): 143–173.
63. Winick and Kinsie, *The Lively Commerce*, pp. 172–173.
64. Paul Goldstein, “Occupational Mobility in the World of Prostitution: Becoming a Madam,” *Deviant Behavior* 4 (1983): 267–279.
65. Alessandra Stanley, “Case of the Classy Madam,” *Time* (29 October 1984): 39.
66. Goldstein, “Occupational Mobility in the World of Prostitution,” pp. 267–270.
67. Mireya Navarro, “Group Forced Illegal Aliens into Prostitution, U.S. Says,” *New York Times*, 24 April 1998, p. A10.
68. Paul Goldstein, Lawrence Ouellet, and Michael Fendrich, “From Bag Brides to Skeezers: A Historical Perspective on Sex-for-Drugs Behavior,” *Journal of Psychoactive Drugs* 24 (1992): 349–361.
69. Sarah Bahari, “Online Prostitution a Problem on the Web,” Knight Ridder/Tribune News Service, 24 August 2004, p. K7343.
70. Lisa Kramer and Ellen Berg, “A Survival Analysis of Timing of Entry into Prostitution: The Differential Impact of Race, Educational Level, and Childhood/Adolescent Risk Factors,” *Sociological Inquiry* 73 (2003): 511–529.
71. John Potterat, Richard Rothenberg, Stephen Muth, William Darrow, and Lynanne Phillips-Plummer, “Pathways to Prostitution: The Chronology of Sexual and Drug Abuse Milestones,” *Journal of Sex Research* 35 (1998): 333–342.
72. Sheila Royo Maxwell and Christopher Maxwell, “Examining the ‘Criminal Careers’ of Prostitutes within the Nexus of Drug Use, Drug Selling, and Other Illicit Activities,” *Criminology* 38 (2000): 787–809.
73. Nancy Romero-Daza, Margaret Weeks, and Merrill Singer, “Nobody Gives a Damn If I Live or Die”: Violence, Drugs, and Street-Level Prostitution in Inner-City Hartford, Connecticut,” *Medical Anthropology* 22 (2003): 233–259.
74. Maria Eugênia Do Espírito Santo and Gina Etheredge, “‘And Then I Became a Prostitute’ . . . Some Aspects of Prostitution and Brothel Prostitutes in Dakar, Senegal,” *Social Science Journal* 41 (2004): 137–146.
75. Jesus Bucardo, Shirley Semple, Miguel Fraga-Vallejo, Wendy Davila, and Thomas Patterson, “A Qualitative Exploration of Female Sex Work in Tijuana, Mexico,” *Archives of Sexual Behavior* 33 (2004): 343–352.
76. Alyson Brown and David Barrett, *Knowledge of Evil: Child Prostitution and Child Sexual Abuse in Twentieth Century England* (Devon, England: Willan, 2002).
77. Jocelyn Brown, Patricia Cohen, Henian Chen, Elizabeth Smailes, and Jeffrey Johnson, “Sexual Trajectories of Abused and Neglected Youths,” *Journal of Developmental and Behavioral Pediatrics* 25 (2004): 77–83.
78. Gerald Hotelling and David Finkelhor, *The Sexual Exploitation of Missing Children* (Washington, DC: U.S. Department of Justice, 1988).
79. Richard Estes and Neil Alan Weiner, *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico* (Philadelphia: University of Pennsylvania Press, 2001).
80. Shu-ling Hwang and Olwen Bedford, “Juveniles’ Motivations for Remaining in Prostitution,” *Psychology of Women Quarterly* 28 (2004): 136–137.
81. Barbara G. Brents and Kathryn Hausbeck, “State-Sanctioned Sex: Negotiating Formal and Informal Regulatory Practices in Nevada Brothels,” *Sociological Perspectives* 44 (2001): 307–335.
82. Ibid.
83. Mara Keire, “The Vice Trust: A Reinterpretation of the White Slavery Scare in the United States, 1907–1917,” *Journal of Social History* 35 (2001): 5–42.
84. Ronald Weitzer, “The Politics of Prostitution in America,” in *Sex for Sale*, ed. Ronald Weitzer (New York: Routledge, 2000): 159–180.
85. Sherry Plaster Carter, Stanley Carter, and Andrew Dannenberg, “Zoning Out Crime and Improving Community Health in Sarasota, Florida: Crime Prevention through Environmental Design,” *American Journal of Public Health* 93 (2003): 1442–1445.
86. 18 U.S.C. [section] 2423(b) (2000).

87. The Protect Act, Public Law 108-21. April 30, 2003.
88. Sara K. Andrews, "U.S. Domestic Prosecution of the American International Sex Tourist: Efforts to Protect Children from Sexual Exploitation," *Journal of Criminal Law and Criminology* 94 (2004): 415–453.
89. Andrea Dworkin, *Pornography* (New York: Dutton, 1989).
90. Arthur Gould, "The Criminalisation of Buying Sex: The Politics of Prostitution in Sweden," *Journal of Social Policy* 30 (2001): 437–438.
91. Suzanne Daley, "New Rights for Dutch Prostitutes, but No Gain," *New York Times*, 12 August 2001, p. A4.
92. James Morton, "Legalising Brothels," *Journal of Criminal Law* 68 (2004): 87–90.
93. Alexa Albert, *Brothel: Mustang Ranch and Its Women* (New York: Random House, 2001).
94. *Merriam-Webster Dictionary* (New York: Pocket Books, 1974), p. 484.
95. Neil Malamuth, Tamara Addison, and Mary Koss, "Pornography and Sexual Aggression: Are There Reliable Effects and Can We Understand Them?" *Annual Review of Sex Research* 11 (2000): 26–94.
96. Albert Belanger, et al., "Typology of Sex Rings Exploiting Children," in *Child Pornography and Sex Rings*, ed. Ann Wolbert Burgess (Lexington, MA: Lexington Books, 1984), pp. 51–81.
97. Philip Jenkins, *Beyond Tolerance: Child Pornography Online* (New York: New York University Press, 2001).
98. Neil Malamuth, Tamara Addison, and Mary Koss, "Pornography and Sexual Aggression: Are There Reliable Effects and Can We Understand Them?" *Annual Review of Sex Research* 11 (2000): 26–94.
99. Berl Kutchinsky, "The Effect of Easy Availability of Pornography on the Incidence of Sex Crimes," *Journal of Social Issues* 29 (1973): 95–112.
100. Michael Goldstein, "Exposure to Erotic Stimuli and Sexual Deviance," *Journal of Social Issues* 29 (1973): 197–219.
101. See Edward Donnerstein, Daniel Linz, and Steven Penrod, *The Question of Pornography* (New York: Free Press, 1987).
102. Edward Donnerstein, "Pornography and Violence against Women," *Annals of the New York Academy of Science* 347 (1980): 277–288; E. Donnerstein and J. Hallam, "Facilitating Effects of Erotica on Aggression against Women," *Journal of Personality and Social Psychology* 36 (1977): 1270–1277.
103. James Alan Fox and Jack Levin, "Multiple Homicide: Patterns of Serial and Mass Murder," in *Crime and Justice: An Annual Edition*, vol. 23, ed. Michael Tonry (Chicago: University of Chicago Press, 1998): 418–419.
104. John Court, "Sex and Violence: A Ripple Effect," *Pornography and Aggression*, eds. Neil Malamuth and Edward Donnerstein (Orlando: Academic Press, 1984).
105. State Laws on Obscenity, Child Pornography, and Harassment. <http://www.ita.org/porn1.htm>.
106. *Roth v. United States*, 354 U.S. 476 (1957).
107. *A Book Named "John Cleland's Memoirs of a Woman of Pleasure" v. Attorney General of Massachusetts* 383 U.S. 413 (1966).
108. *Miller v. California*, 413 U.S. 15 (1973).
109. *Pope v. Illinois*, 481 U.S. 497 (1987).
110. *Ibid.*
111. *Pornography Commission*, pp. 376–377.
112. Bob Cohn, "The Trials of Adam and Eve," *Newsweek* (7 January 1991): 48.
113. 427 U.S. 50 (1976).
114. Thomas J. Lueck, "At Sex Shops, Fear that Ruling Means the End Is Near," *New York Times*, 25 February 1998, p.1.
115. David Rohde, "In Giuliani's Crackdown on Porn Shops, Court Ruling Is a Set-back," *New York Times*, 29 August 1998, p. A11.
116. Joseph Scott, "Violence and Erotic Material—The Relationship between Adult Entertainment and Rape." Paper presented at the annual meeting of the American Association for the Advancement of Science, Los Angeles, 1985.
117. Anthony Flint, "Skin Trade Spreading across U.S.," *Boston Globe*, 1 December 1996, pp. 1, 36–37.
118. Associated Press, "N.Y. Firm Fined for Broadcasting Pornographic Films by Satellite," *Boston Globe*, 16 February 1991, p. 12.
119. *ACLU, Reno v. ACLU*, No. 96–511.
120. ACLU, news release, "*ACLU v. Reno*, Round 2: Broad Coalition Files Challenge to New Federal Net Censorship Law." October 22, 1998.
121. *Ashcroft, Attorney General, et al. v. Free Speech Coalition, et al.* 00–795. April 16, 2002.
122. Flint, "Skin Trade Spreading Across U.S."
123. Ralph Weisheit, "Studying Drugs in Rural Areas: Notes from the Field," *Journal of Research in Crime and Delinquency* 30 (1993): 213–232.
124. "British Officials Report Skyrocketing Heroin Use," *Alcoholism & Drug Abuse Weekly* 10 (August 17, 1998): 7; National Institute on Drug Abuse, Community Epidemiology Work Group, *Epidemiological Trends in Drug Abuse, Advance Report* (Washington, DC: National Institute on Drug Abuse, 1997).
125. FBI, *Uniform Crime Report*, 2002, p.234.
126. Allen Beck and Paige Harrison, *Prisoners in 2000* (Washington, DC: Bureau of Justice Statistics, 2002), p. 2.
127. Arnold Trebach, *The Heroin Solution* (New Haven, CN: Yale University Press, 1982).
128. James Inciardi, *The War on Drugs* (Palo Alto, CA: Mayfield, 1986), p. 2.
129. See, generally, David Pittman, "Drug Addiction and Crime," in *Handbook of Criminology*, ed. D. Glazer (Chicago: Rand McNally, 1974), pp. 209–232; Board of Directors, National Council on Crime and Delinquency, "Drug Addiction: A Medical, Not a Law Enforcement, Problem," *Crime and Delinquency* 20 (1974): 4–9.
130. Associated Press, "Records Detail Royals' Turn-of-Century Drug Use," *Boston Globe*, 29 August 1993, p. 13.
131. See Edward Brecher, *Licit and Illicit Drugs* (Boston: Little, Brown, 1972).
132. James Inciardi, *Reflections on Crime* (New York: Holt, Rinehart & Winston, 1978), p. 15.
133. William Bates and Betty Crowther, "Drug Abuse," in *Deviants: Voluntary Actors in a Hostile World*, eds. E. Sagarin and F. Montanino (New York: Foresman and Co., 1977), p. 269.
134. Inciardi, *Reflections on Crime*, pp. 8–10. See also, A. Greeley, William McCready,

- and Gary Theisen, *Ethnic Drinking Subcultures* (New York: Praeger, 1980).
135. Joseph Gusfield, *Symbolic Crusade* (Urbana: University of Illinois Press, 1963), chap. 3.
 136. McCaghy, *Deviant Behavior*, p. 280.
 137. Ibid.
 138. The annual survey is conducted by Lloyd Johnston, Jerald Bachman, and Patrick O'Malley of the Institute of Social Research, University of Michigan, Ann Arbor.
 139. Lloyd Johnston, Patrick O'Malley, Gerald Bachman, and John Schulenberg, *Ecstasy Use Falls for Second Year in a Row, Overall Teen Drug Use Drops* (Ann Arbor: University of Michigan News and Information Services, 19 December 2003). www.monitoringthefuture.org. Accessed September 8, 2004.
 140. Substance Abuse and Mental Health Services Administration, *Overview of Findings from the 2003 National Survey on Drug Use and Health*, NSDUH Series H-24, DHHS Publication No. SMA 04-3963 (Rockville, MD: Office of Applied Studies, 2004).
 141. National Center on Addiction and Substance Abuse, *Teen Tippers: America's Underage Drinking Epidemic*, rev. ed. (New York: National Center on Addiction and Substance Abuse, 2003). http://www.casacolumbia.org/usr_doc/Teen_Tippers_February_2003R.pdf. Accessed October 25, 2003.
 142. National Center on Addiction and Substance Abuse, *National Survey of American Attitudes on Substance Abuse IX: Teen Dating Practices and Sexual Activity* (New York City: author, 2004).
 143. Eric Wish, *Drug Use Forecasting Program, Annual Report 1990* (Washington, DC: National Institute of Justice, 1990).
 144. Thomas Gray and Eric Wish, *Maryland Youth at Risk: A Study of Drug Use in Juvenile Detainees* (College Park, MD: Center for Substance Abuse Research, 1993); Eric Wish and Christina Polsenberg, "Arrestee Urine Tests and Self-Reports of Drug Use: Which Is More Related to Rearrest?" Paper presented at the annual meeting of the American Society of Criminology, Phoenix, November 1993.
 145. Julia Yun Soo Kim, Michael Fendrich, and Joseph Wislar, "The Validity of Juvenile Arrestees' Drug Use Reporting: A Gender Comparison," *Journal of Research in Crime and Delinquency* 37 (2000): 419-432.
 146. Thomas Mieczkowski, "The Prevalence of Drug Use in the United States," in *Crime and Justice, A Review of Research*, vol. 20, ed. Michael Tonry (Chicago: University of Chicago Press, 1996), pp. 349-414, at 376.
 147. See, generally, Mark Blumberg, ed., *AIDS: The Impact on the Criminal Justice System* (Columbus, OH: Merrill Publishing, 1990).
 148. Scott Decker and Richard Rosenfeld, "Intravenous Drug Use and the AIDS Epidemic: Findings for a Twenty-City Sample of Arrestees." Paper presented at the annual meeting of the American Society of Criminology, Baltimore, November 1990.
 149. Douglas Longshore, "Prevalence and Circumstances of Drug Injection at Los Angeles Shooting Galleries," *Crime and Delinquency* 42 (1996): 21-35.
 150. Ibid., p. 30.
 151. Mark Blumberg, "AIDS and the Criminal Justice System: An Overview," in *AIDS: The Impact on the Criminal Justice System*, p. 11.
 152. Susan James, Janice Johnson, and Chitra Raghavan, "I Couldn't Go Anywhere," *Violence Against Women* 10 (2004): 991-1,015.
 153. Marvin Krohn, Alan Lizotte, Terence Thornberry, Carolyn Smith, and David McDowall, "Reciprocal Causal Relationships among Drug Use, Peers, and Beliefs: A Five-Wave Panel Model," *Journal of Drug Issues* 26 (1996): 205-428.
 154. Kellie Barr, Michael Farrell, Grace Barnes, and John Welte, "Race, Class, and Gender Differences in Substance Abuse: Evidence of Middle-Class/Underclass Polarization among Black Males," *Social Problems* 40 (1993): 314-326.
 155. Peter Giancola, "Constructive Thinking, Antisocial Behavior, and Drug Use in Adolescent boys with and without a Family History of a Substance Use Disorder," *Personality and Individual Differences* 35 (2003): 1,315-1,331.
 156. Spencer Rathus, *Psychology*, 4th ed. (New York: Holt, Rinehart & Winston, 1990), p. 158.
 157. Daniel Smith, Joanne Davis, and Adrienne Fricker-Elhai, "How Does Trauma Beget Trauma? Cognitions about Risk in Women with Abuse Histories," *Child Maltreatment* 9 (2004): 292-302.
 158. Sean Kidd, "The Walls Were Closing in, and We Were Trapped," *Youth and Society* 36 (2004): 30-55.
 159. Jerome J. Platt, *Heroin Addiction and Theory, Research and Treatment: The Addict, the Treatment Process and Social Control* (Melbourne, FL: Krieser Publishing, 1995), p. 127.
 160. Alison Bass, "Mental Ills, Drug Abuse Linked," *Boston Globe*, 21 November 1990, p. 3.
 161. Tracy Hampton, "Genes Harbor Clues to Addiction, Recovery," *Journal of the American Medical Association* 292 (2004): 321-323.
 162. D. W. Goodwin, "Alcoholism and Genetics," *Archives of General Psychiatry* 42 (1985): 171-174.
 163. Martha Vungkhanching, Kenneth Sher, Kristina Jackson, and Gilbert Parra, "Relation of Attachment Style to Family History of Alcoholism and Alcohol Use Disorders in Early Adulthood," *Drug and Alcohol Dependence* 75 (2004): 47-54.
 164. For a thorough review of this issue, see John Petratis, Brian Flay, and Todd Miller, "Reviewing Theories of Adolescent Substance Use: Organizing Pieces in the Puzzle," *Psychological Bulletin* 117 (1995): 67-86.
 165. Judith Brooks and Li-Jung Tseng, "Influences of Parental Drug Use, Personality, and Child Rearing on the Toddler's Anger and Negativity," *Genetic, Social and General Psychology Monographs* 122 (1996): 107-128.
 166. Thomas Ashby Wills, Donato Vaccaro, Grace McNamara, and A. Elizabeth Hirky, "Escalated Substance Use: A Longitudinal Grouping Analysis from Early to Middle Adolescence," *Journal of Abnormal Psychology* 105 (1996): 166-180.
 167. Denise Kandel and Mark Davies, "Friendship Networks, Intimacy, and Illicit Drug Use in Young Adulthood: A Comparison of Two Competing Theories," *Criminology* 29 (1991): 441-471.
 168. J. S. Mio, G. Nanjundappa, D. E. Verlur, and M. D. DeRios, "Drug Abuse and the Adolescent Sex Offender: A Preliminary Analysis," *Journal of Psychoactive Drugs* 18 (1986): 65-72.

169. D. Baer and J. Corrado, "Heroin Addict Relationships with Parents During Childhood and Early Adolescent Years," *Journal of Genetic Psychology* 124 (1974): 99–103.
170. John Wallace and Jerald Bachman, "Explaining Racial/Ethnic Differences in Adolescent Drug Use: The Impact of Background and Lifestyle," *Social Problems* 38 (1991): 333–357.
171. Amy Young, Carol Boyd, and Amy Hubbell, "Social Isolation and Sexual Abuse among Women Who Smoke Crack," *Journal of Psychosocial Nursing* 39 (2001): 16–19.
172. Xiaojin Chen, Kimberly Tyler, Les Whitbeck, and Dan Hoyt, "Early Sexual Abuse, Street Adversity, and Drug Use among Female Homeless and Runaway Adolescents in the Midwest," *Journal of Drug Issues*, 34 (2004): 1–20; John Donovan, "Problem-Behavior Theory and the Explanation of Adolescent Marijuana Use," *Journal of Drug Issues* 26 (1996): 379–404.
173. A. Christiansen, G. T. Smith, P. V. Roehling, and M. S. Goldman, "Using Alcohol Expectancies to Predict Adolescent Drinking Behavior after One Year," *Journal of Counseling and Clinical Psychology* 57 (1989): 93–99.
174. Claire Sterk-Elifson, "Just for Fun?: Cocaine Use Among Middle-Class Women," *Journal of Drug Issues* 26 (1996): 63–76, at 69.
175. Icek Ajzen, *Attitudes, Personality and Behavior* (Homewood, IL: Dorsey Press, 1988).
176. James Inciardi, Ruth Horowitz, and Anne Pottier, *Street Kids, Street Drugs, Street Crime: An Examination of Drug Use and Serious Delinquency in Miami* (Belmont, CA: Wadsworth, 1993), p. 43.
177. Ibid.
178. Mary Ellen Mackesy-Amiti, Michael Fendrich, and Paul Goldstein, "Sequence of Drug Use among Serious Drug Users: Typical vs. Atypical Progression," *Drug and Alcohol Dependence* 45 (1997): 185–196.
179. Bu Huang, Helene White, Rick Kosterman, Richard Catalano, and J. David Hawkins, "Developmental Associations between Alcohol and Interpersonal Aggression during Adolescence," *Journal of Research in Crime and Delinquency* 38 (2001): 64–83.
180. Andrew Golub and Bruce Johnson, "The Multiple Paths Through Alcohol, Tobacco and Marijuana to Hard Drug Use among Arrestees." Paper presented at the annual Society of Criminology meeting, San Diego, November 1997.
181. Andrew Golub and Bruce D. Johnson, *The Rise of Marijuana as the Drug of Choice among Youthful Adult Arrestees* (Washington, DC: National Institute of Justice, 2001).
182. Inciardi, *The War on Drugs*, p. 60.
183. These lifestyles are described in Marcia Chaiken and Bruce Johnson, *Characteristics of Different Types of Drug-Involved Offenders* (Washington, DC: National Institute of Justice, 1988).
184. Kenneth Tunnell, "Inside the Drug Trade: Trafficking from the Dealer's Perspective," *Qualitative Sociology* 16 (1993): 361–381.
185. Lening Zhang, John Welte, and William Wiczorek, "Youth Gangs, Drug Use and Delinquency," *Journal of Criminal Justice* 27 (1999): 101–109.
186. Carolyn Rebecca Block, Antigone Christakos, Ayad Jacob, and Roger Przybylski, *Street Gangs and Crime* (Chicago: Illinois Criminal Justice Information Authority, 1996).
187. Richard Tewksbury and Elizabeth Ehrhardt Mustaine, "Lifestyle of the Wheelers and Dealers: Drug Dealing among American College Students," *Journal of Crime and Justice* 21 (1998): 37.
188. Hilary Saner, Robert MacCoun, and Peter Reuter, "On the Ubiquity of Drug Selling among Youthful Offenders in Washington, D.C., 1985–1991: Age, Period, or Cohort Effect?" *Journal of Quantitative Criminology* 11 (1995): 362–373.
189. Charles Faupel and Carl Klockars, "Drugs–Crime Connections: Elaborations from the Life Histories of Hard-Core Heroin Addicts," *Social Problems* 34 (1987): 54–68.
190. Charles Faupel, "Heroin Use, Crime and Unemployment Status," *Journal of Drug Issues* 18 (1988): 467–479.
191. Faupel and Klockars, "Drugs–Crime Connections."
192. Russel Falck, Jichuan Wang, and Robert Carlson, "The Epidemiology of Physical Attack and Rape among Crack-Using Women," *Violence and Victims* 16 (2001): 79–89.
193. Marvin Dawkins, "Drug Use and Violent Crime among Adolescents," *Adolescence* 32 (1997): 395–406.
194. U.S. Department of Justice, press release, "Four in Ten Criminal Offenders Report Alcohol as a Factor in Violence." 5 April 1998.
195. Arrestee Drug Abuse Monitoring Program, *1997 Drug Use Forecasting, Annual Report on Adult and Juvenile Arrestees* (Washington, DC: National Institute of Justice, 1998); *Center for Substance Abuse Research Report*, 7 September 1998.
196. George Speckart and M. Douglas Anglin, "Narcotics Use and Crime: An Overview of Recent Research Advances," *Contemporary Drug Problems* 13 (1986): 741–769; Faupel and Klockars, "Drugs–Crime Connections."
197. Evelyn Wei, Rolf Loeber, and Helene White, "Teasing Apart the Developmental Associations Between Alcohol and Marijuana Use and Violence," *Journal of Contemporary Criminal Justice* 20 (2004): 166–183.
198. Susan Martin, Christopher Maxwell, Helene White, and Yan Zhang, "Trends in Alcohol Use, Cocaine Use, and Crime," *Journal of Drug Issues* 34 (2004): 333–360.
199. M. Douglas Anglin, Elizabeth Piper Deschenes, and George Speckart, "The Effect of Legal Supervision on Narcotic Addiction and Criminal Behavior." Paper presented at the annual meeting of the American Society of Criminology, Montreal, November 1987, p. 2.
200. Speckart and Anglin, "Narcotics Use and Crime: An Overview of Recent Research Advances," p. 752.
201. Ibid.
202. Bu Huang, Helene White, Rick Kosterman, Richard Catalano, and J. David Hawkins, "Developmental Associations between Alcohol and Interpersonal Aggression during Adolescence," *Journal of Research in Crime and Delinquency* 38 (2001): 64–83; Helene Raskin White and Stephen Hansell, "The Moderating Effects of Gender and Hostility on the Alcohol–Aggression Relationship," *Journal of Research in Crime and Delinquency* 33 (1996): 450–470.

203. James Inciardi, "Heroin Use and Street Crime," *Crime and Delinquency* 25 (1979): 335–346; see also, W. McGlothlin, M. Anglin, and B. Wilson, "Narcotic Addiction and Crime," *Criminology* 16 (1978): 293–311.
204. David Best, Clare Sidwell, Michael Gossop, et al., "Crime and Expenditure amongst Polydrug Misusers Seeking Treatment: The Connection between Prescribed Methadone and Crack Use, and Criminal Involvement," *British Journal of Criminology* 41 (2001): 119–126.
205. Overview of findings from the 2002 National Survey on Drug Use and Health. <http://www.oas.samhsa.gov/nhsda/2k2nsduh/Overview/2k2Overview.htm#chap5>. Accessed September 8, 2004.
206. Allen Beck, Darrell Gilliard, Lawrence Greenfeld, Caroline Harlow, Thomas Hester, Lewis Jankowski, Tracy Snell, James Stephen, and Danielle Morton, *Survey of State Prison Inmates, 1991* (Washington, DC: Bureau of Justice Statistics, 1993). The survey of prison inmates is conducted by the Bureau of Justice Statistics every 5 to 7 years.
207. National Institute of Justice, *2000 Arrestee Drug Abuse Monitoring* (Washington, DC: National Institute of Justice, 2003). <http://www.ncjrs.org/txtfiles1/nij/193013.txt>. Accessed September 8, 2004.
208. Paul Goldstein, "The Drugs–Violence Nexus: A Tripartite Conceptual Framework," *Journal of Drug Issues* 15 (1985): 493–506; Marvin Krohn, Alan Lizotte, and Cynthia Perez, "The Interrelationship between Substance Use and Precocious Transitions to Adult Sexuality," *Journal of Health and Social Behavior* 38 (1997): 87–103, at 88; Richard Jessor, "Risk Behavior in Adolescence: A Psychosocial Framework for Understanding and Action," in *Adolescents at Risk: Medical and Social Perspectives*, eds. D. E. Rogers and E. Ginzburg (Boulder, CO: Westview Press, 1992).
209. See Kenneth Jones, Louis Shainberg, and Carter Byer, *Drugs and Alcohol* (New York: Harper & Row, 1979), pp. 137–146.
210. Controlled Substance Act, 21 U.S.C. 848 (1984).
211. Anti-Drug Abuse Act of 1986, PL 99-570, U.S.C. 841 (1986).
212. Anti-Drug Abuse Act of 1988, PL 100-690; 21 U.S.C. 1501; Subtitle A—Death Penalty, Sec. 7001, Amending the Controlled Substances Abuse Act, 21 U.S.C. 848.
213. Eric Jensen, Jurg Gerber, and Ginna Babcock, "The New War on Drugs: Grass Roots Movement or Political Construction?" *Journal of Drug Issues* 21 (1991): 651–667.
214. U.S. Department of State, *1998 International Narcotics Control Strategy Report*, February 1999.
215. George Rengert, *The Geography of Illegal Drugs* (Boulder, CO: Westview Press, 1996), p. 2.
216. Fareed Zakaria, "Warlords, Drugs, and Votes; Drugs Have Become the Dominating Feature of Afghanistan's Economy, and Corruption Has Infected Every Aspect of Afghan Political Life," *Newsweek* (9 August 2004): 39.
217. Francisco Gutierrez, "Institutionalizing Global Wars: state Transformations in Colombia, 1978–2002: Colombian Policy Directed at Its Wars, Paradoxically, Narrows the Government's Margin of Maneuver Even as It Tries to Expand It," *Journal of International Affairs* 57 (2003): 135–152.
218. Office of National Drug Control Policy, Cocaine. <http://www.whitehousedrug-policy.gov/drugfact/cocaine/index.html>. Accessed September 11, 2004.
219. Mark Moore, *Drug Trafficking* (Washington, DC: National Institute of Justice, 1988).
220. Matthew Durose and Patrick Langan, *Felony Sentences in State Courts, 2000* (Washington, DC: Bureau of Justice Statistics, 2003).
221. Peter Rossi, Richard Berk, and Alec Campbell, "Just Punishments: Guideline Sentences and Normative Consensus," *Journal of Quantitative Criminology* 13 (1997): 267–283.
222. Michael Welch, Russell Wolff, and Nicole Bryan, "Recontextualizing the War on Drugs: A Content Analysis of NIJ Publications and Their Neglect of Race and Class," *Justice Quarterly* 15 (1998): 719–742.
223. Robert Davis, Arthur Lurigio, and Dennis Rosenbaum, eds., *Drugs and the Community* (Springfield, IL: Charles C Thomas, 1993), pp. xii–xv.
224. Saul Weingart, "A Typology of Community Responses to Drugs," in Davis, Lurigio, and Rosenbaum, *Drugs and the Community*, pp. 85–105.
225. Davis, Lurigio, and Rosenbaum, *Drugs and the Community*, pp. xii–xiii.
226. Marianne Zawitz, *Drugs, Crime and the Justice System* (Washington, DC: Bureau of Justice Statistics, 1992), pp. 109–112.
227. *Ibid.*, pp. 115–122.
228. John Goldkamp and Peter Jones, "Pretrial Drug-Testing Experiments in Milwaukee and Prince George's County: The Context of Implementation," *Journal of Research in Crime and Delinquency* 29 (1992): 430–465; Chester Britt, Michael Gottfredson, and John Goldkamp, "Drug Testing and Pretrial Misconduct: An Experiment on the Specific Deterrent Effects of Drug Monitoring Defendants on Pretrial Release," *Journal of Research in Crime and Delinquency* 29 (1992): 62–78.
229. See, generally, Peter Greenwood and Franklin Zimring, *One More Chance* (Santa Monica, CA: Rand, 1985).
230. Tracy Beswick, David David, Jenny Bearn, Michael Gossop, Sian Rees, and John Strang, "The Effectiveness of Combined Naloxone/Lofexidine in Opiate Detoxification: Results from a Double-Blind Randomized and Placebo-Controlled Trial," *American Journal on Addictions* 12 (2003): 295–306.
231. Eli Ginzberg, Howard Berliner, and Miriam Ostrow, *Young People at Risk: Is Prevention Possible?* (Boulder, CO: Westview Press, 1988), p. 99.
232. National Evaluation Data and Technical Assistance Center, *The District of Columbia's Drug Treatment Initiative (DCI)* (Washington, DC: author, February 1998).
233. The following section is based on material found in Jerome Platt, "Vocational Rehabilitation of Drug Abusers," *Psychological Bulletin* 117 (1995): 416–433.
234. Celia Lo, "Sociodemographic Factors, Drug Abuse, and Other Crimes: How They Vary among Male and Female Arrestees," *Journal of Criminal Justice* 32 (2004): 399–409.
235. The National Center on Addiction and Substance Abuse, *Shoveling Up: The Impact of Substance Abuse on State Budgets* (New York: author, 2001).
236. Office of National Drug Control Policy, *National Drug Control Strategy: FY 2004*

- Budget Summary* (Washington, DC: author, February 2003).
237. Ethan Nadelmann, "The U.S. Is Addicted to War on Drugs," *Globe and Mail*, 20 May 2003, p.1; Ethan Nadelmann, "America's Drug Problem," *Bulletin of the American Academy of Arts and Sciences* 65 (1991): 24–40.
238. See, generally, Ralph Weisheit, *Drugs, Crime, and the Criminal Justice System* (Cincinnati: Anderson, 1990).
239. David Courtwright, "Should We Legalize Drugs? History Answers No," *American Heritage* (February–March 1993): 43–56.
240. James Inciardi and Duane McBride, "Legalizing Drugs: A Gormless, Naive Idea," *Criminologist* 15 (1990): 1–4.
241. Kathryn Ann Farr, "Revitalizing the Drug Decriminalization Debate," *Crime and Delinquency* 36 (1990): 223–237.

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THE CRIMINAL JUSTICE SYSTEM



The text's final section reviews the agencies and the process of justice designed to exert social control over criminal offenders. Chapter 14 provides an overview of the justice system and describes its major institutions and processes. Chapter 15 looks at the police and law enforcement; Chapter 16 examines the judicatory process; and Chapter 17 explores corrections. This vast array of people and institutions is beset by conflicting goals and values. Some view the justice system as a mammoth agency of social control; others see it as a great social agency dispensing therapy to those who cannot fit within the boundaries of society.

Consequently, a major goal of policymakers is to formulate and disseminate effective models of crime prevention and control. Efforts are now being undertaken at all levels of the justice system to improve information flow, experiment with new program concepts, and evaluate current operating procedures.

CHAPTER 14	The Criminal Justice System
CHAPTER 15	Police and Law Enforcement
CHAPTER 16	The Judicatory Process
CHAPTER 17	Corrections

CHAPTER 14



Convicted criminals are being released early in Los Angeles County because jails are overcrowded and underfunded and budgets are being cut. People convicted of petty crimes are usually serving 10 percent or less of their sentence. Early release helps perpetuate a revolving door of justice, as many inmates are re-arrested within 45 days of their release. Critics say this diminishes the goal of law enforcement to clamp down on offenders; their solution is to raise sales tax to fund jails.

L.A. County is not alone when it comes to issues of jail overcrowding. On the other side of the country, the Brevard County, Florida, jail is sometimes so overcrowded there are not enough cells to hold all the inmates.¹ One problem is that the jail, like so many others around the United States, now houses inmates who do not actually belong there. Some are waiting to be transferred to state prisons for parole or probation violations. The transfers are done once a week, but sometimes inmates have to wait longer while the courts process their paperwork.

The jail also has fifty-one inmates being held for authorities in other counties and states. They often are people whom the local police have stopped for various reasons who then are found to have outstanding arrest warrants issued outside Brevard. The jail also holds detainees waiting for a bail hearing. Sometimes it takes just a few days to schedule a hearing before a judge. Other times, it can take a month or longer. The jail's population has doubled in the last 10 years.

The woes of the L.A. County and Brevard County jails are all too common. With budgets tightening around the nation, agencies of the criminal justice system are still being called upon to provide solutions to the crime problem and to shape the direction of crime policy. This loosely organized collection of agencies is charged with, among other matters, protecting the public, maintaining order, enforcing the law, identifying transgressors, bringing the guilty to justice, and treating criminal behavior. The public depends on this vast system, employing more than 2 million people and costing U.S. taxpayers about \$150 billion a year, to protect them from evildoers and to bring justice to their lives. This and the following three chapters cover the system of justice, its process and organization, and the legal rules that guide its operations.

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

THE CRIMINAL JUSTICE SYSTEM

CHAPTER OUTLINE

Origins of the American Criminal Justice System

What Is the Criminal Justice System?

The Process of Justice

Policy and Practice in Criminology:

The Juvenile Justice System in the New Millennium

Going through the Justice Process

Criminal Justice and the Rule of Law

Concepts of Justice

Crime Control Model

Justice Model

Due Process Model

Rehabilitation Model

Nonintervention Model

Restorative Justice Model

Concepts of Justice Today

CHAPTER OBJECTIVES

1. Be familiar with the history of the criminal justice system
2. Be familiar with the various stages in the process of justice
3. Understand how criminal justice is shaped by the rule of law
4. Know the elements of the crime control model
5. Know what is meant by the justice model
6. Discuss the elements of due process
7. Be able to argue the merits of the rehabilitation model
8. Understand the concept of nonintervention
9. Know the elements of the restorative justice model


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ORIGINS OF THE AMERICAN CRIMINAL JUSTICE SYSTEM

Although firmly entrenched in our culture, common criminal justice agencies have existed for only 150 years or so. At first these institutions operated independently, with little recognition that their functions could be coordinated or share common ground.

In 1931, President Herbert Hoover appointed the National Commission of Law Observance and Enforcement, commonly known today as the Wickersham Commission. This national study group analyzed the American justice system in detail and helped usher in the era of treatment and rehabilitation. It showed the complex rules and regulations that govern the system and exposed how difficult it was for justice personnel to keep track of the legal and administrative complexity.


The modern era of criminal justice study began with a series of explorations of the criminal justice process conducted under the auspices of the American Bar Foundation.² As a group, the foundation studies brought to light some of the hidden or low-visibility processes that are at the heart of justice system operations. They showed how informal decision making and the use of personal discretion are essential ingredients of the justice process.

 Established in 1952, the **American Bar Foundation** is an independent, nonprofit national research institute committed to objective empirical research on law and legal institutions. You can visit their website at <http://www.abf-sociolegal.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Another milestone occurred in 1967, when the President's Commission on Law Enforcement and the Administration of Justice (the Crime Commission), appointed by President Lyndon Johnson, published its final report, *The Challenge of Crime in a Free Society*.³ This group of practitioners, educators, and attorneys had been charged with creating a comprehensive view of the criminal justice process and offering recommendations for its reform. Its efforts resulted in passage of the Safe Streets and Crime Control Act of 1968, which provided federal funds for state and local crime control efforts. This legislation helped launch a massive campaign to restructure the justice system by funding the Law Enforcement Assistance Administration (LEAA), an agency that provided hundreds of millions of dollars in aid to local and state justice agencies. Federal intervention through the LEAA ushered in a new era in research and development in criminal justice and established the concept that its component agencies actually make up a system.⁴

Though the LEAA is no longer in operation, its efforts helped identify the concept of a unified system of criminal justice. Rather than viewing police, courts, and correctional agencies as thousands of independent institutions, it has become common to see them as components of a large,

integrated, people-processing system that manages law violators from the time of their arrest through trial, punishment, and release.


 To quiz yourself on this material, go to the Criminology 9e website.

WHAT IS THE CRIMINAL JUSTICE SYSTEM?

The **criminal justice system** refers to the agencies of government charged with enforcing law, adjudicating criminals, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control: Society considers some behaviors so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent social harm by apprehending and punishing those who violate the law and in so doing deter those who may be contemplating future wrongdoing. Although society maintains other forms of social control—such as the family, school, and church—these are designed to deal with moral, not legal, misbehavior. Only the criminal justice system has the power to control crime and punish criminals. The major components of this immense system—the police, courts, and correctional agencies—are described in Figure 14.1.

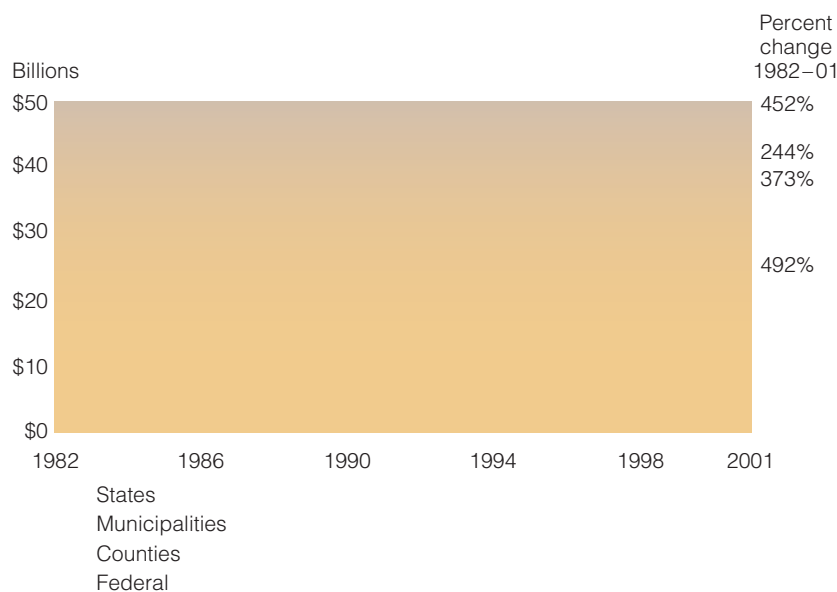
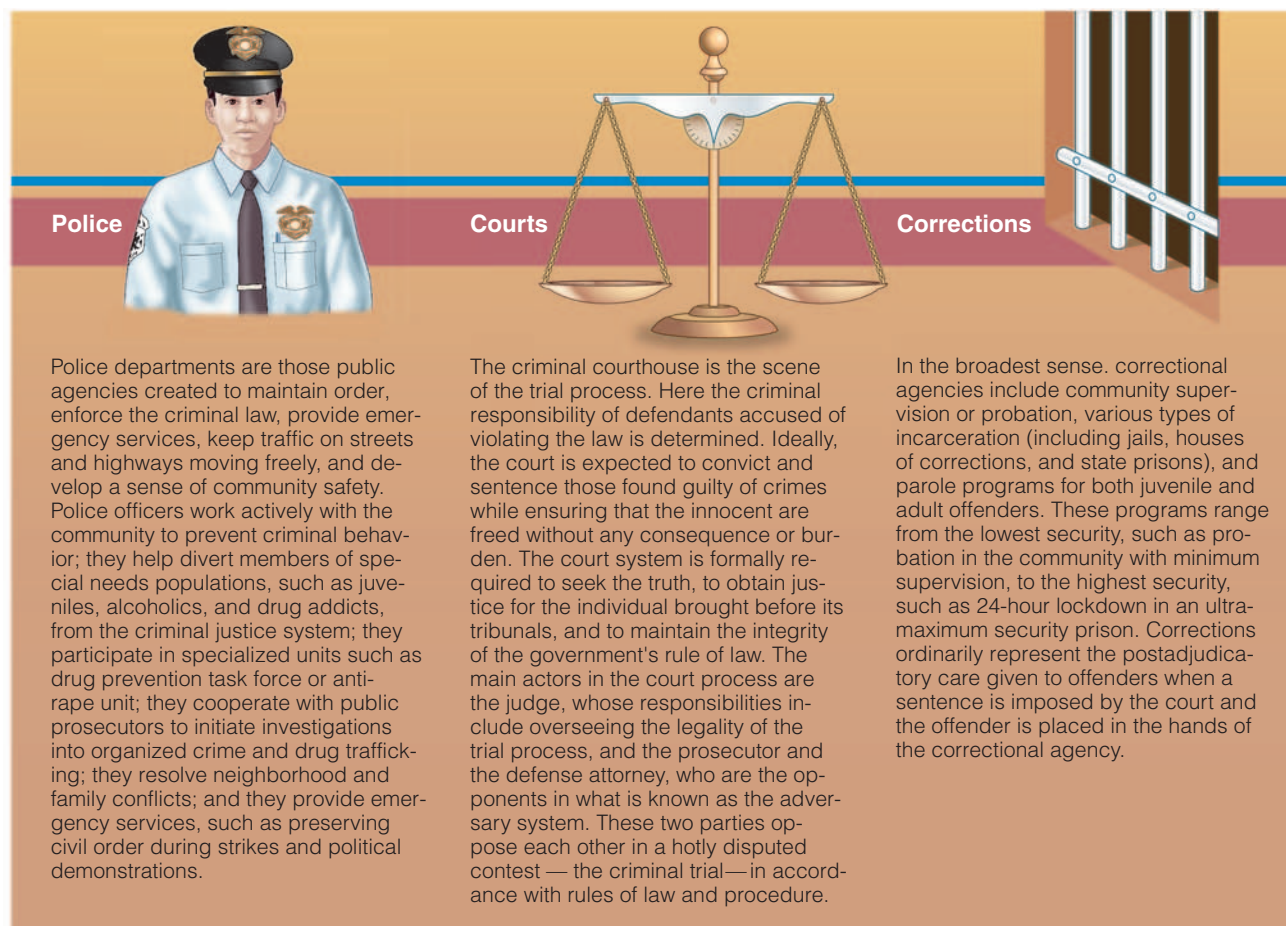
The contemporary criminal justice system in the United States is monumental in size. It now costs federal, state, and local governments about \$150 billion per year for civil and criminal justice, up more than 300 percent since 1982 (Figures 14.2 and 14.3).

One reason the justice system is so expensive to run is because it employs over 2 million people in over 55,000 public agencies: 17,000 police agencies, nearly 17,000 courts, over 8,000 prosecutorial agencies, about 6,000 correctional institutions, and over 3,500 probation and parole departments. There are also capital costs. State jurisdictions are now conducting a massive correctional building campaign, adding tens of thousands of prison cells. It costs about \$70,000 to build a prison cell, and about \$22,000 per year is needed to keep an inmate in prison; juvenile institutions cost about \$30,000 per year per resident.

 For the latest **data on the criminal justice system**, go to the home page of the Bureau of Justice Statistics whose mission is "to collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government": <http://www.ojp.usdoj.gov/bjs/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The system is massive because it must process, treat, and care for millions of people each year. Although the crime rate has declined substantially, more than 13.5 million people are

Components of the Criminal Justice System



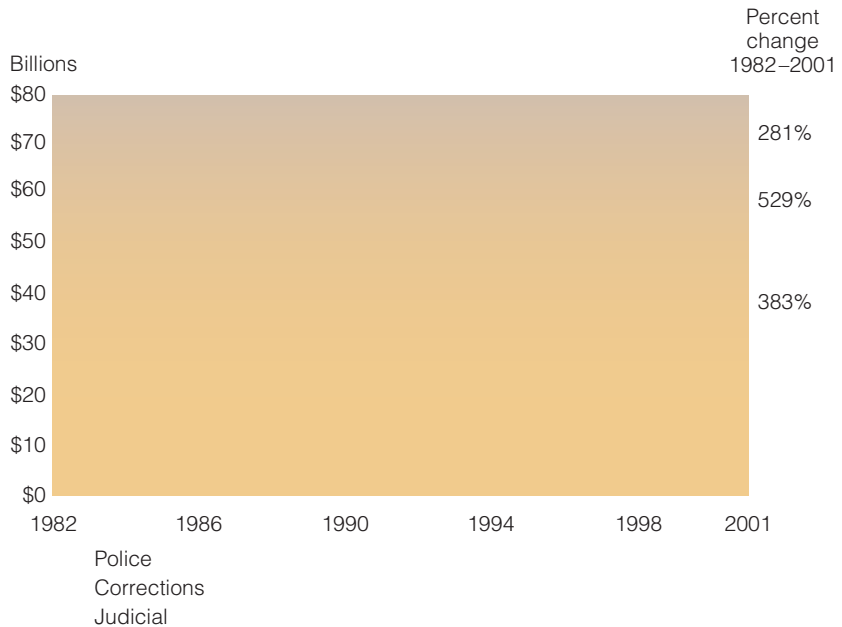
Direct Expenditure by Level of Government

Source: Bureau of Justice System, *Justice Expenditure and Employment Extracts*. <http://www.ojp.usdoj.gov/bjs/glance/expgov.htm>.

Direct Expenditure by Criminal Justice Function

Direct expenditure for each of the major criminal justice functions (police, judicial, corrections) has been increasing.

Source: Bureau of Justice System, *Justice Expenditure and Employment Extracts*. <http://www.ojp.usdoj.gov/bjs/glance/expgov.htm>.



Number of People under Correctional Supervision, 1990–2003

	Total Pop.	Probation	Parole	Jail	Prison
1990	4,350,300	2,670,234	531,407	405,320	743,382
1995	5,342,900	3,077,861	679,421	507,044	1,078,542
2000	6,445,100	3,826,209	723,898	621,149	1,316,333
2001	6,592,800	3,932,751	731,147	631,240	1,330,980
2002	6,769,523	3,995,200	753,100	665,475	1,355,748
2003	6,889,800	4,073,987	774,588	691,301	1,387,269

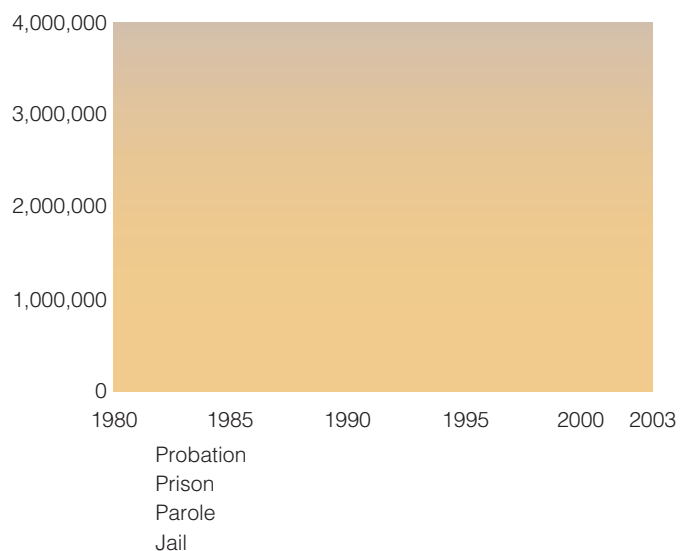
Source: Bureau of Justice Statistics, 2004.

still being arrested each year, including more than 2 million for serious felony offenses.⁵ In addition, about 1.5 million juveniles are handled by the juvenile courts. Today, state and federal courts convict a combined total of over 1 million adults on felony charges each year.⁶

Despite its size and cost, some critics believe that the criminal justice system does not work very well. To read one such critique, go to InfoTrac College Edition and read: Barbara Dority, "The U.S. Criminal Injustice System," *The Humanist* 60 (May 2000): 33.

Considering the enormous number of people processed each year, it comes as no surprise that the correctional system population is at an all-time high. Almost 7 million people are now under the control of the correctional system, with 2 million men and women in the nation's jails and prisons. Almost 5 million adult men and women are being supervised in the community while on probation or parole, a number that has been increasing by more than 3 percent each year since 1990 (Table 14.1). As you may recall from

Adult Correctional Populations, 1980–2003



The number of adults in the correctional population has been increasing.

Source: Bureau of Justice Statistics, *Correctional Surveys* (as presented in *Correctional Populations in the United States, Annual, Prisoners in 2002 and Probation in the United States, 2002*), updated.

Chapter 2, the crime rate has been in decline for most of the past decade. Yet, the justice system continues to grow. As Figure 14.4 shows, the number of people in the correctional system has trended upwards.

Though there is less crime, people are more likely to be convicted than in the past and if sent to prison or jail to serve more of their sentence. Consequently, correctional populations have grown during a period of crime rate decline.

||||| CONNECTIONS |||||

Contributing to the increase in the correctional population has been the growing presence of women in the justice system. This issue will be discussed more fully in Chapter 17.

In addition to the criminal justice system, there is also a juvenile justice system that apprehends, adjudicates, and corrects minors who violate the law. The juvenile justice system is set out in the Policy and Practice in Criminology feature.



To quiz yourself on this material, go to the Criminology 9e website.



Despite a spotty track record, the cost of corrections keeps escalating. To find out more about this issue, read: Elizabeth B. Guerard, "Analysis: Prison Spending Outpaces Higher Education," *Education Daily* 35 (30 August 2002): 3.

THE PROCESS OF JUSTICE

In addition to viewing the criminal justice system as a collection of agencies, it is possible to see it as a series of decision points through which offenders flow. This process, illustrated in Figure 14.5 on page 498, begins with initial contact with police and ends with the offender's re-entry into society. At any point in the process, a decision may be made to drop further proceedings and allow the accused back into society without additional penalty. The process is so routine that some commentators refer to it as "assembly-line justice."⁷

Although each jurisdiction is somewhat different, a comprehensive view of the processing of a felony offender would probably contain the following decision points:

1. **Initial contact:** The initial contact an offender has with the justice system occurs when police officers observe a criminal act during their patrol of city streets, parks, or highways. They may also find out about a crime through a citizen or victim complaint. Similarly, an informer may alert them about criminal activity in return for financial or other consideration. Sometimes political officials, such as the mayor or city council, ask police to look into ongoing criminal activity, such as gambling, and during their subsequent investigations police officers encounter an illegal act.
2. **Investigation:** Regardless of whether the police observe, hear of, or receive a complaint about a crime, they may investigate to gather sufficient facts, or evidence, to identify the perpetrator, justify an arrest, and bring the offender to trial. An investigation may take a few minutes, as when patrol officers see a burglary in progress

and apprehend the burglar at the scene of the crime. An investigation may also take years to complete and involve numerous investigators. For example, when federal agents tracked and captured Theodore Kaczinski (known as the Unabomber) in 1996, it completed an investigation that had lasted more than a decade.

3. **Arrest:** An **arrest** occurs when the police take a person into custody for allegedly committing a criminal act. An arrest is legal when all of the following conditions exist: (a) the officer believes there is sufficient evidence (**probable cause**) that a crime is being or has been committed and that the suspect committed the crime; (b) the officer deprives the individual of freedom; and (c) the suspect believes that he or she is in the custody of a police officer and cannot voluntarily leave. The police officer is not required to use the word *arrest* or any similar word to initiate an arrest; nor does the officer first have to bring the suspect to the police station. For all practical purposes, a person who has been deprived of liberty is under arrest. Arrests can be made at the scene of a crime or after a warrant is issued by a magistrate.
4. **Custody:** After arrest, the suspect remains in police custody. The person may be taken to the police station to be fingerprinted and photographed and to have personal information recorded—a procedure popularly referred to as **booking**. Witnesses may be brought in to view the suspect (in a **lineup**), and further evidence may be gathered on the case. Suspects may undergo **interrogation** by police officers to get their side of the story, they may be asked to sign a confession of guilt, or they may be asked to identify others involved in the crime. The law allows suspects to have their lawyers present when police conduct in-custody interrogations.
5. **Complaint /charging:** After police turn the evidence in a case over to the prosecutor, who represents the state at any criminal proceedings, a decision will be made whether to file a complaint, information, or bill of indictment with the court having jurisdiction over the case. Complaints are used in misdemeanors; information and indictment are employed in felonies. Each is a charging document asking the court to bring a case forward to be tried.
6. **Preliminary hearing/grand jury:** Because it is a tremendous personal and financial burden to stand trial for a serious felony crime, the U.S. Constitution provides that the state must first prove to an impartial hearing board that there is probable cause that the accused committed the crime and, therefore, that there is sufficient reason to try the person as charged. In about half the states and in the federal system, the decision of whether to bring a suspect to trial (indictment) is made by a group of citizens brought together to form a **grand jury**. The grand jury considers the case in a closed hearing, in which only the prosecutor presents evidence.

The Juvenile Justice System in the New Millennium

Independent of but interrelated with the adult criminal justice system, the juvenile justice system is primarily responsible for dealing with juveniles who commit crimes (delinquents) and those who are incorrigible, truants, runaways, or unmanageable (status offenders).

The policy of treating juveniles who commit criminal acts separately from adults is relatively new. Until the late nineteenth century, youthful criminals were tried in adult courts and punished in adult institutions. However, nineteenth-century reformers, today known as “child savers,” lobbied to separate young offenders from serious adult criminals. Their efforts were rewarded when the first separate juvenile court was set up in Chicago in 1899. Over the next twenty years, most other states created separate juvenile court and correctional systems.

At first, the juvenile system was based on the philosophy of *parens patriae*. This meant that the state was acting in the best interests of children in trouble who could not care for themselves. Under the *parens patriae* doctrine, delinquents and status offenders (sometimes called “wayward minors” or “children in need of supervision,” these youths are truant, runaways, or simply beyond control of parental authority) were tried in an informal juvenile court hearing without the benefit of counsel or other procedural rights. The juvenile correctional system, designed for treatment rather than punishment, was usually located in small institutions referred to as schools or camps. (The first juvenile reform school was opened in 1847 in Massachusetts.) After the separate juvenile justice system was developed, almost all

incarcerated youths were maintained in separate juvenile institutions that stressed individualized treatment, education, and counseling.

Critics charged that the juvenile justice system’s reliance on informal procedure often violated a child’s constitutional rights to due process of law. It seemed unfair to place a minor child, tried without benefit of an attorney or other legal safeguards granted to adult defendants, in a remote incarceration facility. In the 1960s, the Supreme Court revolutionized the juvenile justice system when, in a series of cases—the most important being *In Re Gault*—it granted procedural and due process rights, such as the right to legal counsel, to juveniles at trial. The Court recognized that many youths were receiving long sentences without the benefit of counsel and other Fifth and Sixth Amendment rights and that many institutions did not carry out their treatment role. Consequently, the juvenile justice process became similar to the adult process.

In the 1970s, recognizing the stigma placed on youths by the delinquency label, efforts were made to remove or divert youths from the official justice process and place them in alternative, community-based treatment programs. One state, Massachusetts, went so far as to close its secure correctional facilities and place all youths, no matter how serious their crimes, in community programs. Today the juvenile court is a vast enterprise, handling nearly 1.8 million delinquency cases each year and conducting over 1 million formal hearings.

Concern over juvenile violence has caused some critics to question the juvenile justice system’s treatment philosophy. Some states have created mandatory waiver laws making it easier to try serious juvenile offenders in the adult system. The general trend has been to remove as many nonvio-

lent and status offenders as possible from secure placements in juvenile institutions and at the same time to lengthen the sentences of serious offenders or to move such offenders to the adult system. Each year about 8,000 kids are “waived” to the adult system to face long prison sentences and even the death penalty.

Some of the similarities and differences between the adult and juvenile justice systems are listed in Exhibit 14-A. Though there are many similarities between rights and privileges in both systems, there are some important differences. Juveniles can be taken into custody and placed in an institution for acts (status offenses) made illegal because of their age, such as being truant from school or running away from home. They do not have the right to a jury trial, and juvenile hearings are still closed to the public. However, juveniles who are waived to the adult court can be incarcerated in prisons and even subject to the death penalty. These differences reflect the effort to protect adolescents from the stigma of a criminal label. Note how juveniles are never arrested or convicted; they are taken into custody and adjudicated.

Abolish Juvenile Justice?

In an important work, *Bad Kids: Race and the Transformation of the Juvenile Court*, legal expert Barry Feld makes the rather controversial suggestion that the juvenile court system should be discontinued and/or replaced by an alternative method of justice. He suggests that the current structure of the court almost makes it impossible for it to fulfill or achieve the purpose for which it was originally intended.

The rehabilitative vision of the juvenile court was undercut by the fear and consequent racism created by postwar migration and economic trends that led to the development of large enclaves of poor and underemployed African Americans

Similarities and Differences between Juvenile and Adult Justice Systems

Similarities

Police officers, judges, and correctional personnel use discretion in decision making in both the adult and the juvenile systems.

The right to receive *Miranda* warnings applies to juveniles as well as to adults.

Juveniles and adults are protected from prejudicial lineups or other identification procedures.

Similar procedural safeguards protect juveniles and adults when they admit guilt.

Prosecutors and defense attorneys play equally critical roles in juvenile and adult advocacy.

Juveniles and adults have the right to counsel at most key stages of the court process.

Pretrial motions are available in juvenile and criminal court proceedings.

Negotiations and plea bargaining exist for juvenile and adult offenders.

Children and adults have the right to a hearing and an appeal.

The standard of evidence in juvenile delinquency adjudications, as in adult criminal trials, is proof beyond a reasonable doubt.

Juveniles and adults can be placed on probation by the court.

Both juveniles and adults can be placed in pretrial detention facilities.

Juveniles and adults can be kept in detention without bail if they are considered dangerous.

After trial, juveniles and adults can be placed in community treatment programs.

Differences

The primary purpose of juvenile procedures is protection and treatment. With adults, the aim is to punish the guilty.

Age determines the jurisdiction of the juvenile court. The nature of the offense determines jurisdiction in the adult system.

Juveniles can be apprehended for acts that would not be criminal if they were committed by an adult (status offenses).

Juvenile proceedings are not considered criminal; adult proceedings are.

Juvenile court procedures are generally informal and private. Those of adult courts are more formal and are open to the public.

Courts cannot release identifying information about a juvenile to the media, but they must release information about an adult.

Parents are highly involved in the juvenile process but not in the adult process.

The standard of arrest is more stringent for adults than for juveniles.

Juveniles are released into parental custody. Adults are generally given the opportunity for bail.

Juveniles have no constitutional right to a jury trial. Adults have this right.

Juveniles can be searched in school without probable cause or a warrant.

A juvenile's record is sealed when the age of majority is reached. The record of an adult is permanent.

A juvenile court cannot sentence juveniles to county jails or state prisons; these are reserved for adults.

There is no death penalty in the juvenile justice system. However, the U.S. Supreme Court has declared that the Eighth Amendment does not prohibit the death penalty for crimes committed by juveniles ages 16 and 17.

living in northern cities. Then in the 1980s the sudden rise in gang membership, gun violence, and homicide committed by juveniles further undermined the juvenile court mission and resulted in legislation that created mandatory sentences for juvenile offenders and mandatory waivers to the adult court. As a result, the focus of the court has been on dealing with the offense rather than treating the offender. In Feld's words, the juvenile court has become a "deficient second-rate criminal court." The welfare and rehabilitative purposes of the juvenile court have been subordinated to its role of law enforcement agent.

Critical Thinking

1. While some experts disagree with Feld, there is little question that the concept of juvenile justice is being reconsidered. Do you believe that children who commit serious crimes should be tried in adult courts and sent to adult prisons? If so, why do we need a juvenile justice system?
2. Is it fair to place kids who repeatedly run away from home in the same facilities as kids who steal cars? Is it possible that both groups of offenders are motivated by the same types of personal problems and therefore deserve similar treatments?

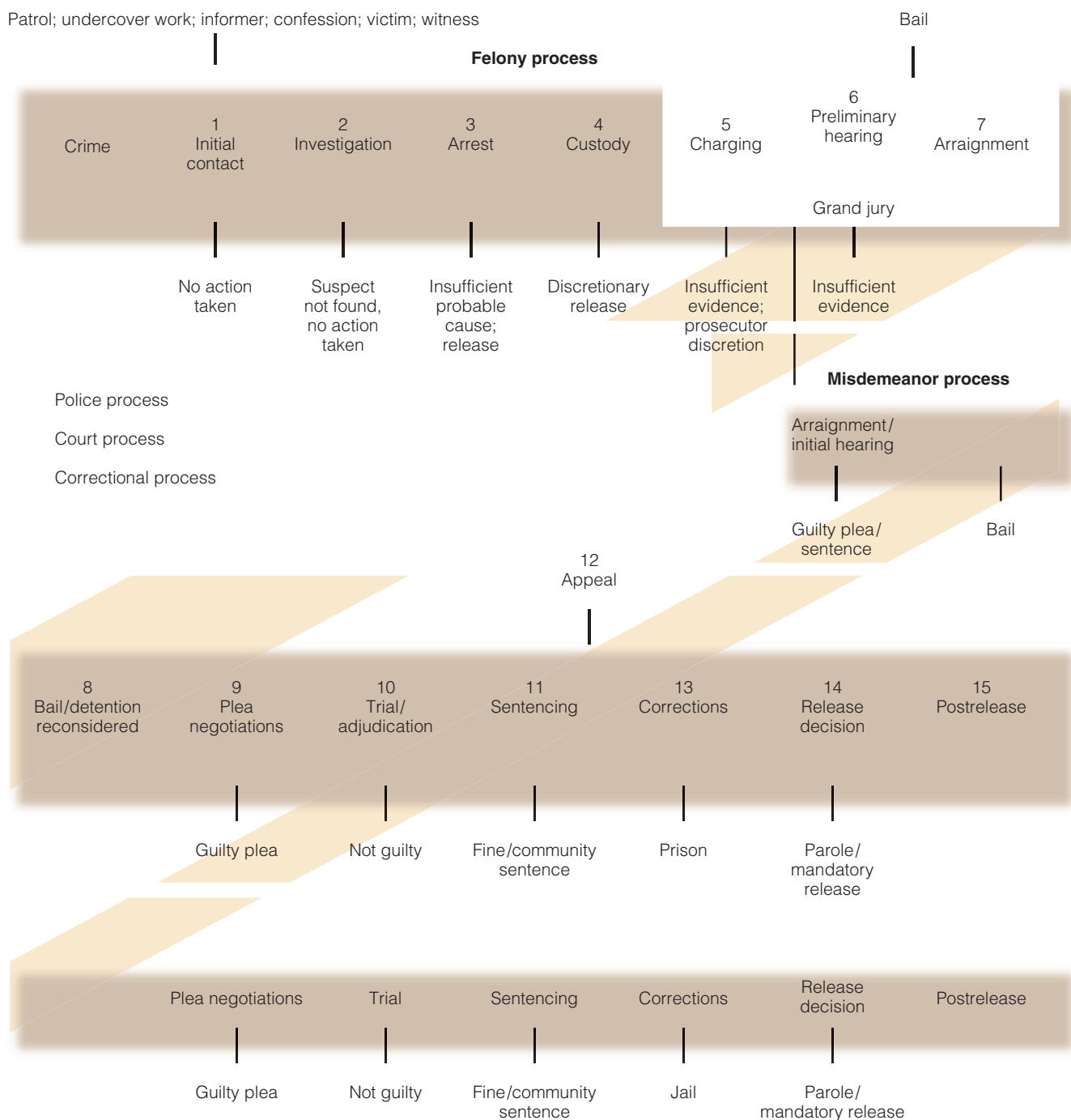
InfoTrac College Edition Research

Read an article that may help you answer the first critical thinking question: Katti Gray, "Juvenile Injustice," *Essence* 32 (September 2001): 147.

Sources: Anne L. Stahl, *Delinquency Cases in Juvenile Courts*, 1998 (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2001); Charles M. Puzzanchera, *Delinquency Cases Waived to Criminal Court, 1989–1998* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2001); Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999); John Johnson Kerbs, "(Un)equal Justice: Juvenile Court Abolition and African Americans," *Annals, AAPSS* 564 (1999): 109–125;

The Critical Stages of the Justice Process

Patrol; undercover work; informer; confession; victim; witness



In the remaining states, a charging document called an information is filed before an impartial lower court judge, who decides whether the case should go forward. This is known as a **preliminary hearing** or **probable cause hearing**. The defendant may appear at a preliminary hearing and dispute the prosecutor's charges. During either procedure, if the prosecution's evidence is accepted as factual and sufficient, the

suspect is called to stand trial for the crime. These procedures are not used for misdemeanors because of their lesser importance and seriousness.

7. **Arraignment:** An **arraignment** brings the accused before the court that will actually try the case. The formal charges are read, and defendants are informed of their constitutional rights (such as the right to legal counsel). Bail is considered, and a trial date is set.



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After a crime is committed, police officers conduct an investigation to gather sufficient facts, or evidence, to identify the perpetrator, justify an arrest, and bring the offender to trial. Sometimes things do not work out as planned. Here, members of the Tampa Police Department Tactical Response Team check an apartment building in Tampa, Florida, where a bank robbery suspect had barricaded himself after fatally shooting a police officer. For more than two hours police tried to talk the gunman, Nester Luis DeJesus, into surrendering. Despite on and off talks with a negotiator and with his mother, DeJesus, 25, shot himself.

8. *Bail or detention:* If the bail decision has not been considered previously, it is evaluated at arraignment. Bail is a money bond, the amount of which is set by judicial authority; it is intended to ensure the presence of suspects at trial while allowing them their freedom until that time. Suspects who do not show up for trial forfeit their bail. Suspects who cannot afford bail or whose cases are so serious that a judge refuses them bail (usually restricted to capital cases) must remain in detention until trial. In most instances, this means an extended stay in the county jail. Many jurisdictions allow defendants awaiting trial to be released on their own recognizance, without bail, if they are stable members of the community.
9. *Plea bargaining:* After arraignment, it is common for the prosecutor to meet with the defendant and his or her attorney to discuss a possible plea bargain. If plea bargaining is successful, the accused pleads guilty as charged, thus ending the criminal trial process. In return for the plea, the prosecutor may reduce charges, request a lenient sentence, or grant the defendant some other consideration.
10. *Trial/adjudication:* If a plea bargain cannot be arranged, a **criminal trial** takes place. This involves a full-scale inquiry into the facts of the case before a judge, a jury, or both. The defendant can be found guilty or not guilty, or the jury can fail to reach a decision (**hung jury**), thereby leaving the case unresolved and open for a possible retrial.
11. *Disposition:* After a criminal trial, a defendant who is found guilty as charged is sentenced by the presiding judge. **Disposition** usually involves a fine, a term of community supervision (probation), a period of incarceration in a penal institution, or some combination of these penalties. In the most serious capital cases, it is possible to sentence the offender to death. Dispositions are usually made after a **presentencing investigation** is conducted by the court's probation staff. After disposition, the defendant may appeal the conviction to a higher court.
12. *Postconviction remedies:* After conviction, if the defendant believes he or she was not treated fairly by the justice system, the individual may **appeal** the conviction. An appellate court reviews trial procedures in order to determine whether an error was made. It considers such questions as whether evidence was used properly, the judge conducted the trial in an approved fashion, the jury was representative, and the attorneys in the case acted appropriately. If the court rules that the appeal has merit, it can hold that the defendant be given a new trial or, in some instances, order his or her outright release. Outright release can be ordered when the state prosecuted the case in violation of the double jeopardy clause of the U.S. Constitution or when it violated the defendant's right to a speedy trial.
13. *Correctional treatment:* Offenders who are found guilty and are formally sentenced come under the jurisdiction of correctional authorities. They may serve a term of community supervision under control of the county probation department; they may have a term in a community correctional center; or they may be incarcerated in a large penal institution.

In some jurisdictions, arraignments have gone high-tech and defendants do not have to be in court to be arraigned. Here, Tina Page (seated right) is arraigned by videoconference for a misdemeanor in front of Kanawha County Magistrate Jeanie Moore (left screen) without having to leave the South Central Regional Jail in Charleston, West Virginia. Assisting Page is Corrections Officer C. D. Fleming (left position on right screen) and First Sgt. R. E. Rogers (center of right screen).



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14. *Release*: At the end of the correctional sentence, the offender is released into the community. Most incarcerated offenders are granted parole before the expiration of the maximum term given them by the court and therefore finish their prison sentences in the community under supervision of the parole department. Offenders sentenced to community supervision, if successful, simply finish their terms and resume their lives unsupervised by court authorities.
15. *Postrelease/aftercare*: After termination of correctional treatment, the offender must successfully return to the community. This adjustment is usually aided by corrections department staff members, who attempt to counsel the offender through the period of re-entry into society. The offender may be asked to spend some time in a community correctional center, which acts as a bridge between a secure treatment facility and absolute freedom. Offenders may find that their conviction has cost them some personal privileges, such as the right to hold certain kinds of jobs. These privileges may be returned by court order once the offenders have proven their trustworthiness and willingness to adjust to society's rules. Successful completion of the postrelease period marks the end of the criminal justice process.

Going through the Justice Process

At every stage of the criminal justice process, a decision is made by an agency of criminal justice whether to send the case further down the line or “kick it” from the system. For example, an investigation is pursued for a few days, and if a suspect is not identified, the case is dropped. A prosecutor

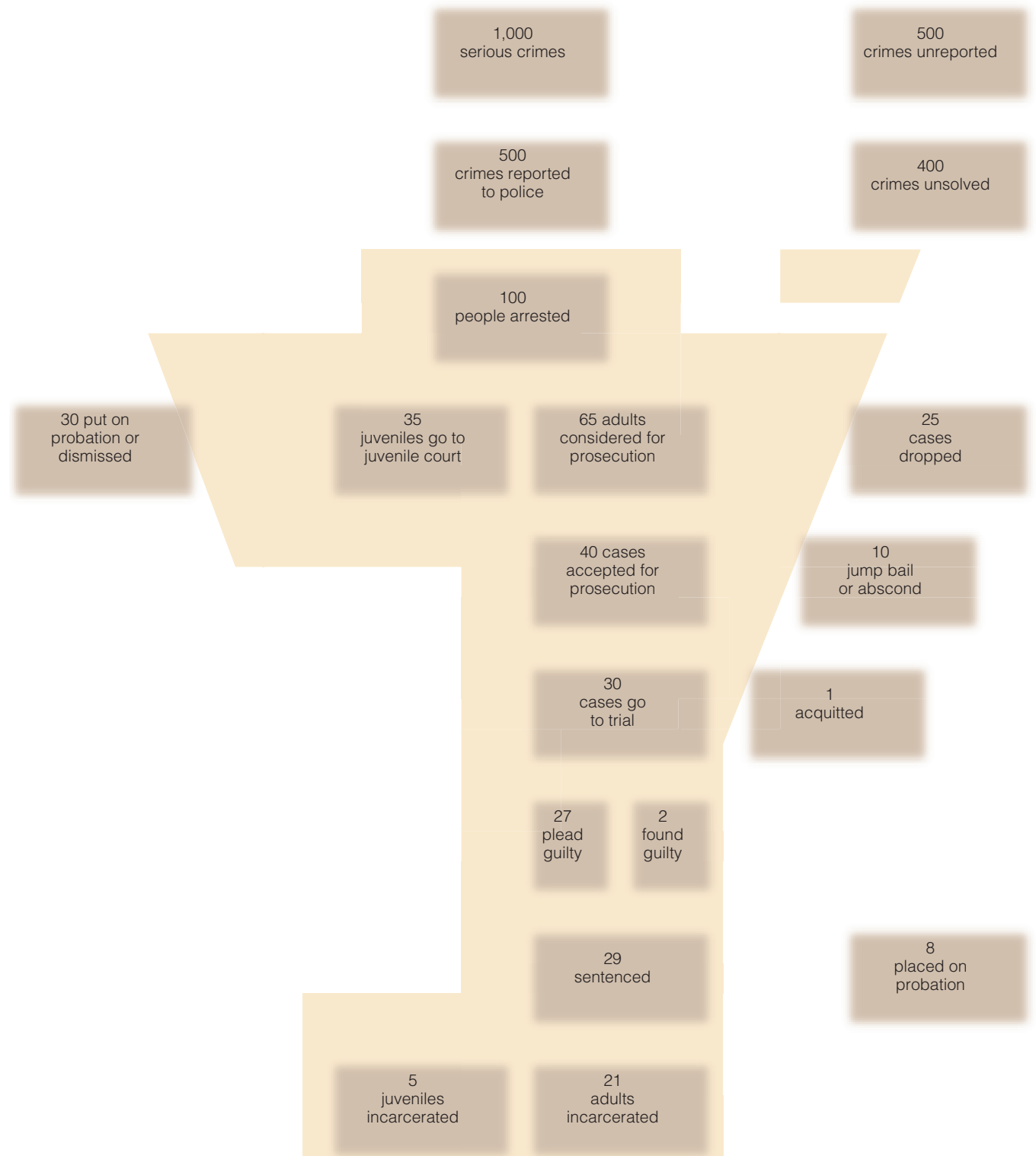
decides not to charge a person in police custody because he or she believes there is insufficient evidence to sustain a finding of guilt. A grand jury fails to hand down an indictment because it finds that the prosecutor presented insufficient evidence. A jury fails to convict the accused because it doubts his or her guilt. A parole board decides to release one inmate but denies another's request for early release.

These decisions transform the identity of the individual passing through the system from an accused to a defendant, convicted criminal, inmate, and ex-con. Conversely, if decision makers take no action, people accused of crime can return to their daily lives with minimal interference in their lives or identities. Their friends and neighbors may not even know that they were once the subject of criminal investigation. Decision making and **discretion** mark each stage of the system.

Thus, the criminal justice system acts like a funnel in which a great majority of cases are screened out before trial. As Figure 14.6 shows, cases are dismissed at each stage of the process, and relatively few actually reach trial. Those that do are more likely to be handled with a plea bargain than with a criminal trial. The funnel indicates that the justice system does not treat all felonies alike; only relatively few serious cases make it through to the end of the formal process.⁸

CELEBRITY CASES Public perceptions about criminal justice are often formed on the basis of what happens in a few celebrated cases that receive widespread media attention. Some involve wealthy clients who can afford to be represented by high-powered attorneys and who can hire the best experts to convince the jury that their client is innocent. The OJ Simpson case is the best example of the celebrity defendant. Other defendants become celebrities when they are

The Criminal Justice Funnel



Source: Brian Reeves, *Felony Defendants in Large Urban Counties, 2000* (Washington, DC: Bureau of Justice Statistics, 2003).

accused of particularly heinous or notorious crimes and draw the attention of both the press and accomplished defense attorneys.

In reality, these celebrity cases are few and far between. Most defendants are indigent people who cannot afford a comprehensive defense. The system is actually dominated by judges, prosecutors, and public defenders who work in concert to get cases processed quickly and efficiently. Trials are rare; most cases are handled with a quick plea bargain and sentencing. This pattern of cooperation is referred to as the **courtroom work group**. By working together in a cooperative fashion, the prosecution and defense make sure that the cases flowing through the justice system proceed in an orderly and effective manner. Such “bargain justice” is estimated to occur in more than 90 percent of all criminal cases. If each defendant were afforded the full measure of constitutional rights, including a jury trial, the system would quickly become overloaded. Court dockets are too crowded and funds too scarce to grant each defendant a full share of justice.⁹ Although the criminal court system is founded on the concept of equality before the law, poor and wealthy citizens receive unquestionably different treatment when they are accused of crimes.



To quiz yourself on this material, go to the Criminology 9e website.

CRIMINAL JUSTICE AND THE RULE OF LAW

For many years, U.S. courts exercised little control over the operations of criminal justice agencies, believing that their actions were not an area of judicial concern. This policy is referred to as the **hands-off doctrine**. However, in the 1960s, under the guidance of Chief Justice Earl Warren, the U.S. Supreme Court became more active in the affairs of the justice system. Today, each component of the justice system is closely supervised by state and federal courts through the **law of criminal procedure**, which sets out and guarantees citizens certain rights and privileges when they are accused of crime.

Procedural laws control the actions of the agencies of justice and define the rights of criminal defendants. They first come into play when people are suspected of committing crimes, and the police wish to investigate them, search their property, or interrogate them. Here the law dictates, for example, whether police can search the homes of or interrogate unwilling suspects. If a formal charge is filed, procedural laws guide pretrial and trial activities; for example, they determine when and if people can obtain state-financed attorneys (**right to counsel**) and when they can be released on bail. If a person is found guilty of committing a criminal offense, procedural laws guide the posttrial and correctional

processes; for example, they determine when a conviction can be appealed.

• For further information on the right to counsel, see: Martin Gardner, “Sixth Amendment Right to Counsel and Its Underlying Values,” *Journal of Criminal Law and Criminology* 90 (2000): 397.

Procedural laws have several different sources. Most important are the first ten amendments to the U.S. Constitution, ratified in 1791 and generally called the **Bill of Rights**. Included within these amendments are the rights of people to be secure in their homes from unwarranted intrusion by government agents, to be free from self-incrimination, and to be protected against cruel punishments, such as torture.

The guarantees of freedom contained in the Bill of Rights initially applied only to the federal government and did not affect the individual states. In 1868, the Fourteenth Amendment made the first ten amendments to the Constitution binding on state governments. However, it has remained the duty of state and federal court systems to interpret constitutional law and to develop a body of case law that spells out the exact procedural rights to which a person is entitled. Thus, it is the U.S. Supreme Court that interprets the Constitution and sets out the procedural laws that must be followed by the lower federal and state courts. If the Supreme Court has not ruled on a procedural issue, then the lower courts are free to interpret the Constitution as they see fit.

Today, procedural rights protect defendants from illegal searches and seizures and overly aggressive police interrogations. According to the **exclusionary rule**, such illegally seized evidence cannot be used during a trial.



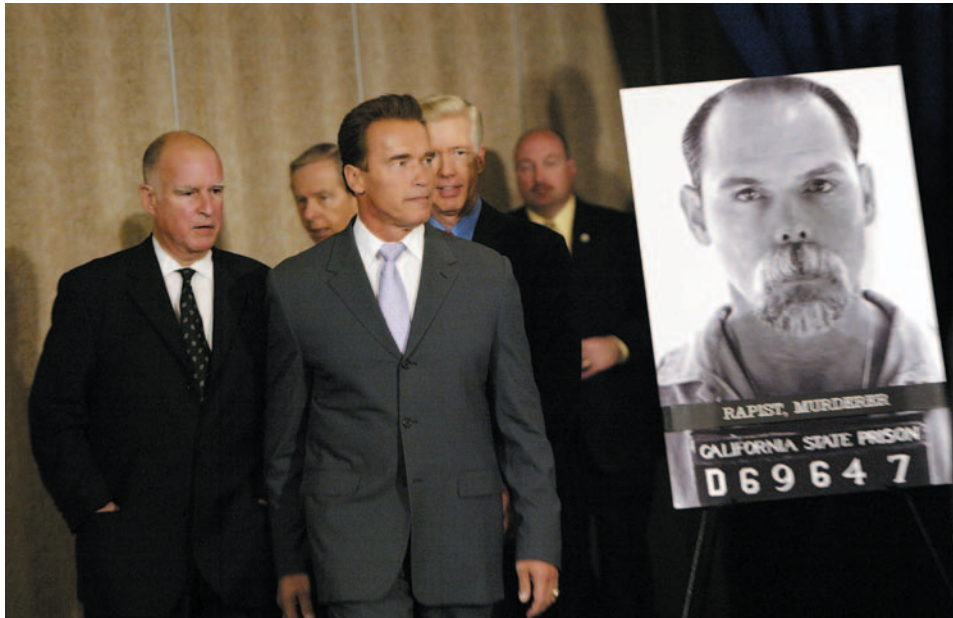
To quiz yourself on this material, go to the Criminology 9e website.

• For an insightful analysis of the exclusionary rule, read: Guido Calabresi, “The Exclusionary Rule,” *Harvard Journal of Law and Public Policy* 26 (2003): 111–119.

CONCEPTS OF JUSTICE

Many justice system operations are controlled by the rule of law, but they are also influenced by the various philosophies or viewpoints held by its practitioners and policymakers. These, in turn, have been influenced by criminological theory and research. Knowledge about crime, its causes, and its control has significantly affected perceptions of how criminal justice should be managed.

Not surprisingly, many competing views of justice exist simultaneously in U.S. culture. Those in favor of one position or another try to win public opinion to their side, hoping to



The crime control model remains quite popular with citizens and public figures alike. Here former California governors Jerry Brown (left), Pete Wilson (second from left), and Gray Davis (second from right), follow current Governor Arnold Schwarzenegger past a poster of “three strikes” inmate Steven “Cutthroat” Matthews, a convicted murderer. At this October 28, 2004, news conference they stated their opposition to Proposition 66, which would have amended the current three strikes law to require increased sentences only when the current conviction is for a specified violent or serious felony. The governors’ opposition was a key factor in the defeat of the Proposition in the 2004 election.

© Getty Images

influence legislative, judicial, or administrative decision making. Over the years, different philosophical viewpoints tend to predominate, only to fall into disfavor as programs based on their principles fail to prove effective. The remainder of this chapter briefly discusses the most important concepts of criminal justice.

Crime Control Model

Those espousing the **crime control model** believe that the overriding purpose of the justice system is to protect the public, deter criminal behavior, and incapacitate known criminals. Those who embrace its principles view the justice system as a barrier between destructive criminal elements and conventional society. Speedy, efficient justice—unencumbered by legal red tape and followed by punishment designed to fit the crime—is the goal of advocates of the crime control model. Its disciples promote such policies as increasing the size of police forces, maximizing the use of discretion, building more prisons, using the death penalty, and reducing legal controls on the justice system. They point to evidence showing that as many as 30,000 violent criminals, 62,000 drunk drivers, 46,000 drug dealers, and several hundred thousand other criminals go free every year in cases dropped because police believe they have violated the suspects’ Miranda rights.¹⁰ They lobby for abolition of the exclusionary rule and applaud when the Supreme Court hands down rulings that increase police power.

The crime control philosophy emphasizes protecting society and compensating victims. The criminal is responsible for his or her actions, has broken faith with society, and has chosen to violate the law for reasons such as anger, greed, or revenge. Therefore, money spent should be directed not at making criminals more comfortable but at increasing the

efficiency of police in apprehending them, the courts in effectively trying them, and the corrections system in punishing them. Punishment is critical because it symbolizes the legitimate social order and the power societies have to regulate behavior and punish those who break social rules.¹¹

||||| CONNECTIONS |||||

The crime control model is rooted in choice theory, discussed in Chapter 4. Fear of criminal sanctions is viewed as the primary deterrent to crime. Because criminals are rational and choose to commit crime, it stands to reason that their activities can be controlled if the costs of crime become too high. Swift, sure, and efficient justice is considered an essential element of an orderly society.

The crime control philosophy has become a dominant force in American justice. Fear of crime in the 1960s and 1970s was coupled with a growing skepticism about the effectiveness of rehabilitation efforts. A number of important reviews claimed that treatment and rehabilitation efforts directed at known criminals just did not work.¹² There is evidence that most criminals recidivate after their release from prison and that their re-entry into society can destabilize the neighborhoods to which they return. The changing social climate that became more conservative during the Ronald Reagan era (1980 to 1988) helped make crime control an American institution. Criminals were looked upon as dangerous, antisocial people who had to be segregated, not as unfortunate victims of a cruel society. There was a corresponding growth in the private security and risk management industries.¹³ Because of America’s two-decade long imprisonment boom, more than 500,000 inmates are now being released back into the community each year.

||||| CONNECTIONS |||||

Criminologist Joan Petersilia warns that as the number of inmates (many of whom have not received adequate treatment and are unprepared for life in conventional society) released from prison increases, there will be a number of unfortunate collateral consequences: increases in child abuse, family violence, the spread of infectious diseases, homelessness, and community disorganization. Read more about her work in Chapter 17's section on inmate re-entry.

The lack of clear evidence that criminals can be successfully treated has produced a climate in which conservative, hard-line solutions are being sought. The results of this swing can be seen in such phenomena as the increasing use of the death penalty, erosion of the exclusionary rule, prison overcrowding, and attacks on the insanity defense. In the past few years, a number of states—including Tennessee, Utah, Iowa, Ohio, and West Virginia—have changed their juvenile codes, making it easier to try juveniles as adults. Other states have expanded their control over ex-offenders, as by requiring registration of sex offenders. New York has passed a death penalty statute, and other states, including Delaware and South Dakota, have expanded the circumstances under which a person may be eligible for the death penalty.¹⁴

Can such measures deter crime? There is some evidence that strict crime control measures can in fact have a deterrent effect.¹⁵ A study by the National Center for Policy Analysis uncovered a direct correlation between the probability of imprisonment for a particular crime and a subsequent decline in the rate of that crime.¹⁶ The probability of going to prison for murder increased 17 percent between 1993 and 1997, and the murder rate dropped 23 percent during that period; robbery declined 21 percent as the probability of prison increased 14 percent. These data support the crime control model.



The **National Center for Policy Analysis**, a conservative think tank and policymaking institution, can be found at <http://www.ncpa.org/newdpd/index.php>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Justice Model

According to the **justice model**, it is futile to rehabilitate criminals, both because treatment programs are ineffective and because they deny people equal protection under the law.¹⁷ It is unfair if two people commit the same crime but receive different sentences because only one is receptive to treatment. The consequence is a sense of injustice in the criminal justice system.

Beyond these problems, justice model advocates question the crime control perspective's reliance on deterrence.

Is it fair to punish or incarcerate based on predictions of what offenders will do in the future or on whether others will be deterred by their punishment? Justice model advocates are also concerned with unfairness in the system, such as racism and discrimination, that causes sentencing disparity and unequal treatment before the law.¹⁸

As an alternative, the justice model calls for fairness in criminal procedure. This would require determinate sentencing, in which all offenders in a particular crime category would receive the same sentence. Prisons would be viewed as places of just, evenhanded punishment. Parole would be abolished to avoid the discretionary unfairness associated with that mechanism of early release.

The justice model has had an important influence on criminal justice policy. Some states have adopted determinate sentencing statutes and have limited the use of parole. There is a trend toward giving prison sentences because people deserve punishment rather than because the sentences will deter or rehabilitate them. Such measures as sentencing guidelines, which are aimed at reducing sentencing disparity, are a direct offshoot of the justice model.

Due Process Model

In *The Limits of the Criminal Sanction*, Herbert Packer contrasted the crime control model with an opposing view that he referred to as the **due process model**.¹⁹ According to Packer, the due process model combines elements of liberal/positivist criminology with the legal concept of procedural fairness for the accused. Those who adhere to due process principles believe in individualized justice, treatment, and rehabilitation of offenders. If discretion exists in the criminal justice system, it should be used to evaluate the treatment needs of offenders. Most important, the civil rights of the accused should be protected at all costs. This emphasis calls for strict scrutiny of police search and interrogation procedures, review of sentencing policies, and development of prisoners' rights.

- 1 The concept of due process is one of the most complex issues in the criminal justice system. It is guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution. To read more on this topic, use "due process" as a keyword in InfoTrac College Edition.

Advocates of the due process model have demanded that competent defense counsel, jury trials, and other procedural safeguards be offered to every criminal defendant. They have also called for making public the operations of the justice system and placing controls over its discretionary power.

Due process advocates see themselves as protectors of civil rights. They view overzealous police as violators of basic constitutional rights. Similarly, they are skeptical about the intentions of meddling social workers, whose treatments often entail greater confinement and penalties than does



Residents in Redwood City, California, got the news hot off the press: On November 12, 2004, Scott Peterson was found guilty of one count of first degree and one count of second degree murder of his wife Laci Peterson and the couple's unborn son. Can a defendant such as Scott Peterson actually receive due process of law when his case becomes a media event? What would have happened if there was a hung jury? Could he have received a fair trial if the case had to be re-tried?

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punishment. Their concern is magnified by data showing that the poor and minority group members are often maltreated in the criminal justice system. In some jurisdictions, such as Washington, DC, almost half of all African American young men are under the control of the justice system. Is it possible that this reflects racism, discrimination, and a violation of their civil rights?²⁰ Research shows that in at least some states, African Americans are more likely to be sent to prison than whites; these racial differences in the incarceration rate cannot be explained by the fact that blacks are arrested more often than whites.²¹

Due process exists to protect citizens—both from those who wish to punish them and from those who wish to treat them without regard for legal and civil rights. Due process model advocates worry about the government's expanding ability to use computers to intrude into people's private lives. In 1996, for example, the federal government announced plans for a computerized registry of sex offenders; there are plans for nationwide computer-based mug shot and fingerprint systems. These measures can harm privacy and civil liberties, although research shows that they may have relatively little impact on controlling crime.²²

Advocates of the due process orientation are quick to point out that the justice system remains an adversary process that pits the forces of an all-powerful state against those of a solitary individual accused of crime. If an overriding concern for justice and fairness did not exist, the defendant who lacked resources could easily be overwhelmed. They point to miscarriages of justice such as the case of Jeffrey Blake, who went to prison for a double murder in 1991 and spent 7 years behind bars before his conviction was overturned in 1998. The prosecution's star witness conceded that he had lied on the stand, forcing Blake to spend a quarter of his life in prison for a crime he did not commit.²³ His

wrongful conviction would have been even more tragic if he had been executed for his alleged crime. The Institute for Law and Justice, a Virginia-based research firm, found that at least twenty-eight cases of sexual assault have been overturned because DNA evidence proved that the convicted men could not have committed the crimes; the inmates averaged 7 years in prison before their release.²⁴ Because such mistakes can happen, even the most apparently guilty offender deserves all the protection the justice system can offer.

The due process orientation has not fared well in recent years. The movement to grant greater civil rights protections to criminal defendants has been undermined by Supreme Court decisions expanding police ability to search and seize evidence and to question suspects. Similarly, the movement between 1960 and 1980 to grant prison inmates an ever-increasing share of constitutional protections has been curtailed. There is growing evidence that the desire to protect the public has overshadowed concerns for the rights of criminal defendants. Although the most important legal rights won by criminal defendants in the 1960s and 1970s remain untouched (for example, the right to a fair and impartial jury of one's peers), there has been little urgency to increase the scope of civil rights in our more conservative contemporary society.

||||| CONNECTIONS |||||

This is not to say the criminal defendants will lose their hard-earned rights. In Chapter 17 the recent case of *Hope v. Pelzer* is discussed. Here the Supreme Court ruled that correctional officials who knowingly violate the Eighth Amendment rights of inmates can be held liable for damages. *Hope v. Pelzer* shows that while the due process revolution has slowed, it has not stopped.



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From the rehabilitation model perspective, even the most hardened criminal may be helped by effective institutional treatment plans and services. Here, Georgia prison inmate Stephanie Walker works with her Labrador Retriever puppy Gage during guide dog training at Metro State Prison in Atlanta, Georgia. The I.M.P.A.C.T. program (Inmates Providing Animal Care and Training) teams inmates with puppies provided by Southeastern Guide Dog, Inc. for a 16-month program of training with a volunteer obedience instructor. The Georgia Department of Corrections then returns the dogs for advanced training, ultimately providing guide dogs to the visually impaired.

Rehabilitation Model

The **rehabilitation model** embraces the notion that given the proper care and treatment, criminals can be changed into productive, law-abiding citizens. Influenced by positivist criminology, the rehabilitation school suggests that people commit crimes through no fault of their own. Instead, criminals themselves are the victims of social injustice, poverty, and racism; their acts are a response to a society that has betrayed them. And because of their disturbed and impoverished upbringing, they may be suffering psychological problems and personality disturbances that further enhance their crime-committing capabilities. Although the general public wants protection from crime, the argument goes, it also favors programs designed to help unfortunate people who commit crime because of emotional or social problems.²⁵

Dealing effectively with crime requires attacking its root causes. Funds must be devoted to equalizing access to conventional means of success. This requires supporting such programs as public assistance, educational opportunity, and job training. If individuals run afoul of the law, efforts should be made to treat them, not punish them, by emphasizing counseling and psychological care in community-based treatment programs. Whenever possible, offenders should be placed on probation in halfway houses or in other rehabilitation-oriented programs.

This view of the justice system portrays it as a method for dispensing “treatment” to needy “patients.” Also known as the medical model, it portrays offenders as people who, because they have failed to exercise self-control, need the help of the state. The medical model rejects the crime control philosophy on the grounds that it ignores the needs of offenders, who are people whom society has failed to help.

Research evidence suggests that correctional treatment can have an important influence on offenders.²⁶ Programs that teach interpersonal skills and use individual counseling and behavioral modification techniques have produced positive results both in the community and within correctional institutions.²⁷ And while some politicians call for a strict law and order approach, the general public is supportive of treatment programs such as early childhood intervention and services for at-risk children.²⁸

||||||| CONNECTIONS |||||

The rehabilitation model is linked to social structure and social process theories because it assumes that if lifestyle and socialization could be improved, crime rates would decline. See Chapters 6 and 7 for more on these theories.

Nonintervention Model

Both the rehabilitation ideal and the due process movement have been viewed suspiciously by experts concerned by the stigmatization and labeling of offenders. Regardless of the purpose, the more the government intervenes in the lives of people, the greater the harm done to their future behavior patterns. Once arrested and labeled, the offender is placed at a disadvantage at home, at school, and in the job market.²⁹ Rather than deter crime, the stigma of a criminal label erodes social capital and jeopardizes future success and achievement.

The **nonintervention model** calls for limiting government intrusion into people’s lives, especially minors who run afoul of the law.³⁰ Noninterventionists advocate deinstitutionalization of nonserious offenders, diversion from formal

court processes into informal treatment programs, and decriminalization of nonserious offenses, such as possessing small amounts of marijuana. Under this concept, the justice system should interact as little as possible with offenders. Police, courts, and correctional agencies would concentrate their efforts on diverting law violators out of the formal justice system, thereby helping them avoid the stigma of formal labels such as delinquent or ex-con. Programs instituted under this model include mediation (instead of trial), diversion (instead of formal processing), and community-based corrections (instead of secure corrections).

Nonintervention advocates are also skeptical about the creation of laws that criminalize acts that were previously legal, thus expanding the reach of justice and creating new classes of offenders. For example, it has become popular to expand control over youthful offenders by passing local curfew laws that make it a crime for young people to be out at night after a certain hour, such as 11 P.M. An adolescent who was formerly a night owl is now a criminal!³¹

There are many examples of nonintervention ideas in practice. For example, the juvenile justice system has made a major effort to remove youths from adult jails and reduce the use of pretrial detention. Mediation programs have proven successful alternatives to the formal trial process. In the adult system, pretrial release programs (alternatives to bail) are now the norm instead of an experimental innovation. And, although the prison population is rising, probation and community treatment have become the most common forms of criminal sanction.

There has also been criticism of the nonintervention philosophy. There is little evidence that alternative programs actually reduce recidivism rates. Some critics charge that alternative programs actually result in “widening the net.”³² That is, efforts to remove people from the justice system actually enmesh them further within it by ordering them to spend more time in treatment than they would have had to spend in the formal legal process.

In the future, the nonintervention philosophy will be aided by the rising cost of justice. Although low-impact, nonintrusive programs may work no better than prison, they are certainly cheaper; program costs may receive greater consideration than program effectiveness.

||||||| CONNECTIONS |||

The nonintervention model is the direct off-shoot of labeling theory, which was discussed in Chapter 7. Rather than deter future misbehavior, punishment increases its likelihood. Crime control advocates might argue the opposite effect.

Restorative Justice Model

Those who believe in the **restorative justice model** maintain that the true purpose of the criminal justice system is to promote a peaceful, just society; they advocate peacemaking, not punishment.³³

||||||| CONNECTIONS |||

Restorative justice was introduced in Chapter 8 and linked to elements of critical criminology and the peacemaking movement. It has become a vital element of the contemporary justice system.

Advocates of restorative justice say that the violent punishing acts of the state are not dissimilar from the violent acts of individuals.³⁴ Whereas crime control advocates associate lower crime rates with increased punishment, restorative justice advocates counter that studies show that punitive methods of correction (such as jail and prison) are no more effective than more humanitarian efforts (such as probation with treatment).³⁵ Therefore, mutual aid rather than coercive punishment is the key to a harmonious society. Without the capacity to restore damaged social relations, society's response to crime has been almost exclusively punitive.

Although restorative justice has become an important perspective in recent years, with many diverse programs calling themselves restorative, there is no single definition of what constitutes restorative justice.³⁶ Restorative justice programs must also be wary of the cultural and social differences that can be found throughout our heterogeneous society; what may be considered restorative in one subculture may be considered insulting and damaging in another.³⁷



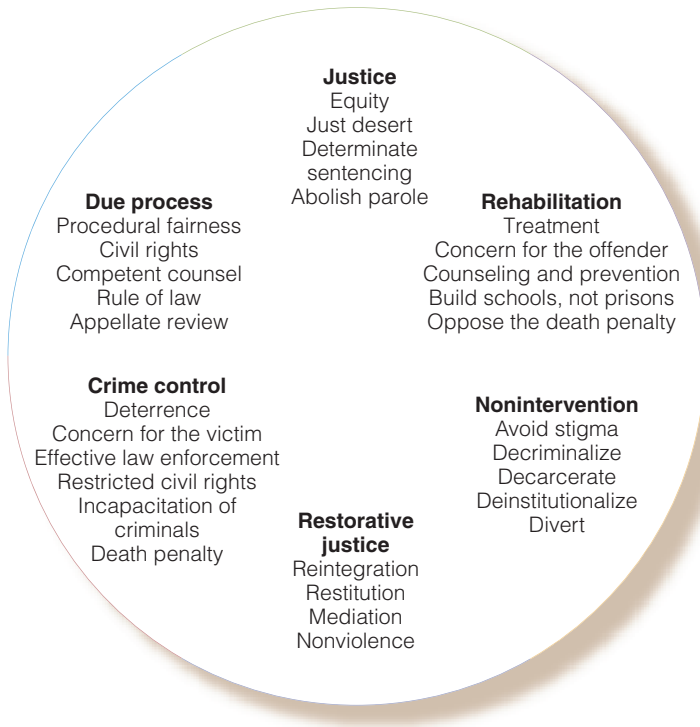
To quiz yourself on this material, go to the Criminology 9e website.

CONCEPTS OF JUSTICE TODAY

The various philosophies of justice compete today for dominance in the criminal justice system (Figure 14.7). Each has supporters who lobby diligently for their positions. At the time of this writing, it seems that the crime control and justice models have captured the support of legislators and the general public. There is a growing emphasis on protecting the public by increasing criminal sentences and swelling prison populations.

Yet advocates of the rehabilitation model claim that the recent imprisonment binge may be a false panacea. For example, in *Crime and Punishment in America*, liberal scholar Elliott Currie concedes that the crime rate has declined as the incarceration rate has increased.³⁸ Nonetheless, he claims that the association may be misleading because the crime rate is undergoing a natural revision from the abnormally high, unprecedented increases brought about by the crack cocaine epidemic in the 1980s. Currie claims that punitive, incarceration-based models of justice are doomed to fail in the long run. Most offenders eventually return to society, and if the justice system does not help inmates achieve a productive lifestyle, a steadily increasing cohort of ex-offenders with limited life chances will be on the street. Their chances of

Perspectives on Justice: Key Concerns and Concepts



success in the legitimate world have, if anything, been severely diminished by their prison experiences. Punishment may produce short-term reductions in the crime rate, but only rehabilitation and treatment can produce long-term gains.

So, despite the demand for punishing serious, chronic offenders, the door to treatment for nonviolent, nonchronic

offenders has not been closed. The number of noninterventionist and restorative justice programs featuring restitution and nonpunitive sanctions is growing. As the cost of justice skyrockets and the correctional system becomes increasingly overcrowded, alternatives such as house arrest, electronic monitoring, intensive probation supervision, and other cost-effective programs have come to the forefront.

SUMMARY

- The criminal justice system refers to the formal processes and institutions that have been established to apprehend, try, punish, and treat law violators. The major components of the criminal justice system are the police, courts, and correctional agencies.
- Police maintain public order, deter crime, and apprehend law violators. Police departments are now experimenting with community and problem-oriented policing.
- The courts determine the criminal liability of accused offenders brought before them and dispense sanctions to those found guilty of crime.

- Corrections agencies provide postadjudicatory care to offenders who are sentenced by the courts to confinement or community supervision. Dissatisfaction with traditional forms of corrections has spurred the development of community-based facilities and work-release and work-furlough programs.
- Justice can also be conceived of as a process through which offenders flow.
- The justice process begins with initial contact by a police agency and proceeds through investigation and custody, trial stages, and correctional system processing.

At any stage of the process, the offender may be excused because evidence is lacking, the case is trivial, or a decision maker simply decides to discontinue interest in the case.

- Procedures, policies, and practices employed within the criminal justice system are scrutinized by the courts to make sure they do not violate the guidelines in the Bill of Rights. If a violation occurs, the defendant can appeal the case and seek to overturn the conviction. Among the rights that must be honored are freedom from illegal searches and seizures and treatment with overall fairness and due process.

- Several different philosophies or perspectives dominate the justice process. The crime control model asserts that the goals of justice are protection of the public and incapacitation of known offenders.
- The justice model calls for fair, equal treatment for all offenders.
- The due process model emphasizes liberal principles, such as legal rights and procedural fairness for the offender.
- The rehabilitation model views the justice system as a wise and caring parent.
- The nonintervention perspective calls for minimal interference in offenders' lives.
- The restorative justice model seeks nonpunitive, humane solutions to the conflict inherent in crime and victimization.

Thinking Like a Criminologist

You have been appointed assistant to the president's drug czar, who is in charge of coordinating the nation's drug control policy. She has asked you to develop a plan to reduce drug abuse by 25 percent within 3 years.

You realize that multiple perspectives of justice exist and that the agencies of the criminal justice system can use a number of strategies to reduce drug trafficking and the use of drugs. It might be possible to control the drug trade through a strict crime control effort, for example, using law enforcement officers to cut off supplies of drugs by destroying

crops and arresting members of drug cartels in drug-producing countries. Border patrols and military personnel using sophisticated hardware could also help prevent drugs from entering the country. According to the justice model, if drug violations were punished with criminal sentences commensurate with their harm, then the rational drug trafficker might look for a new line of employment. The adoption of mandatory sentences for drug crimes to ensure that all offenders receive similar punishment for their acts might reduce crime. The

rehabilitation model suggests that strategies should be aimed at reducing the desire to use drugs and increasing incentives for users to eliminate substance abuse. A nonintervention strategy calls for the legalization of drugs so distribution could be controlled by the government. Crime rates would be cut because drug users would no longer need the same cash flow to support their habit.

Considering these different approaches, how would you shape drug control strategies?

Doing Research on the Web

The Drug Policy Alliance is a leading organization working to end the war on drugs and to reform drug policy. To help research the Thinking Like a

Criminologist question, go to their website: <http://www.dpf.org/homepage.cfm>.

To read about the drug problem in Europe and what is being done about it,

go to the website of European Monitoring Centre for Drugs and Drug Addiction (EMCDDA): <http://www.emcdda.eu.int/>.

KEY TERMS

criminal justice system (492)
arrest (495)
probable cause (495)
booking (495)
lineup (495)
interrogation (495)
grand jury (495)
preliminary hearing (498)
probable cause hearing (498)
arraignment (498)

criminal trial (500)
hung jury (500)
disposition (500)
presentencing investigation (500)
appeal (500)
discretion (500)
courtroom work group (502)
hands-off doctrine (502)
law of criminal procedure (502)

right to counsel (502)
Bill of Rights (502)
exclusionary rule (502)
crime control model (503)
justice model (504)
due process model (504)
rehabilitation model (506)
nonintervention model (506)
restorative justice model (507)

CRITICAL THINKING QUESTIONS

1. Describe the differences between the formal and informal justice systems. Is it fair to treat some offenders informally?
2. What are the basic elements of each model or perspective on justice? Which best represents your own point of view?
3. How would each perspective on criminal justice consider the use of the death penalty as a sanction for first-degree murder? In your opinion, does the death penalty serve as a deterrent to murder? If not, why not?
4. Discuss the trends that will influence policing during the coming decade.
5. Why does the problem of sentencing disparity exist? Do programs exist that can reduce disparate sentences? If so, what are they?
6. Should people who commit the same crime receive the same sentence?

NOTES

1. Scott Blake, "Out-of-County Inmates Add to Jail Problems; Nearly 165 Prisoners at Brevard Facility Wait for Transfers," *Florida Today*, 1 April 2004. <http://www.floridatoday.com/!NEWSROOM/special/jail/localstoryN0402JAIL.htm>.
2. For a detailed analysis of this work, see Samuel Walker, "Origins of the Contemporary Criminal Justice Paradigm: The American Bar Foundation Survey, 1953–1969," *Justice Quarterly* 9 (1992): 47–76.
3. President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, DC: U.S. Government Printing Office, 1967).
4. See Public Law 90-351, Title I—Omnibus Crime Control Safe Streets Act of 1968, 90th Congress, June 19, 1968.
5. Federal Bureau of Investigation, *Crime in the United States, 2003* (Washington, DC: Government Printing Office, 2004), p. 270.
6. Brian Reaves, *Felony Sentences in Large Urban Counties, 1998* (Washington, DC: Bureau of Justice Statistics, 2001).
7. Herbert L. Packer, *The Limits of the Criminal Sanction* (Stanford, CA: Stanford University Press, 1968), p. 159.
8. Barbara Boland, Catherine Conly, Paul Mahanna, Lynn Warner, and Ronald Sones, *The Prosecution of Felony Arrests, 1987* (Washington, DC: Bureau of Justice Statistics, 1990), p. 3.
9. See Donald Newman, *Conviction: The Determination of Guilt or Innocence without Trial* (Boston: Little, Brown, 1966).
10. Paul Cassell, "How Many Criminals Has Miranda Set Free?" *Wall Street Journal*, 1 March 1995, p. A15.
11. David Garland, *Punishment and Modern Society* (Chicago: University of Chicago Press, 1990).
12. The most often cited of these is Douglas Lipton, Robert Martinson, and Judith Wilks, *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies* (New York: Praeger, 1975).
13. David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001).
14. "Many State Legislatures Focused on Crime in 1995, Study Finds," *Criminal Justice Newsletter*, 17 January 1996, pp. 1–2.
15. Daniel Nagin, "Criminal Deterrence Research: A Review of the Evidence and a Research Agenda for the Outset of the 21st Century," in *Crime and Justice: An Annual Review*, ed. Michael Tonry (Chicago: University of Chicago Press, 1997), pp. 126–158.
16. "Crime and Punishment in America: 1997 Update," National Center for Policy Analysis, Dallas, 1997.
17. David Fogel, *We Are the Living Proof* (Cincinnati: Anderson, 1975). See also David Fogel, *Justice as Fairness* (Cincinnati: Anderson, 1980).
18. Travis Pratt, "Race and Sentencing: A Meta-Analysis of Conflicting Empirical Research Results," *Journal of Criminal Justice* 26 (1998): 513–525.
19. Packer, *The Limits of the Criminal Sanction*.
20. Eric Lotke, "Hobbling a Generation: Young African-American Men in Washington, D.C.'s Criminal Justice System—Five Years Later," *Crime and Delinquency* 44 (1998): 355–366.
21. Roy Austin and Mark Allen, "Racial Disparity in Arrest Rates as an Explanation of Racial Disparity in Commitment to Pennsylvania's Prisons," *Journal of Research in Crime and Delinquency* 37 (2000): 200–220.
22. Anthony Petrosino and Carolyn Petrosino, "The Public Safety Potential of Megan's Law in Massachusetts: An Assessment from a Sample of Criminal Sexual Psychopaths," *Crime and Delinquency* 43 (1999): 140–158; "New Laws Said to Raise Demands on Justice Information Systems," *Criminal Justice Newsletter*, 17 September 1996, pp. 3–4.
23. Jim Yardley, "Convicted in Murder Case, Man Cleared 7 Years Later," *New York Times*, 29 October 1998, p. 11.
24. "DNA Testing Has Exonerated 28 Prison Inmates, Study Finds," *Criminal Justice Newsletter*, 17 June 1996, p. 2.
25. Richard McCorkle, "Research Note: Punish and Rehabilitate? Public Attitudes Toward Six Common Crimes," *Crime and Delinquency* 39 (1993): 240–252.
26. For example, see D. A. Andrews, Ivan Zinger, R. D. Hoge, James Bonta, Paul Gendreau, and Francis Cullen, "Does Correctional Treatment Work? A Clinically-Relevant and Psychologically-Informed Meta-Analysis," *Criminology* 28 (1990): 369–404; Carol Garrett, "Effects of Residential Treatment on Adjudicated Delinquents: A Meta-Analysis," *Journal of Research in Crime and Delinquency* 22 (1985): 287–308.
27. Mark Lipsey and David Wilson, "Effective Intervention for Serious Juvenile Offenders: A Synthesis of Research," in *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, ed. Rolf Loeber and David Farrington (Thousand Oaks, CA: Sage, 1998), pp. 39–53.

28. Francis Cullen, John Paul Wright, Shayna Brown, Melissa Moon, Michael Blankenship, and Brandon Applegate, "Public Support for Early Intervention Programs: Implications for a Progressive Policy Agenda," *Crime and Delinquency* 44 (1998): 187–204.
29. Shawn Bushway, "The Impact of an Arrest on the Job Stability of Young White American Men," *Journal of Research in Crime and Delinquency* 35 (1998): 454–479.
30. Edwin M. Lemert, "The Juvenile Court—Quest and Realities," in President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: Juvenile Delinquency and Youth Crime* (Washington, DC: U.S. Government Printing Office, 1967).
31. Craig Hemmens and Katherine Bennett, "Juvenile Curfews and the Courts: Judicial Response to a Not-So-New Crime Control Strategy," *Crime and Delinquency* 45 (1999): 99–121.
32. James Austin and Barry Krisberg, "The Unmet Promise of Alternatives to Incarceration," *Crime and Delinquency* 28 (1982): 3–19. For an alternative view, see Arnold Binder and Gilbert Geis, "Ad Populum Argumentation in Criminology: Juvenile Diversion as Rhetoric," *Criminology* 30 (1984): 309–333.
33. Herbert Bianchi, *Justice as Sanctuary* (Bloomington: Indiana University Press, 1994); Nils Christie, "Conflicts as Property," *British Journal of Criminology* 17 (1977) 1–15; L. Hulsman, "Critical Criminology and the Concept of Crime," *Contemporary Crises* 10 (1986): 63–80.
34. Larry Tift, "Foreword," in Dennis Sullivan, *The Mask of Love* (Port Washington, NY: Kennikat Press, 1980), p. 6.
35. Robert Davis, Barbara Smith, and Laura Nickles, "The Deterrent Effect of Prosecuting Domestic Violence Misdemeanors," *Crime and Delinquency* 44 (1998): 434–442.
36. Lois Presser and Patricia Van Voorhis, "Values and Evaluation: Assessing Processes and Outcomes of Restorative Justice Programs," *Crime and Delinquency* 48 (2002): 162–189.
37. David Altschuler, "Community Justice Initiatives: Issues and Challenges in the U.S. Context," *Federal Probation* 65 (2001): 28–33.
38. Elliott Currie, *Crime and Punishment in America* (New York: Henry Holt, 1998). See also Elliott Currie, *Confronting Crime: An American Challenge* (New York: Pantheon, 1985); Elliott Currie, *Reckoning: Drugs, the Cities, and the American Future* (New York: Hill and Wang, 1993).

CHAPTER 15



An abducted child is a parent's worst nightmare. Even more horrifying is the fact that approximately 74 percent of children who are abducted and murdered are found to have been killed within 3 hours of their abduction. For these reasons alone, it is absolutely critical for abducted children to be found immediately. To help ensure the recovery of abducted children, an emergency alert system has been instituted to help notify the public of missing children.

America's Missing Broadcast Emergency Response, also known as the Amber Alert, was developed after Amber Hagerman, a 9-year-old girl, was abducted while riding her bike near her home in Texas and brutally killed by her abductor. As a result of this tragic incident, Texas developed a system in 1996 referred to as the Amber Alert, which combines the efforts of law enforcement, media, and the public to broadcast the most recent abduction information. The Amber Alert protocol quickly alerts and interrupts local television and radio programs with information regarding the abduction and provides photographs of the missing child. The program has several requirements:

1. Only law enforcement personnel can activate the program.
2. The program is only used for children 17 years of age or younger.
3. The alert is used solely for serious abductions in which law enforcement fear that the child's life is in imminent danger.
4. The program is not generally used when the abductor is a parent of the child, unless there are extenuating circumstances and the child is in serious danger of being harmed.

The program went nationwide in April 2003, when President George W. Bush signed the Child Protection Act. Despite its widespread acceptance, some critics believe that the Amber Alert program feeds the culture of fear in the United States and leads to abuse of the system in that innocent people may be targeted. And despite some success, most children reported missing are runaways or are involved in custody battles. Law enforcement officers should be concerned about possible problems with vigilante justice and pursuit of innocent people.

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

POLICE AND LAW ENFORCEMENT

CHAPTER OUTLINE

History of Police

The London Police
Policing the American Colonies
Early American Police Agencies
Reform Movements
The Advent of Professionalism

Law Enforcement Agencies Today

Federal Law Enforcement
County Law Enforcement
State Police
Metropolitan Police

Police Functions

Patrol Function
Investigation Function

Changing the Police Role

Community-Oriented Policing (COP)
Problem-Oriented Policing
Does Community Policing Work?

Police and the Rule of Law

Custodial Interrogation
Search and Seizure

Issues in Policing

Police Personality and Subculture
Discretion
Minority and Female Police Officers

Race, Culture, Gender, and Criminology: Racial Profiling

The Police and Violence

CHAPTER OBJECTIVES


1. Be familiar with the history of American policing
2. Understand how reform movements created the ideal of police professionalism
3. Recognize that there are law enforcement agencies on the federal, state, and local level
4. Comment on efforts to improve patrol and investigation effectiveness
5. Discuss the changing role of police
6. Comment on how the courts have set limits on the extent of police interrogations and search and seizure of evidence
7. Understand the police personality and its effect on performance and discretion
8. Talk about how female and minority officers are changing police
9. Become familiar with the issues surrounding police use of force

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The criticism of the Amber Alert program illustrates the numerous problems faced by police and law enforcement agencies on a daily basis. Police are the **gatekeepers** of the criminal justice process. They initiate contact with law violators and decide whether to formally arrest them and start their journey through the criminal justice system, settle the issue informally (such as by issuing a warning), or simply take no action at all. The strategic position of law enforcement officers, their visibility and contact with the public, and their use of weapons and arrest power keep them in the forefront of public thought.

In the late 1960s and early 1970s, great issue was taken with the political and social roles of the police. Critics viewed police agencies as biased organizations that harassed minority citizens, controlled political dissidents, and generally seemed out of touch with the changing times. The major issues appeared to be controlling the abuse of police power and making police agencies more responsible to public control. During this period, major efforts were undertaken in the nation's largest cities to curb police power.

Since the mid-1970s, the relationship between police and the public has changed. Police departments have become more sensitive to their public image. Programs have been created to improve relations between police and the community and to help police officers on the beat to be more sensitive to the needs of the public and to cope more effectively with the stress of their jobs.¹ Nonetheless, there are many areas of interaction that have proven to be troubling to the public in general and especially to the minority community.² There is continuing concern over police use of force and treatment of citizens. Municipal police agencies have been rocked with charges that some of their officers are corrupt or apply the law in an improper fashion. Minority citizens are suspicious of police who may be employing **racial profiling** as a form of harassment, and their mistrust may be justified: Research shows that minorities are more adversely affected than whites by police misconduct.³

 What are the legal issues surrounding the use of racial profiling in identifying suspects? To find out, read: Richard G. Schott, "The Role of Race in Law Enforcement: Racial Profiling or Legitimate Use?" *FBI Law Enforcement Bulletin* 70 (2001): 24–33.

Compounding the problem is the fact that police behavior is now more visible than ever before because it is commonly captured on video; when police make the local news, these real accounts of the use of force can have an extremely negative impact on public perceptions of police behavior.⁴

These developments are not lost on police officers, many of whom feel significant amounts of job-related stress, a condition that may lead them to develop negative attitudes and lose enthusiasm and commitment for the job.⁵ There is evidence that police officers are all too often involved in marital disputes and even incidents of domestic violence that may be linked to stress.⁶ Stress and burnout become part of the job.⁷


This chapter reviews the function and role of police in U.S. society. First the history of police is briefly discussed. Then the role and structure of police agencies is reviewed. Finally, some of the critical issues facing the police in society are analyzed.

HISTORY OF POLICE

The origin of U.S. police agencies can be traced back to early English society.⁸ Before the Norman conquest, there was no regular English police force. Every man living in the villages scattered throughout the countryside was responsible for aiding his neighbors and protecting the settlement from thieves and marauders. This was known as the **pledge system**. People were grouped into a collective of ten families called a **tithing** and entrusted with policing their own minor problems. Ten tithings were grouped into a hundred, whose affairs were supervised by a constable appointed by the local nobleman. The **constable**, who might be considered the first real police officer, dealt with more serious breaches of the law.⁹

Later the hundreds were grouped into **shires** resembling the counties of today. The **shire reeve** was appointed by the crown to supervise a certain territory and assure the local nobleman that order would be kept. The shire reeve, forerunner of today's sheriff, soon began to pursue and apprehend law violators as part of his duties.

In the thirteenth century, during the reign of King Edward I, the **watch system** was created to help protect property in England's larger cities and towns. Watchmen patrolled at night and helped protect against robberies, fires, and disturbances. They reported to the area constable, who became the primary metropolitan law enforcement agent. In larger cities such as London, the watchmen were organized within church parishes; those applying for the job were usually members of the parish they protected.

 To read more about **King Edward I**, made infamous by the movie *Braveheart* in which he served as resident bad guy, go to <http://www.castlewailes.com/edward.html> or <http://www.britannia.com/history/monarchs/mon30.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

In 1326 the office of **justice of the peace** was created to assist the shire reeve in controlling the county. Eventually the justices took on judicial functions in addition to their primary duty as peacekeeper. A system developed in which the local constable became the operational assistant to the justice of the peace, supervising the night watchmen, investigating offenses, serving summonses, executing warrants, and securing prisoners. This working format helped delineate the relationship between police and the judiciary that endured intact for 500 years.

At first the position of constable was an honorary one given to a respected person in the village or parish for one

year. Often these men were wealthy merchants who had little time for their duties. It was common for them to hire assistants to help them fulfill their obligations, thereby creating another element of a paid police force. Thus, by the seventeenth century, the justice of the peace, the constable, his assistants, and the night watch formed the nucleus of the local metropolitan justice system. (The sheriff's duties lay outside the cities and towns.)

The London Police

At the end of the eighteenth century, the Industrial Revolution lured thousands from the English countryside to work in the larger factory towns. The swelling population of urban poor, whose minuscule wages could hardly sustain them, heightened the need for police protection. In response to pressure from established citizens, the government passed statutes creating new police offices in London. These offices employed three justices of the peace who were each authorized to hire six paid constables. Law enforcement began to be more centralized and professional. However, many parishes still maintained their own foot patrols, horse patrols, and private investigators.

In 1829 Sir Robert Peel, England's home secretary, guided through Parliament an "Act for Improving the Police In and Near the Metropolis." The act established the first organized police force in London. Composed of over a thousand men, the London police force was structured along military lines. Its members wore a distinctive uniform and were led by two magistrates, who were later given the title of commissioner. However, the ultimate responsibility for the police fell to the home secretary and consequently the Parliament.



To learn more about the history of the **London Metropolitan Police**, go to their web page: <http://www.met.police.uk/police/mps/history/index.htm>. To read about the life of **Robert Peel**, check out <http://www.spartacus.schoolnet.co.uk/PRpeel.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The London experiment proved so successful that the metropolitan police soon began helping outlying areas that requested law enforcement assistance. Another act of Parliament allowed justices of the peace to establish local police forces; by 1856 every borough and county in England was required to form its own police force.

Policing the American Colonies

Law enforcement in colonial America paralleled the British model. In the colonies, the county **sheriff** became the most important law enforcement agent.¹⁰ In addition to peace-keeping and crime fighting, these sheriffs collected taxes, supervised elections, and handled a great deal of other legal business. The colonial sheriff did not patrol or seek out crime;

instead he reacted to citizens' complaints and investigated crimes that had already occurred. His salary was related to his effectiveness. Sheriffs were paid by the fee system: They were given a fixed amount for every arrest made, subpoena served, or court appearance made. Unfortunately, their tax-collecting chores were more lucrative than crime fighting, so law enforcement was not one of their primary concerns.

In the cities, law enforcement was the province of the town marshal, who was aided, often unwillingly, by a variety of constables, night watchmen, police justices, and city council members. However, local governments had little administrative power, and criminal law enforcement was largely an individual or community responsibility. Individual initiative was encouraged by the practice of offering rewards for the capture of felons.¹¹ If trouble arose, citizens might be called on to form a posse to chase offenders or break up an angry mob.

After the American Revolution, larger cities relied on elected or appointed officials to serve warrants and recover stolen property, sometimes in cooperation with the thieves themselves. Night watchmen, referred to as "leatherheads" because of the leather helmets they wore, patrolled the streets calling the hour while equipped with a rattle to summon help and a nightstick to ward off lawbreakers. Watchmen were not widely respected: Rowdy young men enjoyed tipping over the watch houses with the leatherhead inside, and a favorite saying in New York was "while the city sleeps the watchmen do too."¹²

As the size of cities grew, it became exceedingly difficult for local leaders to organize citizens' groups. Moreover, the early nineteenth century was an era of widespread urban unrest and mob violence. Local leaders began to realize that a more structured police function was needed to control demonstrators and keep the peace.

Early American Police Agencies

The modern police department was born out of fear of disorder, the influx of immigrants, and the desire of the wealthy to restructure what they feared was becoming a chaotic society. Boston created the nation's first formal police department in 1838. New York formed its police department in 1844; Philadelphia, in 1854. The new police departments replaced the night watch system and relegated constables and sheriffs to serving court orders and running the jail.

At first the urban police departments inherited the functions of the older institutions they replaced. For example, Boston police were charged with maintaining public health until 1853; New York police were responsible for street sweeping until 1881.

Politics dominated the departments and determined the recruitment of new officers and promotion of supervisors. An individual with the right connections could be hired despite a lack of qualifications. In New York City during the 1880s, potential police recruits had to be connected to a local politician and pay \$300 to be hired as officers; promotions to captain required a payment of \$15,000.¹³ "In



Shane Thompson in the Kansas Collection, University of Kansas Libraries, Lawrence

African Americans have served on police forces since the mid-nineteenth century. Thirty years after the Civil War, the streets of Lawrence, Kansas, were patrolled by African American policeman Sam Jeans, shown here. A republican mayor appointed the first black police officer in Chicago in 1872; by 1884 there were 23 African American officers serving in that city.

addition to the pervasive brutality and corruption,” writes one justice historian, Samuel Walker, “the police did little to effectively prevent crime or provide public services. Officers were primarily tools of local politicians; they were not impartial and professional public servants.”¹⁴

At mid-nineteenth century, the detective bureau was set up as part of the Boston police. Until then, thief taking had been the province of amateur bounty hunters, who hired themselves out to victims. When professional police departments replaced bounty hunters, the close working relationships that developed between police detectives and their underworld informants produced many scandals and, consequently, high personnel turnover.

Police during the nineteenth century were generally incompetent, corrupt, and disliked by the people they served. The police role was only minimally directed at law enforcement. Its primary function was serving as the enforcement arm of the reigning political power, protecting private property, and keeping control of the ever-rising numbers of foreign immigrants.

Reform Movements

Police agencies evolved slowly through the latter half of the nineteenth century. Uniforms were introduced in 1853 in New York. Technological innovations, such as linking precincts to central headquarters by telegraph, appeared in the late 1850s; somewhat later, call boxes allowed patrol officers on the beat to communicate with their commanders. Nonpolice functions, such as care of the streets, began to be abandoned after the Civil War.

Despite any steps they may have made toward improvement, big city police were not respected by the public, were not successful in their role as crime stoppers, and were not involved in progressive activities. The control of police departments by local politicians impeded effective law enforcement and fostered graft and corruption.

In an effort to prevent police corruption, civil leaders in some jurisdictions created police administrative boards to reduce the control over police exercised by local officials. These tribunals were given the responsibility for appointing police administrators and controlling police affairs. In many instances these measures failed because the private citizens appointed to the review boards lacked expertise in the intricacies of police work.

Another reform movement was the takeover of some big city police agencies by state legislators. Although police budgets were paid through local taxes, control of police was usurped by rural politicians in the state capitals. It was not until the first decades of the twentieth century that cities regained control of their police forces.

The Boston police strike of 1914 heightened interest in police reform. The strike was brought about by dissatisfaction with the status of police officers in society. While other professions were unionizing and increasing their standard of living, police salaries lagged behind. The Boston police officers’ organization, the Boston Social Club, voted to become a union affiliated with the American Federation of Labor. The officers struck on September 9, 1914. Rioting and looting broke out, resulting in Governor Calvin Coolidge’s mobilization of the state militia to take over the city. Public support turned against the police, and the strike was broken. Eventually, all the striking officers were fired and replaced by new recruits. The Boston police strike ended police unionism for decades and solidified power in the hands of a reactionary, autocratic police administration.

In the aftermath of the strike, local, state, and national crime commissions began to investigate the extent of crime and the ability of the justice system to effectively deal with it. The **Wickersham Commission** was created by President Herbert Hoover to study police issues on a national scale. In its 1931 report, the commission identified many of the problems of policing, including a weak command structure and overly complex job requirements.¹⁵

With the onset of the Great Depression, justice reform became a less important issue than economic revival, and for many years there was little change in the nature of policing.

To learn more about the policy and practices of early police departments, go to: Kristian Williams, "The Demand for Order and the Birth of Modern Policing," *Monthly Review* 55 (2003): 16–23.

The Advent of Professionalism

The onset of police professionalism might be traced to the 1920s and the influence of August Vollmer.¹⁶ While serving as police chief of Berkeley, California, Vollmer instituted university training as an important part of his development of young officers. He also helped develop the School of Criminology at the University of California at Berkeley, which became the model for justice-related programs around the country.

Vollmer's disciples included O. W. Wilson, who pioneered the use of advanced training for officers when he took over and reformed the Wichita, Kansas, police department in 1923. Wilson also was instrumental in applying modern management and administrative techniques to policing. His text, *Police Administration*, became the single most influential work on the subject. Wilson eventually became dean of the Criminology School at Berkeley and ended his career in Chicago, where Mayor Richard J. Daley asked him to take over and reform the Chicago police department in 1960.

One important aspect of professionalism was the technological breakthroughs that significantly increased and expanded the scope of police operations. The first innovation came in the area of communications, when telegraph police boxes were installed in 1867; an officer could turn a key in a box, and his location and number would automatically register at headquarters. The Detroit police department outfitted some of its patrol officers with bicycles in 1897. By 1913 the motorcycle was employed by departments in the eastern part of the country. The first police car was used in Akron, Ohio, in 1910; the police wagon became popular in Cincinnati in 1912.

In the early 1960s police professionalism was interpreted as being a tough, highly trained, rule-oriented law enforcement department organized along militaristic lines. The urban unrest of the late 1960s changed the course of police department development. Efforts were made to promote understanding between police and the community, reduce police brutality, and recognize the stresses of police work. Efforts have also been made to add members of minority groups and women to police departments. With increasing professionalism, the ideal police officer came to be viewed as a product of the computer age, skilled in using the most advanced techniques to fight crime.¹⁷

Despite technological and professional achievements, the effectiveness of police is still questioned, and their ability to control crime is considered problematic. Critics argue that plans to increase police professionalism place too much emphasis on hardware and not enough on police–citizen cooperation. As a result, there has been an ongoing effort to make police “user friendly” by decentralizing police departments

and making them responsive to community needs. Police and law enforcement agencies also have to adapt to the changing nature of crime: They must be prepared to handle Internet fraud schemes and identity theft, as well as rape, robbery, and burglary.¹⁸



To quiz yourself on this material, go to the Criminology 9e website.

LAW ENFORCEMENT AGENCIES TODAY

Law enforcement duties are distributed across local, county, state, and federal jurisdictions. As Table 15.1 shows, there are now approximately 800,000 full-time law enforcement officers in the United States, employed in almost 18,000 different agencies. This section discusses the role of federal, state, and county agencies. The remainder of the chapter focuses on local police.

Federal Law Enforcement

The federal government maintains about fifty organizations that are involved in law enforcement. Some of the most important of these are discussed here.

THE FEDERAL BUREAU OF INVESTIGATION In 1870 the U.S. Department of Justice became involved in actual policing when the attorney general hired investigators to enforce the Mann Act (which prohibited prostitution across state lines). In 1908 this group of investigators was formally made a distinct branch of the government, the Bureau of Investigation; in the 1930s the agency was reorganized into the **Federal Bureau of Investigation (FBI)** under the direction of J. Edgar Hoover.

Today's FBI is not a police agency but an investigative agency, with jurisdiction over all matters in which the

Full-Time, Sworn Law Enforcement Officers in the United States

Type of Agency	Number of Agencies	Number of Officers
Total		796,518
All state and local	17,784	708,022
Local police	12,666	440,920
Sheriff	3,070	164,711
Primary state	49	56,348
Special jurisdiction	1,376	43,413
Texas constable	623	2,630
Federal*		88,496

Note: Special jurisdiction category includes both state-level and local-level agencies. Consolidated police-sheriffs are included under local police category. Agency counts exclude those operating on a part-time basis.

*Nonmilitary federal officers authorized to carry firearms and make arrests.

Source: Bureau of Justice Statistics, 2004 law enforcement data collections. <http://www.ojp.usdoj.gov/bjs/lawenf.htm#summary>

Top Priorities of the FBI

1. Protect the United States from terrorist attack.
2. Protect the United States against foreign intelligence operations and espionage.
3. Protect the United States against cyber-based attacks and high-technology crimes.
4. Combat public corruption at all levels.
5. Protect civil rights.
6. Combat transnational and national criminal organizations and enterprises.
7. Combat major white-collar crime.
8. Combat significant violent crime.
9. Support federal, state, county, municipal, and international partners.
10. Upgrade technology to successfully perform the FBI's mission.

Source: Federal Bureau of Investigation. <http://www.fbi.gov/priorities/priorities.htm>

United States is, or may be, an interested party. It limits its jurisdiction to federal laws, including all federal statutes not specifically assigned to other agencies. These include statutes dealing with espionage, sabotage, treason, civil rights violations, the murder and assault of federal officers, mail fraud, robbery and burglary of federally insured banks, kidnapping, and interstate transportation of stolen vehicles and property.

In addition to enforcing these laws, the FBI offers important services to local law enforcement agencies including use of its vast fingerprint file and a sophisticated crime laboratory that aids local police in testing and identifying evidence, such as hair, fiber, blood, tire tracks, and drugs. The FBI's National Crime Information Center is a computerized network linked to local police departments by terminals. Through it, information on stolen vehicles, wanted persons, stolen guns, and so on is made readily available to local law enforcement agencies. As Exhibit 15.1 shows, in the post-9/11 world, the FBI has shifted its priority to counterintelligence, counterterrorism, and cyberterrorism.

In addition to the FBI, the following agencies are part of federal law enforcement:

- **Drug Enforcement Administration (DEA):** Investigates illegal drug use and carries out independent surveillance and enforcement activities to control the importation of narcotics.
- **U.S. marshals:** Court officers who help implement federal court rulings, transport prisoners, and enforce court orders.
- **Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF):** Has jurisdiction over the sales and

distribution of firearms, explosives, alcohol, and tobacco products.

- **Internal Revenue Service (IRS):** Established in 1862, the IRS enforces violations of income, excise, stamp, and other tax laws. Its intelligence division actively pursues gamblers, narcotics dealers, and other violators who do not report their illegal financial gains as taxable income.



The **Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)** is a law enforcement agency within the U.S. Department of Justice. Its unique responsibilities include protecting the public and reducing violent crime. ATF enforces the federal laws and regulations relating to alcohol and tobacco diversion, firearms, explosives, and arson. Visit their website at <http://www.atf.gov/index.htm#>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

DEPARTMENT OF HOMELAND SECURITY (DHS) Soon after the 9/11 attack, President George W. Bush proposed the creation of a new cabinet-level agency called the **Department of Homeland Security (DHS)** and assigned the mission of:

- Preventing terrorist attacks within the United States
- Reducing America's vulnerability to terrorism
- Minimizing the damage and helping recover from attacks that do occur

The DHS now has four main directorates that combine the services of a number of law enforcement and security services.

The Border and Transportation Security directorate brings the major border security and transportation operations under one roof, including:

- The U.S. Customs Service (Treasury)
- The Immigration and Naturalization Service (part) (Justice)
- The Federal Protective Service
- The Transportation Security Administration (Transportation)
- Federal Law Enforcement Training Center (Treasury)
- Animal and Plant Health Inspection Service (part) (Agriculture)
- Office for Domestic Preparedness (Justice)

The Emergency Preparedness and Response directorate oversees domestic disaster preparedness training and coordinates government disaster response. It brings together:

- The Federal Emergency Management Agency (FEMA)
- Strategic National Stockpile and the National Disaster Medical System (HHS)

- Nuclear Incident Response Team (Energy)
- Domestic Emergency Support Teams (Justice)
- National Domestic Preparedness Office (FBI)

The Science and Technology directorate seeks to utilize all scientific and technological advantages when securing the homeland. The following assets will be part of this effort:

- CBRN Countermeasures Programs (Energy)
- Environmental Measurements Laboratory (Energy)
- National BW Defense Analysis Center (Defense)
- Plum Island Animal Disease Center (Agriculture)

The Information Analysis and Infrastructure Protection directorate analyzes intelligence and information from other agencies (including the CIA, FBI, DIA, and NSA) involving threats to homeland security and evaluates vulnerabilities in the nation's infrastructure. It brings together:

- Federal Computer Incident Response Center (GSA)
- National Communications System (Defense)
- National Infrastructure Protection Center (FBI)
- Energy Security and Assurance Program (Energy)¹⁹

While not a law enforcement agency per se, the DHS combines elements of law enforcement with national security.

County Law Enforcement

The county police department is an independent agency whose senior officer, the sheriff, is usually elected. The county sheriff's role has evolved from that of the early English shire reeve, whose main duty was to assist royal judges in trying prisoners and enforcing the law outside cities. From the time of U.S. westward expansion until municipal departments were developed, the sheriff often was the sole legal authority in vast territories.

Today, sheriffs' offices contain about 300,000 full-time employees, including about 165,000 sworn personnel. Employment has risen an average of about 4 percent per year since 1990.²⁰ Nearly all sheriffs' offices provided basic law enforcement services such as routine patrol, responding to citizen calls for service, and investigating crimes. It is also common for the sheriff's department to be keepers of the county jail, court attendants, and executors of criminal and civil processes. Typically, the sheriff's law enforcement functions today are carried out only in unincorporated areas within a county or in response to city departments' requests for aid in such matters as patrol or investigation.

State Police

The Texas Rangers, organized in 1835, are considered by some the first **state police** force. However, the Rangers were more a quasi-military force that supported the Texas state

militia than a law enforcement body. The first true state police forces emerged at the turn of the twentieth century, with Connecticut (1903) and Pennsylvania (1905) leading the way.

The impetus for creating state police agencies can be traced both to the low regard of the public for the crime-fighting ability of local police agencies and to the increasingly greater mobility of law violators. Using automobiles, thieves could strike at will and be out of the jurisdiction of local police before an investigation could be mounted. Therefore, it became necessary to have a law enforcement agency with statewide jurisdiction. Also, state police gave governors a powerful enforcement arm that was under their personal control and not that of city politicians.

Today there are about 56,000 full-time state police officers and 30,000 other full-time employees in forty-nine departments (Hawaii has no state police). The major role of state police is controlling traffic on the highway system, tracing stolen automobiles, and aiding in disturbances and crowd control.

In states with large, powerful county sheriff's departments, the state police function is usually restricted to highway patrol. In others, where the county sheriff's law enforcement role is limited, state police usually maintain a more active investigative and enforcement role and aid cities and town police departments in criminal investigation.

Metropolitan Police

Metropolitan police agencies make up the vast majority of the law enforcement community's members. Today, there are more than 13,000 local police departments nationwide with an estimated 565,000 full-time employees, including about 440,000 sworn personnel.²¹ Forty-six departments employ 1,000 or more officers, and these agencies account for about a third of all local police officers; in contrast, nearly 800 departments employ just one officer.

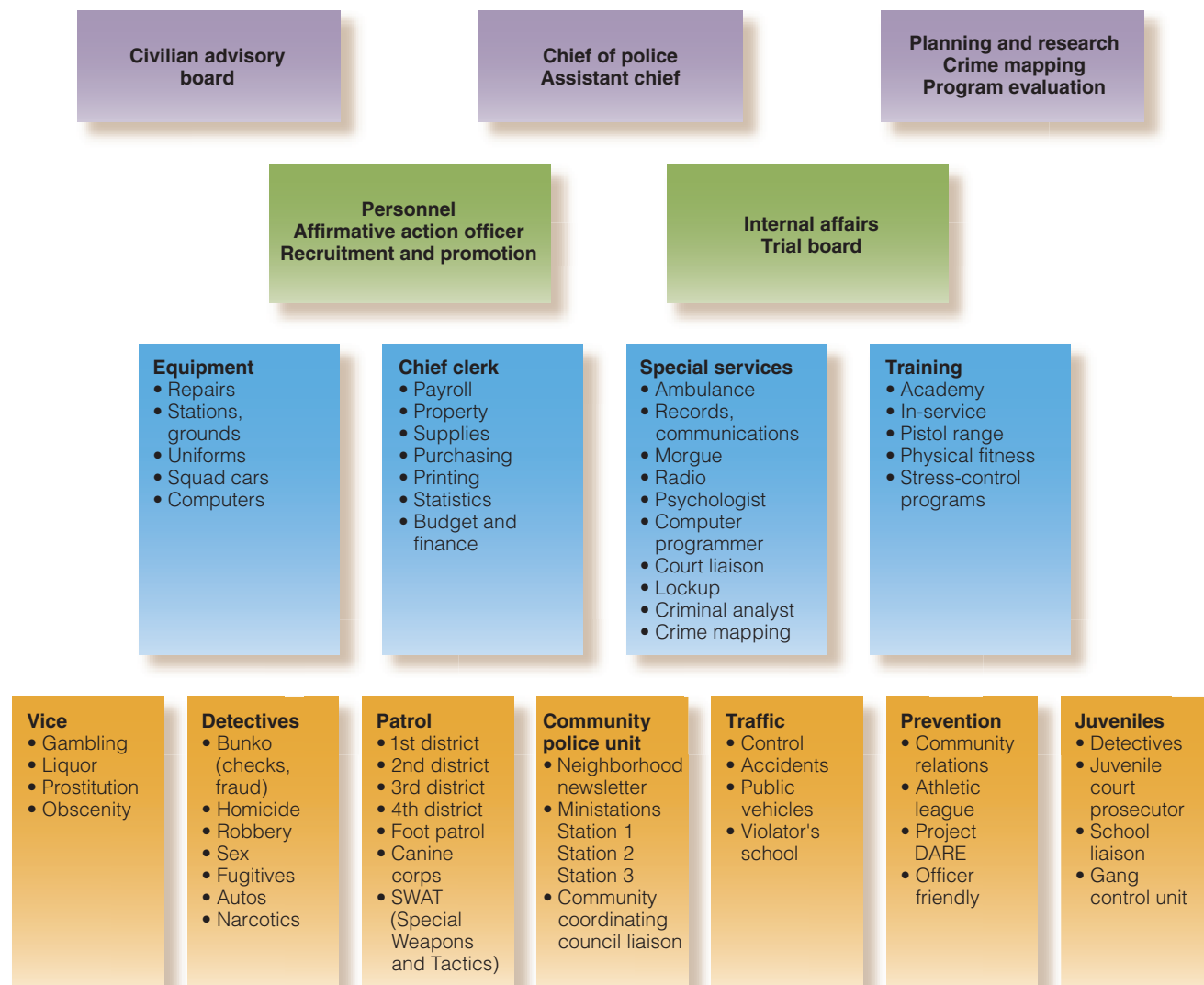
Most larger urban departments are independent agencies operating without specific administrative control from any higher governmental authority. They are organized at the executive level of government. It is therefore common for the city mayor (or the equivalent) to control the hiring and firing of the police chief and, consequently, determine departmental policies.

Traditionally, municipal departments were organized in a militaristic way, often using military terms to designate seniority (sergeant, lieutenant, captain). This organization is now changing as police departments become more decentralized.

||||| CONNECTIONS |||||

The community policing movement, which requires decentralization, is discussed later in this chapter.

Organization of a Typical Metropolitan Police Department



The organization of a typical metropolitan police department is illustrated in Figure 15.1. This complex structure is a function of the multiplicity of roles with which the police are entrusted; these roles fall into three main categories (Exhibit 15.2).

Police officers' responsibilities are immense; they may suddenly be faced with an angry mob, an armed felon, or a suicidal teenager and be forced to make split-second decisions on what action to take. At the same time, they must be sensitive to the needs of citizens who are often of diverse racial and ethnic backgrounds. When police are present and visible, it creates a sense of security in a neighborhood and improves residents' opinions of the police.²² The following sections examine some of the various elements of local policing.



To quiz yourself on this material, go to the Criminology 9e website.

POLICE FUNCTIONS

What do local police actually do? What are their major functions, and how well do they perform them? This section discusses these issues.

Patrol Function

Patrol entails police officers' visible presence on the streets and public places of their jurisdiction. The purpose of patrol

The Core Functions of Police

Law Enforcement Functions

- Identifying criminal suspects
- Investigating crimes
- Apprehending offenders and participating in their trials
- Deterring crime through patrol

Order Maintenance Functions

- Resolving conflict and keeping the peace
- Maintaining a sense of community security
- Keeping vehicular and pedestrian movement efficient
- Promoting civil order

Service Functions

- Aiding individuals in danger or in need of assistance
- Providing emergency medical services
- Public education and outreach
- Maintaining and administering police services
- Recruiting and training new police officers

is to deter crime, maintain order, enforce laws, and aid in service functions, such as emergency medical care. There is a large variety of patrol techniques. In early police forces, **foot patrols** were used almost exclusively. Each officer had a particular area, or beat, to walk; the police officer was the symbol of state authority in that area. The beat officer dispensed street justice, and some became infamous for their use of clubs or nightsticks.

When the old-style beat officer needed assistance, he would pound the pavement with his stick to summon his colleagues from nearby areas. Later call boxes were introduced so the officer could communicate more easily with headquarters. Today patrol cars, motorcycles, helicopters, and other types of mechanized transportation have all but ended walking the beat. Although the patrol car allows police to supervise more territory with fewer officers, it has removed and isolated patrol officers from the communities they serve. Some experts argue that this impersonal style of enforcement has worsened relations between police and community. In some communities **aggressive preventive patrol**, designed to deter crime, has heightened tensions between the police and minorities.

Considerable tension is involved in patrolling, especially in high-crime areas where police feel they are open targets. The patrol officer must learn to work the street, taking whatever action is necessary to control the situation and no more. When patrol officers take inappropriate action or when their behavior results in violence or death, they are



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Patrol is the backbone of policing and can involve up to two-thirds of department personnel. Patrol entails police officers' visible presence on the streets and public places of their jurisdiction. Police patrol is multi-purpose: Not only is it designed to deter crime, maintain order, and enforce laws, but patrol officers are often called on to provide emergency service functions such as emergency medical care and rescue.

subject to intense scrutiny by public agencies and may be subject to disciplinary measures from the police department's internal affairs division. Patrol officers are expected to make mature, reasoned decisions while facing a constant flow of people in emotional crisis.

A patrol officer's job is extremely demanding and often unrewarding and unappreciated. It is not surprising that the attitudes of police officers toward the public have been characterized by ambivalence, cynicism, and tension.²³

IMPROVING PATROL As you may recall, there is evidence that traditional police patrol techniques have relatively little influence on crime rates. As a result, police departments have initiated a number of programs and policies to try to improve patrol effectiveness. The following are some initiatives that have been or are currently in use.

||||| CONNECTIONS |||||

In Chapter 4, the Kansas City patrol study was reviewed. You may recall that this landmark study found that the level of police patrol had relatively little effect on the crime rate. Though more than thirty years have gone by, the Kansas City study is still considered the definitive research on the ability of police to deter crime.

- *Proactive policing*: Police departments have found that using a proactive, aggressive law enforcement style may help reduce crime rates. Jurisdictions that encourage patrol officers to stop motor vehicles to issue citations and to aggressively arrest and detain suspicious persons also experience lower crime rates than jurisdictions that do not follow such proactive policies.²⁴ Departments that more actively enforce minor regulations, such as disorderly conduct and traffic laws, are also more likely to experience lower felony rates.²⁵
- *Full enforcement/zero tolerance*: Targeting even minor or lifestyle crimes such as vandalism, panhandling, and graffiti, seems to be effective. The downturn in the New York City violent crime rate during the past decade has been attributed to aggressive police work aimed at lifestyle crimes.²⁶
- *Targeting crimes*: Evidence also shows that targeting specific crimes can be successful. One aggressive patrol program, known as the Kansas City Gun Experiment, was directed at restricting the carrying of guns in high-risk places at high-risk times. Though relatively few weapons were seized, drive-by shootings dropped significantly, as did homicides, without any displacement to other areas in the city.²⁷
- *Making arrests*: There are research studies showing that contact with the police may cause some offenders to forgo repeat criminal behavior and deter future criminality.²⁸ The effect of arrest may be immediate: As the number of arrests increases, reported crimes decrease substantially the following day.²⁹ It is possible that news of increased and aggressive police activity is rapidly diffused through the population and has an immediate impact that translates into lower crime rates.
- *Adding patrol officers*: Some reviews find that the actual number of law enforcement officers in a jurisdiction seems to have little effect on area crimes.³⁰ Comparisons of police expenditures in U.S. cities indicate that cities with the highest crime rates also spend the most on police services.³¹ While these results are disappointing, a number of recent studies, using different methodologies, have found that police presence may actually reduce crime levels and that adding police may bring crime levels down.³² In addition, increasing the size of the local police force may have other benefits for the overall effectiveness of the justice

Improving Police Patrol

Strategy	Tactic	Goal
Aggressive patrol	Enforce law vigorously.	General deterrence.
Target specific crimes	Crack down on persistent problems such as gun possession.	Stopping one type of crime may have spill-over effect.
Full enforcement	Enforce all laws, even minor crimes such as panhandling and loitering.	Show that police are active and aggressive; general deterrence.
Make arrests	Arrest even minor offenders; zero tolerance approach.	Specific deterrence.
Add police	Increase number of officers on the street.	Improve system efficiency.

system. For example, adding police and increasing resources can increase the prosecution and conviction rates.³³

The various efforts to improve police patrol are set out in Concept Summary 15.1.

Investigation Function

The second prominent police role is investigation and crime detection. The detective has been a figure of great romantic appeal since the first independent bureau was established by the London Metropolitan Police in 1841. The detective has been portrayed as the elite of the police force in such films and television shows as *NYPD Blue*, *CSI*, and *Lethal Weapon*, to name but a few.

Detective branches are organized on the individual precinct level or out of a central headquarters and perform various functions. Investigators must often enter a case after it has been reported to police and attempt to accumulate enough evidence to identify the perpetrator.³⁴ Detectives use various investigatory techniques. Sometimes they obtain fingerprints from a crime scene and match them with those on file. Other cases demand the aid of informers to help identify perpetrators. In some instances, victims or witnesses are asked to identify offenders by viewing their pictures, or **mug shots**, or by pulling them out of lineups. It is also possible for detectives to solve a crime by being familiar with the working methods of particular offenders—their **modus operandi** or **MO**. The detective identifies the criminal by matching the facts of the crime with the criminal's peculiar habits or actions. In some cases, stolen property is located,

and then the case is cleared. Either the suspect is arrested on another matter and subsequently found to possess stolen merchandise, or during routine questioning, a person confesses to criminal acts the police did not suspect of him or her. Typically, the more serious the case, with murder being the extreme example, the longer detectives will devote to a single crime and the more likely they will eventually be able to identify and arrest the culprit.³⁵

Finally, detectives can use their own initiative in solving a case. For example, the **sting** type of operation has received widespread publicity.³⁶ Here detectives pose as fences with thieves interested in selling stolen merchandise. Transactions are videotaped to provide prosecutors with strong cases.

Sting-type undercover operations are controversial because they involve a police officer's becoming involved in illegal activity and encouraging offenders to break the law. Stings may encourage crime when area residents realize that a new group is offering cash for stolen goods.³⁷ The ethics of these operations have been questioned, especially when the police actively recruit criminals. Nonetheless, sting operations seem to have found a permanent place in the law enforcement repertoire.

Some jurisdictions maintain **morals** or **vice squads**, which are usually staffed by plainclothes officers or detectives specializing in victimless crimes such as prostitution or gambling. Vice squad officers may set themselves up as customers for illicit activities to make arrests. For example, undercover detectives may frequent public men's rooms and make themselves available to other men; those who respond are arrested for homosexual soliciting. In other instances, female police officers may pose as prostitutes. These covert police activities have often been criticized as violating the personal rights of citizens, and their appropriateness and fairness have been questioned.

ARE INVESTIGATIONS EFFECTIVE? Although detectives in the movies and on television always capture the villains, research indicates that real detectives are much less successful. The Rand Corporation, in a classic 1975 study of 153 detective bureaus, found that a great deal of detectives' time was spent in nonproductive work and that investigative expertise did little to help them solve cases.³⁸ In more than half of the cases cleared, simple, routine actions solved the case; there was little need for scientific, highly trained investigators. The Rand researchers estimated that half of all detectives could be removed without reducing crime clearance rates.

Replications of the Rand study have found that when a suspect was identified, it usually occurred before the case was assigned to a detective. Initial identification of suspects usually took place at the crime scene or through routine followup procedures.³⁹ Similarly, the Police Executive Research Forum found that most solved cases involved data gathered at the crime scene by patrol officers; detectives dropped 75 percent of cases after one day and spent an average of 4 hours on each case.⁴⁰

Efforts have been made to revamp investigation procedures. Patrol officers have been given greater responsibilities

in conducting preliminary investigations at crime scenes. In addition, the precinct detective is being replaced by specialized units, such as homicide or burglary squads, that operate over larger areas and can bring specific expertise to bear on a particular case. Another trend has been the development of regional squads of local, state, and federal officers (called regional strike forces) that concentrate on major crimes and organized crime activities and use their wider jurisdiction and expertise to provide services beyond the capabilities of a metropolitan police department. An additional common operation is to focus on the investigation and arrest of hard-core career criminals.⁴¹ Ever more specialized units are being created. For example, Washington, DC's metropolitan police department has a Cold Case Homicide Squad (CCS), which, in cooperation with FBI agents who work directly with the squad, specializes in unsolved crimes at least a year old.⁴²



To quiz yourself on this material, go to the Criminology 9e website.

CHANGING THE POLICE ROLE

Unlike their fictional counterparts, contemporary police officers do not spend their time in car chases and shootouts. James Q. Wilson's pioneering work, *Varieties of Police Behavior*, viewed the major police role as "handling the situation."⁴³ Wilson found that police encounter many troubling incidents that need some sort of "fixing up." Enforcing the law might be one tool a police officer uses; threat, coercion, sympathy, understanding, and apathy might be others. Most important is "keeping things under control so that there are no complaints that he is doing nothing or that he is doing too much."

The peacekeeping role of the police has been documented by several different studies that find that the police function essentially as order-keeping, dispute-settling agents of public health and safety.⁴⁴ Figure 15.2 shows the results of a national survey of police behavior. About 44 million Americans have contact with the police each year.⁴⁵ About half of these involve some form of motor vehicle or traffic-related issues. About 5 million annual contacts involve citizens asking for assistance, for example, the police responding to a neighbor's complaint about music being too loud during a party or warning kids not to shoot fireworks. This survey indicates that the police role is both varied and complex.⁴⁶

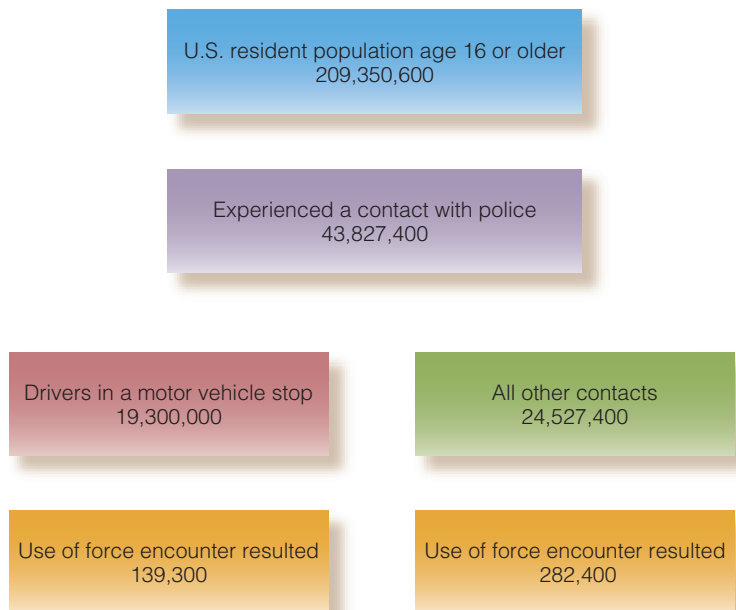
The burdens of police work have helped set law enforcement officers outside the mainstream of society and have encouraged the development of a police subculture marked by insulation from the outside world and a code of secrecy.⁴⁷

Community-Oriented Policing (COP)

In a highly regarded article, "Broken Windows: The Police and Neighborhood Safety," criminologists James Q. Wilson and George Kelling called for a return to a nineteenth-century

Police Encounters with Citizens

Source: Patrick A. Langan, Lawrence A. Greenfield, Steven K. Smith, Matthew R. Durose, and David J. Levin, *Contacts between Police and the Public: Findings from the 1999 National Survey* (Washington, DC: Bureau of Justice Statistics, 2001).



style of **community-oriented policing (COP)** in which police maintained a presence in the community, walked beats, got to know citizens, and inspired feelings of public safety.⁴⁸ Wilson and Kelling asked police administrators to get their officers out of depersonalizing patrol cars. Instead of deploying police on the basis of crime rates or in areas where citizens make the most calls for help, police administrators should station their officers where they can do the most to promote public confidence and elicit citizen cooperation. Community preservation, public safety, and order maintenance—not crime fighting—should become the primary focus of police. Implied in the Wilson and Kelling model was a proactive police role. Instead of merely responding to calls for help (known as **reactive policing**), police should play an active role in the community, identify neighborhood problems and needs, and set a course of action for an effective response. Wilson and Kelling conclude,

Just as physicians now recognize the importance of fostering health rather than simply treating illness, so the police—and the rest of us—ought to recognize the importance of maintaining intact communities without broken windows.⁴⁹

The “broken windows” article had an important impact on policing, and since its publication, there has been a continuing reanalysis of the police role.



How does the “**broken windows**” concept impact the police use of discretion? What can be done to control police behaviors that violate community standards? Read “‘Broken Windows’ and Police Discretion,” by criminologist George Kelling at <http://www.ncjrs.org/pdffiles1/nij/178259.pdf>. For an up-to-date list of web-links, go to http://cj.wadsworth.com/seigel_crim_9e.

IMPLEMENTING COP The current COP movement began when foot patrols were reintroduced in a limited number of jurisdictions. Foot patrol was believed to be an effective device that could help police monitor community concerns and control drug dealers, vandals, and other petty criminals associated with community decline. Officers on foot are more approachable and offer a comforting presence to citizens. Evaluations of these programs found that although foot patrols had little effect on community crime rates, they did help to improve citizen attitudes toward police.⁵⁰

These early experiments encouraged other cities to implement innovative patrol strategies. These community policing strategies include Neighborhood Watch and other programs in which police organize local citizens to aid them in crime prevention efforts, decentralized command structures in which police operate out of neighborhood ministations, newsletters, and other devices that bring the police and the community closer.⁵¹ There has been an effort to actively pursue citizen involvement in police activities, to orient police strategies toward the neighborhood or block level, and to identify community-level problems and seek their solutions.⁵²

Is it possible that police could attack community problems in the same way doctors combat disease? Before you answer, read: Joseph A. Harpold, “A Medical Model for Community Policing,” *FBI Law Enforcement Bulletin* 69 (2000): 23.

COMMUNITY POLICING IN ACTION The federal government has encouraged the growth of community policing by providing millions of dollars to hire and train officers.⁵³ Hundreds of communities have adopted innovative forms




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Community policing involves citizens in the everyday work of law enforcement. Connecting the police and the public in cooperative efforts can provide valuable insights and information. Citizen Observer Patrol (COP) members 71-year-old Lt. Mill Goodsell (right) and 76-year-old Captain Esther Bachman (left), prepare to patrol the neighborhood of Palm Beach Leisureville in Boynton Beach, Florida. Palm Beach Leisureville is a community of approximately 4,000 senior residents. About 140 COP officers are involved in patrolling the neighborhood.

of decentralized, neighborhood-based community policing models. Recent surveys indicate that there has been a significant increase in community policing activities in recent years and that certain core programs such as crime prevention activities have become embedded in the police role.⁵⁴

COP programs have been implemented in large cities, suburban areas, and rural communities.⁵⁵ Some COP programs assign officers to neighborhoods, organize training programs for community leaders, and feature a bottom-up approach to dealing with community problems: Decision making involves the officer on the scene, not a directive from central headquarters. Some departments have created programs for juveniles such as neighborhood cleanup efforts, whereas others contact local businesspeople and community groups to get them involved in planning.⁵⁶

 To find a website dedicated to providing the latest information, training, advice, and discussion on **community policing**, go to <http://www.policing.com>. Their view is that “community policing is a philosophy based on the recognition that nothing can outperform dedicated people working together to make their communities better and safer places in which to live and work and raise children.” For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

NEIGHBORHOOD POLICING To achieve the goals of COP, some agencies have tried to decentralize, an approach sometimes referred to as neighborhood policing. Problems are best solved at the neighborhood level where issues originate, not at a far-off central headquarters. Because each neighborhood has its own particular needs, police decision making must be flexible and adaptive. For example, neighborhoods undergoing change in racial composition often experience high levels of racially motivated violence.⁵⁷ Police must be

able to distinguish these neighborhoods and allocate resources to meet their needs.

Because COP also stresses sharing power with local groups and individuals, neighborhood initiatives may be an ideal way to fight crime. Citizens actively participate with police to fight crime, for example, by providing information in area crime investigations or helping police reach out to troubled area youths. Police in Houston adopted the Positive Interaction Program, in which captains in each of the city’s nine (decentralized) substations were required to meet monthly with area business leaders and prominent residents to discuss neighborhood problems. Substation captains were then charged with using available resources to resolve the problems.⁵⁸

Problem-Oriented Policing

According to police expert Herman Goldstein, police departments have been too concerned with internal efficiency and have therefore given insufficient attention to substantive problems in the work environment.⁵⁹ Police have been reactive, responding to calls for help. Instead they should play an active role in identifying particular community problems—street-level drug dealers, prostitution rings, gang hangouts—and developing strategies to counteract them. This aggressive strategy is referred to as **problem-oriented policing (POP)**.

According to POP problems are better defined narrowly; the focus should be on reducing larceny from the mall on weekends, not a general reduction in the crime rate. Solutions draw on the creative talents found in two important resources: the community and the line officers who are familiar with community problems. Rather than stifle or control creativity, problem-oriented policing encourages new solutions to old problems.

CRIMINAL ACTS/CRIMINAL PLACES Problem-oriented strategies are being developed that focus on specific criminal problem areas and/or specific criminal acts. For example, a POP effort in Sarasota, Florida, aimed at reducing prostitution involved intensive, focused, and highly visible patrols to discourage prostitutes and their customers, undercover work to arrest prostitutes and drug dealers, and collaboration with hotel and motel owners to identify and arrest pimps and drug dealers.⁶⁰ Two POP efforts are described below:

Combating Auto Theft Because of problem-oriented approaches (combined with advanced technology), car thieves in many jurisdictions are no longer able to steal cars with as much ease as before. In order to reduce the high number of car thefts occurring each year, some police departments have invested in “bait cars” that are parked in high-theft areas and are equipped with technology that alarms law enforcement personnel when someone has stolen the car. A signal goes off when either a door is opened or the engine starts. Then, equipped with global positioning satellite (GPS) technology, police officers are able to watch the movement of the car. Some cars are also equipped with microscopic video and audio recorders that allow officers to see and hear the suspect within the car and with remote engine and door locks that can trap the thief inside. The technology has been used in conjunction with an advertising campaign to warn potential car thieves about the program. The system has been instituted in Vancouver, Canada, and Minneapolis, Minnesota, with impressive results: Motor vehicle theft dropped over 40 percent in Minneapolis over a 3-year period in which bait cars were used and 30 percent in Vancouver within 6 months of being instituted. In addition to cutting down on auto theft, the new technology, which costs roughly \$3,500 per car, seems to decrease the number of dangerous high-speed pursuits because police officers can track the stolen vehicles.⁶¹

Reducing Violence There have been a number of efforts to reduce violence using problem-oriented policing techniques. Police in Richmond, California, successfully applied POP techniques including citizen involvement to help reduce murder rates.⁶² Problem-oriented techniques have also been directed at combating gang-related violence. For example, the Tucson police department has created a Gang Tactical Detail, which is a unit aimed at proactively attacking neighborhood gang problems by targeting known offenders who have shown a propensity toward gang violence or criminal activity. Members of the tactical unit work directly with neighborhood community groups to identify specific gang problems within individual neighborhoods. Once the problem is identified, the unit helps devise a working solution combining community involvement, intergovernmental assistance, and law enforcement intervention. The officers of the Gang Tactical Detail attend meetings with community groups to identify gang-related problems. They also assist with gang awareness presentations for schools and civic groups.⁶³

Another well-known violence reduction program, Operation Ceasefire, is a problem-oriented policing intervention aimed at reducing youth homicide and youth firearms violence in Boston. Evaluations of the program found Ceasefire produced significant reductions in youth homicide victimization and gun assault incidents in Boston that were not experienced in other communities in New England or elsewhere in the nation.⁶⁴

||||||| CONNECTIONS |||||

Crackdowns are another problem-oriented policing strategy. Their deterrent value was discussed in Chapter 4.



The evaluation report on **Operation Ceasefire** can be accessed directly at the NIJ website: <http://www.ncjrs.org/pdffiles1/nij/188741.pdf>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Does Community Policing Work?

Many police experts and administrators have embraced the community and problem-oriented policing concepts as revolutionary revisions of the basic police role. COP efforts have been credited with helping to reduce crime rates in large cities such as New York and Boston. The most professional and highly motivated officers are the ones most likely to support COP efforts.⁶⁵



The **Police Foundation** is a nonprofit organization dedicated to conducting research on law enforcement, including issues such as the effectiveness of problem-oriented policing. To check out their activities and publications, go to their website: <http://www.policefoundation.org/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Not all criminologists agree that a return to the older model of policing is a panacea. For example, justice historian Samuel Walker has criticized the “broken windows” concept on the grounds that it misinterprets and romanticizes police history: old-style police were neither liked nor respected.⁶⁶ It may also be difficult to retrain and reorient police from their traditional roles into more of a social service orientation.⁶⁷ Most police officers do not have the social service skills required of effective community agents. Some are reluctant to develop new skills—for example, considering it a waste of time when asked to take courses in cultural diversity to make them more sensitive to community needs.⁶⁸ Surveys of police officers involved report that while they are generally favorable to COP, they also suffer ridicule from their peers because of the “cushy” assignment that is not “real” police work, that they are often unsure of what to do,

and that their program has little effect on the crime rate.⁶⁹ Even loyal police officers who are committed to the police organization as a whole are unlikely to be successful in community policing activities unless they form a commitment to community policing itself.⁷⁰

Police administrators, while enjoying the public support created by COP, are reluctant to give up the autonomy and authority that power sharing with the public demands.⁷¹ They may find that the practices demanded by COP conflict with what they consider to be effective, efficient law enforcement. Not surprisingly, research by Jihong Zhao and his associates found that a decade after the COP initiative began police administrators still focus on the core values of order maintenance, crime fighting, and service.⁷² However, those police supervisors who are willing to stress acceptance of community policing activities find that the officers under their command will be much more likely to engage in COP and POP activities than those who follow a more traditional policing model.⁷³ Robin Shepard Engel studied supervisory styles and found that supervisors who actively embraced the community policing philosophy were able to encourage patrol officers to engage in self-initiated activities including community policing and problem solving.⁷⁴

While these concerns are valid, there is significant evidence that COP programs improve community relations, upgrade the image of local police, and reduce levels of community fear.⁷⁵ There is also evidence that local police departments can implement community programs without straining or sacrificing their ability to provide law enforcement or emergency services.⁷⁶ Research shows that the arrest rate actually increases after COP programs have been implemented.⁷⁷



To quiz yourself on this material, go to the Criminology 9e website.

POLICE AND THE RULE OF LAW

Like other areas of criminal justice, police behavior is carefully controlled by court action. On the one hand, police want a free hand to enforce the law as they see fit. On the other hand, the courts must balance the needs of efficient law enforcement with the constitutional rights of citizens. Some important legal issues have emerged from this conflict, the most critical being citizen rights during police interrogation and the right to be free from illegal searches and seizures by police officers.

Custodial Interrogation

The Fifth Amendment guarantees people the right to be free from self-incrimination. This has been interpreted as meaning that law enforcement agents cannot use physical or psychological coercion while interrogating suspects under their control to get them to confess or give information.

In 1966 the Supreme Court, in the case of *Miranda v. Arizona*, created objective standards for questioning by police after a defendant has been taken into custody.⁷⁸ The Court maintained that before the police can question a person who has been arrested or is in custody, they must inform the individual of the Fifth Amendment right to be free from self-incrimination. This is accomplished by the police issuing what is known as the **Miranda warning**, which informs the suspect that

1. He or she has the right to remain silent.
2. If he or she makes a statement, it can be used against him or her in court.
3. He or she has the right to consult an attorney and to have the attorney present at the time of the interrogation.
4. If he or she cannot afford an attorney, one will be appointed by the state.

If the defendant is not given the Miranda warning before the investigation, the evidence obtained from the interrogation cannot be admitted at trial. The accused can waive his or her Miranda rights at any time. However, for the waiver to be effective, the state must first show that the defendant was aware of all the Miranda rights and must then prove that the waiver was made with the full knowledge of constitutional rights.

Miranda was a turning point in criminal procedure because it introduced attorneys into an early stage of the justice process. Police were concerned that the presence of an attorney would significantly impede the investigation process and hinder their ability to interrogate suspects and/or pressure them to confess. Without confessions, the ability to obtain evidence and convict defendants would be lost.

THE MIRANDA RULE TODAY The Supreme Court has used case law to define the boundaries of the Miranda warning since its inception. Important Court rulings on the Miranda warning have created the following exceptions to the rule and guidelines for its implementation; some of the most important include:

- If they perjure themselves during trial, evidence obtained in violation of the Miranda warning can be used by the government to impeach a defendant's testimony.⁷⁹
- At trial, the testimony of a witness is permissible even though his or her identity was revealed by the defendant in violation of the Miranda rule.⁸⁰
- The Miranda warning applies only to the right to have an attorney present; the suspect cannot demand to speak to a priest, probation officer, or any other official.⁸¹
- Information provided by a suspect that leads to the seizure of incriminating evidence is permissible if the

evidence would have been obtained anyway by other means or sources; this is now referred to as the **inevitable discovery rule**.⁸²

- Admissible evidence can be obtained without a Miranda warning if the information the police seek is needed to protect public safety; for example, in an emergency, suspects can be asked where they hid their weapons.⁸³ Their answer can be used in a court of law even though they had not received the Miranda warning; this is referred to as the **public safety doctrine**.
- Initial errors by police in getting statements do not automatically make subsequent statements inadmissible; a subsequent Miranda warning that is properly given can “cure the condition” that made the initial statements inadmissible.⁸⁴ However, if police intentionally mislead suspects by questioning them before giving them a Miranda warning, their statements made after the warning is given are inadmissible in court. The “Miranda rule would be frustrated were the police permitted to undermine its meaning and effect.”⁸⁵
- Suspects need not be aware of all the possible outcomes of waiving their rights for the Miranda warning to be considered properly given.⁸⁶
- The admissions of mentally impaired defendants can be admitted in evidence as long as the police acted properly and there is a “preponderance of the evidence” that they understood the meaning of Miranda.⁸⁷
- An attorney’s request to see the defendant does not affect the validity of the defendant’s waiver of the right to counsel; police misinformation to an attorney does not affect waiver of Miranda rights.⁸⁸
- People who are mentally ill due to clinically diagnosed schizophrenia may voluntarily confess and waive their Miranda rights.⁸⁹
- Once a criminal suspect has invoked his or her Miranda rights, police officials cannot reinitiate interrogation in the absence of counsel even if the accused has consulted with an attorney in the meantime.⁹⁰
- The erroneous admission of a coerced confession at trial can be ruled a “harmless error” that would not automatically result in overturning a conviction.⁹¹
- A suspect who makes an ambiguous reference to an attorney during questioning, such as “Maybe I should talk to an attorney,” is not protected under Miranda; the police may continue their questioning.⁹²
- Failure to give a suspect a Miranda warning is not illegal unless the case actually becomes a criminal matter.⁹³ For example, a suspect cannot sue the police merely if he was illegally interrogated but never actually tried in court because (a) a police officer is entitled to immunity from lawsuits if his alleged misconduct did not violate a constitutional right and (b) the

interrogation did not violate a constitutional right because the confession was never used in a criminal case. A “criminal case” at the very least requires the initiation of legal proceedings, and police questioning by itself does not constitute such a case.

- A voluntary statement given in the absence of the Miranda warning can be used to obtain evidence that can be used at trial. Failure to give the warning does not make seizure of evidence illegal per se.⁹⁴

Many experts consider the *Miranda* case the hallmark decision of the Warren Court. To learn more about this landmark case, read: Richard Leo, “*Miranda* Revisited,” *Journal of Criminal Law and Criminology* 86 (1996): 621; Donald Dripps, “Is *Miranda* Case Law Inconsistent? A Fifth Amendment Synthesis,” *Constitutional Community* 17 (2000): 19.

In the 2000 case *Dickerson v. United States*, the Supreme Court established *Miranda* as an indisputable cornerstone of the justice process.⁹⁵ While the future of the warning itself seems certain, it appears that recent rulings have narrowed the scope of *Miranda* and given police greater leeway in their actions. It is not surprising that today police administrators who in the past might have been wary of the restrictions forced by *Miranda* now actually favor its use.⁹⁶ They view the warning as irrefutable evidence that they did not pressure suspects or use unfair tactics.

Critics however warn that this easing of the rules restrictions may encourage police to pressure suspects to confess. One recent analysis of sixty cases where a confession later proved false showed that police routinely induce confessions from suspects before they ask for a lawyer, a practice that imposes substantial deprivations of liberty on the defendants. At trial, these false confessions are considered important evidence in the minds of jurors and criminal justice officials, even if they seem inconsistent with the facts of the case.⁹⁷

Search and Seizure

In order to conduct investigations, the police may want to search people, their cars, and their homes. In order to do so, they must under normal circumstances obtain a **search warrant**, a judicial order, based on probable cause, allowing police officers to search for evidence in a particular place, seize that evidence, and carry it away. If seized with a valid warrant, the evidence can be used against the suspect at trial.

To make it easier for police to conduct investigations and to protect public safety, the Court has ruled that under certain circumstances, a valid search may be conducted without a search warrant. The following are examples of when police may conduct a legal search without a warrant being issued:

- *Threshold inquiry (stop-and-frisk)*: A threshold inquiry occurs when an officer does not have probable cause to arrest, but his or her suspicions are legitimately aroused by the unusual or suspicious behavior of

an individual. In such a case, the officer has a right to stop and question the individual; if the officer has reason to believe that the person is carrying a concealed weapon, he or she may *frisk* the suspect. Frisking is limited to a pat-down of the outer clothing for the purpose of finding a concealed weapon. If an illegal weapon is found, then an arrest can be made and a search incident to the arrest performed.⁹⁸ If while conducting a pat-down for weapons an officer discovers other contraband, the police may seize it and hold it for trial.

- *Search incident to an arrest:* A warrantless search is valid if it is made incident to a lawful arrest. The reason for this exception is that the arresting officer must have the power to disarm the accused, protect him- or herself, preserve the evidence of the crime, and prevent the accused's escape from custody. Because the search is lawful, the officer retains what he or she finds if it is connected with a crime. The officer is permitted to search only the defendant's person and the areas in the defendant's immediate physical surroundings that are under his or her control.⁹⁹
- *Automobile search:* An automobile may be searched without a warrant if there is probable cause to believe that the car was involved in a crime.¹⁰⁰ Because automobiles are inherently mobile, there is a significant chance that the evidence will be lost if the search is not conducted immediately; also people should not expect as much privacy in their cars as in their homes.¹⁰¹ Police officers who have legitimately stopped an automobile and who have probable cause to believe that contraband is concealed somewhere within it may conduct a warrantless search of the vehicle that is as thorough as a magistrate could authorize by warrant. The Supreme Court has also ruled that police who have stopped a motorist for a routine traffic violation can conduct a search if they find probable cause that the vehicle was also involved in a crime; for example, after stopping a car for an illegal U-turn, they spot drug paraphernalia in the front seat.¹⁰²
- *Motorist search:* Because traffic stops can be dangerous, the Court has ruled that if police officers perceive danger during routine traffic stops, they can order drivers and passengers from the car without suspicion and conduct a limited search of their person to ensure police officer safety.¹⁰³ While these rulings are designed to insure the safety of officers, the FBI reports that routine traffic stops very rarely lead to police victimization or death. Each year about ten to fourteen officers are feloniously killed during traffic stops.¹⁰⁴
- *Consent search:* People and their property may be searched without a warrant if they willingly consent to the search. However, for the search to be legal, the consent must be given voluntarily; threat or

compulsion invalidates the search.¹⁰⁵ Police are under no obligation to inform individuals of their right to refuse the search. Police do not have to tell motorists they have stopped for a traffic violation that they are actually free to go before asking permission to search the car.¹⁰⁶

- *Plain view:* Contraband can be seized without a warrant if it is plain view. For example, if a police officer looks through a fence and sees marijuana growing in a suspect's fields, no search warrant is needed for the property to be seized.¹⁰⁷
- *Seizure of nonphysical evidence:* Police can seize non-physical evidence, such as a conversation, if the suspects had no reason to expect privacy—for example, if police overhear and record a conversation in which two people conspire to kill a third party.¹⁰⁸
- *Hot pursuit/exigency:* Police may conduct a warrantless search during emergency situations such as when they are in hot pursuit of a dangerous suspect. In *Kirk v. Louisiana* (2002), the Supreme Court placed limits on this tactic. Police officers observed Kirk engaging in what they considered to be drug deals. Without a warrant, they entered his home, arrested him, frisked him, found a drug vial in his underwear, and seized contraband that was in plain view in the apartment. The Supreme Court ruled that police officers need either a warrant or probable cause plus exigent circumstances in order to make a lawful entry into a home. Merely observing a suspect committing what appears to be a nonviolent crime is not enough of an emergency to justify a warrantless entry of a person's home.¹⁰⁹

In recent years the Court has given police greater latitude to search for and seize evidence and has eased restrictions on how police operate. However, even in this permissive environment, research by Jon Gould and Steven Mastrofski shows that police routinely violate suspects' rights when searching for evidence and that the majority of these incidents are never reviewed by the courts because the search was not followed up by arrest or citation.¹¹⁰

Concept Summary 15.2 sets out the major warrant exceptions.



To quiz yourself on this material, go to the Criminology 9e website.

ISSUES IN POLICING

A number of important issues face police departments today. Although an all-encompassing discussion of each is beyond the scope of this text, a few of the more important aspects of policing are discussed here.

Warrantless Searches

Action	Scope of Search
Stop and frisk	Pat-down of a suspect's outer garments.
Search incident to arrest	Full body search after a legal arrest.
Automobile search	If probable cause exists, full search of car including driver, passengers, and closed containers found in trunk. Search must be reasonable.
Consent search	Warrantless search of person or place is justified if the suspect knowingly and voluntarily consents to a search.
Plain view	Suspicious objects seen in plain view can be seized without a warrant.
Electronic surveillance	Material can be seized electronically without a warrant if the suspect has no expectation of privacy.

Police Personality and Subculture

It has become commonplace to argue that a majority of U.S. police officers have unique personality traits that place them apart from the average citizen. The typical police personality is thought to include authoritarianism, suspicion, racism, hostility, insecurity, conservatism, and cynicism.¹¹¹ These negative values and attitudes are believed to cause police officers to be secretive and isolated from the rest of society, producing what has been described by William Westly as the **blue curtain subculture**.¹¹² Isolation and conflict may also contribute to the extreme stress that is an occupational hazard of police work.¹¹³ Studies of police officers show that their stress levels increase substantially after urban unrest, when some officers may feel estranged from the community they are forced to control.¹¹⁴

There are two opposing viewpoints on the cause of this phenomenon. One position holds that police departments attract recruits who are by nature cynical, authoritarian, secretive, and so on; other experts maintain that socialization and experience on the police force cause these character traits to develop in police officers.¹¹⁵ Because research evidence supportive of both viewpoints has been produced, neither position dominates on the issue of how the police personality develops; it is not even certain that such a personality actually exists.

THE POLICE SUBCULTURE More than forty years ago, police expert William Westly argued that most police officers develop into cynics because of their daily duties.¹¹⁶ Westly maintained that police officers learn to mistrust the citizens they protect because they are constantly faced with keeping people in line and come to believe that most people are out

to break the law or harm a police officer. As a consequence, most officers band together in a police subculture characterized by clannishness, secrecy, and insulation from others in society. Policing expert John Crank has described how the sources of police culture can be traced to the need to be a moral force on their beat; to the fear of the unknown and hidden dangers; and to the overwhelming need for peer support to cope with adversity. The police culture, then, has its roots in morality, solidarity, and the need for common sense or “street smarts.”¹¹⁷

Both the daily routines of police work as well as their close peer relations support the subculture. Police officers perceive their working environment to be laden with danger or the risk of danger, and they become “preoccupied” with the violence that surrounds them.¹¹⁸ Perception of danger has a unifying effect on officers and works to separate them from the chief source of danger—the public—as it helps create the boundaries of a police subculture. As a result, police officers tend to socialize with one another and believe their occupation cuts them off from relationships with civilians. Joining the police subculture means having to support fellow officers against outsiders; maintaining a tough, macho exterior personality; and mistrusting the motives and behavior of outsiders.¹¹⁹ Normative behavior might include a tough, almost cold-hearted exterior that makes them immune to the emotional turmoil a civilian might feel when encountering a shooting victim or a body that has been left for a week in a sealed apartment.¹²⁰

The police subculture encourages its members to draw a sharp distinction between good and evil. Officers are more than mere enforcers of the law; they are warriors in the “age-old battle between right and wrong.”¹²¹ In contrast, criminals are referred to as “terrorists” and “predators”—terms that portray them as evil individuals ready to prey upon the poor and vulnerable. Because the “predators” represent a real danger, police culture demands that its members be both competent and concerned with the safety of their peers and partners. Competence is often translated into respect and authority, and citizens must obey lest they face payback.

Because many police–citizen encounters involve more than one officer, some sort of cooperative arrangement is necessary between the officers involved. Shared group norms may take precedence over individual style in handling daily activities.¹²² Because of this solidarity, strong myths develop about police work that, after becoming institutionalized, help shape the structure and activities of police departments themselves.¹²³ Some officers may be frustrated by a criminal justice system that seems to favor the rights of the criminal and “handcuffs” the police; others might be sensitive to a perceived lack of support from government officials and the general public. Officers who perceive strain may be less likely to embrace innovative ideas such as community policing.¹²⁴ The most serious consequences of the police subculture are police officers’ resistance to change and mistrust of the public they serve. Opening the police to change will be a prime task of police officials who seek professionalism and progress in their departments.

The Four Basic Styles of Policing

The Crime Fighter

To crime fighters, the most important aspect of police work is investigating serious crimes and apprehending criminals. Their focus is on the victim, and they view effective police work as the only force that can keep society's "dangerous classes" in check. They are the "thin blue line" protecting society from murderers and rapists. They consider property crimes to be less significant, while such matters as misdemeanors, traffic control, and social service functions would be better handled by other agencies of government. The ability to investigate criminal behavior that poses a serious threat to life and safety, combined with the power to arrest criminals, separates a police department from other municipal agencies. They see diluting these functions with minor social service and nonenforcement duties as harmful to police efforts to create a secure society.

The Social Agent

Social agents believe that police should be involved in a wide range of activities without regard for their connection to law enforcement. Instead of viewing themselves as criminal catchers, the social agents consider themselves community problem solvers. They are troubleshooters who patch the holes that appear where the social fabric wears thin. They are happy to work with special-needs populations, such as the homeless, school kids, and those who require emergency services. Social agents fit well within a community policing unit.

The Law Enforcer

According to this view, duty is clearly set out in law, and law enforcers stress playing it "by the book." Because the police are specifically charged with apprehending all types of lawbreakers, they see themselves as generalized law enforcement agents. Although law enforcers may prefer working on serious crimes—which are more intriguing and rewarding in terms of achievement, prestige, and status—they see the police role as one of enforcing all statutes and ordinances. They perceive themselves as neither community social workers nor vengeance-seeking vigilantes. Simply put, they are professional law enforcement officers who perform the functions of detecting violations, identifying culprits, and taking the lawbreakers before a court. Law enforcers are devoted to the profession of police work and are the officers most likely to aspire to command rank.

The Watchman

The watchman style is characterized by an emphasis on the maintenance of public order as the police goal, not on law enforcement or general service. Watchmen choose to ignore many infractions and requests for service unless they believe that the social or political order is jeopardized. Juveniles are expected to misbehave and are best ignored or treated informally. Motorists will often be left alone if their driving does not endanger or annoy others. Vice and gambling are problems only when the currently accepted standards of public order are violated. Like the watchmen of old, these officers only take action when and if a problem arises. Watchmen are the most passive officers, more concerned with retirement benefits than crime rates.

Sources: William Muir, *Police: Streetcorner Politicians* (Chicago: University of Chicago Press, 1977); James Q. Wilson, *Varieties of Police Behavior* (Cambridge, MA: Harvard University Press, 1968).

Even if a unique police personality exists, that does not mean that all police officers share a common job orientation or style. Some officers are service oriented, whereas others take a much more active law enforcement role; some are more concerned about their advancement through the ranks; others enjoy the action of the streets.¹²⁵ Departments themselves differ in their orientation toward police activities; some take a more active role in arresting felons, whereas others exhibit a less legalistic orientation.¹²⁶ The various styles of policing are illustrated in Exhibit 15.3.

Discretion

In one of the most important justice-related papers, Joseph Goldstein argued in 1960 that the law enforcement function of police is not merely a matter of enforcing the rule of law but also involves an enormous amount of personal discretion as to whether to invoke the power of arrest.¹²⁷ Since then, police discretion has been recognized as a crucial force in all law enforcement decision making.¹²⁸

Police discretion involves the selective enforcement of the law by duly authorized police agents. However, unlike members of almost every other criminal justice agency, police officers are neither regulated in their daily procedures by administrative scrutiny nor subjected to judicial review (except when their behavior clearly violates an offender's constitutional rights). As a result, the exercise of discretion by police may sometimes deteriorate into discrimination, violence, and other abusive practices.¹²⁹ The factors that are believed to influence police discretion are illustrated in Concept Summary 15.3.

ENVIRONMENTAL AND COMMUNITY FACTORS Various factors have been associated with the exercise of police discretion.¹³⁰ Community crime levels influence police perception and activities. In areas where social problems abound and deviant behavior is the norm, police officers may become cynical and view crime victims as being undeserving of their full attention; the line between criminal and victim becomes blurred.¹³¹ Police are overburdened in these deteriorated neighborhoods and begin to put routine crimes on the back burner. Informal rules among experienced police officers hold that deviant acts in these areas deserve less vigorous reactions than the same acts would generate in a more stable, low-crime area.¹³²

Community structure, attitudes, and beliefs also influence the enforcement or nonenforcement of certain laws (for example, obscenity statutes). Conservative communities may demand a higher level of police activity than jurisdictions whose population holds more moderate or tolerant attitudes. The communities' ability to fund treatment and rehabilitation programs may influence an officer's judgment because these programs provide alternatives to official police intervention or processing. A police officer may exercise discretion and arrest an individual in a particular circumstance

Police Discretion

Factors Influencing Discretion

Environmental factors
Departmental factors
Situational factors
Victim factors
Supervision factors
Peer factors
Legal factors
Extralegal factors

Individual Influences

Community culture and values
Policies and orders
Suspect demeanor
Victim–criminal relationship
Supervisors' style and control
Peer influences and culture
Crime seriousness, prior record
Race, gender, age

if it seems that nothing else can be done, even if the officer does not believe that an arrest is good police work. In an environment with abundant social agencies—detoxification units, drug control centers, and child care services, for example—a police officer has more alternatives from which to choose. In fact, referring cases to these agencies saves the officer both time and effort—no records need be made out, and court appearances can be avoided. Thus social agencies provide for greater latitude in police decision making.

DEPARTMENTAL FACTORS The policies, practices, and customs of the local police department and its administrators also influence discretion. Departments often issue written policies that limit or expand police discretion, spelling out when an arrest should be made and which behaviors can be handled informally.

Organizational behavior may also determine how police deal with different groups in society. Police departments may routinely patrol particular areas of the city while leaving others relatively unattended. Consequently, some residents have a greater chance of experiencing detection and arrest. Although racial profiling in arrest decisions violates constitutional rights, courts have upheld the use of race as a personal identifying factor that helps narrow police searches for suspects. Police manuals also suggest that officers be aware of race when watching for suspicious characters (for example, questioning those who do not “belong” on their beat). Similarly, courts have upheld the government’s use of race as a condition of determining probable cause in searches for illegal aliens and in drug courier profiles.¹³³

An individual supervisor, such as a sergeant or lieutenant, can influence subordinates’ decisions by making known his or her personal preferences and attitudes. Peer pressure also influences decision making. Fellow police officers dictate acceptable responses to street-level problems by displaying or withholding approval in squad room discussions. The officer who takes the job seriously and desires the respect and friendship of others will take their advice,

abide by their norms, and seek out the most experienced and influential patrol officers on the force and follow their behavior models.

SITUATIONAL FACTORS Another discretionary influence is the way that a crime or situation is encountered. If, for example, a police officer stumbles on an altercation or a break-in, the discretionary response may be quite different than if the officer had been summoned by police radio. If official police recognition has been given to an act, action must be taken or an explanation made as to why it was not taken. If a matter is brought to an officer’s attention by a citizen observer, the officer can ignore the request and risk a complaint or take discretionary action. When an officer chooses to become involved in a situation without benefit of a summons or complaint, maximum discretion can be used. Even in this circumstance, however, the presence of a crowd or witnesses may contribute to the officer’s decision.

Police officers may also be influenced by their physical condition, mental state, whether there are other duties to perform, and so on. For example, research by Geoffrey Alpert and his associates finds that when police arrest someone after a car chase, they are more likely to use excessive force; the excitement and danger of the pursuit seem to prompt an aggressive response in the subjects they interviewed.¹³⁴

In a series of research studies, David Klinger challenged the long-held belief that a suspect’s bad attitude has a significant influence on police decision making. Klinger, a police officer turned criminologist, suggests that it is situational behavior and actions (touching, hitting, or grappling with an officer) that occur during police detention and not negative attitude that influence the police decision to take formal action; police officers are unimpressed by a bad attitude; they have seen it all before.¹³⁵ Research in support of Klinger’s views indicates that suspects who offer physical resistance were much more likely to receive some form of physical coercion in return, but those who offer verbal disrespect are not likely to be physically coerced.¹³⁶ Police officers’ responses to a suspect’s challenge to their authority are dependent on the way the challenge is delivered: Verbal challenges are met with verbal responses, physical with physical.¹³⁷


LEGAL FACTORS The likelihood of legal action may depend on how officers view offense severity. An altercation between two friends or relatives may be handled quite differently than an assault on a stranger. For example, research shows that at least in some jurisdictions, police are likely to treat domestic violence cases more casually than other assault cases.¹³⁸ There is evidence that police intentionally delay responding to domestic disputes, hoping that by the time they arrive the incident will be settled.¹³⁹ Research by James Fyfe and his associates found that even in cases involving serious felony incidents, police are more than twice as likely to make arrests (13 percent as compared to 28 percent) in incidents where the parties are unrelated than those in which the people were involved in a romantic relationship.¹⁴⁰ However, in some ju-

risdictions, domestic violence is treated similarly to other types of interpersonal conflict, indicating that the use of police discretion may vary among jurisdictions.¹⁴¹ Other legal factors that might influence police are the use of a weapon, seriousness of injury, and the presence of alcohol or drugs.

EXTRALEGAL FACTORS The demeanor, attitude, race, age, and gender of the offender may be considered when police officers decide to invoke their arrest powers. Most early empirical studies found that police discretion works against the young, the poor, and members of minority groups and favors the wealthy, the politically well connected, and members of the majority group.¹⁴² Studies confirm that three-quarters of all complaints filed against the police involve conflicts with nonwhite males under the age of 30. Over one-half of the complainants were divorced or single and unemployed or blue-collar workers.¹⁴³ These findings indicate that police encounters are not the same with citizens of different races and economic status.

Suspect demeanor has long been thought to influence police discretion. The prevailing wisdom held that being contrite and remorseful can result in a break; acting defiant is more likely to result in arrest.¹⁴⁴ More recent research has failed to show a clear association between suspect demeanor and arrest outcome. Although suspect attitude may influence police in some encounters, it has little effect in others.¹⁴⁵ One reason may be that experienced officers have learned to ignore verbal taunts and bad attitudes. In his study of police in Dade County, Florida, criminologist David Klinger found that suspect behavior influences discretion only in the event that suspects display “extreme hostility” toward the officer.¹⁴⁶

The most important extralegal factor in the use of police discretion involves charges that police take race into account when deciding whether to treat a case informally with a warning or arrest a suspect. This issue is discussed in the Race, Culture, Gender, and Criminology feature “Racial Profiling.”

 Go to the website of the **Institute on Race and Justice** at Northeastern University to learn more about what is being done to end racial profiling: <http://www.racialprofilinganalysis.neu.edu/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

LIMITING POLICE DISCRETION Numerous efforts have been made to limit police discretion. Police administrators have attempted to establish guidelines for police officers’ operating behavior.¹⁴⁷ Most experts believe that written rules, either directing or prohibiting action, can be highly effective at controlling police discretion and can be a valuable administrative tool.¹⁴⁸ Some departments have established special units to oversee patrol activities; others have created boundaries of police behavior, suggesting that any conduct in excess of these limits, such as racial profiling, will not be tolerated.¹⁴⁹

Perhaps limiting police discretion can be carried out only by outside review. One approach is to develop civilian review boards that monitor police behavior and tactics and investigate civilian complaints. No two models are alike, but a national study of the fifty largest police departments by Samuel Walker indicates that the review board model is gaining acceptance. About thirty departments have adopted some form of civilian board, most since 1986.¹⁵⁰

Minority and Female Police Officers

For the past decade, U.S. police departments have made a concerted effort to attract women and minority police officers. The latter group includes African Americans, Asians, Latinos, Native Americans, and members of other racial minorities. The reasons for recruiting minority and female officers are varied. Viewed in its most positive light, such recruitment reflects police departments’ desire to field a more balanced force that truly represents the community it serves. A culturally diverse police force can be instrumental in gaining the



Women and minorities are assuming command positions in the nation's largest police departments. Kathleen O'Toole was appointed to head Boston's police department in 2004, the first woman ever to be named police commissioner. San Francisco Police Chief Heather Fong, shown here beside photos of victims of unsolved homicides, holds a Bachelor of Arts degree from the University of San Francisco and a Master's degree in Social Work from San Francisco State University. She was sworn in as a police officer in 1977, and worked through the ranks of inspector, sergeant, lieutenant, captain, commander, deputy chief, assistant chief, and acting chief until being appointed permanent chief in 2004.

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Race, Culture, Gender, and Criminology

Racial Profiling

In late summer 1997, New Yorkers were shocked as an astounding case of police brutality began to unfold in the daily newspapers. Abner Louima, 33, a Haitian immigrant, had been arrested outside Club Rendezvous, a Brooklyn nightclub on August 9 after a fight had broken out. Louima later claimed that the arresting officers had become furious when he protested his arrest, twice stopping the patrol car to beat him with their fists. When they arrived at the station house, two officers, apparently angry because some of the club-goers had fought with the police, led Louima to the men's room, removed his trousers, and attacked him with the handle of a toilet plunger, first shoving it into his rectum and then into his mouth, breaking teeth while Louima screamed: "Why are you doing this to me? Why? Why?" The officers also shouted racial slurs. A profusely bleeding Louima, who witnesses said had no bruises or injuries when officers took him into custody, was rushed to a hospital 3 hours later for emergency surgery to repair a puncture in his small intestine and injuries to his bladder.

In the aftermath of the case, NYPD investigators granted departmental immunity to nearly 100 officers in order to gain information. By cracking the "blue curtain" of silence, a number of police officers were given long prison sentences on charges of sexual abuse and first-degree assault.

The Louima case and other incidents involving the police and the minority community have re-ignited the long debate over whether police use race as a factor when making

decisions such as stopping and questioning a suspect or deciding to make an arrest. There are two opposing views on this point.

Some experts question whether profiling and racial discrimination is as widespread as currently feared. One approach has been to measure the attitudes minority citizens hold toward police. For example, Ronald Weitzer has conducted research that finds that the frequency and scope of police discrimination may be less than anticipated. In his study of three Washington, DC, neighborhoods, Weitzer found that African Americans value racially integrated police services and welcome the presence of both white and black police officers, a finding that would seem improbable if most white officers were racially biased. Similarly, Thomas Priest and Deborah Brown Carter have shown that the African American community is generally supportive of the local police, especially when officers respond quickly to calls for service. It is unlikely that African Americans would appreciate rapid responses from racist police.

Another approach is to directly measure whether police treat minority and majority citizens differently—that is, use racial profiling in making decisions. One research project by sociologists Matt DeLisi and Robert Regoli found that whites are nine times more likely to suffer DWI arrests than blacks, a finding that would be unlikely if racial profiling were routine. Similarly when Jon Gould and Stephen Mastrofski studied illegal police searches, they found that race had little influence on police misconduct. Though police may routinely conduct

illegal searches, the suspect's race did not influence their tactics. And a recent national study of police contact with civilians found most drivers, regardless of race, who experienced a traffic stop said that they felt the officer had a legitimate reason for making the stop. Nearly nine out of ten white drivers and three out of four black drivers described the officer as having had a legitimate reason for the stop. Both African American and white drivers maintained these perceptions regardless of the race of the officer making the stop. The survey found that though whites were more likely to say they were stopped for a "legitimate reason," a clear majority of members of both racial groups believe the police acted in a forthright fashion, that they were not the victim of profiling, and that the race of the police officer had no influence on their performance.

Profiling Remains a Problem

In contrast to these views, many experts remain concerned about the police use of profiling and discrimination. Some research studies have found a profiling effect. Brian Withrow looked at police practices in Wichita, Kansas, and found that black citizens are stopped at disproportionately higher rates than non-black citizens; black and Latino citizens are more likely to be searched and arrested than non-black and non-Latino citizens. In another well-known study conducted by researchers at Northeastern University in Boston, four statistical tests were used to analyze 1.6 million traffic citations issued between April 1, 2001, and June 30, 2003, in towns across Massachusetts: Ticketing resident minorities disproportionately

public's confidence by helping to dispel the view that police departments are generally bigoted or biased organizations.

Another important reason for recruiting female and minority police officers is the need to comply with various federal guidelines on hiring.¹⁵¹ Legal actions brought by

minority representatives have resulted in local, state, and federal courts ordering police departments to either create hiring quotas to increase minority representation or rewrite entrance exams and requirements to encourage the employment of women and minorities. In one important case,

more than whites; ticketing all minorities disproportionately more than whites; searching minorities more often than whites; and issuing warnings to whites more often than minorities. According to the study, 15 police departments failed all four tests, 42 failed three tests, 87 failed two tests, and 105 failed one.

After thoroughly reviewing the literature on police bias, Samuel Walker, Cassia Spohn, and Miriam DeLone conclude that police discriminate against racial minorities and that significant problems persist between the police and racial and ethnic communities in the United States. Similarly, in *No Equal Justice: Race and Class in the American Criminal Justice System*, constitutional scholar David Cole argues that, despite efforts to create racial neutrality, a race-based double standard operates in virtually every aspect of criminal justice. These disparities allow the privileged to enjoy constitutional protections from police power without extending these protections across the board to minorities and the poor.

Is Profiling in Decline?

Profiling is a critical issue for police not only because it violates precepts of due process and equal protection but because it undermines respect for police. As Tom Tyler and Cheryl Wakslak found in their recent research, profiling affects even those citizens who have not experienced it firsthand, and it undermines citizen support for the police.

According to legal experts Dan Kahan and Tracey Meares, racial discrimination may be on the decline because minorities now possess sufficient political status to protect

them from abuses within the justice system. Community policing efforts may also be helping police officers become more sensitive to issues that concern the public, such as profiling.

While these signs are encouraging, some experts argue that police should not become so overly concerned about offending suspects that they fail to do their job. Harvard University law professor Randall Kennedy forcefully argues that it would be wrong to tie the hands of police: African Americans are more likely to become crime victims than whites, and therefore are the group most likely to benefit from aggressive law enforcement efforts.

Critical Thinking

1. What, if anything, can be done to reduce racial bias on the part of police? Would adding minority officers help? Would it be a form of racism to assign minority officers to minority neighborhoods?
2. Would research showing that police are more likely to make arrests in interracial incidents than intraracial incidents constitute evidence of racism?
3. Police spot three men of Middle Eastern descent carrying a large, heavy box into a crowded building. Should they stop and question them and demand to look into the carton? Is this racial profiling?

InfoTrac College Edition Research

Use “racial profiling” as a key word to review articles on the use of race as a determining factor in the police use of discretion.

Sources: Brian Withrow, “Race-Based Policing: A Descriptive Analysis of the Wichita Stop Study,” *Police Practice and Research* 5 (2004): 223–240; Amy Farrell, Jack McDevitt, Lisa Bailey, Carsten Andresen, and Erica Pierce, *Massachusetts Racial and Gender Profiling Final Report* (Boston: Northeastern University Press, 2004). http://www.racialprofilinganalysis.neu.edu/IR/site_docs/finalreport.pdf. Accessed September 13, 2004; Tom Tyler and Cheryl Wakslak, “Profiling and Police Legitimacy: Procedural Justice, Attributions of Motive, and Acceptance of Police Authority,” *Criminology* 42 (2004): 253–281; Jon Gould and Stephen Mastrofski, “Suspect Searches: Assessing Police Behavior under the U.S. Constitution,” *Criminology and Public Policy* 3 (2004): 315–362; Patrick A. Langan, Lawrence A. Greenfield, Steven K. Smith, Matthew R. Durose, and David J. Levin, *Contacts between Police and the Public: Findings from the 1999 National Survey* (Washington, DC: Bureau of Justice Statistics, 2001); Richard Felson and Jeff Ackerman, “Arrest for Domestic and Other Assaults,” *Criminology* 39 (2001): 655–676; Ronald Weitzer, “White, Black, or Blue Cops? Race and Citizen Assessments of Police Officers,” *Journal of Criminal Justice* 28 (2000): 313–324; Sidney L. Haring, “The Diallo Verdict: Another ‘Tragic Accident’ in New York’s War on Street Crime?” *Social Justice* 27 (2000): 9–14; Robert Worden and Robin Shepard, “Demeanor, Crime, and Police Behavior: A Reexamination of the Police Services Study Data,” *Criminology* 34 (1996): 83–105; Stephen Mastrofski, Robert Worden, and Jeffrey Snipes, “Law Enforcement in a Time of Community Policing,” *Criminology* 33 (1995): 539–563; Thomas Priest and Deborah Brown Carter, “Evaluations of Police Performance in an African American Sample,” *Journal of Criminal Justice* 27 (1999): 457–465; Matt De Lisi and Bob Regoli, “Race, Conventional Crime, and Criminal Justice: The Declining Importance of Skin Color,” *Journal of Criminal Justice* 27 (1999): 549–557; David Cole, *No Equal Justice: Race and Class in the American Criminal Justice System* (New York: New Press, 2000); Randall Kennedy, *Race, Crime, and the Law* (New York: Vintage Books, 1998); Ronald Weitzer, “Racial Discrimination in the Criminal Justice System: Findings and Problems in the Literature,” *Journal of Criminal Justice* 24 (1996): 309–322. Samuel Walker, Cassia Spohn, and Miriam DeLone, *The Color of Justice, Race, Ethnicity, and Crime in America* (Belmont, CA: Wadsworth, 1996), p. 115; Sandra Lee Browning, Francis Cullen, Liqun Cao, Renee Kopache, and Thomas Stevenson, “Race and Getting Hassled by the Police: A Research Note,” *Police Studies* 17 (1994): 1–10.

United States v. Paradise, the Supreme Court upheld the use of racial quotas to counter the effects of past discrimination. The decision upheld a lower court ruling that ordered the Alabama Department of Public Safety to promote one black trooper for every white candidate elevated in rank as long as

qualified black candidates were available, until 25 percent of each rank was filled by minorities; this would represent the actual racial makeup of the labor market.¹⁵² Several such lawsuits have resulted in either court-ordered hiring judgments or voluntary compliance.

While women and minorities are still underrepresented in many police departments, their numbers have been increasing and now amount to about 20 percent of all sworn officers. Minority and female representation is highest in the nation's largest police departments, reflecting both the population of their locale and their sensitivity to affirmative action issues. As might be expected, cities with large minority populations have a higher proportion of minority officers in their municipal police departments.¹⁵³ Many cities, such as Los Angeles, have had, or now have, African American police chiefs, and a few have promoted women to the position of police chief. However, police expert Samuel Walker notes that only about 20 percent of police departments now have a proportionate number of Latino officers and that ethnic and racial minorities are still seriously underrepresented in supervisory positions.¹⁵⁴

MINORITY POLICE OFFICERS For the past thirty years, there has been an ongoing effort to recruit minority police officers in order to field a more diverse force that truly represents the communities they serve. Part of this recruitment effort is to shore up relations between the local police department and the minority community. African Americans generally have less confidence in the police than whites and are skeptical of their ability to protect them from harm.¹⁵⁵ African Americans also seem to be more adversely affected than whites when well-publicized incidents of police misconduct occur.¹⁵⁶ It comes as no surprise then that public opinion polls and research surveys show that African American citizens report having little confidence in the police when compared to both Latinos and whites and are less likely to report crime to police agencies.¹⁵⁷ African American juveniles seem particularly suspicious of police even when they deny having had a negative encounter with a police officer.¹⁵⁸

African Americans have served on police forces since the mid-nineteenth century. A Republican mayor appointed the first black police officer in Chicago in 1872; by 1884 there were twenty-three African American officers serving in that city.¹⁵⁹ Black officers are still underrepresented on the nation's police forces, but legal and social pressure has been mounting to increase their numbers. Some cities have made great strides in minority recruitment.



The mission of the **National Organization of Black Law Enforcement Executives** (NOBLE) is to foster diversity at all levels of law enforcement and impact policies and procedures that would ensure equity in the delivery of law enforcement services: <http://policing.com/noble/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

As African Americans were appointed to police forces, it was assumed that they would face numerous challenges. In a classic work published more than thirty years ago, Nicholas Alex found that black police officers suffered “double marginality.”¹⁶⁰ On the one hand, African American officers must deal with the expectation that they will give members

of their own race a break. On the other hand, they often experience overt racism from police colleagues.

Alex found that black officers' treatment of other blacks ranged from denying that African Americans should be treated differently from whites to treating black offenders more harshly than white offenders to prove lack of bias. Alex offered various reasons why some black police officers are tougher on black offenders: They desire acceptance from their white colleagues; they are particularly sensitive to any disrespect shown them by black teenagers; they view themselves as the protectors of the black community.¹⁶¹ Considering Alex's findings, it is not surprising that research shows that minority citizens may actually be more likely to accuse a minority officer of misconduct than a white officer.¹⁶²

When affirmative action was first instituted, white police officers viewed it as a threat to their job security.¹⁶³ As more minorities join U.S. police forces, the situation appears to be changing. And white officers now are more likely to appreciate the contribution of minority officers. Minority police officers today seem more aggressive and self-assured, less willing to accept any discriminatory practices by the police department.¹⁶⁴ They now appear to be experiencing some of the same problems and issues encountered by white officers.¹⁶⁵ For example, minority officers report feeling similar if somewhat higher rates of job-related stress and strain than white officers.¹⁶⁶ However, they may deal with stress in a somewhat different fashion. Minority officers are more likely to deal with stress by seeking aid from fellow minority officers, whereas white officers are more likely to try to express their feelings to others, form social bonds, and try to get others to like them more.¹⁶⁷

African American and white police officers share similar attitudes toward community policing (although minority officers report being even more favorable toward it than white officers).¹⁶⁸ African American officers may today be far less detached and alienated from the local community than white or Latino officers.¹⁶⁹ Also helping is the fact that the number of black officers in some of the nation's largest cities is now proportionate to minority representation in the population. So, although minority officers report feeling somewhat more job-related stress and strain than do white officers, it appears that they are on the path to overcoming the problems of double marginality.¹⁷⁰

FEMALE POLICE OFFICERS The first female police officers were appointed in New York as early as 1845, but they were designated as “matrons,” and their duties were restricted to handling females in custody.¹⁷¹ In 1893 Chicago hired policewomen but again restricted their activities to making court visitations and assisting male detectives with cases involving women and children. In 1910, Alice Stebbins Wells of the Los Angeles Police Department became the first woman to hold the title of police officer and have full arrest powers. It was not until the 1972 passage of the final version of Title VII of the Civil Rights Act that police departments around the nation began to hire females and assign them to regular patrol duties.

How Effective Are Female Police Officers? In general, evaluations of policewomen show them to be equal or superior to male officers in most areas of police work.¹⁷² For example, research also shows that female officers are actually less likely to use force than male officers.¹⁷³ Because female officers seem to have the ability to avoid violent encounters with citizens and to de-escalate potentially violent arrest situations, they are typically the target of fewer citizen complaints.¹⁷⁴

• Do male and female police officers differ in their reaction to domestic violence situations? To find out, read: Anna Stewart and Kelly Maddren, "Police Officers' Judgments of Blame in Family Violence: The Impact of Gender and Alcohol," *Sex Roles: A Journal of Research* 37 (1997): 921–934.

Despite their relative proficiency, female police officers have not received general support from their colleagues. Some male police officers believe that female officers are more likely to use deadly force (see discussion below) than males because their smaller stature prevents them from using unarmed techniques to subdue suspects. Females do not do as well as males on strength tests and are much more likely to fail the entrance physical than male recruits; critics contend that many of these tests do not reflect the actual tasks police do on the job.¹⁷⁵ Ironically, research shows that female officers are actually less likely to use firearms than male officers and that when male and female officers are partners, it is the male who is more likely to use a firearm.¹⁷⁶

Studies of policewomen indicate that they are still struggling for acceptance, believe that they do not receive equal credit for their job performance, and report that it is common for them to be sexually harassed by their co-workers.¹⁷⁷ Female police officers may also be targeted for more disciplinary actions by administrators and if cited are more likely to receive harsher punishments than male officers—that is, a greater percentage receive punishments greater than a reprimand.¹⁷⁸ Considering the sometimes hostile reception they receive from male colleagues and supervisors, it may not be surprising then that female officers report significantly higher levels of job-related stress than male officers.¹⁷⁹ Another source of job-related stress is that some women find it difficult to balance social and family relationships with their schedule and workload.¹⁸⁰

While improvement is certainly needed, it is likely that as the number of women on police forces increases, so too will their job satisfaction and work experiences. Research by Joanne Belknap and Jill Kastens Shelley shows that women who work in departments with a large proportion of female officers report that they are viewed as more professionally competent and also perceive greater acceptance by fellow officers and police administrators.¹⁸¹

BLACK FEMALE POLICE Black women, who account for only about 2 percent of police officers, occupy a unique status because of both race and gender issues. A study conducted by Susan Martin of black female police serving in

five large municipal departments found that they perceive significantly more racial discrimination than either other female officers or black male officers.¹⁸² White female officers were significantly more likely to perceive sexual discrimination than black female officers.

Martin found that black female officers often incur the hostility of both white women and black men, who feel threatened that they will take their place. On patrol, black female officers were treated differently than white female officers by male officers: Although neither group of females was viewed as equals, white female officers were protected and coddled, whereas black females were viewed as passive, lazy, and unequal. In the station house, male officers had very little respect for black females, who faced “widespread racial stereotypes as well as outright racial harassment.”¹⁸³ Black women also report having difficult relationships with black male officers, their relationships strained by tensions and dilemmas “associated with sexuality and competition for desirable assignments and promotions.”¹⁸⁴ Surprisingly, there was little unity among the female officers. Martin concludes,

Despite changes in the past two decades, the idealized image of the representative of the forces of “law and order” and protector who maintains “the thin blue line” between “them” and “us” remains white and male.¹⁸⁵

The Police and Violence

Police officers are empowered to use force and violence in pursuit of their daily tasks. Some scholars argue that this is the core of the police role:

The role of the police is best understood as a mechanism for the distribution of non-negotiable coercive force employed in accordance with the dictates of an intuitive group of situational exigencies.¹⁸⁶

Police violence first became a major topic for discussion in the 1940s, when rioting provoked serious police backlash. Thurgood Marshall, then of the National Association for the Advancement of Colored People, referred to the Detroit police as a “gestapo” after a 1943 race riot left thirty-four people dead.¹⁸⁷ Twenty-five years later, excessive police force was again an issue when television cameras captured police violence against protesters at the Democratic National Convention in Chicago. However, general day-to-day police brutality against individual citizens seems to be diminishing. In 1967 the President’s Commission on Criminal Justice concluded,

The Commission believes that physical abuse is not as serious a problem as it was in the past. The few statistics which do exist suggest small numbers of cases involving excessive use of force. Although the relatively small number of reported complaints cannot be considered an accurate measurement of the total problem, most persons, including civil rights leaders, believe that verbal abuse and harassment, not excessive use of force, is the major police–community relations problem today.¹⁸⁸

The diminution of police force was noted in the classic study by Albert Reiss of police–citizen interactions in high-crime areas in Washington, DC, Chicago, and Boston.¹⁸⁹ Verbal abuse of citizens was quite common, but the excessive use of physical force was relatively rare, occurring in forty-four cases out of the 5,360 observations made. There were actually few racial differences in the use of force; when force was used, it was against more selective groups—those who showed disrespect for police authority once they were arrested. Subsequent researchers also found that violent interactions are quite rare; when force is used, it typically involves grabbing and restraining; weapons are rarely used.¹⁹⁰

HOW COMMON IS THE USE OF FORCE TODAY? How much force is being used by the police today?¹⁹¹ A recent survey on police contacts with civilians found that in a single year, of an estimated 43 million police–citizen interactions, approximately 1 percent or 422,000 involved the use or threatened use of force. Of these, an estimated two in ten involved the threat of force only. Respondents reported that police use or threat of force primarily involved the citizen being pushed or grabbed: Less than 20 percent of those experiencing force reported an injury.¹⁹² Research does in fact show that the least intrusive types of force, like handcuffing, are used much more often than the most intrusive, like lethal violence. The use of weapons is quite rare: For every 1,000 police officers, there are about four incidents in which an officer shoots at a civilian.¹⁹³

RACE AND FORCE The routine use of force may be diminishing, but there is still debate over whether police are more likely to get rough with minority suspects. The survey of police contacts found that blacks (2 percent) and Latinos (2 percent) were more likely than whites (just under 1 percent) to experience police threat or use of force as a consequence of police contact.¹⁹⁴ Not surprisingly, surveys of minority group members show they are more likely to disapprove of the police view of force than majority group members.¹⁹⁵

While these differences may not be conclusive evidence that police unfairly use more force against minorities, minority citizens are much more likely to perceive that police are more likely to “hassle them”: stop them or watch them closely when they have done nothing wrong. They are also more likely to know someone who has been mistreated by police. Perceptions of “hassling” may erode an individual’s future relations with police and affect police–community relations as a whole.¹⁹⁶

While any evidence of racial disparity is troubling, there is also research that finds no racial differences in the use of force. For example, Joel Garner’s recent study of police encounters with citizens using a wide variety of samples taken in different locales found that race actually played an insignificant role in the decision to use force.¹⁹⁷

The Garner research and similar efforts indicate that a suspect’s behavior is a much more powerful determinant of police response than age or race. People who resist police orders or actually grapple with officers are much more likely to

be the target of force than those who are respectful, passive, and noncombative. Members of certain undesirable subpopulations, such as intravenous drug users, may be more likely to perceive or experience police coercion and violence than the general population.¹⁹⁸

DEADLY FORCE Another area of concern has been the use of **deadly force** in apprehending fleeing or violent offenders. As commonly used, deadly force refers to the actions of a police officer who shoots and kills a suspect who is either fleeing from arrest, assaulting a victim, or attacking the officer.¹⁹⁹

The justification for the use of deadly force can be traced to English common law, in which almost every criminal offense merited a felony status and subsequent death penalty. Thus execution effected during the arrest of a felon was considered expedient, saving the state from the burden of trial. It is estimated that somewhere between 250 and 1,000 citizens are now killed by police each year, although these figures are highly speculative.²⁰⁰ The numbers of shooting incidents have been declining, reflecting efforts to control police use of deadly force. While the police use of deadly force may not be as common as previously believed, it still remains a central part of the police role. Although it is difficult to get an accurate figure, at least 6,600 civilians have been killed by the police since 1976, and the true number is probably much higher.²⁰¹

Research indicates that the following factors are related to police violence:²⁰²

- *Exposure to threat and stress:* Areas with an unusually high incidence of violent crime are likely to experience shootings by police.
- *Police workload:* Violence corresponds to the number of police officers on the street, the number of calls for service, the number and nature of police dispatches, and the number of arrests made in a given jurisdiction.
- *Firearm availability:* Cities that have many crimes committed with firearms are also likely to have high police violence rates. For example, Houston, which ranks first in firearm availability, has many more police shootings per 1,000 arrests than San Francisco, which ranks tenth.
- *Population type and density:* Jurisdictions swollen by large numbers and varied types of transients and non-residents also experience a disproportionate amount of police shootings. Research findings suggest that many individuals shot by police are nonresidents caught at or near the scenes of robberies or burglaries of commercial establishments.
- *Race and class discrimination:* It is alleged that blacks and other racial minorities are killed at a significantly higher rate than whites. It is common to focus on race as the primary predictive factor in police violence. The

poorest areas with high degrees of income inequality and a large percentage of minority citizens experienced the highest levels of police shootings.²⁰³

- **Lack of proper training and preparation:** Recent research finds that police are most likely to use force when responding to calls where they do not expect a violent confrontation, such as a property offense call, when compared to a “violent” service call such as a domestic disturbance. It is possible that when caught unprepared, police officers may respond with unnecessary violence; proper training can help reduce these incidents by teaching proper preparations. Even if a police officer is mentally prepared to handle a property offense call, a lack of proper training in the physical aspects of policing may result in undesirable consequences.²⁰⁴

CONTROLLING FORCE In 1985 the Supreme Court moved to restrict police use of deadly force when, in *Tennessee v. Garner*, it banned the shooting of unarmed or nondangerous fleeing felons.²⁰⁵ The Court based its decision on the premise that shooting an unarmed, nondangerous suspect was an illegal seizure of his or her body under the Fourth Amendment. According to the ruling, police could not justifiably use force unless it was necessary to prevent the escape, and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officers or others—for example, if the suspect threatens the officer or the officer has probable cause to believe that the suspect has committed a crime involving serious physical harm. Before *Garner*, the policy of shooting unarmed fleeing felons had still been used in seventeen states.

There are other methods of controlling police shootings. One is through developing administrative policies that stress

limiting the use of deadly force and containing armed offenders until specially trained backup teams are sent to take charge of the situation. Administrative policies have been found to be an effective control on deadly force control, but their influence can be undercut or enhanced by the personal philosophies and policies of the chief.²⁰⁶

Deadly force situations often involve ambiguity and surprise.²⁰⁷ Officers trained to take advantage of what little information is available to make quick, accurate decisions may be the most likely to avoid a potentially fatal confrontation.

Some departments have created elaborate shooting review procedures in an effort to control deadly force. The New York police department also created the Firearm Discharge Review Board to evaluate shooting incidents. In examining the effects of this policy, James Fyfe found that a considerable reduction in the frequency of police shootings followed the policy change.²⁰⁸

In addition to state and local policy, the Federal Crime Control Act of 1994 enables the attorney general to obtain a judicial injunction eliminating police practices that encourage excessive force and to obtain damages for injured parties.²⁰⁹

KILLING POLICE Police use of force continues to be an important issue, but there is little question that control measures seem to be working.²¹⁰ Fewer people are being killed by police, and fewer officers are being killed in the line of duty than ever before. According to the FBI, fifty-two law enforcement officers were feloniously killed in the line of duty in 2003, an increase of more than 20 percent from the prior year. Before this increase, the number of officers slain in the line of duty has been trending downward for the past decade.²¹¹ About half of the officers were killed while making arrests or conducting a traffic stop.



Baseball players observe a moment of silence for Boston Red Sox fan Victoria Snelgrove during ceremonies before the start of Game 1 of the World Series between the Red Sox and the Cardinals at Fenway Park in Boston on October 23, 2004. Snelgrove died when police in Boston fired projectiles at disorderly fans. Though they were supposed to be non-lethal, one pellet struck Snelgrove, an innocent bystander, in the eye, causing her death. Victoria Snelgrove's tragic death will likely result in stricter controls over the use of non-lethal weapons and better training for those officers who use them.

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NONLETHAL WEAPONS In the last few years, about 1,000 local police forces have started using some sort of less-than-lethal weapon designed to subdue suspects. The most widely used nonlethal weapons are wood, rubber, or polyurethane bullets shot out of modified 37-mm pistols or 12-gauge shotguns. At short distances, officers use pepper spray and tasers, which deliver electric shocks with long wire tentacles, producing intense muscle spasms. Other technologies still in development include guns that shoot giant

nets, guns that squirt sticky glue, and lights that can temporarily blind a suspect. For example, Cincinnati police officers now use shotguns that fire bean bags filled with lead pellets; the weapons have a range of 100 feet and pack the wallop of a pro boxer's punch.²¹²

Recent research efforts indicate that nonlethal weapons may help reduce police use of force.²¹³ Greater effort must be made to regulate these nonlethal weapons and create effective policies for their use.²¹⁴

SUMMARY

- Police officers are the gatekeepers of the criminal justice process. They use their power of arrest to initiate the justice process.
- U.S. police agencies are modeled after their British counterparts.
- The first U.S. police departments were viewed as being dominated by political bosses who controlled their hiring practices and policies. They were involved in controlling the lower classes, immigrants, and minorities.
- Reform movements begun during the 1920s culminated in the concept of professionalism in the 1950s and 1960s.
- There are several major law enforcement agencies. On the federal level, the FBI is the premier law enforcement organization. Other agencies include the Drug Enforcement Administration, the U.S. marshals, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives. County-level law enforcement is provided by sheriff's departments, and most states maintain state police agencies. However, most law enforcement activities are carried out by local police agencies.
- The police role is multilevel. Police officers fight crime, keep the peace, and provide community services.
- Some criminologists question whether police patrol is actually effective. Police are attempting to improve patrol through aggressive techniques that focus on particular crimes.
- The second prominent police role is investigation. Detectives collect evidence to identify perpetrators. In recent years many police operations have been controlled by court decisions. Most important, the courts have set limits on the extent of police interrogations and search and seizure of evidence.
- Police departments face crucial issues today. One involves understanding the police personality and its effect on performance. Another involves police officers' use of discretion and how it can be controlled.
- Minority and female officers probably will become more prevalent in police departments, and their worth must be more fully appreciated by rank-and-file patrol officers.
- Police violence has received much attention. There is some debate over whether police officers kill members of minority groups more frequently than white citizens.

Thinking Like a Criminologist

You are a consultant to the local police department. The chief has recently read Malcolm Sparrow, Mark Moore, and David Kennedy's book *Beyond 911: A New Era for Policing*, in which they define the core values of the typical police officer as follows:

1. Police officers are the only real crime fighters. The public wants the police officer to fight crime; other agencies, both public and private, only play at fighting crime.
2. No one else understands the real nature of police work. Lawyers, academics, politicians, and the public in general have little concept of what it means to be a police officer.
3. Loyalty to colleagues counts above everything else. Police officers have to stick together because everyone is out to get the police and make the job more difficult.
4. It is impossible to win the war against crime without bending the rules. Courts have awarded criminal defendants too many civil rights.
5. Members of the public are basically unsupportive and unreasonably demanding. People are quick to criticize police unless they need an officer themselves.

6. Patrol work is the pits. Detective work is glamorous and exciting. The chief is planning a major policy initiative that will emphasize community

policing. He wants to know if these values will help his initiative or make it more difficult to implement. He wants your opinion on the issue. What would

you do to change police values if they conflict with community policing?



Doing Research on the Web

<http://crpr.icaap.org/issues/issue1/wlnt.html>.

To read about how police departments are changing their role in

England, go to InfoTrac College Edition and read: Pauline Clare, "Changing the Police Force Culture," *Management Today* (July 1998): 5.

While you are in InfoTrac College Edition, use "community policing" in a key word search.



KEY TERMS

gatekeepers (514)
racial profiling (514)
pledge system (514)
tithing (514)
constable (514)
shire (514)
shire reeve (514)
watch system (514)
justice of the peace (514)
sheriff (515)
Wickersham Commission (516)
Federal Bureau of Investigation (FBI) (517)

Drug Enforcement Administration (DEA) (518)
U.S. marshals (518)
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) (518)
Internal Revenue Service (IRS) (518)
Department of Homeland Security (DHS) (518)
state police (519)
foot patrols (521)
aggressive preventive patrol (521)
mug shots (522)
modus operandi (MO) (522)

sting (523)
morals squad (523)
vice squad (523)
community-oriented policing (COP) (524)
reactive policing (524)
problem-oriented policing (525)
Miranda warning (527)
inevitable discovery rule (528)
public safety doctrine (528)
search warrant (528)
blue curtain subculture (530)
deadly force (538)

CRITICAL THINKING QUESTIONS

1. Distinguish between the duties of the state police, sheriffs' departments, and local police departments.
2. What do you think are the social trends that may influence policing during the coming decade?
3. Should male and female officers have exactly the same duties in a police department? If not, why not?
4. A police officer orders an unarmed person running away from a burglary to stop; the suspect keeps running and is shot and killed by the officer. Has the officer committed a crime? Explain.
5. Would you like to live in a society that abolished police discretion and used a full enforcement policy? Why or why not?
6. Should obviously guilty people go free because police originally arrested them with less than probable cause? Should illegally seized evidence be excluded from trial, even though it is conclusive proof of a person's criminal acts?
7. Have the courts given criminals too many rights? Should courts be more concerned with the rights of the victims or the rights of offenders?

NOTES

1. Bernie Patterson, "Job Experience and Perceived Job Stress Among Police, Correctional, and Probation/Parole Officers," *Criminal Justice and Behavior* 19 (1992): 260–285.
2. Sara Stoutland, "The Multiple Dimensions of Trust in Resident/Police Relations in Boston," *Journal of Research in Crime and Delinquency* 38 (2001): 226–256.
3. Steven Tuch and Ronald Weitzer, "The Polls—Trends, Racial Differences in Attitudes toward the Police," *Public Opinion Quarterly* 61 (1997): 642–663.

4. Eric Jefferis, Robert Kaminski, Stephen Homes, and Dena Hanley, "The Effect of a Videotaped Arrest on Public Perceptions of Police Use of Force," *Journal of Criminal Justice* 25 (1997): 381–395.
5. Richard Lumb and Ronald Breazeale, "Police Officer Attitudes and Community Policing Implementation: Developing Strategies for Durable Organizational Change," *Policing and Society* 13 (2003): 91–107.
6. Karen Kruger and Nicholas Valltos, "Dealing with Domestic Violence in Law Enforcement Relationships," *FBI Law Enforcement Bulletin* 71 (2002): 1–7.
7. Robert Loo, "A Typology of Burnout Types among Police Managers," *Policing: An International Journal of Police Strategies and Management* 27 (2004): 156–165.
8. This section relies heavily on Daniel Devlin, *Police Procedure, Administration, and Organization* (London: Butterworth, 1966); Robert Fogelson, *Big City Police* (Cambridge, MA: Harvard University Press, 1977); Roger Lane, *Policing the City: Boston 1822–1885* (Cambridge, MA: Harvard University Press, 1967); Roger Lane, "Urban Police and Crime in Nineteenth Century America," in *Crime and Justice*, vol. 2, eds. N. Morris and M. Tonry (Chicago: University of Chicago Press, 1980), pp. 1–45; J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (New York: Schocken Books, 1967); Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington, MA: Lexington Books, 1977); Samuel Walker, *Popular Justice* (New York: Oxford University Press, 1980); President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: The Police* (Washington, DC: Government Printing Office, 1967), pp. 1–9.
9. Devlin, *Police Procedure, Administration and Organization*, p. 3.
10. Walker, *Popular Justice*, p. 18.
11. Lane, "Urban Police and Crime in Nineteenth Century America," p. 5.
12. Wilbur Miller, "The Good, the Bad & the Ugly: Policing America," *History Today* 50 (2000): 29–32.
13. Michael Vaughn, "Political Patronage in Law Enforcement: Civil Liability Against Police Supervisors for Violating Their Subordinates' First Amendment Rights," *Journal of Criminal Justice* 25 (1997): 347–366.
14. Walker, *Popular Justice*, p. 61.
15. Preston William Slossom, *A History of American Life*, 12 vols., *The Great Crusade and After, 1914–1929*, vol. 12, eds. Arthur M. Schlesinger and Dixon Ryan Fox (New York: Macmillan, 1931), p. 102.
16. See, generally, Walker, *A Critical History of Police Reform*.
17. This section was adapted from Law Enforcement Assistance Administration, *Two Hundred Years of American Criminal Justice* (Washington, DC: Government Printing Office, 1976).
18. Ronald Burns, Keith Whitworth, and Carol Thompson, "Assessing Law Enforcement Preparedness to Address Internet Fraud," *Journal of Criminal Justice* 32 (2004): 477–493.
19. Information about the Department of Homeland Security can be obtained at their website: <http://www.dhs.gov/dhspublic/>.
20. Matthew Hickman and Brian Reaves, *Sheriffs' Office 2000* (Washington, DC: Bureau of Justice Statistics, 2003).
21. Brian Reaves and Matthew J. Hickman, *Census of State and Local Law Enforcement Agencies, 2000* (Washington, DC: Bureau of Justice Statistics, 2003).
22. James Hawdon and John Ryan, "Police-Resident Interactions and Satisfaction with Police: An Empirical Test of Community Policing Assertions," *Criminal Justice Policy Review* 14 (2003): 55–74.
23. See Harlan Hahn, "A Profile of Urban Police," in *The Ambivalent Force*, eds. A. Niederhoffer and A. Blumberg (Hinsdale, IL: Dryden Press, 1967), p. 59.
24. James Q. Wilson and Barbara Boland, "The Effect of Police on Crime," *Law and Society Review* 12 (1978): 367–384.
25. Robert Sampson, "Deterrent Effects of the Police on Crime: A Replication and Theoretical Extension," *Law and Society Review* 22 (1988): 163–191.
26. For a thorough review of this issue, see Andrew Karmen, *Why Is New York City's Murder Rate Dropping So Sharply?* (New York: John Jay College Press, 1996).
27. Lawrence Sherman, James Shaw, and Dennis Rogan, *The Kansas City Gun Experiment* (Washington, DC: National Institute of Justice, 1994).
28. Mitchell Chamlin, "Crime and Arrests: An Autoregressive Integrated Moving Average (ARIMA) Approach," *Journal of Quantitative Criminology* 4 (1988): 247–255.
29. Stewart D'Alessio and Lisa Stolzenberg, "Crime, Arrests and Pretrial Jail Incarceration: An Examination of the Deterrence Thesis," *Criminology* 36 (1998): 735–761.
30. Thomas Marvell and Carlisle Moody, "Specification Problems, Police Levels, and Crime Rates," *Criminology* 34 (1996): 609–646; Colin Loftin and David McDowall, "The Police, Crime, and Economic Theory: An Assessment," *American Sociological Review* 47 (1982): 393–401.
31. Craig Uchida and Robert Goldberg, *Police Employment and Expenditure Trends* (Washington, DC: Bureau of Justice Statistics, 1986).
32. Tomislav V. Kovandzic and John J. Sloan, "Police Levels and Crime Rates Revisited: A County-Level Analysis from Florida (1980–1998)," *Journal of Criminal Justice* 30 (2002): 65–76; Steven Levitt, "Using Electoral Cycles in Police Hiring to Estimate the Effect of Police on Crime," *American Economic Review* 87 (1997): 270–291.
33. Joan Petersilia, Allan Abrahamse, and James Q. Wilson, "A Summary of Rand's Research on Police Performance, Community Characteristics and Case Attrition," *Journal of Police Science and Administration* 17 (1990): 219–229.
34. See, generally, Peter Greenwood and Joan Petersilia, *The Criminal Investigation Process*, vol. 1: *Summary and Policy Implications* (Santa Monica, CA: Rand Corporation, 1975); P. Greenwood, J. Chaiken, J. Petersilia, and L. Prusoff, *The Criminal Investigation Process*, vol. 3: *Observations and Analysis* (Santa Monica, CA: Rand Corporation, 1975).
35. Janice Puckett and Richard Lundman, "Factors Affecting Homicide Clearances: Multivariate Analysis of a More Complete Conceptual Framework," *Journal of Research in Crime and Delinquency* 40 (2003): 171–194.
36. C. Cotter and J. Burrows, *Property Crime Program, a Special Report: Overview of the STING Program and Project Summaries* (Washington, DC: Criminal Conspiracies Division, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, U.S. Department of Justice, 1981).

37. Robert Langworthy, "Stings: A Crime Control Tool." Paper presented at the American Society of Criminology, Atlanta, November 1986.
38. Greenwood and Petersilia, *The Criminal Investigation Process*.
39. Mark T. Willman and John R. Snortum, "Detective Work: The Criminal Investigation Process in a Medium-Size Police Department," *Criminal Justice Review* 9 (1984): 33–39.
40. John Eck, *Solving Crimes: The Investigation of Burglary and Robbery* (Washington, DC: Police Executive Research Forum, 1984).
41. See, for example, Susan Martin, "Policing Career Criminals: An Examination of an Innovative Crime Control Program," *Journal of Criminal Law and Criminology* 77 (1986): 1159–1182.
42. Charles L. Regini, "The Cold Case Concept," *FBI Law Enforcement Bulletin* 66 (1997): 1.
43. J. Q. Wilson, *Varieties of Police Behavior: The Management of Law and Order in Eight Communities* (Cambridge, MA: Harvard University Press, 1968).
44. Richard Sykes and Edward Brent, *Policing: A Social Behaviorist Perspective* (New Brunswick, NJ: Rutgers University Press, 1983).
45. Patrick A. Langan, Lawrence A. Greenfield, Steven K. Smith, Matthew R. Durose, and David J. Levin, *Contacts between Police and the Public: Findings from the 1999 National Survey* (Washington, DC: Bureau of Justice Statistics, 2001).
46. Lawrence A. Greenfield, Patrick A. Langan, and Steven K. Smith, *Police Use of Force: Collection of National Data* (Washington, DC: Bureau of Justice Statistics, 1997).
47. Egon Bittner, *The Functions of Police in Modern Society* (Cambridge, MA: Delgeschlager, Gunn, and Hain, 1980), pp. 63–72.
48. James Q. Wilson and George Kelling, "Broken Windows: The Police and Neighborhood Safety," *Atlantic Monthly* (March 1982): 29–38.
49. Wilson and Kelling, "Broken Windows," p. 37.
50. "Many Cities Experimenting with Foot Patrol," *Criminal Justice Newsletter* 16 (15 May 1985): 1–2.
51. Jerome Skolnick and David Bayley, "Theme and Variation in Community Policing," in *Crime and Justice, A Review of Research*, vol. 12, eds. Michael Tonry and Norval Morris (Chicago: University of Chicago Press, 1988), pp. 1–38.
52. Edward Maguire and Charles Katz, "The Validity and Reliability of Police Agencies Community Policing Claims." Paper presented at the American Society of Criminology meeting, San Diego, 1997.
53. John Worrall and Jihong Zhao, "The Role of the COPS Office in Community Policing," *Policing: An International Journal of Police Strategies & Management* 26 (2003): 64–87.
54. Jihong Zhao, Nicholas Lovrich, and Quint Thurman, "The Status of Community Policing American Cities," *Policing* 22 (1999): 74–92.
55. Albert Cardarelli, Jack McDevitt, and Katrina Baum, "The Rhetoric and Reality of Community Policing in Small and Medium-Sized Cities and Towns," *Policing* 21 (1998): 397–415.
56. Police Foundation, *The Effects of Police Fear Reduction Strategies: A Summary of Findings from Houston and Newark* (Washington, DC: Police Foundation, 1986).
57. Donald Green, Dara Strolavitch, and Janelle Wong, "Defended Neighborhoods, Integration, and Racially Motivated Crime," *American Journal of Sociology* 104 (1998): 372–403.
58. Lee Brown, "Neighborhood-Oriented Policing," *American Journal of Police* 9 (1990): 197–207.
59. Herman Goldstein, *Problem-Oriented Policing* (New York: McGraw-Hill, 1990).
60. Sherry Plaster Carter, Stanley Carter, and Andrew Dannenberg, "Zoning Out Crime and Improving Community Health in Sarasota, Florida: 'Crime Prevention Through Environmental Design,'" *American Journal of Public Health* 93 (2003): 1442–1445.
61. C. Jewett, "Police Use Bait Cars to Reduce Theft," Knight Ridder/Tribune Business News, 3 March 2003; "Licensing Road Safety," Autoplan Insurance, "Vancouver Police Bait Car Program," North Vancouver, Canada, 3. December 2003.
62. Michael White, James Fyfe, Suzanne Campbell, and John Goldkamp, "The Police Role in Preventing Homicide: Considering the Impact of Problem-Oriented Policing on the Prevalence of Murder," *Journal of Research in Crime and Delinquency* 40 (2003): 194–226.
63. Tucson Police Department, Gang Tactical Detail. http://www.ci.tucson.az.us/police/Organization/Investigative_Services_/Violent_Crimes_Section/Gang_Tactical_Detail/gang_tactical_detail.html. Accessed September 12, 2004.
64. Anthony Braga, David Kennedy; Elin Waring; and Anne Morrison Piehl, "Problem-Oriented Policing, Deterrence, and Youth Violence: An Evaluation of Boston's Operation Ceasefire," *Journal of Research in Crime and Delinquency* 38 (2001): 195–225.
65. L. Thomas Winfree, Gregory Bartku, and George Seibel, "Support for Community Policing versus Traditional Policing among Nonmetropolitan Police Officers: A Survey of Four New Mexico Police Departments," *American Journal of Police* 15 (1996): 23–47.
66. Samuel Walker, "Broken Windows and Fractured History: The Use and Misuse of History in Recent Police Patrol Analysis," *Justice Quarterly* 1 (1984): 75–90.
67. For a review of how to recruit police officers, see Wesley Skogan and Susan Hartnett, *Community Policing, Chicago Style* (New York: Oxford University Press, 1997), chap. 4.
68. Larry Gould, "Can an Old Dog Be Taught New Tricks? Teaching Cultural Diversity to Police Officers," *Policing* 20 (1997): 339–357.
69. "Community Policing Officers See Benefits in Citizen Relations," *Criminal Justice Newsletter* 27 (15 February 1996), pp. 4–5.
70. Kevin Ford, Daniel Weissbein, and Kevin Plamondon, "Distinguishing Organizational from Strategy Commitment: Linking Officers' Commitment to Community Policing to Job Behaviors and Satisfaction," *Justice Quarterly* 20 (2003): 159–186.
71. Annette Jolin and Charles Moose, "Evaluating a Domestic Violence Program in a Community Policing Environment: Research Implementation Issues," *Crime and Delinquency* 43 (1997): 279–297.
72. Jihong Zhao, Ni He, and Nicholas Lovrich, "Community Policing: Did It Change the Basic Functions of Policing in the 1990s? A National Follow-Up Study," *Justice Quarterly* 20 (2003): 697–724.

73. Robin Shepard Engel, "Patrol Officer Supervision in the Community Policing Era," *Journal of Criminal Justice* 30 (2002): 51–64.
74. Robin Shepard Engel, *How Police Supervisory Styles Influence Patrol Officer Behavior* (Washington, DC: National Institute of Justice, 2003).
75. Quint Thurman, Andrew Giacomazzi, and Phil Bogen, "Research Note: Cops, Kids, and Community Policing—An Assessment of a Community Policing Demonstration Project," *Crime and Delinquency* 39 (1993): 554–664; Bonnie Fisher, "What Works: Block Watch Meetings or Crime Prevention Seminars," *Journal of Crime and Justice* 16 (1993): 1–20.
76. David Kessler, "Integrating Calls for Services with Community- and Problem-Oriented Policing: A Case Study," *Crime and Delinquency* 39 (1993): 485–508.
77. Jihong Zhao, Matthew Scheider, and Quint Thurman, "A National Evaluation of the Effect of COPS Grants on Police Productivity (Arrests) 1995–1999," *Police Quarterly* 6 (2003): 387–410.
78. *Miranda v. Arizona*, 384 U.S. 436 (1966).
79. *Harris v. New York*, 401 U.S. 222 (1971).
80. *Michigan v. Tucker*, 417 U.S. 433 (1974).
81. *Moran v. Burbine*, 106 S.Ct. 1135 (1986); *Michigan v. Mosley*, 423 U.S. 96 (1975); *Fare v. Michael C.*, 442 U.S. 23 (1979).
82. *Nix v. Williams*, 104 S.Ct. 2501 (1984).
83. *New York v. Quarles*, 104 S.Ct. 2626 (1984).
84. *Oregon v. Elstad*, 105 S.Ct. 1285 (1985).
85. *Missouri v. Seibert* No. 02-1371 (2004).
86. *Colorado v. Spring*, 107 S.Ct. 851 (1987).
87. *Colorado v. Connelly*, 107 S.Ct. 515 (1986).
88. *Moran v. Burbine*, 106 S.Ct. 1135 (1986).
89. *Colorado v. Connelly*, 107 S.Ct. 515 (1986).
90. *Minnick v. Miss.*, 498 U.S. 46; 111 S.Ct. 486; 112 L.Ed. 2d. 489 (1990).
91. *Arizona v. Fulminante*, 499 U.S. 279, 111 S.Ct. 1246; 113 L.Ed. 2d. 302 (1991).
92. *Davis v. United States*, 114 S.Ct. 2350 (1994).
93. *Chavez v. Martinez*, No. 01-1444. Decided May 27, 2003.
94. *United States v. Patane*, No. 02-1183 (2004).
95. *Dickerson v. United States*, 530 U.S. 428 (2000).
96. Victoria Time and Brian Payne, "Police Chiefs' Perceptions about *Miranda*: An Analysis of Survey Data," *Journal of Criminal Justice* 30 (2002): 77–86.
97. Richard A. Leo and Richard J. Ofshe, "The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation," *Journal of Criminal Law and Criminology* 88 (1998): 429–496.
98. *Terry v. Ohio*, 392 U.S. 1 (1968).
99. *Chimel v. California*, 395 U.S. 752 (1969).
100. *Carroll v. United States*, 267 U.S. 132 (1925).
101. *United States v. Ross*, 102 S.Ct. 2147 (1982).
102. *Whren et al. v. U.S.*, no. 95-5841 (1996).
103. (Drivers) *Pennsylvania v. Mimms*, 434 U.S. 106, 1977; and (passengers) *Maryland v. Wilson*, 117 U.S. 882 (1997).
104. Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted*, 2003 (Washington, DC: Federal Bureau of Investigation, 2004).
105. *Bumper v. North Carolina*, 391 U.S. 543 (1960).
106. *Ohio v. Robinette*, 117 S. Ct. 417 (1996).
107. Limitations on the plain view doctrine have been defined in *Arizona v. Hicks*, 107 S.Ct. 1149 (1987); the recording of serial numbers from stereo components in a suspect's apartment could not be justified as being in plain view.
108. *Katz v. United States*, 389 U.S. 347 (1967).
109. *Kirk v. Louisiana*, No. 01-8419; U.S. Supreme Court; *per curiam* opinion; decided June 24, 2002.
110. Jon Gould and Stephen Mastrofski, "Suspect Searches: Assessing Police Behavior under the U.S. Constitution," *Criminology and Public Policy* 3 (2004): 315–362.
111. Richard Lundman, *Police and Policing* (New York: Holt, Rinehart & Winston, 1980); see also Jerome Skolnick, *Justice Without Trial* (New York: Wiley, 1966).
112. Cited in Authur Neiderhoffer, *Behind the Shield: The Police in Urban Society* (Garden City, NY: Doubleday, 1967), p. 65.
113. For an impressive review, see Peter Finn, "Reducing Stress: An Organization-Centered Approach," *FBI Law Enforcement Bulletin* 66 (1997): 20.
114. Terri Harvey-Lintz and Romeria Tidwell, "Effects of the 1992 Los Angeles Civil Unrest: Post-Traumatic Stress Disorder Symptomatology among Law Enforcement Officers," *Social Science Journal* 34 (1997): 171–184.
115. See, for example, Richard Bennett and Theodore Greenstein, "The Police Personality: A Test of the Dispositional Model," *Journal of Police Science and Administration* 3 (1975): 439–445.
116. William Westly, *Violence and the Police: A Sociological Study of Law, Custom and Morality* (Cambridge, MA: MIT Press, 1970); W. Westly, "Violence and the Police," *American Journal of Sociology* 49 (1953): 34–41.
117. John Crank, *Understanding Police Culture* (Cincinnati: Anderson, 1997).
118. Eugene Paoline, "Taking Stock: Toward a Richer Understanding of Police Culture," *Journal of Criminal Justice* 31 (2003): 199–214.
119. See, for example, Richard Harris, *The Police Academy: An Inside View* (New York: Wiley, 1973); John Van Maanen, "Observations on the Making of Policemen," *Human Organization* 32 (1973): 407–418; Jonathan Rubenstein, *City Police* (New York: Ballantine, 1973); John Broderick, *Police in a Time of Change* (Morristown, NJ: General Learning Press, 1977).
120. Steve Herbert, "Police Subculture Reconsidered," *Criminology* 36 (1998): 343–369.
121. Herbert, "Police Subculture Reconsidered," p. 360.
122. David Klinger, "Negotiating Order in Patrol Work: An Ecological Theory of Police Response to Deviance," *Criminology* 35 (1997): 277–306.
123. John Crank and Robert Langworthy, "An Institutional Perspective of Policing," *Journal of Criminal Law and Criminology* 83 (1992): 338–457.
124. Donald Yates and Vijayan Pillai, "Attitudes Toward Community Policing: A Causal Analysis," *Social Science Journal* 33 (1996): 193–209.
125. Michael Brown, *Working the Street: Police Discretion and the Dilemmas of Reform* (New York: Russell Sage Foundation, 1981); William Muir, *Police: Streetcorner*

- Politicians (Chicago: University of Chicago Press, 1977).
126. John Crank, "Police Style and Legally Serious Crime: A Contextual Analysis of Municipal Police Departments," *Journal of Criminal Justice* 20 (1992): 401–412.
 127. Joseph Goldstein, "Police Discretion Not to Invoke the Criminal Process," *Yale Law Journal* 69 (1960): 543–594.
 128. Richard C. Donnelly, "Police Authority and Practices," *Annals of the American Academy of Political and Social Science* 339 (January 1962): 91–92.
 129. See, generally, Kenneth C. Davis, *Discretionary Justice—A Preliminary Inquiry* (Baton Rouge: Louisiana State University Press, 1969).
 130. Stephen Mastrofski, R. Richard Ritti, and Debra Hoffmaster, "Organizational Determinants of Police Discretion: The Case of Drinking and Driving," *Journal of Criminal Justice* 15 (1987): 387–402.
 131. David Klinger, "Negotiating Order in Patrol Work: An Ecological Theory of Police Response to Deviance," *Criminology* 35 (1997): 277–306.
 132. Klinger, "Negotiating Order in Patrol Work," p. 296.
 133. Sherri Lynn Johnson, "Race and the Decision to Detain a Suspect," *Yale Law Journal* 93 (1983): 214–258.
 134. Geoffrey Alpert, Dennis Kenney, and Roger Dunham, "Police Pursuits and the Use of Force: Recognizing and Managing the 'Pucker Factor'—A Research Note," *Justice Quarterly* 14 (1997): 371–386.
 135. David Klinger, "Bringing Crime Back In: Toward a Better Understanding of Police Arrest Decisions," *Journal of Research in Crime and Delinquency* 33 (1996): 333–336; idem, "More on Demeanor and Arrest in Dade County," *Criminology* 34 (1996): 61–79; idem, "Demeanor or Crime? Why 'Hostile' Citizens Are More Likely to Be Arrested," *Criminology* 32 (1994): 475–493.
 136. William Terrill and Stephen Mastrofski, "Situational and Officer-Based Determinants of Police Coercion," *Justice Quarterly* 19 (2002): 215–248.
 137. William Terrill, *Police Coercion: Application of the Force Continuum* (New York: LFB Scholarly Publishing LLC, 2001).
 138. Helen Eigenberg, Kathryn Scarborough, and Victor Kappeler, "Contributory Factors Affecting Arrest in Domestic and Non-Domestic Assaults," *American Journal of Police* 15 (1996): 27–51.
 139. Leonore Simon, "A Therapeutic Jurisprudence Approach to the Legal Processing of Domestic Violence Cases," *Psychology Public Policy and Law* 1 (1995): 43–79.
 140. James Fyfe, David Klinger, and Jeanne Flaving, "Differential Police Treatment of Male-on-Female Spousal Violence," *Criminology* 35 (1997): 455–473.
 141. David Klinger, "Policing Spousal Assault," *Journal of Research in Crime and Delinquency* 32 (1995): 308–324.
 142. See, for example, Nathan Goldman, *The Differential Selection of Juvenile Offenders for Court Appearance* (New York: National Council on Crime and Delinquency, 1963); Aaron Cicourel, *The Social Organization of Juvenile Justice* (New York: Wiley, 1968); Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology* 70 (1964): 206.
 143. Richard R. Johnson, "Citizen Complaints: What the Police Should Know," *FBI Law Enforcement Bulletin* 67 (1998): 1–6.
 144. Donald Black, "The Social Organization of Arrest," *Stanford Law Review* 23 (1971): 1,087–1,111.
 145. Richard Lundman, "Demeanor or Crime? The Midwest City Police—Citizen Encounters Study," *Criminology* 36 (1994): 631–656.
 146. David Klinger, "More on Demeanor and Arrest in Dade County," *Criminology* 34 (1996): 61–82.
 147. Jerome Skolnick and J. Richard Woodworth, "Bureaucracy, Information, and Social Control: A Study of a Morals Detail," in *The Police, Six Sociological Essays*, ed. David Bordua (New York: Wiley, 1960).
 148. Wendy L. Hicks, "Police Vehicular Pursuits: An Overview of Research and Legal Conceptualizations for Police Administrators," *Criminal Justice Policy Review* 14 (2003): 75–95.
 149. John Gardiner, *Traffic and the Police: Variations in Law Enforcement Policy* (Cambridge, MA: Harvard University Press, 1969).
 150. Samuel Walker, *Civilian Review of the Police: A National Survey of the 50 Largest Cities, 1991* (Omaha: University of Nebraska, Department of Criminal Justice, 1991).
 151. Most important is the Equal Employment Opportunity Act of 1972, amending Title VII of the Civil Rights Act of 1964.
 152. *United States v. Paradise*, 55 L.W. 4211 (1987).
 153. Jihong Zhao and Nicholas Lovrich, "Determinants of Minority Employment in American Municipal Police Agencies: The Representation of African American Officers," *Journal of Criminal Justice* 26 (1998): 267–278.
 154. Samuel Walker, *The Police in America, an Introduction* (Boston: McGraw-Hill, 1999), p. 231.
 155. David Murphy and John Worrall, "Residency Requirements and Public Perceptions of the Police in Large Municipalities," *Policing* 22 (1999): 327–342.
 156. Tuch and Weitzer, "The Polls-Trends, Racial Differences in Attitudes toward the Police."
 157. Robert Sigler and Ida Johnson, "Reporting Violent Acts to the Police: A Difference by Race," *Policing: An International Journal of Police Strategies and Management* 25 (2002): 274–293; Sutham Cheurprakobkit, "Police—Citizen Contact and Police Performance, Attitudinal Differences between Hispanics and Non-Hispanics," *Journal of Criminal Justice* 28 (2000): 325–336.
 158. Yolander G. Hurst, James Frank, and Sandra Lee Browning, "The Attitudes of Juveniles toward the Police: A Comparison of Black and White Youth," *Policing: An International Journal of Police Strategies and Management* 23 (2000): 37–53.
 159. Walker, *Popular Justice*, p. 61.
 160. Nicholas Alex, *Black in Blue: A Study of the Negro Policeman* (New York: Appleton Century Crofts, 1969).
 161. Alex, *Black in Blue*, p. 154.
 162. Kim Michelle Lersch, "Predicting Citizens' Race in Allegations of Misconduct Against the Police," *Journal of Criminal Justice* 26 (1998): 87–99.
 163. James Jacobs and Jay Cohen, "The Impact of Racial Integration on the Police," *Journal of Police Science and Administration* 6 (1978): 182.
 164. Nicholas Alex, *New York Cops Talk Back* (New York: Wiley, 1976).
 165. Stephen Leinen, *African-American Police, White Society* (New York: New York University Press, 1984).

166. Donald Yates and Vijayan Pillai, "Frustration and Strain among Fort Worth Police Officers," *Sociology and Social Research* 76 (1992): 145–149.
167. Robin Haarr and Merry Morash, "Gender, Race, and Strategies of Coping with Occupational Stress in Policing," *Justice Quarterly* 16 (1999): 303–336.
168. Kenneth Novak, Leanne Fiftal Alarid, and Wayne Lucas, "Exploring Officers' Acceptance of Community Policing: Implications for Policy Implementation," *Journal of Criminal Justice* 31 (2003): 57–71.
Donald Yates and Vijayan Pillai, "Race and Police Commitment to Community Policing," *Journal of Intergroup Relations* 19 (1993): 14–23.
169. Bruce Berg, Edmond True, and Marc Gertz, "Police, Riots, and Alienation," *Journal of Police Science and Administration* 12 (1984): 186–190.
170. Yates and Pillai, "Frustration and Strain among Fort Worth Police Officers."
171. See, generally, David J. Bell, "Policewomen: Myths and Reality," *Journal of Police Science and Administration* 10 (1982): 112–120.
172. Catherine Milton, *Women in Policing* (Washington, DC: Police Foundation, 1972).
173. Joel Garner, Christopher Maxwell, and Cederick Heraux, "Characteristics Associated with the Prevalence and Severity of Force Used by the Police," *Justice Quarterly* 19 (2002): 705–747.
174. Steven Brandl, Meghan Stroshine, and James Frank, "Who Are the Complaint-Prone Officers? An Examination of the Relationship between Police Officers' Attributes, Arrest Activity, assignment, and Citizens' Complaints about Excessive Force," *Journal of Criminal Justice* 29 (2001): 521–529.
175. Michael Birzer and Delores Craig, "Gender Differences in Police Physical Ability Test Performance," *American Journal of Police* 15 (1996): 93–106.
176. Sean Grennan, "Findings on the Role of Officer Gender in Violent Encounters with Citizens," *Journal of Police Science and Administration* 15 (1987): 79–85.
177. James Daum and Cindy Johns, "Police Work from a Woman's Perspective," *Police Chief* 61 (1994): 46–49.
178. Matthew Hickman, Alex Piquero, and Jack Greene, "Discretion and Gender Disproportionality in Police Disciplinary Systems," *Policing: An International Journal of Police Strategies & Management* 23 (2000): 105–116.
179. Robin Haarr and Merry Morash, "Gender, Race, and Strategies of Coping with Occupational Stress in Policing," *Justice Quarterly* 16 (1999): 303–336.
180. Ni He, Jihong Zhao, and Carol Archbold, "Gender and Police Stress: The Convergent and Divergent Impact of Work Environment, Work–Family Conflict, and Stress Coping Mechanisms of Female and Male Police Officers," *Policing* 25 (2002): 687–709.
181. Joanne Belknap and Jill Kastens Shelley, "The New Lone Ranger: Policewomen on Patrol," *American Journal of Police* 12 (1993): 47–75.
182. Martin, "'Outsider Within' the Station House: The Impact of Race and Gender on Black Women Police," *Social Problems* 41 (1994): 383–400.
183. *Ibid.*, p. 392.
184. *Ibid.*, p. 394.
185. *Ibid.*, p. 397.
186. Bittner, *The Functions of Police in Modern Society*, p. 46.
187. Walker, *Popular Justice*, p. 197.
188. President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: The Police*, pp. 181–82.
189. Albert Reiss, *The Police and the Public* (New Haven, CT: Yale University Press, 1972).
190. David Bayley and James Garofalo, "The Management of Violence by Police Patrol Officers," *Criminology* 27 (1989): 1–27; Lawrence Sherman, "Causes of Police Behavior: The Current State of Quantitative Research," *Journal of Research in Crime and Delinquency* 17 (1980): 80–81.
191. For a general review, see Tom McEwen, *National Data Collection on Police Use of Force* (Washington, DC: National Institute of Justice, 1996).
192. Langan, Greenfield, Smith, Durose, and Levin, *Contacts between Police and the Public*.
193. Antony Pate and Lorie Fridell, *Police Use of Force: Official Reports, Citizen Complaints, and Legal Consequences* (Washington, DC: Police Foundation, 1993).
194. Langan, Greenfield, Smith, Durose, and Levin, *Contacts between Police and the Public*.
195. Brian Thompson and James Daniel Lee, "Who Cares If Police Become Violent? Explaining Approval of Police Use of Force Using a National Sample," *Sociological Inquiry* 74 (2004): 381–410.
196. Sandra Lee Browning, Francis Cullen, Liquan Cao, Renee Kopache, and Thomas Stevenson, "Race and Getting Hassled by the Police: A Research Note," *Police Studies* 17 (1994): 1–11.
197. Joel Garner, Christopher Maxwell, and Cederick Heraux, "Characteristics Associated with the Prevalence and Severity of Force Used by the Police," *Justice Quarterly* 19 (2002): 705–747.
198. Hannah Cooper, Lisa Moore, Sofia Gruskin, and Nancy Krieger, "Characterizing Perceived Police Violence: Implications for Public Health," *American Journal of Public Health* 94 (2004): 1109–1119.
199. For a comprehensive view of this issue, see William Geller and Michael Scott, "Deadly Force: What We Know," in *Thinking About Police*, ed. Carl Klockars and Stephen Mastrofski (New York: McGraw-Hill, 1991), pp. 446–477; James Fyfe, "Police Use of Deadly Force: Research and Reform," *Justice Quarterly* 5 (1988): 165–205.
200. Fyfe, "Police Use of Deadly Force: Research and Reform," p. 178; Kenneth Mattulla, *A Balance of Forces* (Washington, DC: U.S. Government Printing Office, 1982), p. 17.
201. Colin Loftin, David McDowall, Brian Wiersema, and Adam Dobrin, "Underreporting of Justifiable Homicides Committed by Police Officers in the United States, 1976–1998," *American Journal of Public Health* 93 (2003): 1117–1121.
202. This discussion is adapted from James Fyfe, "Toward a Typology of Police Shootings." Paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Oklahoma City, March 1980.
203. Jonathan Sorensen, James Marquart, and Deon Brock, "Factors Related to Killings of Felons by Police Officers: A Test of the Community Violence and Conflict Hypotheses," *Justice Quarterly* 10 (1993): 417–440.
204. John. MacDonald, Patrick Manz, Geoffrey Alpert, and Roger Dunham,

- "Police Use of Force: Examining the Relationship between Calls for Service and the Balance of Police Force and Suspect Resistance," *Journal of Criminal Justice* 31 (2003): 119–127.
205. *Tennessee v. Garner*, 105 S.Ct. 1694 (1985).
206. Michael D. White, "Controlling Police Decisions to Use Deadly Force: Reexamining the Importance of Administrative Policy," *Crime and Delinquency* 47 (2001): 131.
207. Lorie Fridell and Arnold Binder, "Police Officer Decisionmaking in Potentially Violent Confrontations," *Journal of Criminal Justice* 20 (1992): 385–399.
208. James Fyfe, "Administrative Interventions on Police Shooting Discretion: An Empirical Examination," *Journal of Criminal Justice* 7 (1979): 309–323.
209. Crime Control Act of 1994, Section 210401.
210. Estimate based on Geller and Scott, "Deadly Force: What We Know," p. 452.
211. FBI, *Law Enforcement Officers Killed and Assaulted*, 2003 (Washington DC 2004).
212. Warren Cohen, "When Lethal Force Won't Do," *U.S. News & World Report* 122 (23 June 1997): 12.
213. Richard Lumb and Paul Friday, "Impact of Pepper Spray Availability on Police Officer Use-of-Force Decisions," *Policing* 20 (1997): 136–149.
214. Tom McEwen, "Policies on Less-Than-Lethal Force in Law Enforcement Agencies," *Policing* 20 (1997): 39–60.

CHAPTER 16



A nationwide search began when Laci Peterson, 27, an eight months pregnant substitute teacher in Modesto, California, disappeared on Christmas Eve 2002. Her grieving husband Scott told her family and police that she had simply vanished from their home while he was on a fishing trip. She was going to take a walk in a nearby park, he said, and never came back. When her body and that of her unborn child were found 4 months later, Scott was charged with two counts of murder.

Though Laci's parents and relatives at first believed that Scott could not have harmed his wife, their trust was broken when detectives informed them that Scott was having an affair with a massage therapist named Amber Frey and that he had taken out a \$250,000 life insurance policy on Laci.

Scott pleaded not guilty to two counts of murder. During the 5-month trial, the defense first tried to blame the murder on transients who were in the park at the time Laci disappeared, and then they floated a theory of mistaken identity—suggesting that Laci resembled a prosecutor who lived in the neighborhood, and it may have been a revenge killing. The prosecution presented evidence of Scott's infidelity and suspicious activity: He was seen carrying a large wrapped object out of his house the night Laci disappeared; his fishing trip was in the vicinity of where the bodies were recovered. As the jury deliberated, it seemed they were hopelessly deadlocked. Then two jurors were replaced—one who was supposedly conducting independent research on the case and one, the foreman, who asked to be replaced. On November 12, 2004, the reconstituted jury brought back a guilty verdict.

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

THE JUDICATORY PROCESS

CHAPTER OUTLINE

Court Structure

State Courts
Federal Courts
Court Case Flow

Policy and Practice in Criminology: Specialized Courts: Drugs and Mental Health

Actors in the Judicatory Process

Prosecutor
Defense Attorney
Judge

Pretrial Procedures

The Criminological Enterprise: Ethical Issues in Criminal Defense

Bail
Plea Bargaining

The Criminal Trial

Jury Selection
The Trial Process
Trials and the Rule of Law

Sentencing

Purposes of Sentencing
Sentencing Dispositions
Sentencing Structures
How People Are Sentenced

The Death Penalty

The Death Penalty Debate

Race, Culture, Gender, and Criminology: Race and Sentencing

Comparative Criminology: The Death Penalty Abroad

Legality of the Death Penalty

CHAPTER OBJECTIVES

1. Be familiar with the state and federal court structure
2. Discuss the duties of a judge, defense counsel, and prosecutor
3. Discuss the various pretrial procedures
4. Discuss the plea bargaining process
5. Be familiar with the process of the jury trial
6. Review legal rights during trial
7. Understand the various forms of sentencing used in the United States
8. Know the difference between three strikes laws and truth in sentencing
9. Discuss the sentencing process and outcomes and how people are sentenced
10. Be familiar with arguments for and against the death penalty

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This story illustrates the tremendous burden placed on the court system. It must render fair, impartial justice in deciding the outcome of a conflict between criminal and victim, law enforcement agents and violators of the law, parent and child, federal government and violators of governmental regulations, or other parties. Regardless of the issues involved, the parties' presence in a courtroom should guarantee that they will have a hearing conducted under rules of procedure in an atmosphere of fair play and objectivity and that the outcome of the hearing will be clear. If a party believes that the ground rules have been violated, he or she may take the case to a higher court, where the procedures of the original trial will be examined. If it finds that a violation of legal rights has occurred, the appellate court may deem the findings of the original trial improper and either order a new hearing or hold that some other measure must be carried out; for example, the court may dismiss the charge outright. An erroneous judgment can devastate people's lives.

The court is a complex social agency with many independent but interrelated subsystems—clerk, prosecutor, defense attorney, judge, and probation department—each having a role in the court's operation. It is also the scene of many important elements of criminal justice decision making—detention, jury selection, trial, and sentencing.

Ideally, the judicatory process operates with absolute fairness and equality. The entire process—from filing the initial complaint to final sentencing of the defendant—is governed by precise rules of law designed to ensure fairness. No defendant tried before a U.S. court should suffer or benefit because of his or her personal characteristics, beliefs, or affiliations.

However, U.S. criminal justice can be selective. Discretion accompanies defendants through every step of the process, determining what will happen to them and how their cases will be resolved. Discretion means that two people committing similar crimes will receive highly dissimilar treatment; for example, most people convicted of homicide receive a prison sentence, but about 5 percent receive probation as a sole sentence; more murderers get probation than the death penalty (about 2 percent).¹

This chapter reviews some of the institutions and processes involved in adjudication and trial. The chapter briefly describes the court structure and then discusses the actors in the process—prosecution, defense, judges, and juries. The pretrial stage of the justice process is the next focus of attention, as such issues as bail and plea bargaining are described. The criminal trial is then discussed in some detail; finally, sentencing formats are explained.

COURT STRUCTURE

Criminal adjudication is played out within the court system. The nation's 16,000 courts are organized on the municipal, county, state, and federal levels.

State Courts

The typical state court structure is illustrated in Figure 16.1. Most states employ a multitiered court structure. Lower courts try misdemeanors and conduct the preliminary processing of felony offenses. Superior trial courts try felony cases. Appellate courts review the criminal procedures of trial courts to determine whether the offenders were treated fairly. Superior appellate courts or state supreme courts review lower appellate court decisions.

A recent trend has been to develop specialized courts to handle specific justice-related problems. The Policy and Practice in Criminology feature on pages 552–553 highlights these new courts.



The **National Center for State Courts** is an independent, nonprofit organization dedicated to the improvement of justice. NCSC activities include developing policies to enhance state courts, advancing state courts' interests within the federal government, and strengthening state court leadership. To access their website, go to <http://www.ncsc.dni.us>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Federal Courts

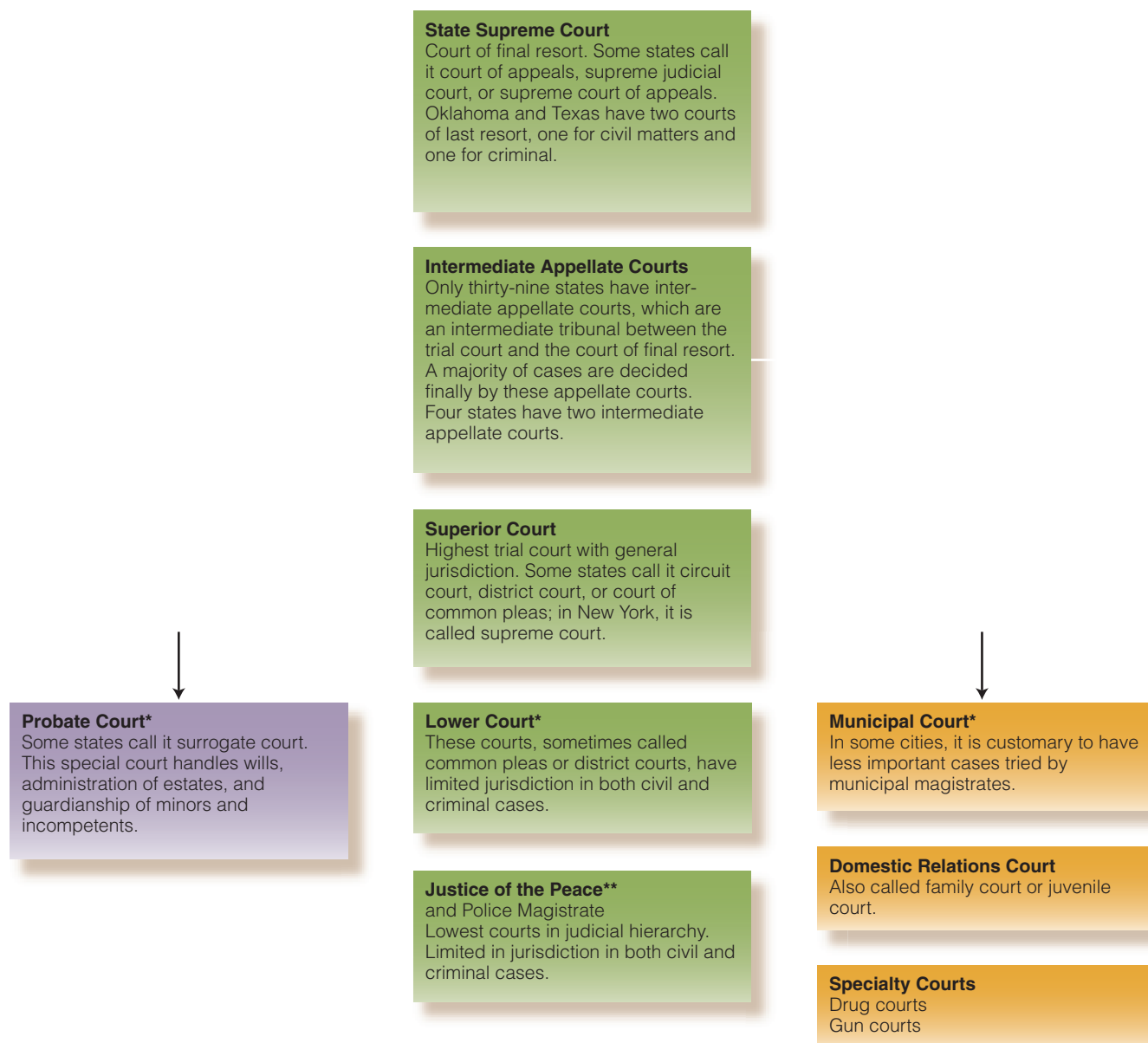
The federal court system has three tiers, as shown in Figure 16.2 on page 554. The **U.S. district courts** are the trial courts of the system; they have jurisdiction over cases involving violations of federal law, such as interstate transportation of stolen vehicles and racketeering.

Appeals from the district court are heard in one of the intermediate **federal courts of appeal**. However, the highest federal appeals court, the **U.S. Supreme Court**, is the court of last resort for all cases tried in the various federal and state courts.

The Supreme Court is composed of nine members, appointed for lifetime terms by the president with the approval of Congress. In general, the Court hears only cases it deems important and appropriate. When the Court decides to hear a case, it usually grants a **writ of certiorari**, requesting a transcript of the case proceedings for review. The process by which a case gets to the Supreme Court is set out in Figure 16.3 on page 555.

The Supreme Court can word a decision so that it becomes a **precedent** that must be honored by all lower courts. For example, if the Court grants a particular litigant the right to counsel at a police lineup, then all people in similar situations must be given the same right. This type of ruling is usually referred to as a **landmark decision**. The use of precedent in the legal system gives the Supreme Court power to influence and mold the everyday operating procedures of police agencies, trial courts, and corrections institutions. This influence was quite pronounced during the tenure of Chief Justice Earl Warren, who, during the 1960s, greatly amplified and extended the power of the Court to affect criminal justice policies.

Structure of a State Judicial System



*Courts of special jurisdiction, such as probate, family, or juvenile courts, and the so-called inferior courts, such as common pleas or municipal courts, may be separate courts or part of the trial court of general jurisdiction.

**Justices of the peace do not exist in all states. Where they do exist, their jurisdictions vary greatly from state to state.

Source: American Bar Association, *Law and the Courts* (Chicago: ABA, 1974), p. 20. Updated information provided by West Thomson Publishing, Eagan, Minnesota, 2004.

Court Case Flow

The American court system is a vast enterprise. Every year about 100 million new cases of all kinds are brought before the courts of the fifty states and the District of Columbia, including 2.3 million criminal felony cases. The number of criminal cases brought to court has trended upward over the past decade even though crime rates are

down. The extent of this caseload has placed great pressure on the major actors in the pretrial, trial, and sentencing process: the prosecutor, the defense attorney, and the judge.



To quiz yourself on this material, go to the Criminology 9e website.

Specialized Courts: Drugs and Mental Health

A growing phenomenon in the United States is the creation of specialty courts that focus on one type of criminal act, for example, drug courts and mental health courts. All cases within the jurisdiction that involve this particular type of crime are funneled to the specialty court, where presumably they will get prompt resolution.

Drug Courts

One specialty court is the drug court, which has jurisdiction over the burgeoning number of cases involving substance abuse and trafficking. The aim is to place nonviolent first offenders into intensive treatment programs rather than place them in jail or prison. Today there are 327 drug courts across forty-three states, the District of Columbia, and Puerto Rico. Drug courts address the overlap between the public health threats of drug abuse and crime: Crimes are often drug related; drug abusers are frequently involved with the criminal justice system. Drug courts provide an ideal setting to address these problems by linking the justice system with health services and drug treatment providers while easing the burden on the already overtaxed correctional system.

While some recent research finds that drug courts may not be as effective as originally believed, research by Denise Gottfredson and her associates conducted in the Baltimore City Drug Treatment Court (BCDTC) found that drug courts did seem to work for reducing crime in a population of offenders who were severely drug addicted. In one study conducted with Lyn Exum, Gottfredson used a carefully designed experimental model in which cases were randomly sent either to the drug court or to a traditional court. The researchers found that drug court judges actually impose harsher sentences but suspended these sentences if the offender complied with the drug court regimen for drug testing and treatment and attended status hearings. Most importantly, drug court clients were re-arrested at a lower rate than clients in traditional courts: within 12 months, 48 percent of drug court clients compared to 64 percent of traditional court clients. Among the more serious cases heard, 32 percent of drug court clients versus 57 percent of controls were re-arrested.

All things considered, cases handled in a traditional court suffered re-arrest at a rate nearly three times that of drug treatment court clients. This research finding is not unique; evaluations of drug courts in Las Vegas, Nevada, and Portland,

Oregon, conducted by John Goldkamp reaffirm the utility of the drug court concept.

Mental Health Courts

Based largely on the organization of drug courts, mental health courts focus their attention on mental health treatment to help people with emotional problems reduce their chances of re-offending. By focusing on the need for treatment, along with providing supervision and support from the community, mental health courts provide a venue for those dealing with mental health issues to avoid the trauma of jail or prison where they will have little if any access to treatment.

Though mental health courts tend to vary in their approach, most share a few basic operating procedures:

- Most demand active participation by the defendant.
- The participant must be diagnosed with a mental illness, and a direct link must be established between the illness and the crime committed.
- Intervention must occur quickly; individuals must be screened and referred to the program either immediately after arrest or within three weeks.

ACTORS IN THE JUDICATORY PROCESS

The **judge**, the **prosecutor**, and the defense attorney are the key players in the **adversarial process**. The prosecution and defense oppose each other in a hotly disputed contest—the criminal trial—in accordance with rules of law and procedure. In every criminal case, the prosecutor represents the state's interests and the defense attorney the criminal defendant's, with each side trying to bring evidence and arguments forward to advance its case. Theoretically, the ultimate objective of the adversarial system is to seek the truth, to

determine whether the evidence presented at the trial is sufficient to prove the facts of the charge. So that the defendant is given a fair trial, the judge acts as an impartial arbiter of procedure, ensuring that neither side violates the rules of trial conduct.

Prosecutor

The prosecution represents the state in criminal matters that come before the courts. The prosecutor's major duties are listed in Exhibit 16.1 on page 557. At last count, 2,341 state court prosecutors' offices employed over 79,000 attorneys,

- Once in the program, participants are closely monitored by case managers.

Although programs vary, most require that defendants plead guilty in exchange for entering the program. After “guilt” is established, participants are sent to live in a residential treatment facility where, with help from counselors, they develop a treatment plan that is rigorous at first and then gradually less restrictive if improvement is shown. Most programs involve the use of medication to help overcome symptoms of the individual’s illness.

While the mental health court concept seems beneficial, it has encountered a few operational difficulties. First, it is difficult to get community support for programs and institutions treating mentally ill offenders; many citizens do not want treatment centers to be located close to where they live, that is, the “not in my backyard” syndrome. Second, most programs only accept the nonviolent mentally ill; those who are prone to violence are still lost in the correctional system without receiving the proper treatment.

It is also difficult to assess the benefits of having specialized mental health courts. With other specialized courts, measuring offender improvement is relatively easy. For example, people sent to drug court programs

must simply prove they can remain drug free. However, those involved with mental health court programs suffer from very complex mental issues, and case managers must ensure that these individuals have gained control over their illness, which can be very difficult to determine.

The mental health court movement has prompted development of juvenile mental health courts to treat troubled adolescents who have been accused of committing nonviolent crimes. Juvenile mental health court programs typically involve collaboration between the justice system, mental health professionals, and the parents of the young offenders to devise a treatment plan to treat the child, helping him or her avoid the standard juvenile justice process.

Critical Thinking

1. Do you believe that specialized courts are needed for other types of crime, such as sex offenses and/or domestic violence?
2. Should a judge preside over a specialized court or should it be administered by treatment personnel?

InfoTrac College Edition Research

To learn more about the drug court movement, use it as a subject guide in InfoTrac College Edition.

Sources: John S. Goldkamp and Cheryl Irons-Guynn, *Emerging Judicial Strategies for the Mentally Ill in the Criminal Caseload: Mental Health Courts in Fort Lauderdale, Seattle, San Bernardino, and Anchorage*. (Washington, DC: U.S. Department of Justice, Office of Justice Programs, 2000); Melissa Lackman and Susan Solomon, “CABF Endorses Juvenile Mental Health Courts,” *Child and Adolescent Bipolar Foundation Bulletin* 4 (2003): 1; John Goldkamp, “The Impact of Drug Courts,” *Criminology and Public Policy* 2 (2003): 197–206; Denise Gottfredson, Stacy Najaka, and Brook Kearley, “Effectiveness of Drug Treatment Courts: Evidence from a Randomized Trial,” *Criminology and Public Policy* 2 (2003): 171–197; Denise C. Gottfredson and Lyn Exum, “The Baltimore City Drug Treatment Court: One-Year Results from a Randomized Study,” *Journal of Research in Crime and Delinquency* 39 (2002): 337–357; Bureau of Justice Assistance, *Drug Night Courts: The Cook County Experience* (Washington, DC: National Institute of Justice, 1994); Terance Miethe, Hong Lu, and Eric Reese, “Reintegrative Shaming and Recidivism Risks in Drug Court: Explanations for Some Unexpected Findings,” *Crime and Delinquency* 46 (2000): 522–541; Jeffrey A. Butts and Janeen Buck, “Teen Courts: A Focus on Research,” *Juvenile Justice Bulletin October 2000* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2000); Kevin Minor, James Wells, Irinia Soderstrom, Rachel Bingham, and Deborah Williamson, “Sentence Completion and Recidivism among Juveniles Referred to Teen Courts,” *Crime and Delinquency* 45 (1999): 467–480; Paige Harrison, James R. Maupin, and G. Larry Mays, “Teen Court: An Examination of Processes and Outcomes,” *Crime and Delinquency* 47 (2001): 243–264; Suzanne Wenzel, Douglas Longshore, Susan Turner, and Susan Ridgely, “Drug Courts: A Bridge between Criminal Justice and Health Services,” *Journal of Criminal Justice* 29 (2001): 241–253.

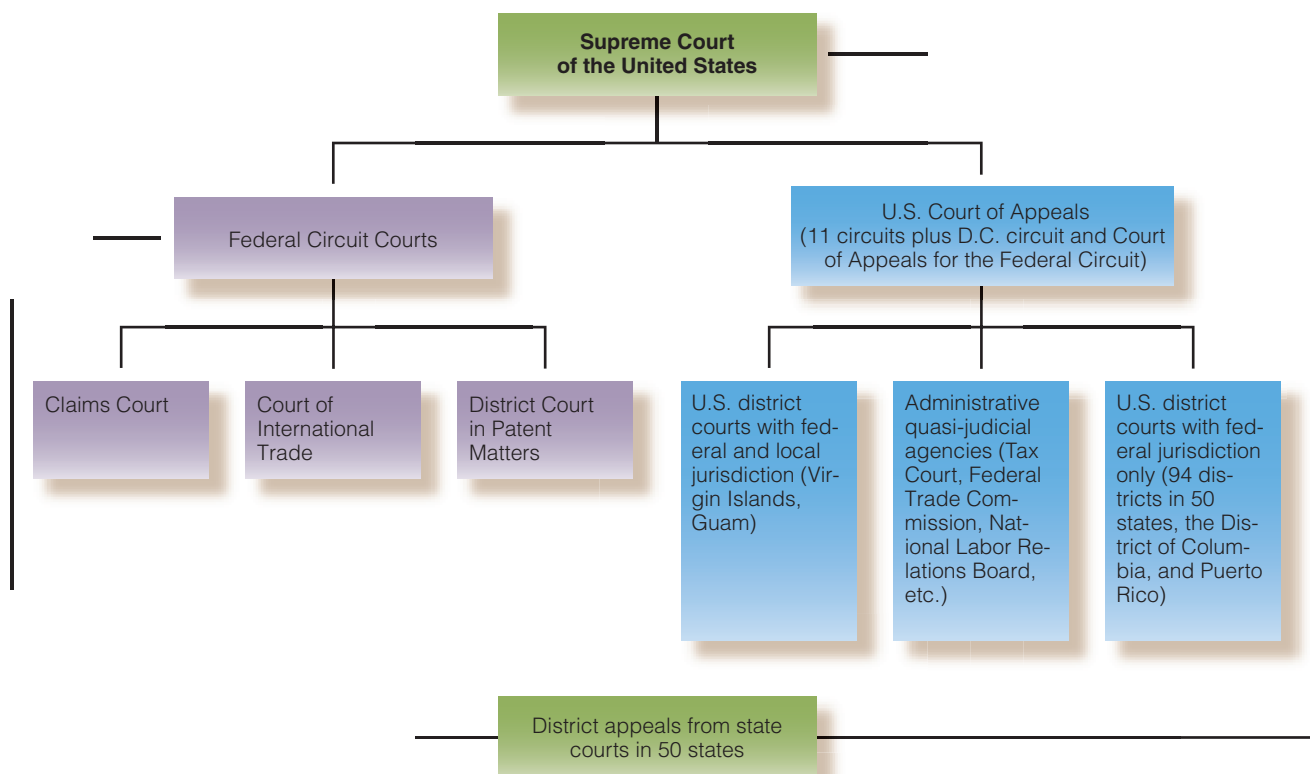
investigators, and support staff; a 39 percent increase from 1992 and 13 percent rise from 1996.²

Prosecutors’ jobs are changing with the times as they confront new crime patterns and become more sensitive to old ones. For example, a recent survey found that almost 90 percent of all offices now prosecute felony domestic violence and child abuse cases, and about half the offices prosecute cases involving new kinds of firearm offenses; 42 percent of prosecutors’ offices report prosecuting either felony or misdemeanor computer-related crimes under their state’s computer statutes during the past year.³

TYPES OF PROSECUTORS In the federal system, the chief prosecuting officer is the U.S. attorney general; his or her assistant prosecutors are known as U.S. attorneys and are appointed by the president. They represent the government in federal district courts. The chief prosecutor is usually an administrator; assistants normally handle the actual preparation and trial work. Federal prosecutors are professional civil service employees with reasonable salaries and job security.

Office titles for state court prosecutors include district attorney, county attorney, prosecuting attorney, commonwealth attorney, and state’s attorney. These attorneys are

The Federal Judicial System



Source: American Bar Association, *Law and the Courts* (Chicago: ABA, 1974), p. 21. Updated from information provided by the Federal Courts Improvement Act of 1982 and West Thomson Publishing, Eagan, Minnesota.

typically elected officials. Again, most criminal prosecution and staff work is performed by scores of full-time and part-time attorneys, police investigators, and clerical personnel. Most attorneys who work for prosecutors at state and county levels are political appointees who earn low salaries, handle many cases, and in some jurisdictions, maintain private law practices. Many young lawyers serve in this capacity to gain trial experience, then leave for better-paying positions. In some state, county, and municipal jurisdictions, however, the office of the prosecutor can be described as meeting the highest standards of professional skill, personal integrity, and working conditions.

In urban settings, the structure of the district attorney's office is often specialized, with separate divisions for felonies, misdemeanors, and trial and appeal assignments. In rural offices, chief prosecutors handle many of the criminal cases themselves. The job is stressful because of both work pressure and the danger of the job. Almost half of all prosecutors' offices indicate that a staff member experienced a work-related threat or assault.⁴

PROSECUTORIAL DISCRETION Prosecutors maintain broad discretion in the exercise of their duties. One major decision involves the choice of acting on the information brought by police or deciding to drop the case without further action.

The prosecutor can also attempt to prosecute and then decide to drop the case; this is known as a *nolle prosequi*. The courts have protected the prosecutors' right to exercise discretion over legal case processing; their discretionary judgments can only be questioned if a defendant can prove that the prosecutor let discrimination guide his or her decision making.⁵

About half of all arrests are dismissed before they reach the trial stage. Some are diverted into treatment programs; others are rejected after being screened by the prosecutor; and another group is dealt with in lower court by either dismissal or misdemeanor conviction. Of those carried forward to trial, the great majority end with a plea bargain.

By effectively screening out cases in which conviction could not reasonably be expected—cases inappropriate for criminal action (such as minor thefts by first offenders) and cases involving offenders with special needs (such as the emotionally disturbed or mentally retarded)—the prosecutor can concentrate on bringing to trial those who commit more serious criminal offenses. The relatively few cases that do get to trial are most often settled through plea negotiations conducted by the prosecutor's office.

FACTORS INFLUENCING DECISION MAKING Research indicates that widely varied factors influence prosecutorial

Tracing a Case to the U.S. Supreme Court

Full judicial decision by the U.S. Supreme Court

(majority and dissenting opinions)

The Court affirms or reverses lower court decisions. (Exception: The decision is not always a final judicial action. Lower courts may try the case again or, as in civil litigation, the case may be retried.) Note: There is no appeal process beyond the U.S. Supreme Court.

Decision-making conferences by the justices

Four votes govern the acceptance or rejection of a case: (1) a decision and full opinion; (2) if the case is accepted, there may be a summary decision of a dismissal or affirmation of a lower-court decision (*per curiam*); (3) if the case is rejected, no explanation (reconsideration is possible); and (4) a rehearing after an unfavorable decision is possible.

Prescreening

(discussion of the case list)

The chief justice places cases on a list, including *in forma pauperis* petitions.

Discretionary decisions

(special circumstances)

A writ of certiorari or a writ of habeas corpus

Mandatory decisions

Hears direct statutory appeals in which the state is in conflict with the federal law or Constitution, and original jurisdiction disputes between states.

Decision making

Federal courts

(U.S. appellate courts)

The U.S. Court of Appeals, the U.S. Court of Claims, and the U.S. Customs Court

State Supreme Court

(State court of last resort)

State supreme court cases that are not an issue of federal law are ineligible for hearing by the Court.

Federal or State Trial Court Cases

(processing of case through federal or state court systems)

discretion in invoking criminal sanctions, including the characteristics of the crime, the criminal, and the victim. An offender who maintains undesirable personal characteristics such as a long history of drug abuse and criminal offending or who uses extreme and unnecessary violence

will more likely be prosecuted than one who is a first offender, does not use drugs, and does not seriously injure a victim.⁶ The effect of race on prosecutorial decision making is uncertain. Although some research efforts have found that the race of the offender or victim influences prosecu-

One of the prosecutor's most important tasks is to bring cases to trial. Here, during closing arguments, prosecutor Jim Hammer uses a cast of the gaping teeth of a dog that killed Diane Whipple in the highly publicized 2002 San Francisco dog mauling trial. The dogs' owners, Marjorie Knoller and her husband Robert Noel, were convicted in Whipple's death.



© AP/Wide World Photos

torial discretion, others show that decisions are relatively unbiased.⁷

In some instances, the victim's own behavior may influence charging decisions. When Myrna Dawson and Ronit Dinovitzer examined the prosecution of domestic violence cases, they found that victim cooperation is a key factor in the decision to prosecute cases; the odds of a case being prosecuted is seven times greater when prosecutors considered a victim to be "cooperative."⁸

Numerous attempts have been made to examine the charging decision. In his classic work *Prosecution: The Decision to Charge a Subject with a Crime*, Frank Miller pinpoints the factors influencing prosecutorial discretion, including⁹

- The attitude of the victim
- The cost of prosecution to the criminal justice system
- The possibility of undue harm to the suspect
- The availability of alternative procedures
- The availability of civil sanctions
- The willingness of the suspect to cooperate with law enforcement authorities

In another classic work, Wayne LaFave also identified factors related to prosecutorial discretion.¹⁰ According to LaFave, when acts have been overcriminalized—such as when laws provide stiff sentences for possessing small quantities of recreational drugs—they are not prosecuted. Limited resources force the prosecutor to select only the most serious cases. Also, alternatives to prosecution are used whenever possible to spare offenders the stigma of a criminal conviction.

In some instances LaFave found that the prosecutor may decide to take no action; this occurs when the victim expresses the desire not to prosecute, the cost would be excessive, the harm of prosecution outweighs the benefits, or the harm done by the offender can be corrected without a criminal trial. LaFave also points out that prosecutors can invoke obscure statutes to punish unrepentant offenders or refuse leniency to defendants who will not cooperate with them. Thus, to LaFave, prosecutorial discretion is a two-edged sword. Case pressure is also considered an important influence on prosecutorial discretion. Although some criminologists dispute whether prosecutors' decisions are based on their work schedule, others say that the prosecutor who is deluged by serious cases is likely to not prosecute or to offer a plea bargain. Prosecutors in large counties are less likely to bring felons to trial than those in smaller, less crime-ridden counties. This is not conclusive proof of the effect of case pressure; an alternative explanation is that police work is sloppier in urban areas, forcing prosecutors to drop cases. However, it shows that jurisdictions in which prosecutors are forced to deal with more serious, violent felonies are also the ones in which the most selectivity is used.¹¹

Prosecutors are political creatures. While they are charged with serving the people, they also must be wary of their reputations; losing too many high-profile cases may jeopardize their chances of reelection. They therefore may be unwilling to prosecute cases in which the odds of conviction are low; they are worried about *convictability*.¹² Because they are political, public interest groups that are interested in curbing behaviors of particular concern to them, such as domestic violence or possession of handguns, may lobby prosecutors to devote more attention to these social problems.

The Role of the Prosecutor

- *Investigating low violations:* Prosecutors are empowered to conduct their own investigations into alleged violations of the law. In some jurisdictions, they maintain a staff of detectives and investigators; in others they rely on local or state police. In jurisdictions with grand jury systems, the prosecutor can convene the grand jury to collect information and interview witnesses for the purpose of accumulating enough evidence to indict suspects in criminal conspiracies.
- *Cooperating with police:* The prosecutor's office usually works closely with police agencies. Police prepare the investigation report of a crime according to the format desired by the prosecutor's office. Prosecutors also advise police agents about the legal issues in a given case. For example, they supervise the drawing up of requests (affidavits) for search warrants and then make sure that the police understand the limitations presented by the warrant. Some prosecutor's offices help train police officers, making them aware of the legal issues involved in securing a warrant or a legal arrest, interrogating a suspect, and so on.
- *Determining charges:* The prosecutor determines the charges to be brought against the suspect. The charge on which defendants are brought to trial may not resemble the original reasons they were arrested. For example, a suspect picked up for disorderly conduct may later be identified in a police lineup as the perpetrator of a string of liquor store robberies. The disorderly conduct charge may then be dropped in favor of prosecution on the more serious robbery charges.
- *Representing the government in pretrial hearings and motions:* The prosecutor brings the case to trial. Prosecutors contact witnesses and prepare them to testify, secure physical evidence, and discuss the victim's testimony. If the defendant attempts to have evidence suppressed at a pretrial hearing (for example, because of violations of the exclusionary rule), the prosecutor represents the state's position on the matter.
- *Plea bargaining:* The prosecutor is empowered to negotiate a guilty plea with the defendant, thereby ending the formal trial process.
- *Trying criminal cases:* The prosecutor acts as the state's attorney at criminal trials. Consequently, another name for the prosecutor is people's attorney.
- *Sentencing:* The prosecutor recommends dispositions at the completion of the trial. Usually, the type of sentence recommended is influenced by plea bargaining cooperation, public opinion, the seriousness of the crime, the offender's prior record, and other factors related to the case.
- *Representing the government at appeals:* If the defendant is found guilty as charged, he or she may appeal the conviction before a higher court. The prosecutor represents the government at these hearings.
- *Conducting special investigations:* Some jurisdictions empower special prosecutors to seek indictments for serious crimes considered important to the public interest. This practice became well known during the Watergate investigation, when first Archibald Cox and then Leon Jaworski were appointed as special prosecutors to investigate the break-ins and subsequent cover-up. In recent years Kenneth Starr served as an independent counsel investigating the Clinton presidency.

If too successful, lobbying efforts may dilute resources and overextend the prosecutor's office. For example, when prosecutors in Milwaukee substantially increased the prosecution of domestic violence cases, the time taken to process the cases doubled, convictions declined, pretrial crime increased, and victim satisfaction with the justice process declined.¹³

Is prosecutorial discretion inherently harmful? Not necessarily, argues Judge Charles Breitel, who, in a famous statement, asserted that prosecutorial discretion is indispensable to ensure efficiency in the criminal justice system:

If every policeman, every prosecutor, every court, and every post-sentence agency performed his or its responsibility in strict accordance with rules of law, precisely and narrowly laid down, the criminal law would be ordered but intolerable. Living would be a sterile compliance with soul-killing rules and taboos. By comparison, a primitive tribal society would seem free, indeed.¹⁴

Although eliminating prosecutorial discretion may not always be desirable, efforts have been made to control its content and direction. For example, national commissions have established guidelines for the exercise of appropriate prosecutorial actions.¹⁵ Other methods of controlling prosecutorial decision making include

- Identification of the reasons for charging decisions
- Publication of prosecution office policies
- Review by nonprosecutorial groups
- Charging conferences
- Evaluation of charging policies and decisions and development of screening, diversion, and plea negotiation procedures¹⁶

Defense Attorney

While representing the accused in the criminal process, the defense counsel performs many functions (Exhibit 16.2). Although there are a few prominent criminal defense lawyers in the United States, the majority of criminal defendants are indigent people who cannot afford legal counsel. The Supreme Court has interpreted the Sixth Amendment of the Constitution to mean that people facing trial for offenses that can be punished by incarceration have the right to legal counsel.¹⁷ If they cannot afford counsel, the state must provide an attorney free of charge. Consequently, three systems—public defender, assigned counsel, contract—have been developed to provide legal counsel to the indigent (Exhibit 16.3).

These three systems can be used independently or in combination.¹⁸ For example, in Maine the majority of the indigent criminal defense services are provided through an **assigned counsel system**. Oregon primarily uses a system of awarded contracts. Minnesota and New Mexico do not have assigned counsel programs but instead relied on statewide **public defender** and **contract attorney systems**.¹⁹ In general, the attorney list/assigned counsel system is used in less

The Role of the Defense Attorney

- Investigating the incident
- Interviewing the client, police officers, and other witnesses
- Discussing the matter with the prosecutor
- Representing the defendant at the various pretrial procedures, such as arrest, interrogation, lineup, and arraignment
- Entering into plea negotiations
- Preparing the case for trial, including developing the tactics and strategy to be used
- Filing and arguing legal motions with the court
- Representing the defendant at trial
- Providing assistance at sentencing
- Determining the appropriate basis for appeal

Source: Joseph Senna and Larry Siegel, *Introduction to Criminal Justice* (Belmont, CA: Wadsworth/West, 2004).

The Principal Forms of Indigent Defense

- *Public Defender:* A salaried staff of full-time or part-time attorneys that renders indigent criminal defense services through a public or private nonprofit organization, or as direct government paid employees.
- *Assigned Counsel:* The appointment from a list of private bar members who accept cases on a judge-by-judge, court-by-court, or case-by-case basis. This may include an administrative component and a set of rules and guidelines governing the appointment and processing of cases handled by the private bar members.
- *Contract:* Nonsalaried private attorneys, bar associations, law firms, consortiums or groups of attorneys, or nonprofit corporations that contract with a funding source to provide court-appointed representation in a jurisdiction.

Source: Carol J. DeFrances, *State-Funded Indigent Defense Services*, 1999 (Washington, DC: Bureau of Justice Statistics, 2001).

populated areas, where case flow is minimal and a full-time public defender is not needed. Public defenders are usually found in larger urban areas with high case flow rates. So although a proportionately larger area of the country is served by the assigned counsel system, a significant proportion of criminal defendants receive public defenders. Public defenders can be part of a statewide agency, county government, the judiciary, or an independent nonprofit organization or other institution.

A survey of the indigent defense system found that it is a vast enterprise supported by billions of dollars in taxpayers' money. About twenty-one state governments funded virtually all indigent criminal defense services; 20 states had a combination of state and county funding; and nine states relied solely on county funding.²⁰

CONFLICTS OF DEFENSE Because of how the U.S. system of justice operates today, criminal defense attorneys face many role conflicts. They are viewed as prime movers in what is essentially an adversarial process: The prosecution and the defense fight over the facts of the case at hand, with the prosecutor arguing the case for the state and the defense counsel using all possible means to aid the client.

However, as members of the legal profession, defense attorneys must be aware of their role as officers of the court. As an attorney, the defense counsel is obligated to uphold the integrity of the legal profession and to observe the requirements of the Code of Professional Responsibility of the American Bar Association in the defense of a client. The code makes the following statement regarding the duties of the lawyer in the adversary system of justice:

Our legal system provides for the adjudication of disputes governed by the rules of substantive, evidentiary, and procedural law. An adversary presentation counters the natural human tendency to judge too swiftly in terms of the familiar that which is not yet fully known; the advocate, by his zealous preparation of facts and law, enables the tribunal to come to the hearing with an open and neutral mind and to render impartial judgements. The duty of a lawyer to his client and his duty to the legal system are the same: To present his client zealously within the boundaries of the law.²¹

In this dual capacity of being both a defensive advocate and an officer of the court, the attorney often faces conflicting obligations to client and profession. These issues are sometimes so complex that even the Supreme Court has had difficulty setting standards of proper behavior. However, in *Nix v. Whiteside*, the Court sustained an attorney's right to refuse to represent a client whom he suspected would commit perjury. The Court also ruled that an attorney's threat to withdraw from the case and tell the court about the perjury did not violate the client's right to competent assistance of counsel.²² The Criminological Enterprise feature on pages 560–561 further explores this issue of attorney ethics.

Judge

The third major participant in the criminal trial is the judge—the senior officer in a court of criminal law. Judges' duties are quite varied and are far more extensive than the average citizen might suspect. During trials, the judge rules on the appropriateness of conduct, settles questions of evidence and procedure, and guides the questioning of witnesses. When a jury trial occurs, the judge must instruct jury members on which evidence can be examined and which should be ignored. The judge also formally charges the jury by instructing its members on what points of law and evidence they must consider before reaching a decision of guilty or innocent. When a jury trial is waived, the judge must decide whether the defendant is guilty. Finally, if a defendant is found guilty, the judge decides on the sentence (in some cases the sentence is legislatively determined). This duty includes choosing the type of sentence, its length, and—in the

case of probation—the conditions under which it may be revoked. Obviously, this decision has a significant effect on an offender's future.²³

While carrying out their duties, judges must be wary of the legal controls placed on the trial process by the appellate court system. If an error is made, the judge's decision may be reversed causing at the minimum personal embarrassment. While some experts believe that fear of reversal may shape judicial decision making, recent research by David Klein and Robert Hume indicates that judges may be more independent than previously believed, especially if they can use their judicial power as a policymaking tool to influence important social agendas such as affirmative action or privacy.²⁴

Beyond these stated duties, the trial judge has extensive control and influence over the other service agencies of the court: probation agencies, court clerks, police agencies, and the district attorney's office. Probation and the clerk may be under the judge's explicit control. In some courts, the operations, philosophy, and procedures of these agencies are within the magistrate's administrative domain. In other courts—for example, where a state agency controls the probation department—the attitudes of the county or district court judge still influence how a probation department is run.

JUDICIAL SELECTION Several methods are used to select state court judges. In some jurisdictions, the governor simply appoints judges. In others, judicial recommendations must be confirmed by the state senate, the governor's council, a special confirmation committee, an executive council elected by the state assembly, or an elected review board. Some states employ screening bodies that submit names to the governor for approval. Another form of judicial selection is through popular election, either partisan or nonpartisan. Though this practice is used in a majority of states, there is no set procedure, and each state sets its own terms of appointment. For example, in some states judges are elected for 15-year terms while in others the term is 4 years.²⁵

More than thirty states have adopted what is known as the **Missouri Plan** to select judges. This three-part approach consists of (1) a judicial commission to nominate candidates for the bench, (2) an elected official (usually from the executive branch) to make appointments from the list submitted by the commission, and (3) subsequent nonpartisan, non-competitive elections in which incumbent judges run on their records.

Some states, such as New York and Texas, use different methods to select judges on the appellate and trial levels. New York appellate court judges are appointed by the governor; trial court judges are elected; and criminal court and family court judges in New York City are appointed by the mayor.²⁶

• What are the problems with electing judges? Read: Michael Scherer, "State Judges for Sale: In the 39 States That Elect Appellate Judges, Politicization of the Bench Is Growing," *The Nation* 275 (2 September 2002): 20.

JUDICIAL OVERLOAD There has been great concern about stress placed on judges by case pressure. In most states, people appointed to the bench have had little or no training in the role of judge. Others may have held administrative posts and may not have appeared before a court in years. Once they are appointed to the bench, judges are given an overwhelming amount of work that has risen dramatically over the years. The number of civil and criminal filings per state court judge has increased significantly since 1985. Annually there are about 1,500 civil and criminal case filings per state court judge and 450 per federal judge.²⁷ State court judges deal with far more cases, but federal cases may be more complex and demand more judicial time. In any event, the number of civil and criminal cases, especially in state courts, seems to be outstripping the ability of states to create new judgeships.

Several agencies have been created to improve the quality of the judiciary. The National Conference of State Court Judges and the National College of Juvenile Justice both operate judicial training seminars and publish manuals and guides on state-of-the-art judicial techniques. Their ongoing efforts are designed to improve the quality of the nation's judges.

Now that the actors in the judicatory process have been introduced and the structure within which they work defined, our attention will turn to the three main stages of the process itself: pretrial procedures, the trial, and sentencing.



To quiz yourself on this material, go to the Criminology 9e website.

PRETRIAL PROCEDURES

After arrest, or if an arrest warrant has been served, a **criminal charge** is drawn up by the appropriate prosecutor's office. The charge is a formal written document identifying the criminal activity, the facts of the case, and the circumstances of the arrest.

If the crime is a felony, the charge is called a bill of **indictment** (if it is to be considered by a grand jury) or an **information** (if that particular jurisdiction uses the preliminary hearing system); misdemeanants are charged with a **complaint**.

Some states and the federal government still use the grand jury system to weigh evidence before an indictment can be issued. This process has been criticized as being a rubber stamp for the prosecution because the presentation of the evidence is shaped by the district attorney who is not required by law to reveal information that might exonerate the accused.²⁸ In other states, the grand jury has been replaced by the preliminary hearing during which a judicial officer decides whether there is sufficient evidence to try the accused.

Ethical Issues in Criminal Defense

As officers of the court, defense attorneys seek to uncover the basic facts and elements of the criminal act. They are often confronted with conflicting obligations to their client and profession. The recent Kobe Bryant rape case illustrates the lengths to which the defense will go to get their client off, even if it means embarrassing the victim and causing them emotional pain. In the Bryant case, the defense tactics worked, and the charges were dropped. But are heavy-handed tactics ethical? How far should defense lawyers go to protect their clients?

In a famous work, Monroe Freedman identified three of the most difficult questions involving the professional responsibility of the criminal defense lawyer:

1. Is it proper to cross-examine for the purpose of discrediting the reliability or credibility of an adversarial witness whom you know to be telling the truth?
2. Is it proper to put a witness on the stand when you know he or she will commit perjury?
3. Is it proper to give your client legal advice when you have reason to

believe that the knowledge you give your client will tempt him or her to commit perjury?

There are other equally important issues that confound a lawyer's ethical responsibilities. Lawyers are required to keep their clients' statements confidential: the attorney–client privilege. Suppose a client confides that he is planning to commit a crime. What are the defense attorney's ethical responsibilities in this case? Obviously, the lawyer would have to advise the client to obey the law; if the lawyer assisted the client in engaging in illegal behavior, the lawyer would be subject to charges of unprofessional conduct and even criminal liability. If the lawyer felt the danger was imminent, he or she would have to alert the police.

The criminal lawyer needs to be aware of these troublesome situations to properly balance the duties of being an attorney with those of being an officer of the court and a moral person. Often these decisions are difficult to make. For example, an attorney is bound to keep all communications with her client confidential unless the client confides that he is planning a crime. What should an attorney do when her client reveals that he committed a murder and also that another

innocent person has been convicted and is going to be executed for the crime? Should the attorney do the moral thing and reveal the information before there is a terrible miscarriage of justice? Or should she do the professional thing and maintain her client's confidence?

In the aftermath of terrorist attacks and corporate scandals, the government is pressuring lawyers to breach their clients' confidences. In 2003 the Securities and Exchange Commission adopted a rule requiring lawyers to report potential fraud to corporate boards; the Internal Revenue Service is now trying to make law firms disclose which clients bought questionable tax shelters; and the Justice Department has said that conversations between lawyers and terrorism suspects are subject to eavesdropping.

The van Dam Case

The highly publicized Danielle van Dam murder case illustrates the dilemmas often faced by defense attorneys. The pretty 7-year-old California girl was abducted from her bedroom and later found dead in a wooded area. Suspicion was soon directed at a neighbor, David Westerfield, who was arrested and charged with the crime.

CONNECTIONS

The grand jury and preliminary hearing stage was discussed in Chapter 14.

If sufficient evidence is found in either procedure, the accused is brought before the trial court for arraignment, at which time the judge informs the defendant of the charge, ensures that the accused is properly represented by counsel, and determines whether the accused should be released on bail or handled in some alternative manner pending a hearing or trial.

The defendant who is arraigned on an indictment or information can ordinarily plead guilty, not guilty, or *nolo*

contendere, which is equivalent to a guilty plea but cannot be used as evidence in subsequent cases. When a guilty plea is entered, the defendant admits to all the elements of the crime, and the court begins to review the person's background for sentencing purposes. A plea of not guilty sets the stage for a trial or for plea bargaining between the prosecutor and the defense attorney.

This section reviews in detail two important issues related to pretrial procedures: bail and plea bargaining.

Bail

Bail represents money or some other security provided to the court to ensure the appearance of the defendant at trial. The amount of bail is set by a magistrate who reviews the

During the trial, Westerfield's defense team, Steven Feldman and Robert Boyce, put on a vigorous defense. They pointed a finger at the lifestyle of the 7-year-old's parents, Brenda and Damon van Dam, who were forced to admit on the stand that they engaged in partner swapping and group sex. The defense lawyers told jurors the couple's sex life brought them in contact with sleazy characters who were much more likely to harm Danielle than Westerfield, a neighbor with no felony record. The defense also told jurors that scientific evidence proved Westerfield could not have dumped Danielle's body in a remote roadside area. Forensic entomologists testified that the insects in her decaying body indicated her death occurred during a period for which Westerfield could account for his activities. Despite their efforts, physical evidence found in Westerfield's home proved very damaging in court, and he was convicted of the murder and sentenced to death.

After the trial was over, the *San Diego Union-Tribune* broke the story that Feldman and Boyce tried to broker a deal before trial in which Westerfield would reveal the location of Danielle's body in exchange for a guarantee that he would not face the death penalty if convicted. Before the deal

could be made, volunteer searchers found Danielle's body. Thus, Feldman and Boyce knew that their client was guilty before the trial began, yet they put on a vigorous defense to get him off!

Members of the legal community in San Diego defended the trial tactics of Feldman and Boyce. They suggested Feldman and Boyce would have been accused of incompetence if they did not try to raise reasonable doubt in the case. It is not the defense attorney's job to decide whether the client committed the offense but to provide the client with a vigorous defense and ensure that the client is not convicted unless the prosecution can prove its case beyond a reasonable doubt. And it is impossible to make the prosecution meet its burden without aggressively challenging the evidence, even if the defender believes the client committed the crime. If Westerfield had taken the stand and lied about his involvement in the murder, then Feldman and Boyce would have been required to report their knowledge of the case to the judge, but Westerfield did not testify.

Critical Thinking

1. Do you agree that defense attorneys should put on a vigorous defense,

casting doubt on their client's guilt, even if they know beyond doubt that their client is guilty?

2. If witnesses are not allowed to lie in court, why should attorneys maintain that privilege?
3. An attorney is compelled by professional oath to defend the client to the best of his or her ability. But does that mean misleading the jury?

InfoTrac College Edition Research

Use "Danielle van Dam" and "David Westerfield" as subject guides in InfoTrac College Edition to learn more about this case.

Sources: Jonathan Glater, "Lawyers Pressed to Give Up Ground on Client Secrets," *New York Times*, 10 August 2003; Bennett Brummer, *Ethics Resource Guide for Public Defenders* (Chicago: ABA, February 1992); Harriet Ryan, "Fox Talk Show Host Calls for Disbarment of Westerfield Lawyers," *CourtTV* website, 19 September 2002. http://www.courtstv.com/trials/westerfield/091902_ctv.html; Alex Roth, "Experts Make Case for Defense Attorneys," *San Diego Union Tribune*, 22 September 2002; Alex Roth, "Story of Plea Attempt Raises Ire of Many," *San Diego Union Tribune*, 18 September 2002; Monroe H. Freedman, "Professional Responsibility of the Criminal Defense Lawyer: The Three Hardest Questions," *Michigan Law Review* 64 (1966): 1,468.

facts of the case and the history of the defendant. Defendants who cannot afford or who are denied bail are detained, usually in a county jail or lockup, until their trial date. Those who make bail are free to pursue their defense before trial.

The bail system goes back to English common law. At one time the legal relationship existing in the contract law of bailment even permitted the trying and sentencing of the bailor (the person who posted bail) if the bailee did not appear for trial.²⁹

Under the U.S. system of justice, the right to bail comes from the Eighth Amendment of the Constitution, which states that people can expect to be released on reasonable bail in all but capital cases. Thus, in most cases, the accused have the right to be released on reasonable bail to prepare their defense and continue their life in the community.

BAIL TODAY Federal surveys indicate that in the nation's largest cities, about two-thirds (62 percent) of all defendants were released by the court prior to the disposition of their case. Thirty-eight percent were detained until case disposition, including 7 percent who were denied bail.³⁰ About a third of released defendants were either re-arrested for a new offense, failed to appear in court as scheduled, or committed some other violation that resulted in the revocation of their pretrial release.

MAKING BAIL Not all defendants make bail. Some defendants are detained because they cannot afford to make bail; others are denied bail because of the danger they present to the community, a practice called **preventive detention**.

While the poor may languish in jail, the affluent are able to make bail and earn pre-trial release. Rapper Young Buck, left, whose real name is David Darnell Brown, and his attorney Roger Rosen talk to reporters after Brown was released following his surrender to Santa Monica, California police. The rapper is facing allegations that he stabbed a man during taping of the Vibe Awards and was released after posting \$500,000 bail. Should bail amounts be geared to a person's ability to pay? Why should an indigent person be forced to remain in jail while a wealthy person is released into society?



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The likelihood of making bail is directly related to the criminal charge: Drug and public order offenders are the most likely to be bailed; violent offenders are more likely to be detained. Whether a defendant can be expected to appear at the next stage of the criminal proceedings is a key issue in determining bail.³¹ Defendants with an active criminal justice status (54 percent) were nearly twice as likely to be detained until case disposition as those without such a status (30 percent). As might be expected, defendants on parole (77 percent) were the most likely to be detained.³²

THE PROBLEMS OF BAIL Bail is quite controversial because it penalizes the indigent offender who does not have the means to pay the bond. Of concern is the fact that detention centers are dreary, dangerous places, and those who are held in them can be victims of the justice system even if they are innocent of all charges. The bail system is also costly because the state must pay for the detention of offenders who are unable to raise bail and who might otherwise remain in the community. Legal scholar Caleb Foote, one of the nation's leading experts on bail, once stated,

The basic problem—poor people and those being locked up before trial—remains. I still think pretrial detention is the most pervasive denial of equal protection and equal rights in American law.³³

What are the most significant problems associated with bail today?

- **Increases punishment risk:** The significance of bail is further amplified because both the amount of bail ordered and the length of stay in pretrial detention for those who cannot raise bail are associated with a greater likelihood of conviction and a longer prison sentence after conviction.³⁴ Not making bail increases the risk of punishment. People detained before trial get convicted more often (77 percent compared to 55 percent of those receiving bail³⁵) and, when convicted, receive

longer and more punitive sentences than those granted pretrial release.³⁶

- **Bonding and recovery agents:** Another problem of the bail system is the institution of the professional **bail bonding agent**. Normally the bail bonding agent puts up 90 percent of a bond fee and the defendant the remaining 10 percent (this is called a **surety bond**). When the defendant appears at trial, the bail is returned and the bonding agent keeps the entire amount; the defendant's 10 percent serves as the bonding agent's commission. If the defendant does not show up for trial, the bonding agent must pay the entire bail. Usually bonding agents expect defendants, their friends, or their relatives to put up further collateral (such as the deed to their house) to cover the risk; they may also purchase insurance to reduce their risk. If collateral is unavailable or the bonding agent believes the offender presents too great a risk, the bonding agent will refuse to lend bail money, relegating the defendant to a jail stay until the trial date. Bail bonding agents have often been accused of unscrupulous practices, such as bribing police and court personnel to secure referrals. Some judges have been accused of refusing to collect forfeited bail owed from bonding agents.³⁷


If a bailee fails to return for trial, the bonding agent may hire **skip tracers** or **recovery agents** to track down the fugitive in order to recover the lost bond. These modern bounty hunters receive a share of the recovery. Unlike police, bounty hunters can enter a suspect's home without a warrant in most states, thanks to an 1873 Supreme Court ruling that gives bail bonding agents sweeping powers. Each year about 400 full-time bail enforcement agents catch about 25,000 fugitives in the United States.³⁸ While organizations such as the National Institute of Bail

Bail Systems

PROGRAM	DESCRIPTION
Nonfinancial Release	
1. Release on recognizance	The defendant is released on a promise to appear, without any requirement of money bond. This form of release is unconditional—that is, without imposition of special conditions, supervision, or specially provided services. The defendant must simply appear in court for all scheduled hearings.
2. Conditional release	The defendant is released on a promise to fulfill some stated requirements that go beyond those associated with release on recognizance. Four types of conditions are placed on defendants, all of which share the common aims of increasing the defendant's likelihood of returning to court and maintaining community safety: (1) status quo conditions, such as requiring that the defendant maintain residence or employment status; (2) restrictive conditions, such as requiring that the defendant remain in the jurisdiction, stay away from the complaint, or maintain a curfew; (3) contact conditions, such as requiring that the defendant report by telephone or in person to the release program or a third party at various intervals; and (4) problem-oriented conditions, such as requiring that the defendant participate in drug or alcohol treatment programs.
Financial Release	
3. Unsecured bail	The defendant is released with no immediate requirement of payment. However, if the defendant fails to appear, he or she is liable for the full amount.
4. Privately secured bail	A private organization or individual posts the bail amount, which is returned when the defendant appears in court. In effect, the organization provides services akin to those of a professional bonding agent, but without cost to the defendant.
5. Property bail	The defendant may post evidence of real property in lieu of money.
6. Deposit bail	The defendant deposits a percentage of the bail amount, typically 10 percent, with the court. When the defendant appears in court, the deposit is returned, sometimes minus an administrative fee. If the defendant fails to appear, he or she is liable for the full amount of the bail.
7. Surety bail	The defendant pays a percentage of the bond, usually 10 percent, to a bonding agent who posts the full bail. The fee paid to the bonding agent is not returned to the defendant if he or she appears in court. The bonding agent is liable for the full amount of the bond should the defendant fail to appear. Bonding agents often require posting of collateral to cover the full bail amount.
8. Cash bail	The defendant pays the entire amount of bail set by the judge in order to secure release. The bail is returned to the defendant when he or she appears in court.

Source: Adapted from Andy Hall, *Pretrial Release Program Options* (Washington, DC: National Institute of Justice, 1984), pp. 32–33.

Enforcement attempt to provide training, untrained or unprofessional bounty hunters may use brutal tactics that can end in tragedy. For example, in one incident that received national media attention, five bounty hunters wearing black “ninja” clothing, body armor, and ski masks burst into a Phoenix home, held children at gunpoint, and shot and killed a young couple: Christopher Foote, 23, and Spring Wright, 20. They were charged with second-degree murder when it turned out they had entered the wrong house and killed two innocent people.³⁹

 For more on **bounty hunters**, check out the website of the National Institute of Bail Enforcement: <http://www.bounty-hunter.net/home.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

BAIL REFORM The bail reform movement was started in 1961 to help alleviate the problems presented by the bail process. In New York the Vera Institute, set up by philanthropist Louis Schweitzer and later supported by the Ford Foundation, pioneered the concept of **release on recognizance (ROR)**.⁴⁰ This project found that if the court had sufficient background information about the defendant, it could make a reasonably good judgment about whether the accused would return to court.

The project proved to be a great success. A significant majority of clients returned for trial when released on their own recognizance. The success of ROR in New York prompted its adoption in many other large cities around the country. The Federal Bail Reform Act of 1984 has made release on recognizance an assumption unless the need for greater control can be shown in court.⁴¹

Abuses by bail bonding agents have prompted a number of jurisdictions, including Wisconsin, Nebraska, Kentucky, Oregon, and Illinois, to set up systems that allow defendants to post a percentage of their bond (usually 10 percent) with the court; the full amount is required only if the defendant fails to show for trial. This **deposit bail system** is designed to replace the bonding agents. The major forms of bail are set out in Exhibit 16.4.

Bail reform has been considered one of the great successes in criminal justice reform, but some research efforts indicate great disparity in the way judges handle bail decisions. They also show that racial and socioeconomic disparity might be a factor in decision making.⁴² If this is so, then the original purposes of reforming bail would be negated by bias in the justice system. One approach to limiting disparity is the use of **bail guidelines**, which set standard bail amounts based on such factors as criminal history and the current charge.⁴³

In sum, bail reform movements have encouraged the use of pretrial release. Studies show that most defendants

return for trial, and most bailees do not commit more crime while in the community.

PREVENTIVE DETENTION Although only about 14 percent of bailees are re-arrested for committing other crimes before trial, the threat they present to the public is disturbing. After all, if 2 million people receive bail each year for serious crimes, about 300,000 crimes are committed by bailees who could have remained in pretrial detention. And assuming a 5 to 1 ratio of crimes to arrests, bailees may be responsible for 1.5 million serious crimes each year.

Because of the concern over defendant misconduct while on bail, about thirty states have limited bail for certain offenses and offenders, such as those who previously absconded, are recidivists, or have violent histories. Similarly, the federal Bail Reform Act of 1984 provides that federal offenders may be detained without bail if “no condition or combination of conditions (of bail) will reasonably assure . . . the safety of any other person and the community.”⁴⁴

The issue of preventive detention is particularly vexing because a person who has not been convicted of any crime is incarcerated for an extended period without the chance to participate in his or her own defense. Those supporting preventive detention argue that it helps control witness intimidation and reduces avoidable criminal acts.

In a landmark decision, *United States v. Salerno*, the Supreme Court upheld the Bail Reform Act’s preventive detention provision on the grounds that its purpose was public safety, that it was not excessive for its stated purpose, and that it contained no punitive intent but was designed to regulate the behavior of accused criminals in a legally permissible way.⁴⁵ Similarly, in the case of *Schall v. Martin*, the court upheld a New York law providing for the preventive detention of a juvenile offender if the judicial authority believes the offender threatens community safety.⁴⁶

An analysis of the federal Bail Reform Act shows that it increased the number of people held before trial. Before the act took effect, about 24 percent of all defendants were detained or did not make bail. After the act took effect, that number rose to 29 percent; 19 percent of the detainees did not qualify for bail consideration under the new guidelines.⁴⁷ Most of those held without bail had used firearms, were drug offenders, or had violated immigration laws.

Despite years of reform efforts, bail remains a troubling aspect of the criminal process. It is one of the few areas in which people are seriously penalized because of their economic circumstances. Whereas some defendants are kept in jail for lack of a few hundred dollars, others are released because they can afford bail in the millions. Those who cannot make bail face a greater chance of conviction and a harsher penalty if convicted.

Plea Bargaining

One of the most common practices in the criminal justice system today, and a cornerstone of the informal justice system, is **plea bargaining**.⁴⁸ The majority of defendants in

Forms of Plea Bargaining

- The initial charges may be reduced to those of a lesser offense, thus automatically reducing the sentence imposed.
- In cases where many counts are charged, the prosecutor may reduce the number of counts.
- The prosecutor may promise to recommend a lenient sentence, such as probation.
- When the charge imposed has a negative label attached (such as child molester), the prosecutor may alter the charge to a more “socially acceptable” one (such as assault) in exchange for a plea of guilty.

criminal trials are convicted by their own guilty pleas; plea bargains are also common in juvenile court.⁴⁹ About 90 percent of all those charged with felonies plead guilty; if misdemeanors are included, the percentage jumps to 98 percent.⁵⁰

Plea bargaining usually occurs between arraignment (or initial appearance, in the case of a misdemeanor) and the onset of trial. The ways a bargain can be struck in exchange for a guilty plea are set out in Exhibit 16.5.

There are a number of different motivations for plea bargaining. Defendants, aware of the prosecutor’s strong case, plea bargain to minimize their sentences and avoid the harmful effects of a criminal conviction. Some may even plead guilty to protect accomplices or confederates by “taking the rap” themselves.⁵¹

The defense attorney may seek a bargain to limit his or her own involvement in the case. In some instances, defense attorneys may wish to minimize the effort they put forth for an obviously guilty client.⁵² In other instances, they may simply wish to adapt to the bureaucratic structure favorable to plea bargaining that exists in most U.S. criminal courts.⁵³ Defense attorneys may wish to secure noncriminal dispositions for their clients, such as placement in a treatment program, and may advise them to plead guilty in exchange for this consideration.

The prosecution also can benefit from a plea bargain. The prosecutor’s case may be weaker than hoped for, convincing him or her that a trial is too risky. A prosecutor may also believe that the arresting officers made a serious procedural error in securing evidence that would be brought out during pretrial motions. When a defendant pleads guilty, it voids all prior constitutional errors made in that case. Of course, no matter how strong the state’s case, there is always the chance that a jury will render an unfavorable decision. And in a world of tight government budgets, a prosecutor’s office may be forced to plea bargain simply because it lacks the resources and personnel to bring many cases to trial.⁵⁴ Prosecutors also bargain to gain the cooperation of the defendant against his or her accomplices informers and codefendants.

In sum, plea bargaining is a complex process, involving factors ranging from costs and resources to attorney

competence, self-interest, and workload to sentencing and bail rules, among other issues.⁵⁵

PLEA BARGAINING ISSUES Those who favor plea bargaining argue that it actually benefits both the state and the defendant:

1. The overall financial costs of criminal prosecution are reduced.
2. The administrative efficiency of the courts is greatly improved.
3. The prosecution is able to devote more time to cases of greater seriousness and importance.
4. The defendant avoids possible detention and extended trial and may receive a reduced sentence.⁵⁶

Thus, those who favor plea bargaining believe it is appropriate to enter into plea discussions where the effective administration of justice will be served.

It has been argued, however, that plea bargaining encourages defendants to waive their constitutional right to a trial. Prosecutors are given too much leeway to convince defendants to plea bargain, thus circumventing law.⁵⁷ Plea bargaining then raises the danger that innocent people will be convicted of a crime if they believe that they have little chance of an acquittal because they are poor, African American, or both.

In addition, some experts suggest that sentences tend to be less severe in guilty plea situations than as a result of trials and that plea bargains result in even greater sentencing disparity. For example, people who plead guilty to murder are far less likely to receive the death penalty than those convicted at trial. Conversely, those who are found guilty at trial are more likely to receive the death penalty or life in prison.

Particularly in the eyes of the general public, plea bargaining allows the defendant to beat the system and further tarnishes the criminal justice process. Some suggest that plea bargaining allows dangerous offenders to get off lightly and therefore weakens the deterrent effect of the criminal law.⁵⁸ It may also undermine public confidence in the law.⁵⁹

CONTROL OF PLEA BARGAINING It is unlikely that plea negotiations will be eliminated or severely curtailed in the near future. Those who support their total abolition are in the minority. As a result of abuses, however, efforts are being made to improve plea bargaining operations. Such reforms include the development of uniform plea practices, the presence of counsel during plea negotiations, and the establishment of time limits on plea negotiations.⁶⁰

Some recent efforts have been made to convert plea bargaining into a more visible, understandable, and fair dispositional process. Safeguards and guidelines have been developed in many jurisdictions to prevent violations of due process and to ensure that innocent defendants do not plead guilty under coercion. For example, the judge questions the defendant about the facts of the guilty plea before accepting

the plea; the defense counsel is present and able to advise the defendant of his or her rights. Open discussions about the plea occur between the prosecutor and the defense attorney; and full information regarding the offender and the offense is made available at this stage of the process. Judicial supervision is also an effective mechanism to ensure that plea bargaining is undertaken fairly. When John Kramer and Jeffrey Ulmer examined sentencing practices in Pennsylvania, they found that judges were willing to work with the prosecutor as long as the agreed upon sentence did not “shock their conscience.”⁶¹

The most extreme method of reforming plea bargaining has been to abolish it completely. A ban on plea bargaining has been tried in numerous jurisdictions throughout the country. Alaska eliminated the practice in 1975. In Honolulu, Hawaii, efforts were made to abolish plea bargaining. Jurisdictions in other states, including Iowa, Arizona, and Delaware, along with the District of Columbia, have also sought to limit the use of plea bargaining.⁶² These jurisdictions give no consideration or concessions to the defendant in exchange for a guilty plea.

Efforts to control plea bargaining have met with mixed results. Evaluation of the Alaska experiment found that the number of guilty pleas did not change significantly after plea bargaining was eliminated, nor did the ban increase the prison sentences given to the most serious offenders.⁶³ This and similar efforts indicate that attempts to eliminate plea bargaining most likely move prosecutorial discretion further up in the system. For example, eliminating felony plea bargaining may cause prosecutors to automatically charge offenders with a misdemeanor so they can retain the option of offering them a deal in exchange for their cooperation before trial.

The problem of controlling plea bargaining remains. Despite calls for its abolishment, it flourishes in U.S. trial practice.⁶⁴



To quiz yourself on this material, go to the Criminology 9e website.

THE CRIMINAL TRIAL

Although the jury trial is relatively rare, it is still one of the cornerstones of the criminal justice process. Most criminal prosecutions result in plea bargains and do not involve the adversary determination of guilt or innocence, but the trial process remains vitally important to the criminal justice system. The opportunity to go to trial guards against abuse of informal processing and encourages faith in the criminal justice system.⁶⁵ Because of its importance, jury trial stages, critical issues, and associated legal rights are discussed here.

Jury Selection

The first stage of the trial process involves jury selection. Jurors are selected randomly in both civil and criminal cases,

usually from voter registration lists and other sources within each court's jurisdiction. The initial list of people chosen, which is called a **venire** or **jury array**, provides the state with a group of citizens potentially capable of serving on a jury. Many states, by law, review the venire to eliminate unqualified people and to exempt those who by reason of their professions are not allowed to be jurors; this latter group may include, but is not limited to, physicians, the clergy, and government officials. The actual jury selection process begins with those remaining on the list.

The court clerk, who handles the administrative affairs of the trial—including the processing of the complaint, the evidence, and other documents—randomly selects enough names to supply the required number of jurors. In most cases, a criminal trial jury consists of twelve people, with two alternate jurors standing by to serve should one of the regular jurors be unable to complete the trial.

Once the prospective jurors have been chosen, the process of **voir dire** begins: All people selected are questioned by both the prosecution and the defense to determine their appropriateness to sit on the jury. They are examined under oath by the government, the defense, and sometimes the judge about their backgrounds, occupations, residences, and possible knowledge about or interest in the case. A juror who acknowledges any bias for or prejudice against the defendant—a juror who is a friend or relative of the defendant, for example, or who has already formed an opinion about the case—is **removed for cause** and replaced with another. Thus any prospective juror who reveals an inability to be impartial and render a verdict solely on the basis of the evidence presented at the trial may be removed by either the prosecution or the defense. Because normally no limit is placed on the number of challenges for cause that can be offered, it often takes considerable time to select a jury for controversial criminal cases.

In addition to challenges for cause, both the prosecution and the defense are allowed **peremptory challenges**, through which they can excuse jurors for no particular reason or an undisclosed reason. For example, a prosecutor might not want a bartender as a juror in a drunken driving case, believing that a person in that occupation might be sympathetic to the accused. Or a defense attorney might excuse a male prospective juror to try to obtain a predominantly female jury for the client. The number of peremptory challenges permitted is limited by statute and often varies by case and jurisdiction.

The peremptory challenge has long been criticized by legal experts who question its fairness and propriety.⁶⁶ Of particular concern was the challenging of African American jurors in interracial crimes that resulted in the trying of African American defendants by all-white juries. In a significant case, *Batson v. Kentucky*, the Supreme Court ruled that the use of peremptory challenges to dismiss black jurors violated the defendant's right to equal protection of the law.⁶⁷ Since *Batson* the Supreme Court has further limited the use of peremptory challenges, including jury selection in civil trials and jury selection on the basis of gender.

IMPARTIAL JURIES The Sixth Amendment to the Constitution provides for the right to a speedy, public trial by an impartial jury. Throughout the 1960s and 1970s, the Supreme Court sought to ensure compliance with this constitutional mandate of impartiality through decisions eliminating racial discrimination in jury selection. For instance, in *Ham v. South Carolina* in 1973, the Court held that the defense counsel of an African American civil rights leader was entitled to question each juror on the issue of racial prejudice.⁶⁸ In *Turner v. Murray*, the Court ruled that African American defendants accused of murdering whites are entitled to have jurors questioned about their racial bias.⁶⁹ In *Taylor v. Louisiana*, the Court overturned the conviction of a man by an all-male jury because a Louisiana statute allowed women but not men to exempt themselves from jury duty.⁷⁰

These and similar decisions have provided safeguards against jury bias. However, in many instances, potential jury bias is not part of the trial process. For example, while the Supreme Court in *Ham* ruled that bias was a consideration in a trial involving a civil rights worker, it ruled in another case that in “ordinary crimes”—noncapital cases, such as a robbery—defense counsel may not examine the racial bias of jurors even if the crime is interracial.⁷¹

The Trial Process

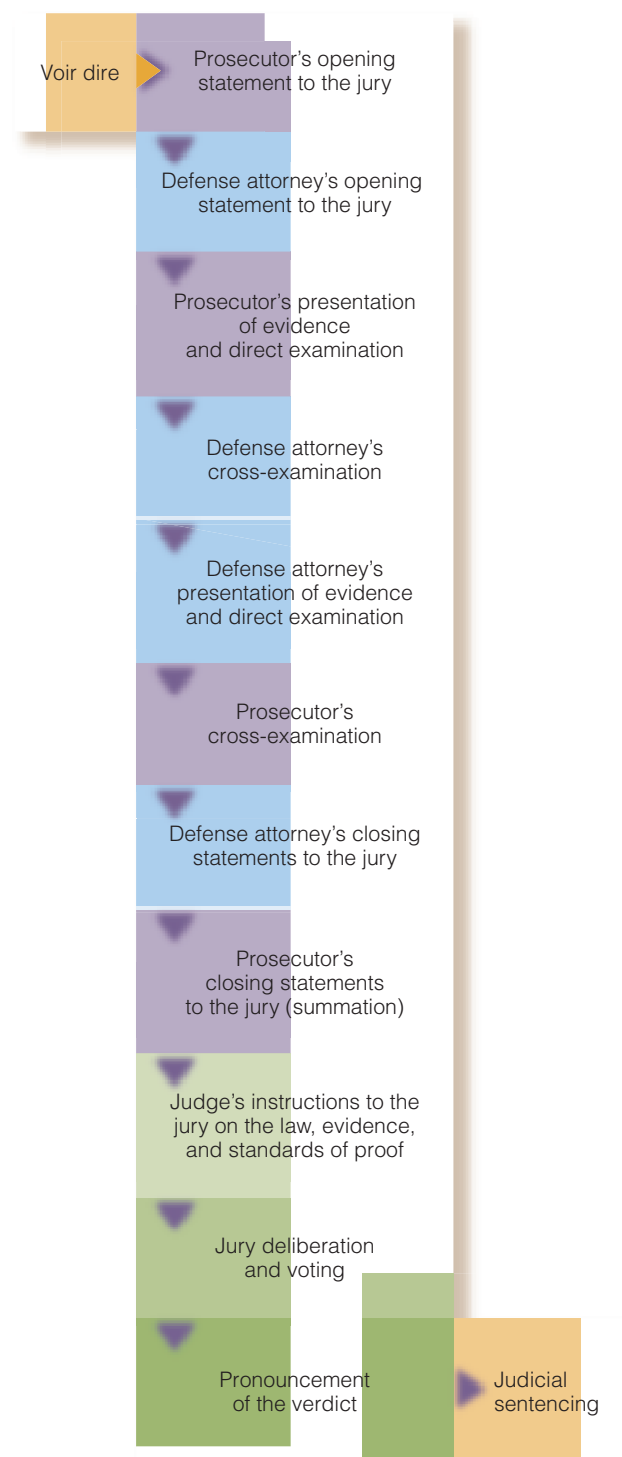
The trial of a criminal case is a formal process conducted in a specific, orderly fashion in accordance with rules of criminal law, procedure, and evidence (Figure 16.4).

Unlike trials in popular television programs, where witnesses are often asked leading and prejudicial questions and where judges go far beyond their supervisory role, the modern criminal trial is a complicated and often time-consuming technical affair. It is a structured adversary proceeding in which both the prosecution and the defense follow specific rules and argue the merits of their cases before the judge and the jury. Each side seeks to present its case in the most favorable light. Where possible, the prosecutor and the defense attorney object to evidence they consider damaging to their individual points of view. The prosecutor uses direct testimony, physical evidence, and a confession, if available, to convince the jury that the accused is guilty beyond a reasonable doubt. The defense attorney rebuts the government's case with his or her own evidence, makes certain that the constitutional rights of the defendant are considered during all phases of the trial, and determines whether an appeal is appropriate if the client is found guilty. Throughout the process, the judge promotes an orderly, fair trial.

The basic steps of the criminal trial proceed as follows:

1. **Opening Statements:** As the trial begins, both prosecution and defense address the jury and present their cases. They describe what they will attempt to prove and the major facts of the case. They introduce the witnesses, prepare the jury for their testimony, and tell them what information to listen for. The defense begins to emphasize that any doubts about the guilt

The Steps of a Jury Trial



Source: Marvin Zalman and Larry Siegel, *Criminal Procedure: Constitution and Society* (St. Paul, MN: West, 1991), p. 655.

of the accused must be translated into an acquittal; the prosecution dwells on civic duty and responsibility.

2. *The Prosecution's Case:* Following the opening statement, the government begins its case by presenting evidence to the court through its witnesses. Those

called as witnesses—such as police officers, victims, or expert witnesses—provide testimony via **direct examination**, during which the prosecutor questions the witness to reveal the facts believed pertinent to the government case. Testimony involves what the witness actually saw, heard, or touched; it does not include opinions. However, a witness's opinion can be given in certain situations, such as in describing the motion of a vehicle or indicating whether a defendant appeared to act intoxicated or insane. Witnesses may also give their opinions if they are experts on a particular subject relevant to the case; for example, a psychiatrist may testify as to a defendant's mental capacity at the time of the crime.

3. *Cross-Examination:* After the prosecutor finishes questioning a witness, the defense cross-examines the same witness by asking questions in an attempt to clarify the defendant's role in the crime. The prosecutor may seek a **redirect examination** after the defense attorney has completed **cross-examination**; this allows the prosecutor to ask additional questions about information brought out during cross-examination. Finally, the defense attorney may question or cross-examine the witness once again. All witnesses for the trial are sworn in and questioned in the same basic manner.
4. *The Defense's Case:* At the close of the prosecution's case, the defense may ask the presiding judge to rule on a motion for a **directed verdict**. If this motion is sustained, the judge directs the jury to acquit the defendant, thereby ending the trial. A directed verdict means that the prosecution did not present enough evidence to prove all the elements of the alleged crime. If the judge fails to sustain the motion, the defense presents its case. Witnesses are called to testify in the same manner used by the prosecution.
5. *Rebuttal:* After the defense concludes its case, the government may present **rebuttal evidence**. This normally involves bringing forward evidence that was not used when the prosecution initially presented its case. The defense may examine the rebuttal witnesses and introduce new witnesses in a process called *surrebuttal*. After all the evidence has been presented to the court, the defense attorney may again submit a motion for a directed verdict. If the motion is denied, both the prosecution and the defense prepare to make closing arguments; and the case on the evidence is ready for consideration by the jury.
6. *Closing Arguments:* Closing arguments are used by the attorneys to review the facts and evidence of the case in a manner favorable to their positions. At this stage of the trial, both prosecution and defense are permitted to draw reasonable inferences and show how the facts prove or refute the defendant's guilt. Often both attorneys have a free hand in arguing about facts, issues, and evidence, including the applicable law.

The modern criminal trial is a complicated and often time-consuming technical affair. It is a structured adversary proceeding in which both the prosecution and the defense follow specific rules and argue the merits of their cases before the judge and the jury. However, in today's sophisticated court environment, legal knowledge may not be enough. Both the prosecution and defense must be technologically sophisticated. Here a prosecuting attorney in Los Angeles questions a witness from a podium with the SMART Board interactive display network. The SMART Board system allows users to access and display a variety of multimedia material with the touch of a finger.



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They cannot comment, however, on matters not in evidence, nor, where applicable, can they comment on the defendant's failure to testify. Normally, the defense attorney makes a closing statement first, followed by the prosecutor. Either party can elect to forgo the final summation to the jury.

7. *Instructions to the Jury:* In a criminal trial, the judge instructs, or charges, the jury on the principles of law that ought to guide and control the decision on the defendant's innocence or guilt. Included in the charge is information about the elements of the alleged offense, the type of evidence needed to prove each element, and the burden of proof required to obtain a guilty verdict. Although the judge commonly provides the instructions, he or she may ask the prosecutor and the defense attorney to submit instructions for consideration; the judge then uses discretion in determining whether to use any of their instructions. The instructions that cover the law applicable to the case are extremely important because they may serve as the basis for a subsequent appeal.

One important aspect of instructing the jury is explaining the level of proof needed to find the person guilty of a crime. As mentioned, the U.S. system of justice requires guilt to be proved beyond a reasonable doubt. The judge must inform the jurors that if they have even the slightest suspicion that the defendant is not guilty, then they cannot find for the prosecution. Also, the judge must explain how, in criminal cases, the burden of proof is on the prosecution to prove the defendant guilty; the accused does not have to prove his or her innocence.

8. *Verdict:* Once the charge has been given to the jury, the jurors retire to deliberate on a verdict. The verdict in a

criminal case is usually required to be unanimous. A review of the case by the jury may take hours or even days. The jurors are always sequestered during their deliberations; in some lengthy, highly publicized cases, they are kept overnight in a hotel until the verdict is reached. In less sensational cases, the jurors may be allowed to go home but are often cautioned not to discuss the case with anyone. If a verdict cannot be reached, the trial may result in a hung jury; in this case the prosecutor has to bring the defendant to trial again to get a conviction.

9. *Sentence:* If found not guilty, the defendant is released. If the defendant is convicted, the judge normally orders a presentence investigation by the probation department preparatory to imposing a sentence. Before sentencing, the defense attorney often submits a motion for a new trial, alleging that legal errors occurred in the trial proceedings. The judge may deny the motion and impose a sentence immediately, a practice quite common in most misdemeanor offenses. In felony cases, however, the judge sets a date for sentencing, and the defendant is either placed on bail or held in custody until that time. Sentencing usually occurs a short time after trial. At the sentencing hearing, the judge (or jury) may consider evidence that is relevant to the case, including victim impact statements.⁷² In most jurisdictions, typical criminal penalties include fines, community supervision, incarceration, and the death penalty (decided by the jury).
10. *Appeal:* After sentencing, defendants have the right to appeal the case, charging either that the law under which they were tried was unconstitutional (for example, discriminatory or vague) or that the procedures used by agents of the justice system violated

their constitutional rights (for example, police did not give them a proper Miranda warning, or improperly obtained evidence was used at trial). If the appeal is granted, a new trial may be ordered. If the appeal is not sustained, the convicted offender begins serving the sentence imposed, thus marking the end of the judiciary process.

Trials and the Rule of Law

Every trial has its constitutional issues, complex legal procedures, rules of court, and interpretations of statutes—all designed to ensure that the accused gets a fair trial. This section discusses the most important constitutional rights of the accused at trial and reviews the legal nature of the trial process.

RIGHT TO A SPEEDY AND PUBLIC TRIAL The Sixth Amendment guarantees a defendant the right to a speedy trial. This means that an accused is entitled to be tried within a reasonable period. If a person's right to a speedy trial is violated, then a complete dismissal of the charges against him or her is required according to *Strunk v. United States*.⁷³ The right to a speedy trial was made applicable to state courts through the due process clause of the Fourteenth Amendment in the case of *Klopfer v. North Carolina*.⁷⁴ It should be noted, however, that a defendant can waive the right to a speedy trial. A waiver of the right is implied when defendants cause the delay or when they do not assert their right when the trial takes too long to get under way.

In determining whether a defendant's right to speedy trial has been violated, several factors are considered; length of delay alone does not constitute a violation. The Supreme Court, in the case of *Barker v. Wingo*, enumerated the factors that should be considered in determining whether the speedy trial requirement has been complied with: (1) the length of the delay, (2) the reason for the delay, (3) the timeliness of the defendant's assertion of his or her right to a speedy trial, and (4) the prejudice to the defendant.⁷⁵

There is no set standard, but the Federal Speedy Trial Act of 1974 mandates 30 days from arrest to indictment and 70 days from indictment to trial. However, the states vary widely in their definitions of a speedy trial. For example, in Louisiana the limit is 730 days (2 years) in a noncapital case and 1,095 days (3 years) in capital cases; in New York the time limit is 180 days.⁷⁶ Recent research on the time trials currently take shows that mean time from arrest to sentencing is just over 6 months. Median time is slightly under 5 months. Jury trial cases take the most time—10 months on average from arrest to sentencing. Cases disposed of by guilty plea take the least time—a little over 6 months on average.⁷⁷

RIGHT TO A JURY TRIAL Because a jury trial is considered a fundamental right, the Supreme Court, in the case of *Duncan v. Louisiana*, made the guarantee applicable to the states through the Fourteenth Amendment.⁷⁸ However, the question arises as to whether this right extends to all defendants—those charged with misdemeanors as well as felonies.

The Supreme Court addressed this issue in the case of *Baldwin v. New York*, in which it decided that defendants are entitled to a jury trial only if they face the possibility of a prison sentence of more than 6 months.⁷⁹ Later, in *Blanton v. City of North Las Vegas*, the Court upheld the 6 month—plus jail sentence requirement for a jury trial but did not rule out that a lesser term accompanied by the possibility of other punishment, such as a large fine or loss of a driver's license for a year, might warrant a jury trial.⁸⁰


Although most people think of a jury as having twelve members and, historically, most have had twelve, the Sixth Amendment does not specify a jury size. In fact, in the case of *Williams v. Florida*, the Supreme Court held that a six-person jury fulfilled a defendant's right to a trial by jury.⁸¹ However, a unanimous verdict is required when a six-person jury is used. When a twelve-person jury is used, the Supreme Court has maintained that the Sixth Amendment does not require a unanimous verdict, except in first-degree murder cases. In *Apodica v. Oregon*, the Court found constitutional an Oregon statute that required a finding of guilt by ten out of twelve jurors in cases of assault with a deadly weapon, burglary, and larceny.⁸² However, it should be noted that the majority of states and the federal courts still require a unanimous verdict.

RIGHT TO BE FREE FROM DOUBLE JEOPARDY The Fifth Amendment provides that no person shall "be subject for the same offense to be twice put in jeopardy of life or limb." This means that a defendant cannot be prosecuted by a jurisdiction more than once for a single offense. For example, if a defendant is tried and convicted of murder in Texas, he cannot be tried again for the same murder in Texas. The right to be protected from **double jeopardy** was made applicable to the states through the Fourteenth Amendment in the case of *Benton v. Maryland*.⁸³ However, a person tried in federal court can be tried in state court, and vice versa.⁸⁴ And in 1985 the Court ruled in *Heath v. Alabama* that if a single act violates the laws of two states, the offender may be punished for each offense under the **dual sovereignty doctrine**: Legal jurisdictions have the right to enforce their own laws, and a single act can violate the laws of two separate jurisdictions.⁸⁵

RIGHT TO LEGAL COUNSEL Regardless of the legal rights citizens command at trial, without legal counsel to aid them, they would be rendered defenseless before the law. Consequently, the Sixth Amendment provides the right to be represented by an attorney in criminal trials. However, the vast majority of criminal defendants are indigents who cannot afford private legal services. In a series of cases beginning in the 1930s, the U.S. Supreme Court established the defendant's right to be represented by an attorney and, in the event he or she cannot pay for representation, to have the state provide free legal services. First, in *Powell v. Alabama*, the Court held that an attorney was essential in capital cases where the defendant's life was at stake.⁸⁶ Then, in the critically important case of *Gideon v. Wainwright*, the Court granted the absolute right to counsel in all felony cases.⁸⁷

Finally, in *Argersinger v. Hamlin*, the defendant's right to counsel in misdemeanor cases was established.⁸⁸

What about a case in which incarceration is not on the table but could be an issue later on? In *Alabama v. Shelton* (2002), the Court ruled that a defendant must be represented by counsel if he or she receives a probation sentence in which a prison or jail term is suspended but can later be imposed if the rules of probation are violated. In other words, if the sentence contains even a threat of future incarceration, the defendant must be afforded the right to counsel at trial.⁸⁹

 Some people refuse counsel and choose to represent themselves at trial. Is this a fair manifestation of justice? Read: Martin Sabelli and Stacey Leyton, "Train Wrecks and Freeway Crashes: An Argument for Fairness and Against Self-Representation in the Criminal Justice System," *Journal of Criminal Law and Criminology* 91 (2000): 161.

THE RIGHT TO BE COMPETENT AT TRIAL In order to stand trial, a criminal defendant must be considered mentally competent to understand the nature and extent of the legal proceedings. If a defendant is considered mentally incompetent, the trial must be postponed until treatment renders the defendant capable of participating in his or her own defense. Can state authorities force a mentally unfit defendant to be treated so that the person can be tried? In *Riggins v. Nevada*, the Supreme Court ruled that forced treatment does not violate a defendant's due process rights if it was (a) medically appropriate and (b) considering less intrusive alternatives, essential for the defendant's own safety or the safety of others.⁹⁰ In a 2003 case, *Sell v. United States*, the Court set out four rules that guide the use of forced medication:⁹¹

1. A court must find that "important" governmental interests are at stake. Courts must consider each case's facts in evaluating this interest because special circumstances may lessen its importance, for example, a defendant's refusal to take drugs may mean lengthy confinement in an institution, which would diminish the risks of freeing without punishment one who has committed a serious crime.
2. The court must conclude that forced medication will "significantly further" state interests. It must find that medication is substantially likely to render the defendant competent to stand trial and substantially unlikely to have side effects that will interfere significantly with the defendant's ability to assist counsel in conducting a defense.
3. The court must conclude that involuntary medication is "necessary" to further state interests and find that alternative, less intrusive treatments are unlikely to achieve substantially the same results.
4. The court must conclude that administering the drugs is "medically appropriate."

RIGHT TO CONFRONT WITNESSES The accused has the right to confront witnesses to challenge their assertions and perceptions: Did they really hear what they thought they did? Or see what they think they saw? Are they biased? Honest? Trustworthy?

An important confrontation issue is the ability to shield child witnesses from the trauma of a court appearance. In *Maryland v. Craig* the Supreme Court ruled that child witnesses could testify via closed-circuit television as long as safeguards were set up to protect the defendant's rights.⁹² Protections included the defendant being able to view the witness and being in communication with the witness's attorney at all times.



To quiz yourself on this material, go to the Criminology 9e website.

SENTENCING

After a defendant has been found guilty of a criminal offense or has plead guilty, he or she is brought before the court for imposition of a criminal penalty—sentencing. Historically, a full range of punishment has been meted out to criminal offenders: corporal punishment, such as whipping or mutilation; fines; banishment; incarceration; and death.

In U.S. society, incarceration in a federal, state, or local institution is generally the most serious penalty given out to offenders. In addition, the death penalty remains on the statute books of most jurisdictions and has been used at an increasing rate in recent years.

Purposes of Sentencing

A multiplicity of goals lies behind the imposition of a criminal sentence.⁹³ No single philosophy of justice governs sentencing decisions. Each jurisdiction employs its own sentencing philosophies, and each individual decision maker views the purpose of sentencing differently. A 20-year-old college student arrested for selling cocaine might be seen as essentially harmless by one judge and granted probation; another judge might see the young drug dealer as a threat to the moral fabric of society and deserving of a prison term. One of the great flaws of the U.S. justice system has been the extraordinary amount of disparity in criminal punishment.⁹⁴

In general, four goals—deterrence, incapacitation, rehabilitation, and desert/retribution—are associated with imposition of a sentence.⁹⁵ These are examined in Exhibit 16.6. Each of these goals is in operation when a person is sentenced. Sometimes one policy or goal becomes popular and for a while dominates sentencing considerations. In the 1960s and 1970s rehabilitation became the prime goal of sentencing, and innovative treatment methods were stressed. Today, the supposed failure of rehabilitation and a generally conservative outlook make desert, deterrence, and incapacitation the primary sentencing goals.

The Goals of Sentencing

1. **Deterrence:** By punishing the known offender for their misdeeds, society hopes to convince would-be offenders that the pains of punishment outweigh the potential benefits of criminal behavior. The validity of deterrence rests on the premise that punishing one offender will convince other potential criminals to abstain from crime. According to deterrence theory, people are not punished for what they have done but for the effect their punishment will have on the future behavior of others.
2. **Incapacitation:** By incapacitating a convicted offender in a secure facility, such as a prison or jail, the state seeks to reduce or eliminate his or her opportunity to commit future crimes. In some instances, incapacitation involves supervising an offender while the person remains in the community. It is hoped that close monitoring will restrict opportunities to commit future crime without the necessity of secure lockup. Incapacitation involves anticipating behavior patterns: Offenders are confined not for what they have done but for what it is feared they might do in the future.
3. **Rehabilitation:** Correctional rehabilitation is aimed at reducing future criminality by treating and eliminating the underlying causes of crime. Offenders are believed to have one or more emotional or behavioral deficits that cause them to violate the law. Criminal behavior would cease if this problem could be successfully treated. Rehabilitation efforts focus on emotional stress, vocational training, education, or substance abuse. Rehabilitation also involves predicting future behavior: Unless the offenders receive treatment, they will commit future crimes; treatment reduces the likelihood of their re-offending.
4. **Desert/retribution:** Because criminals benefit from their misdeeds, they deserve to be punished for their criminal acts. Furthermore, if the state did not punish people for their misconduct (retribution), victims would be encouraged to seek personal vengeance for their loss (revenge), creating a chaotic society. In a just society, criminals are punished in a manner proportionate to the severity of their crimes. According to this view, it is only fair that criminals who have committed the most serious crime, murder, receive the most severe penalty, death.

Sentencing Dispositions

Generally, five kinds of sentences or dispositions are available to the court:

1. Fines
2. Probation
3. Alternative or intermediate sanctions
4. Incarceration
5. Capital punishment

A **fine** is usually exacted for a minor crime and may also be combined with other sentencing alternatives, such as probation or confinement.⁹⁶ **Probation** allows the offender to live in the community subject to compliance with legally imposed conditions. **Alternative sanctions** involve probation

plus some other sanction, such as house arrest, electronic monitoring, or forfeiture of property. Confinement or **incarceration** is imposed when it has been decided that the general public needs to be protected from further criminal activity by the defendant. **Capital punishment** or the death penalty is reserved for people who commit first-degree murder under aggravated circumstances, such as with extreme cruelty, violence, or torture.

IMPOSING THE SENTENCE Sentencing is one of the most crucial functions of judges. Sentencing authority may also be exercised by the jury, an administrative body, a judge, or it may be mandated by statute.

In most felony cases, except where the law dictates **mandatory prison terms**, sentencing is usually based on a variety of information available to the judge. Some jurisdictions allow victims to make **impact statements** that are considered at sentencing hearings, although these often have little influence on sentencing outcomes.⁹⁷ Most judges consider a presentence investigation report by the probation department. This report, which is a social and personal history as well as an evaluation of the defendant, is used by the judge in making a sentencing decision.⁹⁸ Some judges heavily weigh the presentence investigation report; others may dismiss it completely or rely on only certain portions.

When an accused is convicted of two or more charges, he or she must be sentenced on each charge. A **concurrent sentence** means that both sentences are served at the same time, and the term of imprisonment is completed after the longest term has been served. For example, a defendant is sentenced to 3 years' imprisonment on a charge of assault and 10 years for burglary, the sentences to be served concurrently. After the offender serves 10 years in prison, the sentences would be completed. Conversely, a **consecutive sentence** means that upon completion of one sentence, the other term of incarceration begins. For example, a defendant sentenced to 10 years' imprisonment on a charge of rape, 3 years for possession of a handgun, and 4 years for drug possession, the sentences to be served consecutively, would serve a total of 17 years. In most instances sentences are given concurrently.

Sentencing Structures

When a convicted offender is sentenced to prison, the statutes of the jurisdiction in which the crime was committed determine the penalties that may be imposed by the court. Over the years, a variety of sentencing structures have been used, including determinate sentences, indeterminate sentences, and mandatory sentences.

THE INDETERMINATE SENTENCE The first U.S. prison sentences were for a fixed period that the offender was forced to serve before release. Harsh prison conditions and rules enforced by physical punishment left inmates with little incentive for rehabilitation or self-improvement. During the latter

half of the nineteenth century, reformers attempted to apply progressive views of human behavior and called for modernization in sentencing laws. What developed over the next fifty years was a type of **indeterminate sentence** with very brief minimums and very long maximums, allowing inmates to be released as soon as a parole board concluded they were rehabilitated.

The indeterminate sentence is still used in a majority of states. Under most sentencing models, convicted offenders who are not eligible for community supervision are given a short minimum sentence that must be served and a lengthy maximum sentence that is the outer boundary of the time that can possibly be served. For example, the legislature might set a sentence of a minimum of 1 year and a maximum of 20 years for burglary.

Under this scheme, the actual length of time served is controlled by the corrections agency. The inmate can be paroled after serving the minimum sentence whenever the institution and parole personnel believe that he or she is ready to live in the community. The minimum (or maximum) might also be reduced by inmates earning “time off for good behavior” or for participating in counseling and vocational training programs. In many instances, sentencing reduction programs allow inmates to serve only a fraction of their minimum sentences. Inmates today serve about one-third of their original sentences.

Most jurisdictions that use indeterminate sentences specify minimum and maximum terms but allow judges discretion to fix the actual sentence within those limits. For example, if burglary is punishable by a sentence of 2 to 20 years, the judge can give one offender 5 to 10 and another 2 to 5 years. The sentence must be no less than the minimum and no more than the maximum range of years set by the legislature.

The underlying purpose of indeterminate sentencing is to individualize each sentence in the interests of rehabilitating the offender. This type of sentencing allows for flexibility not only in the type of sentence imposed but also in the length of time served.

THE DETERMINATE SENTENCE Determinate sentences were actually the first kind used in the United States. As originally constructed, the judge could impose a sentence, based on personal and professional judgment, which fell within limits set by statute. For example, a state criminal code could set the sentence for burglary at up to 20 years in prison. After evaluating the case, the judge could impose a sentence of 5 years for a first-time defendant, 10 for a more experienced criminal, and the full 20 for a third who may have been a repeater and carried a weapon to the crime scene. Unlike the indeterminate models in which release dates are controlled by correctional authorities, in a determinate sentence the duration of the offender's prison stay is determined by the judiciary when the sentence is imposed.

When the original determinate sentencing statutes were replaced by indeterminate sentences early in the twentieth century, judicial discretion remained quite broad. Both

determinate and indeterminate sentences allowed judges to place one defendant on probation while sentencing another to a lengthy prison term for essentially the same crime. Such unbridled discretion allowed disparity and unfairness in the sentencing process. In addition, indeterminate sentences gave correctional authorities quasi-judicial power, allowing them to decide when an inmate was to be returned to society. Correctional discretion could then be used to control the inmate population.

In 1969 Kenneth Culp Davis published *Discretionary Justice*, which was followed in 1972 by Judge Marvin Frankel's landmark study *Criminal Sentences—Law Without Order*.⁹⁹ These works exposed the disparity in the justice process and called for reform. Frankel stated, “The almost wholly unchecked and sweeping powers we give to judges in the fashioning of sentences are terrifying and intolerable for a society that professes devotion to the rule of law.”¹⁰⁰

In response to these concerns, a number of jurisdictions replaced indeterminate sentences and discretionary parole with a system of determinate sentencing that featured a single term of years without discretionary parole. Earned good time can reduce sentences, in some cases, by up to one-half. These modern versions of determinate sentencing reflect an orientation toward desert, deterrence, and equality at the expense of treatment and rehabilitation. Most jurisdictions have attempted to structure determinate sentences by suggesting appropriate prison terms for particular crimes.¹⁰¹

STRUCTURED SENTENCING To ensure that the new determinate sentences would be applied in a fair manner, those jurisdictions that embraced determinate sentencing have also sought to develop guidelines to control and structure the sentencing process and make it more rational. **Sentencing guidelines** are usually based on the seriousness of a crime and the background of an offender: The more serious the crime and the more extensive the offender's criminal background, the longer the prison term recommended by the guidelines. For example, guidelines might require that all people convicted of robbery who had no prior offense record and who did not use excessive force or violence be given an average of a 5-year sentence; those who used force and had a prior record will have 3 years added on their sentence. Guidelines eliminate discretionary parole but also allow inmates to reduce their sentence by acquiring time off for good behavior. By eliminating judicial discretion, they are designed to reduce racial and gender disparity.¹⁰²

HOW ARE GUIDELINES USED? Today there are seventeen states that use some form of structured sentencing. In seven states “voluntary/advisory sentencing guidelines” (sometimes called “descriptive guidelines”) are used merely to suggest rather than mandate sentencing. In the other ten states, “presumptive sentencing guidelines” (sometimes called “prescriptive guidelines”) are used. In this instance, judges are required to use the guidelines to shape their sentencing decisions, and their sentencing decisions may be open to appellate review if they stray from the mandated sentences.

Sentencing Guidelines Grid (Presumptive Sentence Lengths in Months)

Severity Level of Conviction Offense		Criminal History Score						
		0	1	2	3	4	5	6 or More
Murder, 2nd degree (intentional murder; drive-by-shootings)	XI	306 <i>299–313</i>	326 <i>319–333</i>	346 <i>339–353</i>	366 <i>359–373</i>	386 <i>379–393</i>	406 <i>399–413</i>	426 <i>419–433</i>
Murder, 3rd degree Murder, 2nd degree (unintentional murder)	X	150 <i>144–156</i>	165 <i>159–171</i>	180 <i>174–186</i>	195 <i>189–201</i>	210 <i>204–216</i>	225 <i>219–231</i>	240 <i>234–246</i>
Criminal sexual conduct, 1st degree Assault, 1st degree	IX	86 <i>81–91</i>	98 <i>93–103</i>	110 <i>105–115</i>	122 <i>117–127</i>	134 <i>129–139</i>	146 <i>141–151</i>	158 <i>153–163</i>
Aggravated robbery, 1st degree	VIII	48 <i>44–52</i>	58 <i>54–62</i>	68 <i>64–72</i>	78 <i>74–82</i>	88 <i>84–92</i>	98 <i>94–102</i>	108 <i>104–112</i>
Felony DWI	VII	36	42	48	54 <i>51–57</i>	60 <i>57–63</i>	66 <i>63–69</i>	72 <i>69–75</i>
Criminal sexual conduct, 2nd degree (a) & (b)	VI	21	27	33	39 <i>37–41</i>	45 <i>43–47</i>	51 <i>49–53</i>	57 <i>55–69</i>
Residential burglary Simple robbery	V	18	23	28	33 <i>31–35</i>	38 <i>36–40</i>	43 <i>41–45</i>	48 <i>46–50</i>
Nonresidential burglary	IV	12	15	18	21	24 <i>23–25</i>	27 <i>26–28</i>	30 <i>29–31</i>
Theft crimes (over \$2,500)	III	12	13	15	17	19 <i>18–20</i>	21 <i>20–22</i>	23 <i>22–24</i>
Theft crimes (\$2,500 or less) Check forgery (\$200–\$2,500)	II	12	12	13	15	17	19	21 <i>20–22</i>
Sale of simulated controlled substance	I	12	12	12	13	15	17	19 <i>18–20</i>

Italicized numbers within the grid denote the range within which a judge may sentence without the sentence being deemed a departure. Offenders with nonimprisonment felony sentences are subject to jail time according to law.

Presumptive commitment to state imprisonment.

Presumptive stayed sentence; at the discretion of the judge, up to a year in jail and/or other nonjail sanctions can be imposed as conditions of probation.

Source: Minnesota Sentencing Guideline Commission, 2003.

Michigan, Washington, Oregon, Pennsylvania, Minnesota, North Carolina, and the federal government mandate that judges follow a set of comprehensive guidelines.¹⁰³

Prescriptive guidelines are created by appointed sentencing commissions. The commission members determine what an “ideal” sentence would be for a particular crime and offender. There is, however, a great deal of variation within prescriptive sentencing. Some guidelines coexist with parole release and some do not. Some deal with all crimes and others only with felonies. Some set narrow sentencing ranges, and some set broad ones. Some address sentences of all types, and some address only state prison sentences.¹⁰⁴ North Carolina, Pennsylvania, and Ohio employ what is known as a “comprehensive structured sentencing system,” which sets sentencing standards for felonies and misdemeanors, and for prison, jail, intermediate, and community punishments. They also include mechanisms for tying sentencing policy to correctional capacity and for distributing state funds to stimulate and support local corrections programs.¹⁰⁵

CONFIGURING GUIDELINES There are a number of ways to formulate guidelines. One method is to create a grid with prior record and current offense as the two coordinates and set out specific punishments. Table 16.1 shows Minnesota’s guidelines. Note that as prior record and offense severity increase, so does recommended sentence length. After a certain point, probation is no longer an option, and the defendant must do prison time. A burglar with no prior convictions can expect to receive probation or an 18-month sentence for a house break-in; an experienced burglar with six or more prior convictions can get 54 months for the same crime, and probation is not an option.

FUTURE OF STRUCTURED SENTENCING Despite the widespread acceptance of guidelines, some nagging problems remain. Research indicates that judges diverge from the guidelines.¹⁰⁶ Legislators have also backtracked on guidelines, creating loopholes that undercut their determinacy,

such as allowing for early release from prison by administrative order.¹⁰⁷

The federal guidelines have also been criticized because they punish possession of crack cocaine much more heavily than powdered cocaine; the former is a crime associated with African American offenders and the latter with white offenders.¹⁰⁸ A recent analysis by the U.S. Sentencing Commission found that the use of guidelines helped sharply increase the number and proportion of minority inmates in federal penitentiaries.¹⁰⁹ While African Americans and whites received an average sentence of slightly more than 2 years in 1984, African Americans now stay in prison for about 6 years, compared with about 4 years for whites. Harsher mandatory minimum sentences for drug-related crimes have helped fuel this disparity; today, 81 percent of offenders in such drug-related cases were black.

The federal guidelines also require incarceration sentences for minor crimes that in preguideline days would have been eligible for a probationary sentence.¹¹⁰ For example, the number of Latinos imprisoned on immigration charges now amounts to 40 percent of all federal prisoners, up from about 15 percent before the guidelines were adopted.

The future of guidelines are now in doubt. In two recent decisions *Blakely v. Washington* (2004) and *United States v. Booker* (2005), the Supreme Court found that the sentencing guidelines used both in Washington State and by the Federal government were in violation of a defendant's Sixth Amendment rights. In these rulings, the court held that judges cannot impose sentences beyond the statutory maximum unless the facts supporting such an increase are found by a jury beyond a reasonable doubt.¹¹¹ This means that aggravating factors such as the weight of drugs or the defendant's leadership role in a criminal enterprise must be determined by a jury. To remedy the problem, the court suggested that future guidelines be optional and advisory rather than mandatory.

MANDATORY SENTENCES Another effort to limit judicial discretion has been the development of mandatory (minimum) sentences that require the incarceration of all offenders convicted of specific crimes. Some states, for example, exclude offenders convicted of certain offenses, such as drug trafficking or handgun crimes, from even the possibility of being placed on probation; some exclude recidivists; and others bar certain offenders from being considered for parole. Mandatory sentencing generally limits the judge's discretionary power to impose any disposition but that authorized by the legislature.

Mandatory sentencing legislation may supplement an indeterminate sentencing structure or be a feature of structured sentencing. For example, in Massachusetts, which uses indeterminate sentencing, conviction for possessing an unregistered handgun brings with it a mandatory prison term of at least 1 year.¹¹²


TRUTH IN SENTENCING First enacted in 1984, **truth-in-sentencing laws** require offenders to serve a substantial portion of their prison sentences behind bars.¹¹³ Parole

eligibility and good-time credits are restricted or eliminated. The truth-in-sentencing movement has been a response to prison crowding that in some instances has forced the early release of inmates from overcrowded institutions. The Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants Program in the 1994 Crime Act offered the states funds to support the costs of longer sentences.¹¹⁴ To qualify for federal funds, states must require those convicted of violent felony crimes to serve not less than 85 percent of their prison sentences. More than twenty-five states and the District of Columbia met the federal Truth-in-Sentencing Incentive Grant Program eligibility criteria.¹¹⁵ It is ironic that the United States is embracing these extremely punitive sentencing policies at the same time many other Western nations are moving in the opposite direction by employing more humane, moderate criminal punishments such as fines and community sentencing orders.¹¹⁶

THREE STRIKES LAW During his lifetime, Michael Riggs had been convicted eight times in California for such offenses as car theft and robbery. In 1996 he was once again in trouble, this time for shoplifting a \$20 bottle of vitamins. Riggs was sentenced to a term of 25 years to life under California's three strikes law, which mandates a life sentence for anyone convicted of a third offense. The law enables a trial judge to treat a defendant's third offense, even a petty crime such as shoplifting, as if it were a felony for purposes of applying the law's mandatory sentencing provisions. Riggs must serve a minimum of 20.8 years before parole eligibility. Without the three strikes law, he would have probably earned a maximum sentence of 6 months; if he had been convicted of murder, he would have had to serve only 17 years. Riggs appealed his conviction to the Supreme Court in 1999, but the justices refused to rule on the case, letting his sentence stand.¹¹⁷

||||| CONNECTIONS |||||

In Chapter 4 the three strikes law was linked to efforts to deter crime through harsh punishment. There was discussion of *Lockyer v. Andrade*, in which the U.S. Supreme Court ruled that it was permissible to send a criminal to prison for 50 years for stealing \$153 worth of videotapes. *Andrade* means that those states that wish to bear the financial burden of incarcerating petty offenders for long periods of time will be permitted to do so by the nation's highest court.

 To learn more about three strikes laws, read: Kelly McMurry, "Three-Strikes Laws Proving More Show than Go," *Trial* 33 (1997): 12; Chi Chi Sileo, "Are Three-Strikes Laws Handcuffing the Courts?" *Insight on the News* 11 (1995): 14.

Three strikes laws may in fact help put some chronic offenders behind bars, but can they realistically be expected to lower the crime rate? Marc Mauer of the Sentencing Project, a private group that conducts research on justice-related

issues, finds that the three strikes approach may satisfy the public's hunger for retribution but makes little practical sense.¹¹⁸ First, three-time losers are at the brink of aging out of crime; locking them up for life should have little effect on the crime rate. Second, current sentences for chronic violent offenders are already quite severe, yet their punishment seems to have had little influence on reducing national violence rates. Mauer also suggests that a three strikes policy will enlarge an already overburdened prison system, driving up costs and, presumably, reducing resources available to house non-three strikes inmates. Mauer warns that African Americans face an increased risk of being sentenced under three strikes statutes, expanding the racial disparity in sentencing. More ominous is the fact that police officers may be put at risk because two-time offenders will violently resist arrest, knowing that they face a life sentence. Mauer's suspicions are substantiated by recent research conducted by criminologist Tomislav Kovandzic who found that Florida's habitual offender sentencing laws have little effect on crime rates.¹¹⁹

Despite its drawbacks, more than twenty states and the federal government have some form of three strikes legislation on their books, and California voters defeated a bill in the 2004 election that would have repealed the state's three strikes law.

How People Are Sentenced

According to federal government-sponsored surveys, about two-thirds (68 percent) of all felons convicted in state courts are now sentenced to a period of confinement—40 percent to state prisons and 28 percent to local jails. This means that state courts are sentencing almost one-third (32 percent) of convicted felons to straight probation with no jail or prison time to serve.¹²⁰

Felons sentenced to state prison in 2000 had an average sentence of 4½ years (Table 16.2) but were likely to serve

55 percent of that sentence, or just 2½ years. The average sentence to local jail was just over 6 months; the average probation sentence was about 3 years.

The federal surveys found that besides being sentenced to incarceration or probation, 39 percent or more of convicted felons also were ordered to pay a fine, pay victim restitution, receive treatment, perform community service, or comply with some other additional penalty. A fine was imposed on at least 25 percent of convicted felons.

As might be expected, people convicted of the most serious crimes are the ones most likely to receive a prison sentence. Nearly all convictions for murder (96 percent) resulted in a prison sentence, as did a majority of robbery (73 percent) and rape (56 percent) convictions. Similarly, as Figure 16.5 shows, defendants with a prior criminal history were more likely to be sent to prison than jail or probation.

SENTENCING DISPARITY Sentencing disparity has long been a problem in the justice system. Simply put, it is common for people convicted of similar criminal acts to receive widely different sentences. For example, one person convicted of burglary receives a 3-year prison sentence whereas another is granted probation. Few defendants actually serve

Lengths of Felony Sentences Imposed by State Courts, 2000

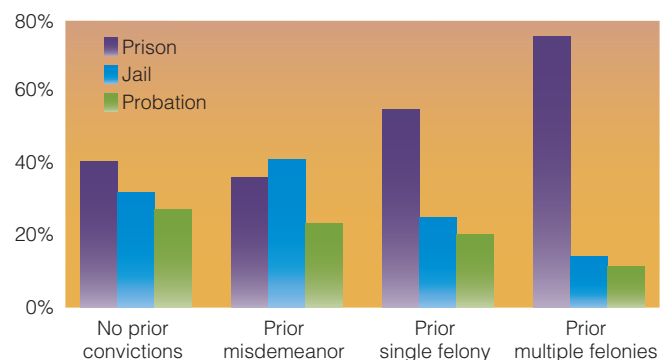
Most Serious Conviction Offense	Average Maximum Sentence Length for Felons Sentenced to Incarceration			
	Total	Prison	Jail	Probation
All offenses	36 mos.	55 mos.	6 mos.	38 mos.
Violent offenses	66 mos.	91 mos.	7 mos.	44 mos.
Property offenses	27 mos.	42 mos.	6 mos.	38 mos.
Drug offenses	30 mos.	47 mos.	6 mos.	36 mos.
Weapons offenses	25 mos.	38 mos.	7 mos.	36 mos.
Other offenses	22 mos.	38 mos.	6 mos.	40 mos.

Note: Means exclude sentences to death or to life in prison. Sentence length data were available for 852,616 incarceration and probation sentences.

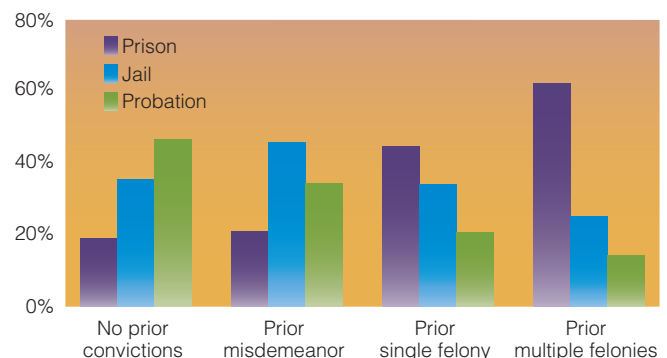
Source: Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/sent.htm>. Accessed November 24, 2004.

Type of Sentence Received for a Felony Conviction by Prior Conviction Record, 2000

Defendants convicted of a violent felony



Defendants convicted of a nonviolent felony



Source: Matthew Durose and Patrick Langan, *Felony Sentences in State Courts, 2000* (Washington, DC: Bureau of Justice Statistics, 2003).

their entire sentences, causing even greater disparity. Such differences seem to violate the constitutional rights of due process and equal protection. State sentencing codes usually include various factors that can legitimately influence the length of prison sentences, including

- How severe the offense is
- The offender's prior criminal record
- Whether the offender used violence
- Whether the offender used weapons
- Whether the crime was committed for money

Research in fact shows a strong correlation among these legal variables and the type and length of sentence received. For example, judges seem less willing to use discretion in cases involving the most serious criminal charges, such as terrorism, while employing greater control in minor cases.¹²¹

The suspicion remains, however, that such extralegal factors as age, race, gender, and economic status influence sentencing outcomes. These extralegal factors appear to influence sentencing because the inmate population is disproportionately male, African American, young, and lower class. Although this phenomenon may be a result of discrimination, it could also be simply a function of existing crime patterns—males, minorities, and members of the lower class commit the crimes that are most likely to result in prison sentences (homicide, rape, armed robbery, and so on).

Numerous studies have been conducted to determine the cause of sentencing disparity in the United States.¹²² Some have found a pattern of racial discrimination in sentencing, whereas others indicate that class bias exists.¹²³ There is also considerable evidence being assembled that the race and class of the victim, not the offender, may be the most important factor in sentencing decisions. Crimes involving a white victim seem to be more heavily punished than those in which a minority group member is the target.¹²⁴ Sentencing disparity is the topic of the Race, Culture, Gender, and Criminology feature “Race and Sentencing” on pages 578–579.



To quiz yourself on this material, go to the Criminology 9e website.

THE DEATH PENALTY

Although the execution of convicted criminals has been common throughout human history, it is a topic that has long perplexed social thinkers. Today the death penalty for murder is used in thirty-eight states and by the federal government with the approval of about 75 percent of the population. Of the death penalty states, only Alabama, Georgia, Nebraska, and Florida still use the electric chair as the only means of execution.¹²⁵ In 2003, sixty-five people were executed, six fewer than the year before.

The Death Penalty Debate

The death penalty has long been one of the most controversial aspects of the justice system, and it likely will continue to be a source of significant debate.¹²⁶

ARGUMENTS FOR THE DEATH PENALTY Various arguments have been offered in support of the death penalty.

- Executions have always been used, and capital punishment is inherent in human nature. It is fair to punish the wicked, and consequently the death penalty is favored by most Americans and used in three-quarters of the nations of the world, including Japan, which has an extremely low murder rate.¹²⁷ (See the Comparative Criminology feature “The Death Penalty Abroad” on pages 580–581.)



Springfield News Leader photo © Christini Dicken

Convicted serial killer Tommy Lynn Sells was indicted in the murder of 9-year-old Mary B. Perez. Sells, 36, is already on death row for the murder of 13-year-old Kaylene Harris in Del Rio, Texas. Sells has confessed to at least 12 murders in seven states, claiming he used guns, knives, a bat, a shovel, an ice pick, and his bare hands to kill. Should someone like Sells be spared the death sentence?

- The Bible describes methods of executing criminals. Many moral philosophers and religious leaders, such as Thomas More, John Locke, and Immanuel Kant, did not oppose the death penalty; neither did the framers of the U.S. Constitution.
- The death penalty also seems to be in keeping with the current mode of dispensing punishment. Criminal law exacts proportionately harsher penalties for crimes based on their seriousness; this practice is testimony to a retributionist philosophy. Therefore, the harshest penalty for the most severe crime represents a logical step in the process.
- The death penalty is sometimes the only real threat available to deter crime. For example, prison inmates serving life sentences can be controlled only if they know that further transgressions can lead to death. Or a person committing a crime that carries with it a long prison sentence might be more likely to kill witnesses if the threat of death did not exist.
- Death is the ultimate incapacitation. Some offenders are so dangerous that they can never be safely let out in society. The death penalty is a sure way of preventing these people from ever harming others. More than 280 inmates on death row today had prior homicide convictions; if they had been executed for their first offenses, at least 280 innocent people would still be alive.
- The death penalty is cost effective. Considering the crowded prison system and the expense of keeping an inmate locked up for many years, an execution makes financial sense.
- Despite some allegations of racism, more whites are on death row than minorities, and there appears to be little racial difference in the rate of capital sentencing over the past thirty years.

In summary, supporters view capital punishment as the ultimate deterrent to crime. They believe that such a serious sanction prevents many potential criminals from taking the lives of innocent victims. The justification for the death penalty, therefore, relies on the premise that sacrificing the lives of a few evil people is a cost effective way to save the lives of many innocent ones.

ARGUMENTS AGAINST THE DEATH PENALTY There are several compelling arguments against the death penalty, which are reviewed here.

- The death penalty has little deterrent effect. For example, when researchers studied the effects of capital punishment and execution publicity on the murder rates in Houston, Texas, they found little evidence that the threat or the reality of the death penalty can reduce murder rates.¹²⁸ Although it is still uncertain why the threat of capital punishment has failed as a deterrent,

the cause may lie in the nature of homicide itself. Murder is often an expressive “crime of passion” involving people who know each other and who may be under the influence of drugs and alcohol; murder is also a by-product of the criminal activity of people who suffer from the burdens of poverty and income inequality.¹²⁹

- Executions may actually increase the likelihood of murders being committed; this is a consequence referred to as the **brutalization effect**. The basis of this theory is that potential criminals may begin to model their behavior after state authorities: If the government can kill its enemies, so can they.¹³⁰ The brutalization effect means that after an execution, murders may increase, causing even more deaths of innocent victims.¹³¹ There may even be a vicarious brutalization effect in which murder rates in a state that does not practice capital punishment are influenced by news reports of executions in states that do.¹³²
- Capital punishment may be tarnished by gender, racial, ethnic, and other biases.¹³³ There is evidence that homicides with male offenders and female victims are more likely to result in a death sentence than homicides with female offenders or male victims.¹³⁴ Homicides involving strangers are more likely to result in a death sentence than homicides involving non-strangers and acquaintances. Prosecutors are more likely to recommend the death sentence for people who kill white victims than they are in any other racial combination of victim and criminal, for example, whites who kill blacks.¹³⁵
- Capital punishment may escalate the seriousness of criminal acts. Some critics fear that the introduction of capital punishment encourages criminals to escalate their violent behavior, consequently putting police officers at risk. For example, a suspect who kills someone during a botched robbery may be inclined to “fire away” upon encountering police rather than surrender peacefully; the killer faces the death penalty already, what does he have to lose? Geoffrey Rapp studied the effect of capital punishment on the killings of police and found that, all other things being equal, the greater number of new inmates on death row, the greater the number of police officers killed by citizens.¹³⁶ Rapp concludes that the death penalty seems to create an extremely dangerous environment for law enforcement officers because it (a) does not deter criminals and (b) may lull officers into a false sense of security because they believe that the death penalty will deter violence directed against them and may cause them to let their guard down.
- The death penalty is brutal and demeaning. Even if the general public voices approval of the death penalty, abolitionists argue that “social vengeance by death is a primitive way of revenge which stands in the way of

Race and Sentencing

Although critics of American race relations may think otherwise, research on sentencing has failed to show a definitive pattern of racial discrimination. Some works do indicate that a defendant's race has a direct impact on sentencing outcomes, but other efforts show that the influence of race on sentencing is less clear-cut than anticipated. It is possible that the disproportionate number of minority group members in prison are a result of crime and arrest patterns and not racial bias by judges when they hand out criminal sentences; racial and ethnic minorities commit more crime, the argument goes, and therefore they are more likely to wind up in prison. There are studies, however, that find that minorities receive significantly longer sentences than whites merely because of their race.

When Shawn Bushway and Anne Morrison Piehl studied sentencing outcomes in Maryland they found that on average blacks have 20 percent longer sentences than whites, even when holding constant age, gender, and recommended sentence length. Tracy Nobiling, Cassia Spohn, and Miriam DeLone also found that racial status influences sentencing partially because minority group members have a lower income than whites and are more likely to be unemployed. Judges may possibly view their status as "social dynamite," considering them more dangerous and likely to recidivate than white offenders.

Patterns of Racial Disparity

Why is the critical issue of racial disparity so murky? One reason may be that if disparity is a factor in sentencing, its cause may lie outside of judicial sentencing practices. For example, research efforts show that minority defendants suffer discrimination in a

variety of court actions: They are more likely to be detained before trial than whites and, upon conviction, are more likely to receive jail sentences rather than fines. Prosecutors are less likely to divert minorities from the legal system than whites who commit the same crimes; minorities are less likely to win appeals than white appellants.

The relationship between race and sentencing may be difficult to establish because their association may not be linear: While minority defendants may be punished more severely for some crimes, under some circumstances they are treated more leniently than others. The most recent sentencing data indicate that minorities do in fact receive longer and harsher sentences for some crimes (robberies) while whites actually receive longer sentences for other criminal offenses (drug trafficking).

Sociologist Darnell Hawkins explains this phenomenon as a matter of "appropriateness":

Certain crime types are considered less "appropriate" for blacks than for whites. Blacks who are charged with committing these offenses will be treated more severely than blacks who commit crimes that are considered more "appropriate." Included in the former category are various white collar offenses and crimes against political and social structures of authority. The latter groups of offenses would include various forms of victimless crimes associated with lower social status (e.g., prostitution, minor drug use, or drunkenness). This may also include various crimes against the person, especially those involving black victims.

Race may impact on sentencing because some race-specific crimes are punished more harshly than others. African Americans receive longer sentences for drug crimes than whites

because (a) they are more likely to be arrested for crack possession and sales, and (b) crack dealing is more severely punished by state and federal laws than other drug crimes. Because whites are more likely to use marijuana and methamphetamines, prosecutors are more willing to plea bargain and offer shorter jail terms.

Racial bias has also been linked to the victim-offender status. Minority defendants are sanctioned more severely if their victim is white than if their target is a fellow minority group member; minorities who kill whites are more likely to get the death penalty than those who kill other minorities. Judges may base sentencing decisions on the race of the victim and not the race of the defendant. For example, Charles Crawford, Ted Chiricos, and Gary Kleck found that African American defendants are more likely to be prosecuted under habitual offender statutes if they commit crimes where there is a greater likelihood of a white victim—for example, larceny and burglary—than if they commit violent crimes that are largely intraracial. Where there is a perceived "racial threat," punishments are enhanced.

System Effects

Sentencing disparity may also reflect race-based differences in criminal justice practices and policies associated with sentencing outcome. Probation presentence reports may favor white over minority defendants, causing judges to award whites probation more often than minorities. Whites are more likely to receive probation in jurisdictions where African Americans and whites receive prison sentences of similar duration; this is referred to as the "in-out" decision.

Defendants who can afford bail receive more lenient sentences than those who remain in pretrial detention; minority defendants are less likely to

make bail because they suffer a higher degree of income inequality. That is, minorities earn less on average and therefore are less likely to be able to make bail. Sentencing outcome is also affected by the defendant's ability to afford a private attorney and put on a vigorous legal defense that makes use of high-paid expert witnesses. These factors place the poor and minority group members at a disadvantage in the sentencing process and result in sentencing disparity. And while considerations of prior record may be legitimate in forming sentencing decisions, there is evidence that minorities are more likely to have prior records because of organizational and individual bias on the part of police.

Are Sentencing Practices Changing?

If in fact racial discrepancies exist, new sentencing laws featuring determinate and mandatory sentences may be helping to reduce disparity. For example, Jon'a Meyer and Tara Gray found that jurisdictions in California that use mandatory sentences for crimes such as drunk driving also show little racial disparity in sentences between whites and minority group members. Similarly, a national survey of sentencing practices conducted by the Bureau of Justice Statistics found that while white defendants are somewhat more likely to receive probation and other nonincarceration sentences than black defendants (34 percent versus 31 percent), there was little racial disparity in the length of prison sentences.

Although these results are encouraging, it is also possible that some studies miss a racial effect because they combine white and Latino cases into a single category of "white" defendants and then compare them with the sentencing of black

defendants. Darrell Steffensmeier and Stephen Demuth's analysis of sentencing in Pennsylvania found that Latinos are punished considerably more severely than non-Latino whites and that combining the two groups masks the ethnic differences in sentencing. Steffensmeier and Demuth also found that federal court judges in Pennsylvania were less likely to consider race and ethnic origin in their sentencing decisions than state court judges. This outcome suggests that federal judges insulated from community pressures and values and holding a lifetime appointment are better able to render objective decisions. By implication, justice might become more objective if judges held life tenure and were selected from a pool of qualified applicants who reside outside the county in which they serve.

Critical Thinking

1. Do you feel that sentences should be influenced by the fact that one ethnic or racial group is more likely to commit that crime? For example, critics have called for change in the way federal sentencing guidelines are designed, asking for repeal of provisions that punish possession of crack more severely than possession of powdered cocaine because blacks are more likely to use crack and whites more likely to use cocaine. Do you approve of such a change?
2. Because of the lingering problem of racial and class bias in the sentencing process, one primary goal of the criminal justice system in the 1990s was to reduce disparity by creating new forms of criminal sentences that limit judicial discretion and are aimed at uniformity and fairness. How well do you think this objective has been achieved?

Can you suggest some other ways to address this kind of bias in sentencing?

InfoTrac College Edition Research

Use "race" and "sentencing" as key terms in InfoTrac College Edition to find out more about the relationship between these two factors.

Sources: Shawn Bushway and Anne Morrison Piehl, "Judging Judicial Discretion: Legal Factors and Racial Discrimination in Sentencing," *Law and Society Review* 35 (2001): 733–765; Barbara Koons-Witt, "The Effect of Gender on the Decision to Incarcerate before and after the Introduction of Sentencing Guidelines," *Criminology* 40 (2002): 97–129; Marian R. Williams and Jefferson E. Holcomb, "Racial Disparity and Death Sentences in Ohio," *Journal of Criminal Justice* 29 (2001): 207–218; Rodney Engen and Randy Gainey, "Modeling the Effects of Legally Relevant and Extra-Legal Factors under Sentencing Guidelines: The Rules Have Changed," *Criminology* 38 (2000): 1,207–1,230; Darrell Steffensmeier and Stephen Demuth, "Ethnicity and Judges' Sentencing Decisions: Hispanic-Black-White Comparisons," *Criminology* 39 (2001): 145–178; Tracy Nobiling, Cassia Spohn, and Miriam DeLone, "A Tale of Two Counties: Unemployment and Sentence Severity," *Justice Quarterly* 15 (1998): 459–486; Travis Pratt, "Race and Sentencing: A Meta-Analysis of Conflicting Empirical Research Results," *Journal of Criminal Justice* 26 (1998): 513–525; Charles Crawford, Ted Chiricos, and Gary Kleck, "Race, Racial Threat, and Sentencing of Habitual Offenders," *Criminology* 36 (1998): 481–511; Jon'a Meyer and Tara Gray, "Drunk Drivers in the Courts: Legal and Extra-Legal Factors Affecting Pleas and Sentences," *Journal of Criminal Justice* 25 (1997): 155–163; Alexander Alvarez and Ronet Bachman, "American Indians and Sentencing Disparity: An Arizona Test," *Journal of Criminal Justice* 24 (1996): 549–561; Carole Wolff Barnes and Rodney Kingsworth, "Race, Drug, and Criminal Sentencing: Hidden Effects of the Criminal Law," *Journal of Criminal Justice* 24 (1996): 39–55; Samuel Walker, Cassia Spohn, and Miriam DeLone, *The Color of Justice, Race, Ethnicity, and Crime in America* (Belmont, CA: Wadsworth, 1996), pp. 145–146; Jo Dixon, "The Organizational Context of Sentencing," *American Journal of Sociology* 100 (1995): 1,157–1,198; Celesta Albonetti and John Hepburn, "Prosecutorial Discretion to Defer Criminalization: The Effects of Defendant's Ascribed and Achieved Status Characteristics," *Journal of Quantitative Criminology* 12 (1996): 63–81; Darrell Hawkins, "Race, Crime Type, and Imprisonment," *Justice Quarterly* 3 (1986): 251–269.

The Death Penalty Abroad

In March 2002, a Nigerian woman, Amina Lawal, 30, was convicted and sentenced to death by stoning by an Islamic law (shariah) court after giving birth to a baby girl more than 9 months after divorcing her husband. After worldwide outrage over the sentence, her conviction was overturned in 2003 and she was freed. However, not everyone convicted overseas is so lucky. Two Saudi brothers, Saud and Musaid bin Abdul-Rahman al-Aulian, were beheaded for kidnapping, raping, and robbing a woman whom they had lured to a secluded area. The Saudis behead about 125 people each year for such crimes murder, rape, drug trafficking, and armed robbery. But not all Saudi executions concern violent crime: On February 28, 2001, Hassan bin Awad al-Zubair, a Sudanese national, was beheaded after he was convicted on charges of “sorcery”; al-Zubair claimed the power to heal the sick and to “separate married couples.”

According to Amnesty International, during 2003, at least 1,146

prisoners were executed in twenty-eight countries, and at least 2,756 people were sentenced to death in sixty-three countries. In 2003, 84 percent of all known executions took place in China, (726 people), Iran (108), the United States (65), and Vietnam (64). The 2003 execution figures were actually lower than 2001 when more than 3,000 people were executed, many during the “Strike Hard” campaign that China instituted against crime. China alone executed about 2,500 people in 2001. In addition to violent crimes, executions were carried out for crimes such as stealing gasoline, bribery, pimping, embezzlement, tax fraud, drug offenses, and selling harmful foodstuffs.

While opposition to executions is growing in many areas, there are some nations in which the public still demands the use of the death penalty. In addition to China, nations that operate under Islamic shariah law routinely employ the death penalty. At least seventy-nine executions were carried out in Saudi Arabia during 2002 and 113 in Iran, but the real numbers may be higher. The governments of

Jamaica, Guyana, and Barbados have all expressed interest in expediting the use of the death penalty, and more than 250 prisoners are currently on death row across the English-speaking Caribbean.

Japan, a nation that prides itself on nonviolence, routinely uses the death penalty. Prisoners are told of their fate less than 2 hours before execution, and the families and lawyers are never told of the decision to carry out the death penalty.

Although some in the United States support the death penalty, many others do not, and this opposition is worldwide. According to the latest data from Amnesty International,

- Eighty countries have abolished the death penalty for all crimes.
- Fifteen countries have abolished the death penalty for all but exceptional crimes such as wartime crimes.
- Twenty-three countries can be considered abolitionist in practice: They retain the death penalty in law but have not carried out any executions for the past ten years or more

moral progress.”¹³⁷ And while early religious leaders accepted the death penalty, others such as the Catholic Church condemn the practice.¹³⁸ In *The Contradictions of American Capital Punishment*, Franklin Zimring links America’s obsession with the death penalty, unique among westernized nations, with its vigilante tradition, in which people on the frontier took justice into their own hands assuming that their targets were always guilty as charged.¹³⁹ The death penalty was widely practiced against slaves, and at one time mass executions were a brutal and common practice to stifle any thought of escapes or revolt.¹⁴⁰

Deborah Denno has documented the cruel nature of the existing means of execution. For example, electrocution is often accompanied by charring of the skin and severe external burns; some condemned criminals literally burst into flames during botched

executions.¹⁴¹ Although the current application of the death penalty seems to fall outside the Eighth Amendment’s “cruel and unusual” standard, Denno finds that many legislators and judges want to keep the death penalty and therefore are reluctant to question its legality.

- Critics also question whether the general public gives blanket approval to the application of capital punishment. For example, people who generally support the death penalty may not want to see it used with juveniles, the mentally challenged, or the mentally ill.¹⁴² Research suggests that most people may accept capital punishment in principle but also believe it should be used only rarely.¹⁴³ Surveys show that the general public is usually willing to forgo use of the death penalty when given choices of other penalties, such as life in prison without parole and compensation to the victim’s

and are believed to have a policy or established practice of not carrying out executions.

This makes a total of 118 countries that have abolished the death penalty in law or in practice. However, seventy-eight other countries and territories retain and use the death penalty; but the number of countries that actually execute prisoners in any one year is much smaller.

Executions of Juveniles

International human rights treaties prohibit anyone who is under 18 years at the time of the crime being sentenced to death. The International Covenant on Civil and Political Rights, the American Convention on Human Rights, and the UN Convention on the Rights of the Child all have provisions to this effect. More than 100 countries have laws specifically excluding the execution of juvenile offenders or may be presumed to exclude such executions by being parties to one or another of the above treaties. A small number of countries, however, continue to execute juvenile offenders. Since 1990 seven countries are

known to have executed prisoners who were under 18 at the time of the crime—Iran, Nigeria, Pakistan, Congo, Saudi Arabia, the United States, and Yemen. Since 1994, there have been twenty executions of juvenile offenders, including thirteen in the United States.

Critical Thinking

1. The movement toward abolition in the United States is encouraged by the fact that so many nations have abandoned the death penalty. Should we model our own system of punishment after other nations, or is our crime problem so unique that it requires the use of capital punishment?
2. Do you believe that someone who joins a terrorist group and trains to kill Americans deserves the death penalty even if the person never actually killed anyone?

InfoTrac College Edition Research

Are there really innocent people on death row? To find out, read:

Peter Vilbig, "Innocent on Death Row," *New York Times Upfront*, 18 September 2000, p. 10.

The death penalty remains a controversial issue around the world. To learn more, read: Stefanie Grant, "A Dialogue of the Deaf? New International Attitudes and the Death Penalty in America," *Criminal Justice Ethics* 17 (1998): 19.

Sources: Amnesty International's most recent data on the death penalty can be accessed at <http://web.amnesty.org/pages/deathpenalty-index-eng>. Accessed September 14, 2004; "Nigeria: Stoning Sentence Stands," *New York Times*, 10 September 2002, p. A6; Amnesty International, "Saudi Arabia Executes Man for Sorcery," *Death Penalty News* (March 2000); Amnesty International, news release, "USA Set to Break a Global Consensus—Execution of Child Offender Due," October 22, 2001; Amnesty International, news release, "China 'Striking Harder' than Ever Before," June 7, 2001; Associated Press, "Saudi Brothers Beheaded for Raping," *New York Times*, 20 July 2001, p. 3; Larry Rohter, "In Caribbean, Support Growing for Death Penalty," *New York Times*, 4 October 1998; Associated Press, "Chechen Pair Executed in Public," *Boston Globe*, 19 September 1997, p. 9; Reuters, "Saudi Beheadings over 100 for 1997," *Boston Globe*, 28 September 1997, p. A29.

family.¹⁴⁴ In a 2002 case, *Kelly v. South Carolina*, the Supreme Court ruled that jurors must be apprised of state laws that prohibit people convicted of first-degree murder from being eligible for parole.¹⁴⁵ Abolitionists believe that jurors who understand that dangerous criminals will never be released from prison may be less willing to recommend the death penalty.

- Opponents also object to the finality of the death penalty. It of course precludes any possibility of rehabilitation. Studies indicate that death row inmates released because of legal changes rarely recidivate and present little threat to the community.¹⁴⁶ It is also quite possible for an innocent person to be convicted of crime; once the person is executed, the mistake can never be rectified.¹⁴⁷ Many people convicted of murder are later released because of mistaken identity or perjured testimony. For example, Rolando Cruz and

Alejandro Hernandez, wrongfully convicted of murder, were released in 1995 after spending more than a decade on death row in the Illinois prison system; three former prosecutors and four deputy sheriffs who worked on the case were later charged with fabricating evidence against the pair.¹⁴⁸

"It is better that a thousand guilty go free than one innocent man be executed" is a statement abolitionists often make. This point has been convincingly made by Michael Radelet and Hugo Bedeau, who claim that there have been about 350 wrongful convictions this century, of which twenty-three led to executions. They estimate that about three death sentences are returned every two years in cases where the defendants have been falsely accused. More than half the errors stem from perjured testimony, false identification, coerced confessions, and suppression of evidence. In addition

to the twenty-three who were executed, 128 of the falsely convicted served more than 6 years in prison; thirty-nine served more than 16 years; and eight died while serving their sentences.¹⁴⁹ Even though the system attempts to be especially cautious in capital cases, it is evident that unacceptable mistakes can occur.

- The death penalty is capricious; receiving death is similar to losing a lottery.¹⁵⁰ Of the 10,000 people who are convicted of murder each year, more receive probation as a sole sentence than get the death penalty. Is it fair to release one person who has taken a life into the community and execute another?

Because discretion and personal beliefs influence decision making, the death penalty can be employed in a discriminatory fashion. Between 1930 and 1967, 3,859 alleged criminals were executed in the United States. Of those executed, 53.5 percent were African American and 45.4 percent were white. A moratorium was then put on executions, during which the legality of capital punishment was debated (discussed next). During the 22-year period (1977 to 1999) since executions resumed, more than 450 executions have taken place in twenty-six states.

- Abolitionists claim that capital punishment has never been proven to be a deterrent, any more than has life in prison. In fact, capital punishment may encourage murder because it sets an example of violence and brutality.¹⁵¹
- Abolitionists also point out that nations such as Denmark and Sweden have long abandoned the death penalty and that 40 percent of the countries with a death penalty have active abolitionist movements.¹⁵²

Legality of the Death Penalty

For most of this country's history, capital punishment was used in a discretionary, haphazard manner without strict legal controls. As a result, its application was marked by extreme racial disparity; more than half the executions conducted in America involved African Americans. In 1972, the U.S. Supreme Court, in *Furman v. Georgia*, ruled that the discretionary imposition of the death penalty was cruel and unusual punishment under the Eighth and Fourteenth Amendments of the Constitution.¹⁵³ The Court did not rule out the use of capital punishment as a penalty; rather, it objected to the arbitrary and capricious manner in which it was imposed. After *Furman*, many states changed statutes that had allowed juries discretion in imposing the death penalty. Some states enacted guidelines that spelled out specific conditions of aggravation that must be met for the death penalty to be considered.

Despite these changes, no further executions were carried out while the Supreme Court pondered additional cases

concerning the death penalty. In July 1976 the Supreme Court ruled on the constitutionality of five states' death penalty statutes. In the first case, *Gregg v. Georgia*, the Court found valid the Georgia statute that held that a jury must find at least one "aggravating circumstance" before the death penalty could be imposed in murder cases.¹⁵⁴ In the *Gregg* case, for example, the jury imposed the death penalty after establishing beyond a reasonable doubt the presence of two aggravating circumstances:

1. The murder was committed while the offender was committing two other capital felonies.
2. The offender committed the murder for the purpose of receiving money and other financial gain (an automobile).

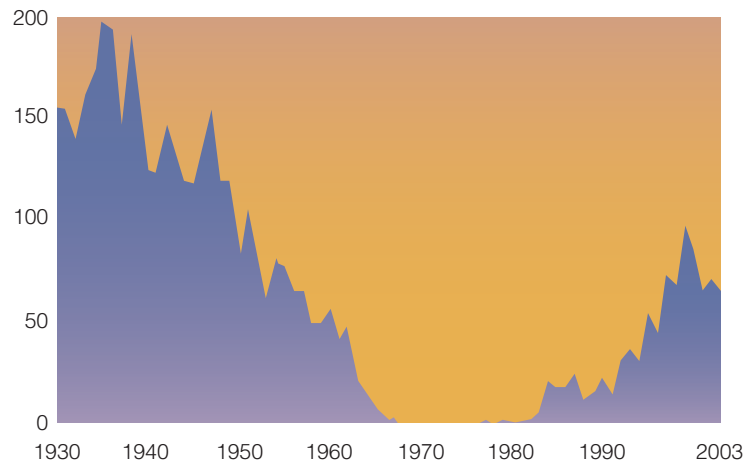
The Court also upheld the constitutionality of a Texas statute on capital punishment in *Jurek v. Texas*¹⁵⁵ and of a Florida statute in *Proffitt v. Florida*.¹⁵⁶ These statutes are similar to Georgia's in that they limit sentencing discretion not only by specifying the crimes for which capital punishment can be handed down but also by stipulating criteria concerning the circumstances surrounding the crimes. However, the Supreme Court declared that mandatory death sentences were unconstitutional.

In the late 1970s and early 1980s, a more conservative Supreme Court eased the way for executions by lifting some of the legal roadblocks to capital punishment, such as allowing the removal of jurors who are opposed to the death penalty.¹⁵⁷ In a 1987 case, *Tison v. Arizona*, the Court permitted executions of people who were major participants in a murder case and who displayed reckless indifference to human life but did not actually kill anybody.¹⁵⁸

In what may have been the last major challenge to the death penalty, *McCleskey v. Kemp*, the Supreme Court upheld the capital sentence of an African American man in Georgia despite social science evidence that a black criminal who kills a white victim has a much greater chance of receiving the death penalty than a white criminal who kills a black victim.¹⁵⁹ Many observers felt that this case was the last legal obstacle the death penalty had to overcome to become a standard mode of punishment in the American justice system. The Court subsequently upheld the states' right to execute youthful offenders who killed after reaching the age of 16.¹⁶⁰ Ironically, when McCleskey reappealed his case on other procedural grounds, the Court used that case as a vehicle to limit the access of death row inmates to the appeals process; Warren McCleskey was executed in 1993.¹⁶¹

The Court has also reinforced the idea that it would be cruel to execute those who, because of age or mental capacity, could not fully appreciate the wrongfulness of their acts. It has ruled that the defendant's age, though not excusing criminal behavior, can be considered as a mitigating factor in capital sentencing decisions. In *Wilkins v. Missouri* and *Stanford v. Kentucky*, the Court set a limit of 16 years as the age of defendants who could be sentenced to death.¹⁶² These rulings effectively barred the use of capital punishment from

Executions, 1930–2003



Executions, 1930–2003

Source: Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/glance/exe.htm>. Accessed November 24, 2004.)

minors under the age of 16 who have been waived or transferred from the juvenile to the adult court system.

In a 2002 case, *Atkins v. Virginia*, the Court ruled that executions of mentally retarded criminals are “cruel and unusual punishments” prohibited by the Eighth Amendment. The Court noted that a significant number of states have concluded that death is not a suitable punishment for a mentally retarded criminal, and states have moved in the direction of prohibiting execution of retarded offenders.¹⁶³ While death penalty opponents welcomed the *Atkins* decision, some commentators cautioned that it opened the door to both confusion and arbitrariness because the definition of mental retardation (and mental illness) relies on the often conflicting diagnosis and testimony of mental health professionals. In this case, experts defined *Atkins* as mentally retarded. How-

ever, as legal expert Douglas Mossman points out, the mentally retarded are not a group who are clearly distinct from non-retarded individuals. Mental retardation is an artificial category, and the line that separates people with mental retardation from those who are simply well below average is both changing and arbitrary.¹⁶⁴

As Figure 16.6 shows, these cases influenced the use of the death penalty. After a moratorium of nine years (1968 to 1976), executions resumed again after the *Gregg* decision. In the last few years, the number of executions seems to have stabilized or even declined in the face of moral objections and the fear of mistakes leading to wrongful executions.



To quiz yourself on this material, go to the Criminology 9e website.

SUMMARY

- The judicatory process provides a forum for deciding the outcome of a conflict between two or more parties. This process is played out in the nation’s court system.
- State courts usually involve a multitiered system—lower trial courts, superior trial courts, appellate courts, and supreme court. The federal system is similar; it contains trial courts, appellate courts, and the U.S. Supreme Court, which is the final court of appeals for all state and federal cases.
- There are three main actors in the judicatory process: the prosecutor, the defense attorney, and the judge.
- The prosecutor brings charges against the offender and then represents the state in all criminal matters.
- The defense attorney represents the accused at all stages of the judicatory process. Some defendants can afford to hire private attorneys for their defense, but the majority are represented by defense counsel appointed and paid for by the state.
- The judge controls the trial, rules on issues of evidence, charges the jury, and in some cases chooses the type and length of sentence.
- The pretrial stage of the justice process involves such issues as bail and plea bargaining.
- Bail is a money bond the defendant puts up to secure freedom before

trial. It is controversial because those who cannot make bail must spend their time in detention. Critics charge that bail discriminates against the poor, who can neither afford bond nor borrow it from bonding agents. Consequently, reform programs, such as release on recognizance, have been employed.

- Plea bargaining involves the prosecutor allowing defendants to plead guilty as charged in return for some consideration—for example, a reduced sentence or dropped charges. Plea bargaining has been criticized because it represents the unchecked use of discretion by prosecutors. Often serious criminals can receive light sentences by bargaining, and some people may be

coerced into pleading guilty because they fear a harsh sentence if they go to trial. An effort has been made to control plea bargains, but they are still frequently used.

- The second stage of the judiciary process is the criminal trial. The trial has a number of distinct stages, including jury selection, opening statements, presentation of evidence by prosecution and defense, closing arguments, instructions to the jury, verdict, sentence, and appeal.
- The rule of law also affects criminal trials. The Supreme Court has required that trials be speedy, public, and fair and has ruled that people have a right to be free from double jeopardy and to be represented by competent counsel.

- After a conviction, sentencing occurs. Each state, as well as the federal government, has its own types of sentences and punishments.

- Fines, suspended sentences, community supervision, and prison are the most common forms of punishment. Prison sentences are divided into determinate and indeterminate types.
- There are also mandatory sentences that must be served upon conviction and carry no hope of probation.
- Efforts to control sentencing disparity include the use of sentencing guidelines, as well as determinate and mandatory sentences.

Thinking Like a Criminologist

The director of the American Civil Liberties Union has contacted you, asking for your professional opinion. She has read a paper by criminologists William Bowers and Glenn Pierce, who argue that far from being a deterrent, capital punishment actually produces more violence than it prevents; they label this the brutalization effect. Executions, they say, actually increase murder rates because

they raise the general violence level in society and because violence-prone people identify with the executioner, not with the target of the death penalty. Consequently, when violence-prone people are confronted or their authority is challenged, they execute them in the same manner that the state executes people who violate its rules.

Assuming that Bowers and Pierce are correct, the ACLU director asks, does this mean that the death penalty violates the general public's civil rights? She asks whether it might be possible to turn public opinion against the death penalty on the basis that it actually does more harm than good, thereby endangering their lives. How would you respond?



Doing Research on the Web

Before you begin to answer the above question, get some information from this site: <http://www.deathpenaltyinfo.org/>.

KEY TERMS

U.S. district courts (550)
federal courts of appeal (550)
U.S. Supreme Court (550)

writ of certiorari (550)
precedent (550)
landmark decision (550)

judge (552)
prosecutor (552)
adversarial process (552)

nolle prosequi (554)
 assigned counsel system (557)
 public defender system (557)
 contract attorney system (557)
 Missouri Plan (559)
 criminal charge (559)
 indictment (559)
 information (559)
 complaint (559)
 bail (560)
 preventive detention (561)
 bail bonding agent (562)
 surety bond (562)
 skip tracers (562)
 recovery agents (562)
 release on recognizance (ROR) (563)

deposit bail system (563)
 bail guidelines (563)
 plea bargaining (563)
 venire (566)
 jury array (566)
 voir dire (566)
 removed for cause (566)
 peremptory challenges (566)
 direct examination (567)
 redirect examination (567)
 cross-examination (567)
 directed verdict (567)
 rebuttal evidence (567)
 double jeopardy (569)
 dual sovereignty doctrine (569)
 fine (571)

probation (571)
 alternative sanctions (571)
 incarceration (571)
 capital punishment (571)
 mandatory prison term (571)
 impact statement (571)
 concurrent sentence (571)
 consecutive sentence (571)
 indeterminate sentence (572)
 determinate sentence (572)
 sentencing guidelines (572)
 truth-in-sentencing laws (574)
 sentencing disparity (575)
 brutalization effect (577)

CRITICAL THINKING QUESTIONS

1. What is meant when we say that the Supreme Court is the court of last resort? Should the Court and its nine judges have that much power?
2. Should all judges be lawyers? Discuss the idea of having special schools to train judges rather than having them attend law schools.
3. What are the benefits and drawbacks of holding judicial elections?
4. Should plea bargaining be abolished? How might its abolition affect the justice system?
5. Do you approve of mandatory sentencing laws? Should every convicted felon be given the option of community treatment?
6. Discuss the issue of capital punishment. In your opinion, does it serve as a deterrent? If not, can its use be justified?

NOTES

1. Matthew Durose and Patrick A. Langan, *State Court Sentencing of Convicted Felons, 2000* (Washington, DC: Bureau of Justice Statistics, February 2003).
2. Carol J. DeFrances, *Prosecutors in State Courts, 2001* (Washington, DC: Bureau of Justice Statistics, 2002).
3. Ibid.
4. Ibid.
5. Jessie Larson, "Unequal Justice: The Supreme Court's Failure to Curtail Selective Prosecution for the Death Penalty," *Journal of Criminal Law and Criminology* 93 (2003): 1,009–1,031.
6. Teah Lupton, "Prosecutorial Discretion," *Georgetown Law Journal* 90 (2002): 1,279–1,295.
7. Rodney Kingsworth, John Lopez, Jennifer Wentworth, and Debra Cummings, "Adult Sexual Assault: The Role of Racial/Ethnic Composition in Prosecution and Sentencing," *Journal of Criminal Justice* 26 (1998): 359–372.
8. Myrna Dawson and Ronit Dinovitzer, "Victim Cooperation and the Prosecution of Domestic Violence in a Specialized Court," *Justice Quarterly* 18 (2001): 593–622.
9. Frank W. Miller, *Prosecution: The Decision to Charge a Suspect with a Crime* (Boston: Little, Brown, 1970).
10. Wayne LaFave, "The Prosecutor's Discretion in the United States," *American Journal of Comparative Law* 18 (1970): 532–548.
11. Carol DeFrances, Steven J. Smith, and Louise van der Does, *Prosecutors in State Courts, 1994* (Washington, DC: Bureau of Justice Statistics, 1996).
12. Cassia Spohn, Dawn Beichner, and Erika Davis-Frenzel, "Prosecutorial Justifications for Sexual Assault Case Rejection: Guarding the 'Gateway to Justice,'" *Social Problems* 48 (2001): 206–235.
13. Robert Davis, Barbara Smith, and Bruce Taylor, "Increasing the Proportion of Domestic Violence Arrests that Are Prosecuted: A Natural Experiment in Milwaukee," *Criminology and Public Policy* 2 (2003): 263–282.
14. Charles Breitell, "Controls in Criminal Law Enforcement," *University of Chicago Law Review* 27 (1960): 427–435.
15. See, generally, "A Symposium on Prosecutorial Discretion," *American Criminal Law Review* (1976): 379–399.
16. George Cole, "The Decision to Prosecute," *Law and Society Review* 4 (1970): 331–343.
17. *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Argersinger v. Hamlin*, 407 U.S. 25 (1972).
18. Steven K. Smith and Carol J. DeFrances, *Indigent Defense* (Washington, DC: Bureau of Justice Statistics, 1996).

19. Carol J. DeFrances, *State-Funded Indigent Defense Services*, 1999 (Washington, DC: Bureau of Justice Statistics, 2001).
20. DeFrances, *State-Funded Indigent Defense Services*, 1999.
21. See American Bar Association, *Special Committee on Evaluation of Ethical Standards, Code of Professional Responsibility* (Chicago: American Bar Association 1968), p. 81.
22. *Nix v. Whiteside*, 106 S.Ct. 988 (1986).
23. William Lineberry, ed., *Justice in America: Law, Order and the Courts* (New York: H. W. Wilson, 1972).
24. David Klein and Robert Hume, "Fear of Reversal as an Explanation of Lower Court Compliance," *Law and Society Review* 37 (2003): 579–607.
25. Roy Schotland, "2002 Judicial Elections," *Spectrum: The Journal of State Government* 76 (2003): 18–20.
26. *Examining the Work of State Courts*, 1996.
27. *Examining the Work of State Courts*, 2000.
28. Ric Simmons, "Re-Examining the Grand Jury: Is There Room for Democracy in the Criminal Justice System?" *Boston University Law Review* 82 (2002): 1–76.
29. M. Ozanne, R. Wilson, and D. Gedney, Jr., "Toward a Theory of Bail Risk," *Criminology* 18 (1980): 149.
30. Gerard Rainville and Brian Reaves, *Felony Defendants in Large Urban Counties, 2000* (Washington, DC: Bureau of Justice Statistics, 2003). <http://www.ojp.usdoj.gov/bjs/pub/ascii/fdluc00.txt>. Accessed September 15, 2004.
31. Christopher Stephens, "Bail" Section of the Criminal Procedure Project," *Georgetown Law Journal* 90 (2002): 1,395–1,416.
32. Rainville and Reaves, *Felony Defendants in Large Urban Counties, 2000*.
33. Caleb Foote, "A Study of the Administration of Bail in New York," *University of Pennsylvania Law Review* 106 (1960): 693–730; William Rhodes, *Pretrial Release and Misconduct* (Washington, DC: Bureau of Justice Statistics, 1985).
34. John Goldkamp, *Two Classes of Accused* (Cambridge, MA: Ballinger, 1979).
35. Rainville and Reaves, *Felony Defendants in Large Urban Counties, 2000*.
36. Brian Reaves and Jacob Perez, *Pretrial Release of Felony Defendants, 1992: National Pretrial Reporting Program* (Washington, DC: Bureau of Justice Statistics, 1994).
37. Goldkamp, *Two Classes of Accused*.
38. Bob Burton, Director of Training and Surety Corporation Liaison, National Institute of Bail Enforcement, personal contact, September 17, 2004.
39. Timothy M. Ito, "Wild West Saga: Have Gun, Will Shoot," *U.S. News & World Report* 123 (15 September 1997): 7. Ito, "Wild West Saga: Have Gun, Will Shoot."
40. Vera Institute of Justice, *Programs in Criminal Justice* (New York: Vera Institute, 1972).
41. Reaves and Perez, *Pretrial Release of Felony Defendants, 1992*, p. 5.
42. Malcolm Feeley, *Court Reform on Trial* (New York: Basic Books, 1983); John Goldkamp, "Judicial Reform of Bail Practices: The Philadelphia Experiment," *Court Management Journal* (1983): 16–20.
43. John Goldkamp and Michael Gottfredson, *Judicial Decision Guidelines for Bail: The Philadelphia Experiment* (Washington, DC: National Institute of Justice, 1983).
44. 18 U.S.C. Sec. 3142 (e) (1985).
45. *United States v. Salerno*, 107 S.Ct. 2095 (1987).
46. *Schall v. Martin*, 104 S.Ct. 2403 (1984).
47. Stephen Kennedy and Kenneth Carlson, *Pretrial Release and Detention: The Bail Reform Act of 1984* (Washington, DC: Bureau of Justice Statistics, 1988).
48. See, generally, F. Andrew Hessick and Reshma Saujani, "Plea Bargaining and Convicting the Innocent: The Role of the Prosecutor, the Defense Counsel, and the Judge," *BYU Journal of Public Law* 16 (2002): 189–243.
49. Joseph Sanborn, "Philosophical, Legal, and Systemic Aspects of Juvenile Court Plea Bargaining," *Crime and Delinquency* 39 (1993): 509–527.
50. Carla Gaskins, *Felony Case Processing in State Courts, 1986* (Washington, DC: Bureau of Justice Statistics, 1990), p. 1. See also Donald Newman, "Making a Deal," in *Legal Process and Corrections*, eds. N. Johnston and L. Savitz (New York: Wiley, 1982), p. 93.
51. Newman, "Making a Deal," pp. 96–97.
52. These sentiments are similar to those expressed by Abraham Blumberg in "The Practice of Law as a Confidence Game: Organizational Co-optation of a Profession," *Law and Society Review* 1 (1967): 15–39.
53. Again, these thoughts are similar to Blumberg's views as expressed in "The Practice of Law as a Confidence Game."
54. Shaila Dewan, "Prosecutors Say Cuts Force Plea Bargains," *New York Times*, 10 March 2003, p. B3.
55. Stephanos Bibas, "Plea Bargaining Outside the Shadow of Trial," *Harvard Law Review* 117 (2004): 2,464–2,547.
56. National Advisory Commission on Criminal Justice Standards and Goals, *Courts* (Washington, DC: U.S. Government Printing Office, 1976).
57. William Stuntz, "Plea Bargaining and Criminal Law's Disappearing Shadow," *Harvard Law Review* 117 (2004): 2,548–2,569.
58. Richard Kuh, "Plea Copping," *Bar Bulletin* 24 (1966–1967): 160.
59. Alan Alschuler, "The Defense Counsel's Role in Plea Bargaining," *Yale Law Journal* 84 (1975): 1,179.
60. See, generally, Milton Heumann, "A Note on Plea Bargaining and Case Pressure," *Law and Society Review* 9 (1975): 515.
61. John Kramer and Jeffrey Ulmer, "Downward Departures for Serious Violent Offenders: Local Court 'Corrections' to Pennsylvania's Sentencing Guidelines," *Criminology* 40 (2002): 897–933.
62. National Institute of Law Enforcement and Criminal Justice, *Plea Bargaining in the United States* (Washington, DC: Georgetown University, 1978), p. 8.
63. Michael Rubenstein, Stevens Clarke, and Teresa White, *Alaska Bans Plea Bargaining* (Washington, DC: U.S. Department of Justice, 1980).
64. Newman, "Making a Deal," p. 102.
65. National Advisory Commission on Criminal Justice Standards and Goals, *Courts*, p. 66.
66. See, for example, "Limiting the Peremptory Challenge: Representation of Groups on Petit Juries," *Yale Law Journal* 86 (1977): 1,715.
67. *Batson v. Kentucky*, 476 U.S. 79 (1986).

68. *Ham v. South Carolina*, 409 U.S. 524, 93 S.Ct. 848, 35 L.Ed.2d 46 (1973).
69. *Turner v. Murray*, 106 S.Ct. 1683 (1986).
70. *Taylor v. Louisiana*, 419 U.S. 522, 42 L.Ed.2d 690, 95 S.Ct. 692 (1975).
71. In *Ristaino v. Ross* [424 U.S. 589 (1976)], the Court said questioning the jury on racial issues was not automatic in all interracial crimes.
72. Edna Erez, "Victim Participation in Sentencing: Rhetoric and Reality," *Journal of Criminal Justice* 18 (1990): 19–31.
73. *Strunk v. United States*, 412 U.S. 434 (1973).
74. *Klopfert v. North Carolina*, 38 U.S. 213 (1967).
75. *Barker v. Wingo*, 404 U.S. 307 (1971).
76. Bureau of Justice Statistics, *Report to the Nation on Crime and Justice* (Washington, DC: U.S. Department of Justice, 1983), p. 66.
77. Durose and Langan, *State Court Sentencing of Convicted Felons*, 1998.
78. *Duncan v. Louisiana*, 391 U.S. 145 (1968).
79. *Baldwin v. New York*, 399 U.S. 66 (1970).
80. *Blanton v. City of North Las Vegas*, 489 U.S. 538, 109 S.Ct. 1289, 103 L.Ed.2d 550 (1989).
81. *Williams v. Florida*, 399 U.S. 78 (1970).
82. *Apodaca v. Oregon*, 406 U.S. 404 (1972).
83. *Benton v. Maryland*, 395 U.S. 784 (1969).
84. *United States v. Lanza*, 260 U.S. 377 (1922); *Barthus v. Illinois*, 359 U.S. 121 (1959); *Abbate v. U.S.*, 359 U.S. 187 (1959).
85. *Heath v. Alabama*, 106 S.Ct. 433 (1985).
86. *Powell v. Alabama*, 287 U.S. 45 (1932).
87. *Gideon v. Wainwright*, 372 U.S. 335 (1963).
88. *Argersinger v. Hamlin*, 407 U.S. 25 (1972).
89. *Alabama v. Shelton*, 122 U.S. 1764 (2002).
90. *Riggins v. Nevada*, 504 U.S. 127 (1992).
91. *Sell v. United States*, No. 02—5664, June 16, 2003.
92. *Maryland v. Craig*, 110 S.Ct. 3157, 111 L.Ed.2d 666 (1990).
93. For a general review, see Candace McCoy, "Sentencing (and) the Underclass," *Law and Society Review* 31 (1997): 589–612.
94. See, generally, Norval Morris, *Equal Justice under the Law* (Washington, DC: U.S. Government Printing Office, 1977).
95. See V. O'Leary, M. Gottfredson, and A. Gelman, "Contemporary Sentencing Proposals," *Criminal Law Bulletin* 11 (1975): 558–560.
96. Sally Hillsman, Barry Mahoney, George Cole, and Bernard Auchter, *Fines as Criminal Sanctions* (Washington, DC: National Institute of Justice, 1987).
97. Edna Erez and Pamela Tontodonato, "The Effect of Victim Participation in Sentencing on Sentencing Outcome," *Criminology* 28 (1990): 451–474.
98. Kriss Drass and J. William Spencer, "Accounting for Presentencing Recommendations: Typologies and Probation Officers' Theory of Office," *Social Problems* 34 (1987): 277–293.
99. Kenneth Culp Davis, *Discretionary Justice: A Preliminary Inquiry* (Baton Rouge: Louisiana State University Press, 1969).
100. See Marvin Frankel, *Criminal Sentences—Law Without Order* (New York: Hill and Wang, 1972), p. 5.
101. Thomas Marvell and Carlisle Moody, "Determinate Sentencing and Abolishing Parole: The Long-Term Impacts on Prisons and Crime," *Criminology* 34 (1996): 105–128.
102. Jo Dixon, "The Organizational Context of Criminal Sentencing," *American Journal of Sociology* 100 (1995): 1,157–1,198.
103. Michael Tonry, *Reconsidering Indeterminate and Structured Sentencing Series: Sentencing and Corrections: Issues for the 21st Century* (Washington, DC: National Institute of Justice, 1999).
104. Michael Tonry, *The Fragmentation of Sentencing and Corrections in America* (Washington, DC: National Institute of Justice, 1999).
105. *Ibid.*, p.11.
106. David Griswold, "Deviation from Sentencing Guidelines: The Issue of Unwarranted Disparity," *Journal of Criminal Justice* 16 (1988): 317–329; Minnesota Sentencing Guidelines Commission, *The Impact of the Minnesota Sentencing Guidelines: Three-Year Evaluation* (St. Paul: Minnesota Sentencing Guidelines Commission, 1984), p. 162.
107. Pamela Grisett, "Determinate Sentencing and Administrative over Time Served in Prison: A Case Study of Florida," *Crime and Delinquency* 42 (1996): 127–143.
108. Samuel Walker, Cassia Spohn, and Miriam DeLone, *The Color of Justice: Race, Ethnicity and Crime in America* (Belmont, CA: Wadsworth, 1996), p. 159.
109. U.S. Sentencing Commission, *Fifteen Years of Guidelines Sentencing* (Washington, DC: author, 2004).
110. Elaine Wolf and Marsha Weissman, "Revising Federal Sentencing Policy: Some Consequences of Expanding Eligibility for Alternative Sanctions," *Crime and Delinquency* 42 (1996): 192–205.
111. *Blakely v. Washington*, 124 S.Ct. 2531 (2004); *United States v. Booker* (No. 04-104) 2005.
112. Michael Tonry, *Sentencing Reform Impacts* (Washington, DC: U.S. Government Printing Office, 1987), pp. 26–27.
113. This section is based on Paula M. Ditton and Doris James Wilson, *Truth in Sentencing in State Prisons* (Washington, DC: Bureau of Justice Statistics, 1999).
114. Pub.L. No. 103-322, 108 Stat. 1796 (1994).
115. Ditton and Wilson, *Truth in Sentencing in State Prisons*.
116. Michael Tonry, "Parochialism in U.S. Sentencing Policy," *Crime and Delinquency* 45 (1999): 48–65.
117. *Riggs v. California*, No. 98–5021 (1999).
118. Marc Mauer, "Testimony before the U.S. Congress House Judiciary Committee on 'Three Strikes and You're Out,'" 1 March 1994 (Washington, DC: Sentencing Project, 1994).
119. Tomislav Kovandzic, "The Impact of Florida's Habitual Offender Law on Crime," *Criminology* 39 (2001): 179–204.
120. Rainville and Reaves, *Felony Defendants in Large Urban Counties*, 2000.
121. Brent Smith and Kelly Damphouse, "Terrorism, Politics, and Punishment: A Test of Structural-Contextual Theory

- and the 'Liberation Hypothesis,'" *Criminology* 36 (1998): 67–92.
122. For a general review of this issue, see Florence Ferguson, "Sentencing Guidelines: Are (Black) Offenders Given Just Treatment?" Paper presented at the American Society of Criminology meeting, Montreal, November 1987.
123. Alfred Blumstein, "On the Racial Disproportionality of the United States Prison Population," *Journal of Criminal Law and Criminology* 73 (1982): 1,259–1,281; Darnell Hawkins, "Race, Crime Type, and Imprisonment," *Justice Quarterly* 3 (1986): 251–269; Martha Myers, "Offended Parties and Official Reactions: Victims and the Sentencing of Criminal Defendants," *Sociological Quarterly* 20 (1979): 529–540.
124. Raymond Paternoster, "Race of the Victim and Location of the Crime: The Decision to Seek the Death Penalty in South Carolina," *Journal of Criminal Law and Criminology* 74 (1983): 754–785.
125. *Lopez v. Singletary*, No. 98-6065.
126. For more on this issue, read Hugo Adam Bedau and Paul Cassell, *Debating the Death Penalty: Should America Have Capital Punishment? The Experts on Both Sides Make Their Best Case* (London, Oxford University Press, 2003).
127. Dennis Wiechman, Jerry Kendall, and Ronald Bae, "International Use of the Death Penalty," *International Journal of Comparative and Applied Criminal Justice* 14 (1990): 239–259.
128. Lisa Stolzenberg and Stewart D'Alessio, "Capital Punishment, Execution Publicity, and Murder in Houston, Texas," *Journal of Criminal Law and Criminology* 94 (2004): 351–380.
129. Steven Messner and Kenneth Tardiff, "Economic Inequality and Level of Homicide: An Analysis of Urban Neighborhoods," *Criminology* 24 (1986): 297–317.
130. William Bowers and Glenn Pierce, "Deterrence or Brutalization: What Is the Effect of Executions?" *Crime and Delinquency* 26 (1980): 453–484.
131. John Cochran, Mitchell Chamlin, and Mark Seth, "Deterrence or Brutalization? An Impact Assessment of Oklahoma's Return to Capital Punishment," *Criminology* 32 (1994): 107–34.
132. William Bailey, "Deterrence, Brutalization, and the Death Penalty: Another Examination of Oklahoma's Return to Capital Punishment," *Justice Quarterly* 36 (1998): 711–734.
133. Marian Borg, "The Southern Subculture of Punitiveness? Regional Variation in Support for Capital Punishment," *Journal of Research in Crime and Delinquency* 34 (1997): 24–45.
134. Marian Williams and Jefferson Holcomb, "Racial Disparity and Death Sentences in Ohio," *Journal of Criminal Justice* 29 (2001): 207–218.
135. Jon Sorenson and Donald Wallace, "Prosecutorial Discretion in Seeking Death: An Analysis of Racial Disparity in the Pretrial Stages of Case Processing in a Midwestern County," *Justice Quarterly* 16 (1999): 559–578.
136. Geoffrey Rapp, "The Economics of Shootouts: Does the Passage of Capital Punishment Laws Protect or Endanger Police Officers?" *Albany Law Review* 65 (2002): 1,051–1,084.
137. See, for example, Ernest Van Den Haag, *Punishing Criminals: Concerning a Very Old and Painful Question* (New York: Basic Books, 1975), pp. 209–211; Walter Berns, "Defending the Death Penalty," *Crime and Delinquency* 26 (1980): 503–511.
138. Thoroddur Bjarnason and Michael Welch, "Father Knows Best: Parishes, Priests, and American Catholic Parishioners' Attitudes Toward Capital Punishment," *Journal for the Scientific Study of Religion* 43 (2004): 103–118.
139. Franklin Zimring, *The Contradictions of American Capital Punishment* (London: Oxford University Press, 2003).
140. Vance McLaughlin and Paul Blackman, "Mass Legal Executions in Georgia," *Georgia Historical Quarterly* 88 (2004): 66–84.
141. Deborah Denno, "Getting to Death: Are Executions Constitutional?" *Iowa Law Review* 82 (1997): 319–464.
142. Denise Paquette Boots, Kathleen Heide, and John Cochran, "Death Penalty Support for Special Offender Populations of Legally Convicted Murderers: Juveniles, the Mentally Retarded, and the Mentally Incompetent," *Behavioral Sciences and the Law* 22 (2004): 223–238.
143. Norman Finkel and Stefanie Smith, "Principals and Accessories in Capital Felony- Murder: The Proportionality Principle Reigns Supreme," *Law and Society Review* 27 (1993): 129–146.
144. Marla Sandys and Edmund McGarrell, "Attitudes Toward Capital Punishment: Preference for the Penalty or Mere Acceptance?" *Journal of Research in Crime and Delinquency* 32 (1995): 191–213.
145. *Kelly v. South Carolina*, No. 00-9280 (2002).
146. James Marquart and Jonathan Sorensen, "Institutional and Postrelease Behavior of Furman-Commuted Inmates in Texas," *Justice Quarterly* 26 (1988): 677–693.
147. Kilman Shin, *Death Penalty and Crime* (Fairfax, VA: George Mason University, 1978), p. 1.
148. "Illinois Ex-Prosecutors Charged with Framing Murder Defendants," *Criminal Justice Newsletter* 28 (2 January 1997): 3.
149. Michael Radelet and Hugo Bedeau, "Miscarriages of Justice in Potentially Capital Cases," *Stanford Law Review* 40 (1987): 21–181. For an opposing view, see Stephen Markman and Paul Cassell, "Protecting the Innocent: A Response to the Bedeau-Radelet Study," *Stanford Law Review* 41 (1988): 121–170; for their response, see Hugo Adam Bedeau and Michael Radelet, "The Myth of Infallibility: A Reply to Markman and Cassell," *Stanford Law Review* 42 (1988): 161–170.
150. Richard Berk, Robert Weiss, and Jack Boger, "Chance and the Death Penalty," *Law and Society Review* 27 (1993): 89–108. For an opposing view, see Raymond Paternoster, "Assessing Capriciousness in Capital Cases," *Law and Society Review* 27 (1993): 111–122.
151. William Bowers and Glenn Pierce, "Deterrence or Brutalization: What Is the Effect of Executions?" *Crime and Delinquency* 26 (1980): 453–484.
152. Joseph Schumacher, "An International Look at the Death Penalty," *International Journal of Comparative and Applied Criminal Justice* 14 (1990): 307–315.
153. *Furman v. Georgia*, 408 U.S. 238, 92 S.Ct. 2726, 33 L.Ed.2d 346 (1972).
154. *Gregg v. Georgia*, 428 U.S. 153, 96 S.Ct. 2909, 49 L.Ed.2d 859 (1976).
155. *Jurek v. Texas*, 428 U.S. 262, 96 S.Ct. 2950, 49 L.Ed.2d 929 (1976).

156. *Proffitt v. Florida*, 428 U.S. 325, 96 S.Ct. 3001, 49 L.Ed.2d 944 (1976).
157. *Witherspoon v. Illinois*, 391 U.S. 510 (1968); *Wainwright v. Witt*, 469 U.S. 412 (1985).
158. *Tison v. Arizona*, 481 U.S. 137 (1987).
159. *McCleskey v. Kemp*, 106 S.Ct. 1331 (1986).
160. *Stanford v. Kentucky* and *Wilkins v. Missouri*, 109 S.Ct. 2969 (1989).
161. *McCleskey v. Zant*, 49 Cr.L. 2031 (1991).
162. *Wilkins v. Missouri* and *Stanford v. Kentucky*, 492 U.S. 361, 109 S.Ct. 2969, 106 L.Ed.2d 306 (1989).
163. *Atkins v. Virginia*, No. 00—8452 (2002).
164. Douglas Mossman, “Psychiatry in the Courtroom,” *Public Interest* 150 (2003): 22–37.

CHAPTER 17



In June 1981, an intruder entered a home in Shreveport, Louisiana, where three girls—aged 10, 9, and 7—had fallen asleep. The intruder raped and beat the 10-year-old girl. Her mother told police that her daughter said an ugly man with a beard under his face did this to her. The girls provided confused and scattered descriptions of the attacker but said he was wearing a cowboy hat and boots. The 7-year-old identified the voice as that of Calvin

Willis, whom she had spoken with once. The girl's mother told police Willis had been in her house before, he was known to wear a cowboy hat, and she had seen him in boots similar to those described by her daughter. Based on this testimony and other evidence, Willis was arrested; he denied having anything to do with the crime. Willis testified that though he had been to the house in the past, he had not gone there on the night in question; he claimed that the clothes he was wearing that night did not match those described by any of the three girls. The jury did not believe Willis, and he was convicted in February 1982 of rape and sentenced to life in prison without parole.

In 1998, his case was accepted by the Innocence Project created by defense lawyers Barry C. Scheck and Peter J. Neufeld in 1992. This project handles cases where postconviction DNA testing of evidence yields conclusive proof of innocence. Postconviction DNA testing excluded Willis as the perpetrator of the rape for which he was sentenced to life without the possibility of parole. On September 19, 2003, Calvin Willis was released from prison after serving 22 years for a crime he did not commit. Today, Willis is trying to get compensation for his ordeal while working with correctional authorities to ease his re-entry into society.

View the CNN video clip of this story and answer related critical thinking questions on your Criminology 9e CD.

CHAPTER OUTLINE

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The Middle Ages
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Corrections in the Late Eighteenth and Nineteenth Centuries
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Success of Probation

Intermediate Sanctions

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Split Sentencing and Shock Probation
Intensive Probation Supervision

Comparative Criminology: International Community Sentencing Practices

Home Confinement/Electronic Monitoring
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The Parolee in the Community
How Effective Is Parole?

The Criminological Enterprise: The Problems of Re-Entry

CHAPTER OBJECTIVES

1. Be familiar with the early history of punishment
2. Describe the development of the prison as a means of punishment
3. Describe the nature of probation and its various services
4. Discuss the effectiveness of probation and the concept of revocation
5. Be familiar with the various forms of alternative sanctions
6. Know the purpose served by the jail, its problems, and what is being done to improve jail conditions
7. Describe different types of correctional facilities and their level of security
8. Understand the experience of living in prison
9. Discuss correctional treatment and the nature of prison violence
10. Show how the problems of parolees and inmate re-entry have influenced the correctional system


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Unlike Calvin Willis, most prison inmates do not enter society after exoneration. Yet, all must try to start a new life after a period of correctional confinement. Many fail, and those who do not find that the road to success is indeed a bumpy ride. Because rehabilitation is so difficult, correctional authorities are constantly experimenting with new and more effective modes of treatment.

When a person is convicted of a criminal offense, society exercises the right to punish or correct his or her behavior. Equating crime and punishment is certainly not a new practice. Criminal offenders have been punished by governmental authorities throughout recorded history. Over the centuries, there has been significant debate as to why people should be punished and what type of punishment is most appropriate to correct, treat, or deter criminal offenders. The style and purpose of criminal corrections have gone through many stages and have featured a variety of penal sanctions.

Today there are more than 1,600 adult correctional facilities in the United States. These include prisons, prison hospitals, prison farms, and boot camps; centers for reception, classification, or alcohol and drug treatment; and community-based facilities such as halfway houses, group homes, and work release centers. The overwhelming majority of these facilities are state-run institutions.¹ This vast correctional system provides many services in programs differentiated by level of security and intrusiveness. The least secure and intrusive programs involve community supervision by probation officers. Some offenders who need more secure treatment or control are placed under house arrest or held in community correctional centers. Those who require the most secure settings are placed in an incarceration facility. Felons are usually incarcerated in a state or federal prison; misdemeanants are housed in county jails or reformatories.

The entire correctional system has been a source of great controversy. Conservatives charge that the justice system is often too liberal and that serious offenders are all too often granted probation. Getting tough, they suggest, is the only way to keep crime rates down. They point out the fact that as the prison population has increased during the past decade, the crime rate has fallen. In contrast, liberals view prisons as warehouses that, far from helping rehabilitate inmates, are places of violence and degradation. Rather than deter people from future criminality, a prison stay actually reinforces or encourages their criminal offending.² And though it might surprise some “get tough” politicians, the general public may not be ready to embrace a prison-build boom at the expense of rehabilitation efforts.³

 Despite a spotty track record, the cost of corrections keeps escalating. To find out more about this issue, go to: Elizabeth B. Guerard, “Analysis: Prison Spending Outpaces Higher Education,” *Education Daily* 35 (30 August 2002): 3.

This chapter considers some of the basic elements of U.S. correctional treatment. First the history of corrections is reviewed to show how our current system evolved. Then modern correctional institutions are explored, including such issues as penal institutions, the prisoner’s social world, correctional treatment, and prisoners’ rights.

HISTORY OF PUNISHMENT AND CORRECTIONS

Throughout history, punishment has been present in all major institutions.⁴ The punishment of criminals has undergone many noteworthy changes, reflecting custom, economic conditions, and religious and political ideals.⁵

In ancient times, the most common state-administered punishment was banishment or exile. Only slaves were commonly subject to harsh physical punishment for their misdeeds. In Rome, for example, the only crime for which capital punishment could be administered was *furtum manifestum*—a thief caught in the act was executed on the spot. More common were economic sanctions and fines, levied for such crimes as assault on a slave, arson, or house-breaking.

In both ancient Greece and Rome, interpersonal violence, even murder, was viewed as a private matter. Neither Greek nor Roman (until quite late in its history) state laws punished violent crime. Execution of an offender was a prerogative of the deceased’s family.

The Middle Ages

Little law or governmental control existed during the early Middle Ages (fifth century to eleventh century CE). Offenses were settled by blood feuds between the families of the injured parties. When possible, the Roman custom of settling disputes by fine or an exchange of property was adopted as a means of resolving interpersonal conflicts with a minimum of bloodshed.

During the feudal period following after the eleventh century, forfeiture of land and property was common punishment for people who violated law and custom or who failed in the feudal obligations to their lord. The word *felony* comes from the twelfth century, when the term *felonia* referred to a breach of faith with one’s feudal lord.

During this period, the main emphasis of criminal law and punishment lay in maintaining public order.⁶ If in the heat of passion or in a state of intoxication a person severely injured or killed a neighbor, free men in the area would gather to pronounce judgment and make the culprit do penance or make a payment to the injured party called *wergild*.

The purpose of the wergild was to pacify the injured party and ensure that the conflict would not develop into a blood feud and anarchy. The inability of lower-class

offenders to pay a fine led to the development of **corporal punishment**, such as whipping or branding, as a substitute penalty.

By the fifteenth century, changing social conditions influenced the relationship between crime and punishment. First the population of England and Europe began to increase after a century of decimation by constant warfare and plague. At the same time the developing commercial system caused large tracts of agricultural fields to be converted to grazing lands. Soon unemployed peasants and landless noblemen began flocking to newly developing urban centers, such as London and Paris, or taking to the roads as highwaymen, beggars, or vagabonds.

The later Middle Ages also saw the rise of strong monarchs, such as Henry VIII and Elizabeth I of England, who were determined to keep a powerful grip on their realm. The administration of the “King’s Peace” under the shire reeve and constable became stronger.

These developments led to the increased use of capital and corporal punishment to control the criminal poor. Whereas the wealthy could buy their way out of punishment and into exile, the poor were executed and mutilated at ever-increasing rates. It is estimated that 72,000 thieves were hanged during the reign of Henry VIII alone.⁷ Execution, banishment, mutilation, branding, and flogging were used on a wide range of offenders, from murderers and robbers to vagrants and gypsies. Punishments became unmatched in their cruelty, featuring a gruesome variety of physical tortures. Also during this period, punishment became a public spectacle, presumably so the sadistic sanctions would act as a deterrent. But the variety and imagination of the tortures inflicted on even minor criminals before their death suggest that sadism and spectacle were more important than any presumed deterrent effect.

Although criminologists generally view the rise of the prison as an eighteenth-century phenomenon, Marvin Wolfgang has written about Le Stinche, a prison in Florence, Italy, which was used to punish offenders as early as 1301. Prisoners were enclosed in separate cells and classified on the basis of gender, age, mental state, and crime seriousness. Furloughs and conditional release were permitted, and perhaps for the first time, a period of incarceration replaced corporal punishment for some offenses. Le Stinche existed for 500 years, but relatively little is known about its administration or whether this early example of incarceration is unique to Florence.⁸

Punishment in the Seventeenth and Eighteenth Centuries

By the end of the sixteenth century, the rise of the city and overseas colonization provided tremendous markets for manufactured goods. In England and France, population growth was checked by constant warfare and internal disturbances. Labor was scarce in many manufacturing areas of England, Germany, and Holland. The Thirty Years’ War in

Germany and the constant warfare among England, France, and Spain helped drain the population.

The punishment of criminals changed to meet the demands created by these social conditions. Instead of the wholesale use of capital and corporal punishment, many offenders were forced to labor for their crimes. **Poor laws**, developed in the early seventeenth century, required that the poor, vagrants, and vagabonds be put to work in public or private enterprise. Houses of correction were developed to make it convenient for petty law violators to be assigned to work details. Many convicted offenders were pressed into sea duty as galley slaves, a fate considered so loathsome that many convicts mutilated themselves rather than submit.



To read the history of the **poor laws**, go to <http://users.ox.ac.uk/~peter/workhouse/poorlaws/poorlaws.html>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

The constant labor shortage in the colonies also prompted authorities to transport convicts overseas. In England the Vagrancy Act of 1597 legalized deportation for the first time. An Order in Council of 1617 granted a reprieve and stay of execution to people convicted of robbery and other felonies who were strong enough to be employed overseas. Similar measures were used in France and Italy to recruit galley slaves and workers.

Transportation to the colonies became popular; it supplied labor, cost little, and was actually profitable for the government because manufacturers and plantation owners paid for convicts’ services. The Old Bailey Court in London supplied at least 10,000 convicts between 1717 and 1775.⁹ Convicts would serve a period as workers and then become free again.

Transportation to the colonies waned as a method of punishment with the increase in colonial population, further development of the land, and increasing importation of African slaves in the eighteenth century. The American Revolution ended transportation of felons to North America; the remaining areas used were Australia, New Zealand, and African colonies.



An interesting essay on the **role and function of transportation** can be found at <http://web.rollins.edu/~bbalak/Balak%20-%20convict%20transportation.pdf>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Corrections in the Late Eighteenth and Nineteenth Centuries

Between the American Revolution in 1776 and the first decades of the nineteenth century, the population of Europe and America increased rapidly. The gulf between poor

workers and wealthy landowners and merchants widened. The crime rate rose significantly, prompting a return to physical punishment and the increased use of the death penalty. During the last part of the eighteenth century, 350 types of crime in England were punishable by death.¹⁰ Although many people sentenced to death for trivial offenses were spared the gallows, there is little question that the use of capital punishment rose significantly between 1750 and 1800.¹¹

Correctional reform in the United States was first instituted in Pennsylvania under the leadership of William Penn.¹² At the end of the seventeenth century, Penn revised Pennsylvania's criminal code to forbid torture and the capricious use of mutilation and physical punishment. These devices were replaced by the penalties of imprisonment at hard labor, moderate flogging, fines, and forfeiture of property. All lands and goods belonging to felons were used to make restitution to the victims of crimes, with restitution limited to twice the value of the damages. Felons who owned no property were required by law to labor in the prison workhouse until the victim was compensated.

Penn ordered that a new type of institution be built to replace the widely used public forms of punishment—stocks, pillories, the gallows, and the branding iron. Each county was instructed to build a house of corrections similar to today's jails. These measures remained in effect until Penn's death in 1718, when the penal code reverted to its earlier emphasis on open public punishment and harsh brutality.

In 1776 postrevolutionary Pennsylvania again adopted William Penn's code, and in 1787 a group of Quakers led by Dr. Benjamin Rush formed the Philadelphia Society for Alleviating the Miseries of Public Prisons. The aim of the society was to bring humane and orderly treatment to the growing penal system. The Quakers' influence on the legislature resulted in limiting the use of the death penalty to cases involving treason, murder, rape, and arson.

Under pressure from the Quakers, the Pennsylvania legislature in 1790 called for the renovation of the prison system. The ultimate result was the creation of Philadelphia's **Walnut Street Jail**. At this institution, most prisoners were placed in solitary cells, where they remained in isolation and did not have the right to work.¹³ Quarters that contained the solitary or separate cells were called the penitentiary house, as was already the custom in England.

The new Pennsylvania prison system took credit for a rapid decrease in the crime rate—from 131 convictions in 1789 to forty-five in 1793.¹⁴ The prison became known as a school for reform. The Walnut Street Jail's equitable conditions were credited with reducing escapes to none in the first four years of its existence (except for fourteen on opening day).



To view engravings of the original **Walnut Street Jail**, go to <http://www.notfrisco.com/prisonhistory/origins/origins04c.html> and http://www.philadelphiabuildings.org/pab/app/pj_display.cfm/16748. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

However, the Walnut Street Jail was not a total success. Overcrowding undermined the goal of solitary confinement of serious offenders, and soon more than one inmate was placed in each cell. Despite these difficulties, similar institutions were erected in New York (Newgate in 1791), New Jersey (Trenton in 1798), Virginia (1800), Massachusetts (Castle Island in 1785), and Kentucky (1800). Alexis Durham III has described the Old Newgate prison of Connecticut, which was constructed in an old copper mine in 1773, as the first "prison" in America.¹⁵



To read about the **Old Newgate Prison** and see photos of its facilities, go to http://www.chc.state.ct.us/old_new.htm. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

THE AUBURN SYSTEM In the early 1800s both the Pennsylvania and New York prison systems were experiencing difficulties maintaining the ever-increasing numbers of convicted criminals. Initially administrators dealt with the problem by increasing the use of pardons, relaxing prison discipline, and limiting supervision.

In 1816 New York built a new prison at Auburn, hoping to alleviate some of the overcrowding at Newgate. The Auburn prison design became known as the tier system because cells were built vertically on five floors of the structure. It was sometimes also referred to as the congregate system because most prisoners ate and worked in groups. In 1819 construction was started on a wing of solitary cells to house unruly prisoners. Three classes of prisoners were then created: One group remained continually in solitary confinement as a result of breaches of prison discipline; the second group was allowed labor as an occasional form of recreation; and the third and largest class worked and ate together during the days and went into seclusion only at night.

The philosophy of the **Auburn system** was crime prevention through fear of punishment and silent confinement. The worst felons were cut off from all contact with other prisoners, and although they were treated and fed relatively well, they had no hope of pardon to relieve their isolation. For a time, some of the worst convicts were forced to remain totally alone and silent during the entire day; this practice caused many prisoners to have mental breakdowns, resulting in suicides and self-mutilations. This practice was abolished in 1823.¹⁶

The combination of silence and solitude as a method of punishment was not abandoned easily. Prison officials sought to overcome the side effects of total isolation while maintaining the penitentiary system. The solution Auburn adopted was to keep convicts in separate cells at night but allow them to work together during the day under enforced silence. Hard work and silence became the foundation of the Auburn system wherever it was adopted. Silence was the key to prison discipline; it prevented the formulation of escape plans, averted plots and riots, and allowed prisoners to contemplate their infractions.

When discipline was breached in the Auburn system, punishment was applied in the form of a rawhide whip on the inmate's back. Immediate and effective, Auburn discipline was so successful that when 100 inmates were chosen to build the famous Sing-Sing prison in 1825, not one dared escape, although they were housed in an open field with only minimal supervision.¹⁷

THE NEW PENNSYLVANIA SYSTEM In 1818 Pennsylvania took the radical step of establishing a prison that placed each inmate in a single cell with no work to do. Classifications were abolished because each cell was intended as a miniature prison that would prevent the inmates from contaminating one another.

The new Pennsylvania prison, called the Western Penitentiary, had an unusual architectural design. It was built in a semicircle, with the cells positioned along its circumference. Built back-to-back, some cells faced the boundary wall while others faced the internal area of the circle. Its inmates were kept in solitary confinement almost constantly, being allowed about an hour a day for exercise. In 1820 a second, similar penitentiary using the isolate system was built in Philadelphia and called the Eastern Penitentiary.

The supporters of the Pennsylvania system believed that the penitentiary was truly a place to do penance. By advocating totally removing the sinner from society and allowing the prisoner a period of isolation in which to ponder alone upon the evils of crime, the supporters of the Pennsylvania system reflected the influence of religious philosophy on corrections. In fact, its advocates believed that solitary confinement (with in-cell labor as a recreation) would eventually make working so attractive that upon release the inmate would be well suited to resume a productive existence in society. The Pennsylvania system eliminated the need for large numbers of guards or disciplinary measures. Isolated from one another, inmates could not plan escapes or collectively break rules. When discipline was a problem, whips and iron gags were used (iron gags were jammed in inmates' mouths so they could not speak, causing great discomfort).

The **congregate system** eventually prevailed, however, and spread throughout the United States; many of its features are still used today. Its innovations included congregate working conditions, the use of solitary confinement to punish unruly inmates, military regimentation, and discipline. In Auburn-like institutions, prisoners were marched from place to place; their time was regulated by bells telling them to sleep, wake up, and work. The system was so like the military that many of its early administrators were recruited from the armed services.

Although the prison was viewed as an improvement over capital and corporal punishment, it quickly became the scene of depressed conditions; inmates were treated harshly and routinely whipped and tortured. As historian Samuel Walker notes,

Prison brutality flourished. It was ironic that the prison had been devised as a more humane alternative to corporal

and capital punishment. Instead, it simply moved corporal punishment indoors where, hidden from public view, it became even more savage.¹⁸

Yet in the midst of such savagery some inmates were able to adjust to institutional living and even improve their lives through prison-administered literacy programs.¹⁹

POST-CIVIL WAR DEVELOPMENTS The prison of the late nineteenth century was remarkably similar to that of today. The congregate system was adopted in all states except Pennsylvania. Prisons experienced overcrowding, and the single-cell principle was often ignored. The prison, like the police department, became the scene of political intrigue and efforts by political administrators to control the hiring of personnel and dispensing of patronage.

Prison industry developed and became the predominant theme around which institutions were organized. Some prisons used the **contract system**, in which officials sold the labor of inmates to private businesses. Sometimes the contractor supervised the inmates inside the prison itself. Under the **convict-lease system**, the state leased its prisoners to a business for a fixed annual fee and gave up supervision and control. Finally, the **state account system** had prisoners produce goods in prison for state use.²⁰

The development of prison industry quickly led to abuse of inmates, who were forced to work for almost no wages, and to profiteering by dishonest administrators and businessmen. During the Civil War era, prisons were major manufacturers of clothes, shoes, boots, furniture, and the like. During the 1880s, opposition by trade unions sparked restrictions on interstate commerce in prison goods and ended their profitability.

There were also reforms in prison operations. **Z. R. Brockway**, warden at the Elmira Reformatory in New York, advocated individualized treatment, indeterminate sentences, and parole. The reformatory program initiated by Brockway included elementary education for illiterates, designated library hours, lectures by local college faculty members, and a group of vocational training shops. The cost to the state of the institution's operations was to be held to a minimum. Although Brockway proclaimed Elmira an ideal reformatory, his actual achievements were limited. The greatest significance of his contribution was the injection of a degree of humanitarianism into the industrial prisons of the day. Although many institutions were constructed across the country and labeled reformatories as a result of the Elmira model, most of them continued to be industrially oriented.²¹

Corrections in the Twentieth Century

The early twentieth century was a time of contrasts in the U.S. prison system.²² At one extreme were those who advocated reform, such as the Mutual Welfare League, led by Thomas Mott Osborne. Prison reform groups proposed better treatment for inmates, an end to harsh corporal punishment, and the creation of meaningful prison industries and

educational programs. Reformers argued that prisoners should not be isolated from society; rather, the best elements of society—education, religion, meaningful work, self-governance—should be brought to the prison. Osborne even spent one week in New York’s notorious Sing-Sing Prison to learn about its conditions firsthand.

Opposed to the reformers were conservative prison administrators and state officials, who believed that stern discipline was needed to control dangerous prison inmates. They continued the time-honored system of regimentation. Although the whip was eventually abolished, solitary confinement in dark, bare cells became a common penal practice.

In time, some of the more rigid prison rules gave way to liberal reform. By the mid-1930s few prisons required inmates to wear the red-and-white striped convict suit and substituted nondescript gray uniforms. The code of silence ended, as did the lockstep shuffle. Prisoners were allowed to mingle and exercise an hour or two each day.²³ Movies and radio appeared in the prisons in the 1930s. Visiting policies and mail privileges were liberalized.

A more important trend was the development of specialized prisons designed to treat particular types of offenders. For example, in New York, the prisons at Clinton and Auburn were viewed as industrial facilities for hard-core inmates, Great Meadow as an agricultural center to house nondangerous offenders, and Dannemora as a facility for the criminally insane. In California, San Quentin housed inmates considered salvageable by correctional authorities, whereas Folsom was reserved for hard-core offenders.²⁴

Prison industry also evolved. Opposition by organized labor helped end the convict-lease system and forced inmate labor. Although some vestiges of private prison industry existed into the 1920s, most convict labor was devoted to state-use items, such as license plates and laundry.

Despite these changes and reforms, the prison in the mid-twentieth century remained a destructive total institution. Although some aspects of inmate life improved, severe discipline, harsh rules, and solitary confinement were the way of life in prison.

The Modern Era

The modern era has witnessed change and turmoil in the nation’s correctional system. Three trends stand out. First, between 1960 and 1980, a great deal of litigation was brought by inmates seeking greater rights and privileges. State and federal court rulings gave inmates rights to freedom of religion and speech, medical care, due process, and proper living conditions. Since 1980, the “prisoners’ rights” movement has slowed as judicial activism waned.

Second, violence within the correctional system became a national scandal. Well-publicized riots at New York’s Attica Prison and the New Mexico State Penitentiary have drawn attention to the potential for death and destruction that lurks in every prison. One reaction has been to improve conditions and provide innovative programs that give inmates a voice in running the institution. Another has been to tighten

discipline and build maximum security prisons to control dangerous offenders.

Third, the alleged failure of correctional rehabilitation has prompted many penologists to reconsider the purpose of incapacitating criminals. Today it is more common to view the correctional system as a mechanism for control and punishment than as a device for rehabilitation and reform.

The inability of the prison to reduce recidivism has prompted the development of alternatives to incarceration, including diversion, restitution, and community-based corrections. The nation’s correctional policy aims to keep as many nonthreatening offenders out of the correctional system as possible by means of community-based programs and, conversely, to incarcerate dangerous, violent offenders for long periods.²⁵ Unfortunately, despite the development of alternatives to incarceration, the number of people under lock and key has skyrocketed.

Contemporary Corrections

Correctional treatment can be divided today into community-based programs and secure confinement. Community-based corrections include probation, which involves supervision under the control of the sentencing court, and an array of intermediate sanctions, which provide greater supervision and treatment than traditional probation but are less intrusive than incarceration.

Treatment in the community is viewed as a viable alternative to traditional correctional practices.²⁶ First, it is significantly less expensive to supervise inmates in the community than to house them in secure institutional facilities. Second, community-based corrections are necessary if the prison system is not to be overwhelmed by an influx of offenders. Third, community-based treatment is designed so that first-time or nonserious offenders can avoid the stigma and pain of imprisonment and be rehabilitated in the community.

In secure confinement, the jail houses misdemeanants (and some felons) serving their sentences, as well as felons and misdemeanants awaiting trial who have not been released on bail. State and federal prisons incarcerate felons for extended periods. Parole and aftercare agencies supervise prisoners who have been given early release from their sentences. Although parolees are actually in the community, parole is usually considered both organizationally and philosophically part of the secure correctional system. These institutions are discussed in the next sections.

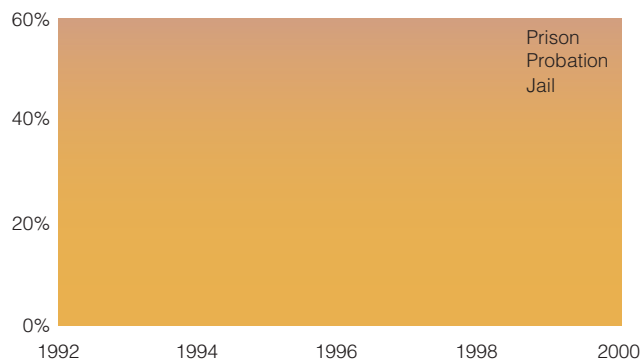


To quiz yourself on this material, go to the Criminology 9e website.

PROBATION

Probation usually involves the suspension of the offender’s sentence in return for the promise of good behavior in the community under the supervision of a probation department.

Percentage of Felons Convicted in State Court Sentenced to Prison, Probation, or Jail



Source: *Felony Sentences in State Courts, 2000*. <http://www.ojp.usdoj.gov/bjs/glance/felpct.htm>.

In some cases the offender is first sentenced to a prison term, and then the sentence is suspended and the defendant placed on probation. In others, the imposition of a prison sentence is delayed or suspended while the offender is put on probation. Probation is not limited to minor or petty criminals. As Figure 17.1 shows, about 32 percent or one-third of people convicted of felony offenses receive a sentence of probation only with no prison or jail time.

As practiced in all fifty states and by the federal government, probation involves a contract between the court and the offender in which the latter is required to obey a set of rules or conditions required by the court. If the rules are violated, and especially if the probationer commits another criminal offense, probation may be revoked; this means that the contract is terminated, and the original sentence is enforced. If an offender on probation commits a second offense that is more severe than the first, he or she may be indicted, tried, and sentenced on that second offense.

Probation may also be revoked simply because its rules and conditions have not been met, even if the offender has not committed another crime. In a series of cases, most importantly *Gagnon v. Scarpelli*,²⁷ the Supreme Court ruled that before probation can be revoked, the offender must (1) be given a hearing before the sentencing court and (2) be provided with counsel if there is a substantial reason for him or her to require legal assistance.

Probationary Sentences

In most jurisdictions, juries can recommend probation, but the judge has the final say in the matter and may also change or alter the terms of probation agreed upon in a plea negotiation; in nonjury trials, probation is granted solely by judicial mandate. Except where state law expressly prohibits a community supervision option, almost all offenders are eligible for probation, even those convicted of violent felonies, such as rape and homicide. Only mandatory sentencing laws that require incarceration preclude the probation option.

Missouri, Terms of Probation

1. Unless terminated as provided in section 559.036, the terms during which each probation shall remain conditional and be subject to revocation are:
 - (1) A term of years not less than one year and not to exceed five years for a felony;
 - (2) A term not less than six months and not to exceed two years for a misdemeanor;
 - (3) A term not less than six months and not to exceed one year for an infraction.
2. The court shall designate a specific term of probation at the time of sentencing or at the time of suspension of imposition of sentence.
3. The court may extend a period of probation, however, no more than one extension of any probation may be ordered. Total time on any probation term, including any extension, shall not exceed the maximum term as established in subsection 1 of this section.

Source: *Missouri Revised Statutes Chapter 559 Probation Section 559.016*, August 28, 2003.

Misdemeanor probation usually extends for the entire period of the jail sentence, while felons may receive probationary periods shorter than a corresponding prison sentence. Typically the term of felony probation runs between 1 and 5 years. Probation is considered served when the offender fulfills the conditions set by the court for that period; after that, he or she can live without interference from the state. Missouri's statute controlling probation terms is set out in Exhibit 17.1. Note that the statute allows judges to extend the term of probation but stipulates that it may not exceed the term of incarceration attached to the criminal offense.

Today, about 2,000 agencies nationwide monitor more than 4 million adults under federal, state, or local jurisdiction.²⁸ The adult probation population has grown rapidly during the past twenty-five years, increasing by 1 million since 1995 and 3 million since 1980, when 1.1 million people were on probation. Probation has become the sentence of choice for most offenders; about one-half of all offenders on probation have been convicted of a felony.

Probation Services

This vast array of offenders are treated, supervised, classified, and controlled by the nation's probation agencies and their probation officers. The services probation agencies provide can be divided into three broad categories.

INVESTIGATION After a person is convicted of a crime, the probation department investigates the case to determine if the defendant is a suitable candidate for probation or whether he or she needs to be placed in more secure confinement such as jail or prison. The investigation may involve interviews with friends and relatives, background checks, and so on. Based on this presentence investigation, the department makes a

A probation officer confers with a police officer in San Fernando, California. If an offender violates the rules of probation, local police may be called upon to make an arrest and take the offender into custody. Probation is generally successful, but a significant number of felons granted probation eventually have it revoked for committing new crimes.



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sentencing recommendation to the judge that typically controls the defendant's eligibility for community release.

Not only is probation used extensively in the United States, but it is popular abroad. Read about Probation in Holland: Donald G. Evans, "Spotlight on Probation in the Netherlands," *Corrections Today* 64 (July 2002): 104.

TREATMENT If the offender is granted probation, the department will typically evaluate the case, assess the client's personality, and create an appropriate treatment program. This process, referred to as **offender classification**, is used to guide treatment and supervision practice.²⁹

As part of the treatment function, probation officers help their clients cope with the personal problems that have put them at risk for criminal activity. Clients may be required to attend community mental health, substance abuse, and family counseling clinics. Probation officers can mandate that clients join support groups, report for polygraph testing and urinalysis, and complete homework assignments.³⁰

Although placement in community-based treatment programs is the norm, it is not unknown for probation officers to provide direct treatment to offenders who have substance abuse problems in communities that lack adequate, effective community-based programs.³¹ Probation officers also conduct special programs for clients, such as teaching childrearing skills to parents of juvenile offenders in their caseloads.³²

SUPERVISION Probation departments are charged with monitoring offenders while they are in the community. The level of supervision, depending on the probationer's risk potential and treatment needs, might range from daily checks to a yearly phone call. In some instances, probation officers

may be asked to carry guns, especially when they are required to supervise felony clients and visit them in their neighborhoods and homes.³³

To increase the effectiveness and lower recidivism risk, some communities are now experimenting with innovative supervision programs. In Maryland's HotSpot probation program, police officers, probation agents, neighbors, and social service professionals collaborate to form community probation supervision teams. Using a team approach, the program provides increased monitoring of offenders through home visits, drug testing, and regular meetings. Supervisors also work with the offenders to ease re-entry through offender creation of work crews that aid in community cleanups, work on vacant houses, and participate in other projects.³⁴


Probation Rules and Revocation

Each offender granted probation is given a set of rules to guide his or her behavior. Most jurisdictions have a standard set of rules that must be followed by probationers. These generally include:

- Maintaining steady employment
- Making restitution for loss or damage
- Cooperating with the probation officer
- Obeying all laws
- Meeting family responsibilities

Sometimes an individual probationer is given specific rules that relate to his or her particular circumstances, such as the requirement to enroll in an anger management or drug treatment program, to make a personal apology to the victim, or to have no contact with the ex-spouse.³⁵

Probationers may also be required to give up some of their legal rights and protections. For example, they may be required to allow probation officers to make unannounced warrantless entries of their homes to search for drugs or other illegal substances. In *United States v. Knights*, the Supreme Court upheld the legality of a warrantless search of a probationer's home for the purposes of gathering criminal evidence; in its ruling, the Court determined that the home of a probationer can be searched without a warrant if the search was based on (a) reasonable suspicion that he had committed another crime while on probation and (b) that a condition of his previous probation was that he would submit to searches. The Court reasoned that the government's interest in preventing crime, combined with *Knights's* diminished expectation of privacy, required only a "reasonable suspicion" to make the search fit within the protections of the Fourth Amendment. Although the Court recognized that society has a legitimate interest in the rehabilitation of probationers, it embraced the state's argument that a probationer is more likely to commit a crime than a non-probationer.³⁶

 Read more about the *Knights* case at: Jonathan T. Skrmetti, "The Keys to the Castle: A New Standard for Warrantless Home Searches in *United States v. Knights*," *Harvard Journal of Law and Public Policy* 25 (summer 2002): 1,201.

If rules are violated, a person's probation may be revoked by the court, and the probationer either begins serving the suspended sentence or, if he or she has not yet been sentenced, receives a prison sentence from the court. **Revocation** for violation of probation rules is called a **technical violation**; probation also can be revoked if the offender commits another offense.

Success of Probation

Probation is the most commonly used alternative sentence for a number of reasons: It is humane, it helps offenders maintain community and family ties, and it is cost effective. Incarcerating an inmate costs over \$20,000 per year, while probation costs about \$2,000 per year.³⁷

Although unquestionably inexpensive, is probation successful? If most probation orders fail, the costs of repeated criminality would certainly outweigh the cost savings of a probation sentence. Overall, most probation orders do seem successful. National data indicate that about 60 percent of probationers successfully complete their probationary sentence while about 40 percent are re-arrested, violate probation rules, or abscond.³⁸ Most revocations occur for technical violations that occur during the first 3 months of the probation sentence.³⁹

Probation's effectiveness is critical because many felons are today granted community sentences, including people convicted of homicide (about 5 percent), sexual assault and rape (about 16 percent), and robbery (11 percent).⁴⁰ How do serious offenders fare on probation? In an often-cited 1985

study, Joan Petersilia and her colleagues at the Rand Corporation followed the careers of 1,672 California men granted probation for felony offenses.⁴¹ They found that 1,087 (65 percent) were re-arrested, 853 (51 percent) were convicted, and 568 (34 percent) were incarcerated. The researchers uncovered the disturbing fact that 75 percent of the new arrests were for serious crimes, including larceny, burglary, and robbery; 18 percent of the probationers were convicted of serious violent crimes. They also found that about 25 percent of felons granted probation had personal and legal characteristics indistinguishable from people put in prison for the same original charges. The Petersilia research was an early indication that felons often qualified for and later failed on probation.

While the failure rate found by Petersilia seems disturbingly high, even the most serious criminals who receive probation are less likely to recidivate than those who are sent to prison for committing similar crimes.⁴² In addition, studies of federal probationers indicate that the high recidivism rates found by Petersilia might be limited to the population she surveyed and that in some probation populations a 30 percent violation rate is more accurate.⁴³

And there are some studies that have found a lower recidivism rate among particular classes of probationers (such as young, non-drug-using property offenders), indicating that probation may be a relatively effective correctional alternative for sub-groups of offenders.⁴⁴ Those probationers who have a stake in conformity, such as a good job and economic resources, are the ones most likely to succeed on probation; a strong stake in society may be a more powerful determinant of probation success than participation in treatment programs.⁴⁵

Because it costs far less to maintain an offender in the community than in prison, and because prison overcrowding continues, there is constant economic pressure to grant probation to serious felony offenders. Even if probation is no more successful than prison, it costs less and is therefore extremely attractive to policymakers. As a result, more than 2.2 million adults entered probation supervision during 2003, an increase of almost 100,600 probation entries from 2002.



To quiz yourself on this material, go to the Criminology 9e website.

INTERMEDIATE SANCTIONS

At a time when overcrowding has produced a crisis in the nation's prison system, alternative sanctions are viewed as a new form of corrections that falls somewhere between probation and incarceration.⁴⁶ Alternative sanctions include fines, forfeiture, home confinement, electronic monitoring, intensive probation supervision, restitution, community corrections, and boot camps.

The development of these **intermediate sanctions** can be tied to a number of different sources. Primary is the need

to develop alternatives to prisons, which have proved both ineffective and injurious. Research indicates that about half of all prison inmates are likely to be re-arrested and returned to prison, many soon after their release from an institution.⁴⁷ High revocation rates indicate that probation alone may not be an effective solution to the prison crowding problem. Therefore, a sanction that falls somewhere between prison and probation might be a more effective alternative to traditional forms of correction.

Intermediate sanctions also meet the need to develop punishments that are fair, equitable, and proportional. It seems unfair to treat both a rapist and a shoplifter with the same type of sentence, considering the differences in their criminal acts. Intermediate sanctions can provide the successive steps for a meaningful “ladder” of scaled punishments outside prison (Figure 17.2), thereby restoring fairness and equity to nonincarceration sentences.⁴⁸ For example, a forger may be ordered to make restitution to the victim, and an abusive husband may be ordered to reside in a community correctional center, whereas a rapist would be sent to state prison. This feature of intermediate sanctions allows judges to fit the punishment to the crime without resorting to a prison sentence. Intermediate sanctions can be designed to be punitive by increasing punishments for people whose serious or repeat crimes make straight probation sentences inappropriate yet for whom prison sentences would be unduly harsh and dysfunctional.⁴⁹ In fact, the punitive nature of intermediate sanctions is not lost on offenders, some of whom prefer prison to the new, tougher forms of probation.⁵⁰

The most likely candidates are convicted criminals who would normally be sent to prison but either have a low risk of recidivating or pose little threat to society (such as non-violent property offenders). Used in this sense, intermediate sanctions are a viable solution to the critical problem of prison overcrowding.

The following sections more thoroughly discuss the forms of intermediate sanctions in use.

Fines

Fines are monetary payments imposed on an offender as an intermediate punishment for criminal acts. They are a direct offshoot of the early common-law practice requiring compensation to the victim and the state for criminal acts. Although fines are most commonly used in misdemeanors, they are also frequently employed in felonies where the offender benefited financially. Investor Ivan Boesky paid over \$100 million in fines for violating insider stock trading rules; the firm of Drexel, Burnham Lambert paid \$650 million in 1988 for securities violations.⁵¹ Fines may be used as a sole sanction or combined with other punishment, such as probation or confinement. Quite commonly judges levy other monetary sanctions along with fines—such as court costs, public defender fees, probation and treatment fees, and victim restitution—to increase the force of the financial punishment.⁵²

The Punishment Ladder



Some jurisdictions are experimenting with **day fines**, a concept originated in Europe that gears fines to an offender's net daily income in an effort to make them more equitable. In contrast to the traditional fixed-sum fining system, in which the fine amount is governed principally by the nature of the crime, the day-fine approach tailors the fine amount to the defendant's ability to pay. Thus, for a given crime, the day fine is larger for a high-income offender than for an irregularly

employed or low-paid offender. The impact of the fine on each should be approximately equal. Under the traditional approach, a given fine amount could be relatively severe for a low-income offender but trivial for a person of substantial means.⁵³

Although it is far from certain that fines are an effective sanction, either alone or in combination with other penalties, they remain one of the most commonly used criminal penalties. Research sponsored by the federal government found that lower court judges impose fines alone or in tandem with other penalties in 86 percent of their cases, whereas superior court judges impose fines in 42 percent of their cases.⁵⁴



Want to implement a **day-fine program**? You may want to read: http://www.vera.org/publication_pdf/96_64.pdf. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Forfeiture

Another financially based alternative sanction is criminal (in *personam*) and civil (in *rem*) **forfeiture**. Both involve the seizure of goods and instrumentalities related to the commission or outcome of a criminal act. For example, federal law provides that after arresting drug traffickers, the government may seize the boat they used to import the narcotics, the car they used to carry them overland, the warehouse in which they were stored, and the home paid for with drug money; upon conviction, the drug dealers permanently lose ownership of these instrumentalities of crime.

Forfeiture is not a new sanction. During the Middle Ages forfeiture of estate was a mandatory result of most felony convictions. The Crown could seize all of a felon's real and personal property. Forfeiture derived from the common-law concept of "corruption of blood" or "attaint," which prohibited a felon's family from receiving his or her estate. Common law mandated that descendants could not inherit property from a relative who may have attained the property illegally: "(T)he Corruption of Blood stops the Course of Regular Descent, as to Estates, over which the Criminal could have no Power, because he never enjoyed them."⁵⁵

The use of forfeiture was reintroduced in American law with the passage of the Racketeer Influenced and Corrupt Organizations (RICO) and the Continuing Criminal Enterprises acts, both of which allow the seizure of any property derived from illegal enterprises or conspiracies.

Restitution

Another popular intermediate sanction is restitution, used in about one-third of felony probation cases, which can take the form of requiring convicted defendants to either repay the victims of crime (**monetary restitution**) or serve the community to compensate for their criminal acts (**community service restitution**).⁵⁶

Restitution programs offer convicted offenders a chance to avoid jail or prison sentences or lengthy probation. Resti-

tution may also be used as a diversionary device that allows some offenders to avoid a criminal record altogether. In this instance, a judge continues the case "without a finding" while the defendant completes the restitution order; after the probation department determines that restitution has been made, the case is dismissed.⁵⁷

Because restitution appears to benefit the crime victim, the offender, the criminal justice system, and society as a whole, national interest in the concept has been tremendous. Restitution is inexpensive, avoids stigma, and helps compensate crime victims. Offenders doing community service have worked in schools, hospitals, and nursing homes. Helping them avoid jail can save the public thousands of dollars that would have maintained them in secure institutions, free needed resources, and give the community the feeling that equity has been returned to the justice system. Most offenders successfully complete their restitution orders and consequently have equal or lower recidivism rates when compared to control groups of various kinds.⁵⁸ Restitution and community service orders have also been popular abroad, as the Comparative Criminology feature illustrates.

Split Sentencing and Shock Probation

Split sentencing and shock probation are alternative sanctions that allow judges to grant offenders community release only after they have sampled prison life. These sanctions are based on the premise that if offenders are given a taste of incarceration sufficient to "shock" them into law-abiding behavior, they will be reluctant to violate the rules of probation or commit other criminal acts.

In a number of states and in the federal criminal code, a jail term can actually be a condition of probation; this is known as **split sentencing**. Under current federal practices, about 25 percent of all convicted federal offenders receive some form of split sentence, including both prison and jail as a condition of probation.

Another approach, known as **shock probation**, involves resentencing an offender after a short prison stay. The shock comes because the offender originally receives a long maximum sentence but is then eligible for release to community supervision at the discretion of the judge (usually within 90 days of incarceration). Used in a number of states, shock probation has been praised as a program that limits prison time and allows offenders to be quickly integrated into the community, a mechanism that can maintain family ties, and a way of reducing prison populations and the costs of corrections.⁵⁹

Intensive Probation Supervision

Intensive probation supervision (IPS) programs are another important form of intermediate sanction. IPS programs, which have been implemented in some form in most states, involve small caseloads of fifteen to forty clients who are kept under close watch by probation officers. The primary goal of IPS is diversion: Without intensive supervision, clients would

International Community Sentencing Practices

While the crime rate has been declining in the United States for nearly a decade, “get tough” measures such as three strikes laws have resulted in a steadily increasing prison population. Western European countries have crime rates similar to the United States, but their incarceration rates are much lower, and their criminal penalties are not nearly as harsh as those in the United States.

This disparity in punishment has not been lost on researchers such as legal scholar Michael Tonry, who has explored the differences between the United States and other Western democracies. Tonry points out that crime trends seem to have an important impact on U.S. incarceration policies. As the crime rate goes up, so too does the media’s coverage of crime stories. Political figures, especially those running for office, feed off the media coverage and make crime an election focus. Because these events fuel public anxiety, there is an outcry for punitive measures to be taken against criminals. Politicians are happy to oblige their constituents and pass tough sanctions against criminals to show their sensitivity to the voters. Tonry finds that crime has taken on increasing political importance since the 1964 presidential election. In the 1990s, the overused phrase “get tough on crime” has crossed party lines as lawmakers promise to implement harsh measures against criminals regardless of whether they will actually reduce crime or whether they are really needed. As crime rates fall, both the politicians and the public credit the “get tough” stance for success, though

there is little evidence that draconian measures actually reduce crime. For example, crime rates were already trending downward before harsh reform laws such as mandatory minimum sentencing and truth in sentencing were created; yet conservatives believe that these “get tough” measures helped reduce crime rates.

Western European nations have taken a different approach to crime control. When crime rates rose in European democracies, lawmakers focused on making punishment fair rather than harsh. Rather than mandatory sentencing, individual circumstances and the reasons for committing crime are considered. Western European lawmakers also focus on punishments that are utilitarian and effective in reducing crime rather than being punitive and retributive. They often rely on community sentences such as day fines, which are based on the offender’s earnings and economic circumstances. The money collected from day fines not only punishes the offenders but serves to benefit society.

Western European judges have also been more likely to sentence offenders to community service. Community service, which ironically was created in the United States, has quickly become the sentence of choice for minor crimes in European nations. Although community service hours can number in the thousands for U.S. criminals, European sentences often limit the number of hours to 240. Incarceration sentences in Europe are also substantially shorter than in the United States. No European country has implemented mandatory sentences or truth in sentencing. Almost all efforts to control or reduce judicial discretion

have been met with disapproval. Tonry points out this may be because western European judges and prosecutors are career civil servants, free from political concerns. Not having to worry about an upcoming election allows them to focus on what they believe is just rather than what is politically expedient.

Critical Thinking

1. While the use of community service in Europe is commendable, is it practical in the United States where recidivism rates are very high?
2. People who commit crimes after they have been caught are called *avertable* recidivists. They could have been in jail or prison but instead are out on bail, probation, or parole. A significant percentage of all criminal acts are committed by avertable recidivists. Considering this, should we try to hold suspected and convicted criminals as long as possible, toughening bail requirements and restricting probation to the most deserving and/or eliminating parole? Would the cost of such a “get tough” policy outweigh the benefits of a lowered crime rate?

InfoTrac College Edition Research

Use “alternative sanctions” and “community service restitution” in a key word search in InfoTrac College Edition.

Sources: Michael Tonry, “Why Are U.S. Incarceration Rates So High?” *Crime and Delinquency* 45 (1999): 419–438; Michael Tonry, “Parochialism in U.S. Sentencing Policy,” *Crime and Delinquency* 45 (1999): 48–66.

normally have been sent to already overcrowded prisons or jails. The second goal is control: High-risk offenders can stay in the community under much closer security than traditional probation efforts can provide. A third goal is reintegration: Offenders can maintain community ties and be

reoriented toward a more productive life while avoiding the pain of imprisonment.

Who is eligible for IPS? Most programs have admissions criteria based on the nature of the offense and the offender’s criminal background. Some programs exclude

violent offenders; others will not consider substance abusers. In contrast, some jurisdictions do not exclude offenders based on their prior criminal history. About 60 percent of IPS programs exclude offenders who have already violated probation orders or otherwise failed on probation.

The form and structure of IPS programs vary a great deal. The typical model requires clients to meet with their supervisors almost every day. However, there are significant variations among programs, and some may require only a few contacts with clients per month. There are also significant differences in the length and types of contacts. For example, most IPS programs are divided into treatment phases, with the number of contacts diminishing as the client progresses between program stages. In some programs the most intensive stage, in which clients are seen daily, lasts almost 6 months; in others daily contact is terminated after 90 days. Some programs demand face-to-face contacts at home, at work, or in the probation office, whereas others rely on telephone contacts, curfew checks, or collateral contacts (with family, friends, or employers); most employ routine drug testing.

Despite its promise, the failure rate in IPS caseloads is quite high, approaching 50 percent.⁶⁰ Younger offenders who commit petty crimes are the most likely to fail on IPS; ironically, people with these characteristics are the most likely to be included in IPS programs.⁶¹ It is possible that closer supervision “produces” failures because supervisors are better able to detect technical and legal violations. Continuous drug testing alone should produce a higher failure rate among IPS clients than traditional probationers.

These failure rates seem high, but IPS is designed for clients who have more serious prior records and histories of drug abuse than regular probationers. However, in an important analysis of IPS in three California counties, Joan Petersilia found that IPS clients were actually less dangerous than those sent to prison and just as likely to recidivate as clients in traditional probation caseloads.⁶² IPS is a waste of taxpayers’ money if it works no better than traditional probation while serving a similar clientele.



To read **Arizona’s IPS statute** go to <http://www.azleg.state.az.us/legtext/42leg/1r/bills/hb2015p.htm>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

Home Confinement/Electronic Monitoring

A number of states, including Florida, Oklahoma, Oregon, Kentucky, and California, have developed **home confinement (HC)** programs (also called house arrest or home detention) as an intermediate sanction. The HC concept requires convicted offenders to spend extended periods in their own homes as an alternative to incarceration. For example, an individual convicted of drunk driving might be sentenced to spend the period between 6 P.M. Friday and 8 A.M. Monday and every weekday after 5:30 P.M. in his or her home for the next 6 months. Current estimates indicate that as many as 10,000 people are placed under HC yearly.⁶³

Like IPS programs, there is a great deal of variation in HC initiatives: Some are administered by probation departments, whereas others are simply judicial sentences monitored by surveillance officers; some check clients ten or more times a month, whereas others make only a few curfew checks; some use 24-hour confinement, whereas others allow offenders to attend work or school. Regardless of the model used, house arrest programs are designed to be more punitive than IPS and are considered a “last chance” before prison: If you are caught violating a house arrest order, the next logical stop is a secure correctional facility.⁶⁴

As yet, no definitive data indicate that HC effectively deters crime, nor is there sufficient evidence to conclude that it lowers recidivism rates. Nonetheless, considering its cost advantages and the overcrowded status of prisons and jails, it is evident that house arrest will continue to grow in the new millennium.

For house arrest to work, sentencing authorities must be assured that arrestees are actually at home during their assigned times. Random calls and visits are one way to check on compliance with house arrest orders. However, a more advanced method of control has been the introduction of **electronic monitoring (EM)** devices to manage offender obedience to home confinement orders. The various forms of EM are described in Exhibit 17.2.

Growth in the number of electronically monitored offenders has been explosive. Up to 1 million people may eventually be monitored electronically in the United States.⁶⁵ EM is being hailed as one of the most important developments in correctional policy.⁶⁶ It has the benefits of relatively low cost and high security while at the same time helping offenders avoid imprisonment in overcrowded, dangerous state facilities. Electronic monitoring is capital-rather than labor-intensive. Because offenders are monitored by computers, an initial investment in hardware rules out the need for hiring many more supervisory officers to handle large numbers of clients. It can also be used at many stages of the justice process, including at the front end as a condition of pretrial release and at the back end as part of parole.

There are some indications that EM can be an effective addition to the galaxy of intermediate sanctions, providing the judiciary with an enhanced supervisory tool. For example, when Kevin Courtright and his associates examined the cost-saving potential of using house arrest with EM as an alternative to incarceration for a drunk-driving population in a Pennsylvania county, they found that the program saved money and avoided new construction costs, without widening the net of social control.⁶⁷ However, not all evaluations have been successful, and some find that parolees monitored on EM are no less likely to recidivate than those released without such supervision.⁶⁸ EM seems to work best among targeted groups of nonviolent offenders, especially drunk drivers.⁶⁹ And even if EM proves to be a low-cost, less painful alternative to incarceration, to some it presents the potential for excessive government intrusion and violations of privacy.⁷⁰

Electronic Monitoring Systems

- Identity verification devices can range from personal identification numbers to biometric verification that recognizes different parts of the human body to ensure the reporting person is the intended offender.
- Remote alcohol detection devices require users to blow into the device, which is usually in the offender's home, to measure blood alcohol content. The results are recorded by a computer to determine compliance with conditions of alcohol consumption.
- Ignition interlock devices are linked to the electrical systems of automobiles. The driver must expel deep lung air into the device to operate the vehicle. If the driver's blood alcohol content is registered above a predetermined level deemed unsafe to drive, the vehicle will not start.
- Programmed contact systems are used to contact and verify the location of offenders in their homes or elsewhere. They utilize a central computer that either receives telephone calls from or makes calls to offenders in one or more locations.
- Continuous signaling devices are battery-powered and transmit a radio signal two or more times per minute. These are placed on the offender's wrist or ankle with a tamper-resistant strap and must be worn at all times. A receiver detects the transmitter's signals and conveys a message via telephone report to a central computer when it either stops receiving the radio frequency or the signal resumes. Receivers can detect transmitter signals from a range of up to, and in some cases, exceeding, 150 feet when installed in a typical home environment.
- Victim notification systems alert the victim when the offender is approaching his or her residence. A transmitter is worn by both the offender and the victim, and a receiver is placed at both residences. If the offender approaches the victim's home, the system will alert the victim.
- Field monitoring devices, or "drive-by" units, are another type of continuous signaling technology. Probation or parole officers or other authorities use a portable device that can be handheld or used in a vehicle with a roof-mounted antenna. When within 200 to 800 feet of an offender's ankle or wrist transmitter, the portable device can detect the radio signals of the offender's transmitter.
- Group monitoring units allow supervisors to monitor several offenders in the same location, such as for verifying attendance of multiple offenders in a day-reporting program or monitoring offenders confined in a residential group setting.
- Location tracking systems, also known as global positioning systems, have receivers that detect satellite signals including the exact time the signal is sent and the identity of the satellite sending the signal. This information is processed to determine the person's location. This more expensive technology typically is used for high-risk offenders. It can determine when an offender leaves an area where he or she is supposed to be (inclusion zone) or enters an area where he or she is not allowed to be (exclusion zone).

Source: Ann Crowe, "Electronic Supervision: From Decision-Making to Implementation," *Corrections Today* 64 (2002): 131–132. Reprinted by permission of the American Corrections Association, Lanham, MD.

Residential Community Corrections

A more secure intermediate sanction is a sentence to a **residential community corrections (RCC)** program. These programs have been defined by the National Institute of Corrections as a freestanding nonsecure building that is not part of a prison or jail and houses pretrial and adjudicated adults. The residents regularly depart to work, to attend school, and/or to participate in community corrections activities and programs.⁷¹

The traditional role of community corrections was to provide a nonsecure "halfway house" environment designed to reintegrate soon-to-be-paroled prison inmates into the community. Inmates spend the last few months of their sentences in halfway houses acquiring suitable employment, building up cash reserves, obtaining apartments, and developing job-related wardrobes. These facilities often look like residential homes because many were originally private residences. In urban centers, small apartment buildings have been used to house clients. Usually these facilities have a central treatment theme—such as group therapy or reality therapy—for rehabilitating and reintegrating clients. Another popular approach in community-based corrections is the use of ex-offenders as staff members. These individuals have experienced making the transition between the closed institution and society and can be invaluable in helping residents overcome the many hurdles to proper readjustment. Clients learn how to reestablish family and friendship ties, and the shock of sudden re-entry into society is considerably reduced.

The traditional concept of community corrections has expanded recently. Today the community correctional facility provides intermediate sanctions as well as a prerelease center for those about to be paroled from prison. For example, RCC has been used as a direct sentencing option for judges who believe particular offenders need a correctional alternative halfway between traditional probation and a stay in prison.

Placement in a RCC center can be used as a condition of probation for offenders who need a nonsecure community facility that provides a more structured treatment environment than traditional probation. For example, Portland House, a private residential center in Minneapolis, operates as an alternative to incarceration for young adult felony offenders. The twenty-five residents receive group therapy and regular financial, vocational, educational, family, and personal counseling. Residents may earn a high-school equivalency degree. With funds withheld from their work-release employment earnings, residents pay room and board, family and self support, and income taxes. Portland House appears to be successful. It is significantly cheaper to run than a state institution, and the recidivism rate of clients is much lower than that of people who have gone through traditional correctional programs.⁷²

In addition to being a sole sentence and a halfway house, RCC programs have also been used as a residential pretrial

release center for offenders who need immediate social services before their trial and as a halfway-back alternative for both parole and probation violators who might otherwise have to be imprisoned. In this capacity, RCC programs serve as a base from which offenders can be placed in outpatient psychiatric facilities, drug and alcohol treatment programs, job training, and so on.

Boot Camps/Shock Incarceration

Another intermediate sanction gaining popularity around the United States is **boot camps** or **shock incarceration (SI)**. These programs typically include youthful, first-time offenders and feature military discipline and physical training. The concept is that short periods (90 to 180 days) of high-intensity exercise and work will shock young criminals into going straight. Tough physical training is designed to promote responsibility and improve decision-making skills, build self-confidence, and teach socialization skills. Inmates are treated with rough intensity by drill masters, who may call them names and punish the entire group for the failure of one of its members.

There is wide variety in the programs now operating around the United States.⁷³ Some programs include educational and training components, counseling sessions, and treatment for special needs populations; others devote little or no time to therapeutic activities. Some receive program participants directly from court sentencing, whereas others choose potential candidates from the general inmate population. Some allow voluntary participation and others voluntary termination.⁷⁴

Is shock incarceration a correctional panacea or another fad doomed to failure? The results so far have not been encouraging. The costs of boot camps are no lower than those of traditional prisons, but because sentences are shorter, boot camps provide long-term savings. Some programs suffer high failure-to-complete rates, which makes program evaluations difficult (even if “graduates” are successful, it is possible that success is achieved because troublesome cases drop out and are placed in the general inmate population). What evaluations exist indicate that the recidivism rates of inmates who attend shock programs are in some cases no lower than those released from traditional prisons.⁷⁵

Many of these evaluations have been conducted by Doris Layton Mackenzie and her associates. One study with James Shaw found that although boot camp inmates may have lower recidivism rates than probationers and parolees, they have higher rates of technical violations and revocations.⁷⁶ These results are disappointing, but Mackenzie reports that both staff and inmates seem excited by the programs, and even those who fail on parole report they felt SI was a valuable experience.⁷⁷ She also finds, with Alex Piquero, that carefully managed boot camp programs can make a major dent in prison overcrowding.⁷⁸ Nonetheless, Mackenzie’s extensive evaluations of the boot camp experience generate little evidence that they can significantly lower recidivism rates.

Programs that seem to work—stress treatment and therapeutic activities—are voluntary and are longer in duration.⁷⁹ Perhaps the therapeutic aspect of the programs, not the military part, provides any achieved benefits.

Can Alternatives Work?

There is little evidence that alternative sanctions can prevent crime, reduce recidivism, or work much better than traditional probation or prison. Those who favor this approach argue that even without conclusive evidence that alternative sanctions are better than prison, they are certainly cheaper. Yet this rationale is valid only if the client population served would have been placed in more restrictive, costly secure confinement absent the opportunity for alternative sentencing. If, as some critics contend, placement is restricted to people who would have ordinarily been granted straight probation, then alternative sanctions are actually a more expensive method to achieve about the same result.

In a careful analysis of alternative sanctions, Frank Cullen finds that although they often produce some “small victories,” they “have not shown the general ability to defeat the powerful forces fueling the [corrections] crisis.”⁸⁰ Despite such cautions, alternative sanctions seem an attractive correctional alternative, and a number of states have in the past few years expanded their programs, including adding restitution (Alabama) and community service (Maine) sentencing options.⁸¹



To quiz yourself on this material, go to the Criminology 9e website.

JAILS

The **jail** is a secure institution used to (1) detain offenders before trial if they cannot afford or are not eligible for bail and (2) house misdemeanants sentenced to terms of 1 year or less, as well as some nonserious felons. The jail is a multi-purpose correctional institution whose other main functions are set out in Exhibit 17.3.

The jail originated in Europe in the sixteenth century and was used to house those awaiting trial and punishment. Jails were not used to house sentenced criminals because at that time punishment was achieved by fine, exile, corporal punishment, or death. Throughout their history, jails have been considered hellholes of pestilence and cruelty. In early English history, they housed offenders awaiting trial, as well as vagabonds, debtors, the mentally ill, and assorted others.⁸² The early colonists adopted the European custom of detaining prisoners in jail. As noted previously, William Penn instituted the first jails to house convicted offenders while they worked off their sentences. The Walnut Street Jail, built in 1790, is considered the first modern jail.

Jail Populations

There has been a national effort to remove as many people from local jails as possible through bail reform measures and pretrial diversion. Nonetheless, as Figure 17.3 shows, jail populations have been steadily increasing, due in part to the

Jail Functions and Services

- Receive individuals pending arraignment and hold them awaiting trial, conviction, or sentencing.
- Readmit probation, parole, and jail-bond violators and absconders.
- Temporarily detain juveniles pending transfer to juvenile authorities.
- Hold mentally ill persons pending their movement to appropriate health facilities.
- Hold individuals for the military, for protective custody, for contempt, and for the courts as witnesses.
- Release convicted inmates to the community on completion of sentence.
- Transfer inmates to federal, state, or other authorities.
- House inmates for federal, state, or other authorities because of crowding of their facilities.
- Relinquish custody of temporary detainees to juvenile and medical authorities.
- Sometimes operate community-based programs as alternatives to incarceration.
- Hold inmates sentenced to short terms (generally under year).

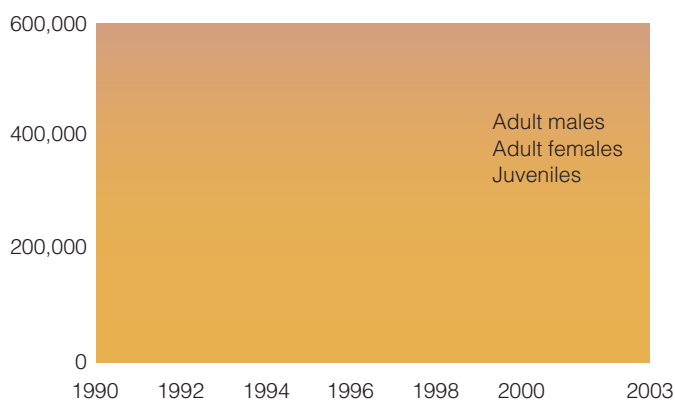
Source: Paige Harrison and Jennifer Karberg, *Prison and Jail Inmates at Midyear 2002* (Washington, DC: Bureau of Justice Statistics, 2003), p. 7.

increased use of mandatory jail sentences for such common crimes as drunk driving and the use of local jails to house inmates for whom there is no room in state prisons. Today there are close to 700,000 people in jail on a daily basis, including almost 7,000 juveniles despite a 20-year campaign by the federal government to remove minors from adult institutions.⁸³

As might be expected, jail inmates tend to be troubled people, many of whom were sexually abused as children (about half the female inmates) and grew up in a single-parent household. A significant portion have alcohol and substance abuse problems and are repeat offenders. As Figure 17.4 shows, a disproportionate number of jailed inmates are minority group members, a finding that reflects the social and economic disparities in our nation.

Jail Population by Age and Gender, 1990–2003

Number of jailed inmates (one-day count)



Source: Bureau of Justice Statistics Correctional Surveys. <http://www.ojp.usdoj.gov/bjs/glance/jailag.htm>.

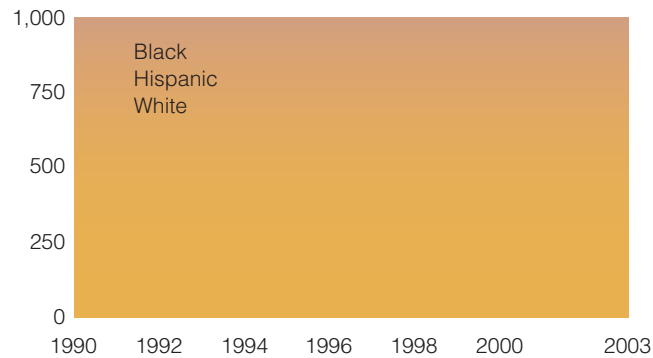
An inmate uses a mirror to look outside his cell at the Los Angeles Men's Central Jail in downtown Los Angeles. Many urban jails are overcrowded, lack necessary resources, and are faced with housing some of the community's most dangerous people, a potentially explosive combination. The Los Angeles facility has been hampered by a lack of funding and understaffing. Not surprisingly, it is not uncommon for inmates to experience violence and death—in April 2004, for example, an inmate managed to roam the jail freely for hours before strangling a fellow inmate who testified against him at trial.



© Robin Beck/Getty Images

Jail Incarceration Rates by Race and Ethnicity, 1990–2003

Number of jailed inmates (one-day count)



Source: Bureau of Justice Statistics Correctional Surveys. <http://www.ojp.usdoj.gov/bjs/glance/jailair.htm>.

Jail Conditions

Jail conditions have become a national scandal. Throughout the United States, jails are marked by violence, overcrowding, deteriorated physical conditions, and lack of treatment or rehabilitation efforts. Suicides are common, as are fires and other natural calamities.⁸⁴ Another problem is the housing together of convicted offenders and detainees. And, despite government efforts to end the practice, many juvenile offenders occupy cells in adult jail facilities. Numerous jails are under court order to improve. The most common grievances are overcrowding, inadequate recreational facilities and services, insufficient libraries, and deficient medical services and facilities.⁸⁵

NEW GENERATION JAILS New generation jails are being built that use modern designs to improve effectiveness.⁸⁶ Some contain a cluster of cells surrounding a living area or “pod,” which contains tables, chairs, TVs, and other material. A correctional officer is stationed within the pod. The officer has visual observation of inmates and maintains the ability to relate to them on a personal level. By placing the officer in the pod, there is an increased awareness of the behaviors and needs of the inmates. This results in a safer environment for both staff and inmates. Because interaction among inmates is constantly and closely monitored, dissension can be detected and defused quickly before it escalates.

During the day, inmates stay in the open area (dayroom) and typically are not permitted to go into their cells except with permission of the officer in charge. The officer controls door locks to cells from the control panel. In case of trouble or if the officer leaves the station for an extended period of time, command of this panel can be switched to a panel at a remote location, known as “central control.” The officer usually wears a device that permits immediate communication

with central control in case of trouble, and the area is also covered by a video camera monitored by an officer in the central control room.

While these institutions have not yet undergone extensive evaluation, research shows that they may help reduce postrelease offending in some situations.⁸⁷



To quiz yourself on this material, go to the Criminology 9e website.

PRISONS

State and federal governments maintain closed correctional facilities to house convicted felons. Usually called **prisons** or **penitentiaries**, these institutions have become familiar to most people as harsh, frightening places filled with dangerous men and women. San Quentin (California), Attica (New York), Joliet (Illinois), and Marion (Illinois) are but a few of the large state and federal prisons made well known by films, books, or other media.

Though the crime rate has fallen sharply for the past decade, the prison population has continued to rise. One reason is that there has been a recent trend for defendants convicted of a felony to be sent to prison (73 percent) instead of jail or probation, a finding that may reflect a more conservative view of crime control.⁸⁸ Similarly, increases in the prison population may also be linked to changing sentencing policies that force inmates to spend more time behind bars before they are released. And as more inmates are released on parole, the increasing number of returning parole violators has also helped fuel the growth in the prison inmate population.

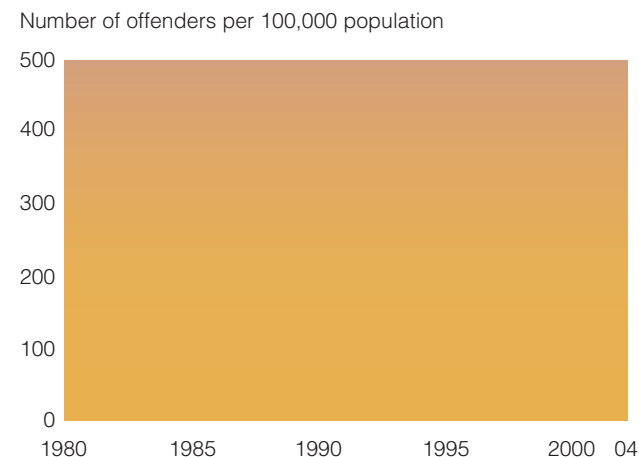
The most rapid increase in the offender population has been for violent offenses; the drug offender population, which increased rapidly between 1980 and 1990, seems to have leveled off. The latest data show that as of January 1, 2004, there were more than 1,470,000 prisoners under federal and state jurisdiction.⁸⁹

While sentencing practices have helped increase the inmate population, the declining crime rate has ended the rapid increase in the prison population experienced during the 1980s and 90s. As Figure 17.5 shows, the prison population has finally begun to stabilize.

Types of Prisons

Prisons are usually categorized according to their level of security and inmate populations as maximum-, medium-, and minimum-security institutions. Large maximum-security prisons are surrounded by high walls, have elaborate security measures and armed guards, and house inmates classified as potentially dangerous. High security and stone walls give the inmates the sense that the facility is impregnable and reassure citizens that convicts will be completely incapacitated. During the day, the inmates engage in closely

Prison Incarceration Rate, 1980–2004



Source: Bureau of Justice Statistics. <http://www.ojp.usdoj.gov/bjs/glance/incrt.htm>.

controlled activities: meals, workshops, education, and so on. Rule violators may be confined to their cells; working and other shared recreational activities are viewed as privileges.

Medium-security prisons have similar protective measures but usually contain less violent inmates. Consequently, they are more likely to offer a variety of treatment and educational programs to their residents. They may be similar in appearance to the maximum-security prison; however, security and atmosphere are neither so tense nor so vigilant. Medium-security prisons are also surrounded by walls, but there may be fewer guard towers or other security precautions. For example, visitor privileges may be more extensive, and personal contact may be allowed; in a maximum-security prison, visitors may be separated from inmates by Plexiglas or other barriers (to prohibit the passing of contraband). Although most prisoners are housed in cells, individual honor rooms in medium-security prisons are used to reward those who make exemplary rehabilitation efforts. Finally, medium-security prisons promote greater treatment efforts, and the relaxed atmosphere allows freedom of movement for rehabilitation workers and other therapeutic personnel.

Minimum-security prisons operate without armed guards or walls; usually they are constructed in compounds surrounded by chain-link fences. Minimum-security prisons house the most trustworthy and least violent offenders; white-collar criminals may be their most common occupants. Inmates may be transferred to these nonrestrictive institutions as a reward for good behavior prior to their release. A great deal of personal freedom is allowed inmates. Instead of being marched to activities by guards, they are summoned by bells or loudspeaker announcements and assemble on their own. Work furloughs and educational releases are encouraged, and vocational training is of the highest level. Minimum-security prisons have been scoffed at for being too much like country clubs; some federal facilities catering to

white-collar criminals even have tennis courts and pools. Yet they remain prisons, and the isolation and loneliness of prison life deeply affects the inmates at these facilities. And, of course, if an inmate cannot adjust to the relaxed security or if attempts escape, he or she will be transferred to a higher-security institution.

SUPER-MAXIMUM PRISONS More than thirty states now operate **super-max prisons** or units (also known as ultra-max prisons).⁹⁰ These high-security institutions can be independent correctional centers or locked wings of existing prisons operating under such names as the “secure housing unit” or “maximum control unit.”

The 484-bed federal facility in Florence, Colorado, is the model for the super-max prison. It has the most sophisticated security measures in the United States, including 168 video cameras and 1,400 electronically controlled gates. Inside the cells all furniture is unmovable; the desk, bed, and TV stand are made of cement. All potential weapons—including soap dishes, toilet seats, and toilet handles—have been removed. The cement walls are 5,000-pound quality, and steel bars are placed so they crisscross every 8 inches inside the walls. Cells are angled so that inmates can see neither each other nor the outside scenery. This cuts down on communications and denies inmates a sense of location, in order to prevent escapes.

Getting out of the prison seems impossible. There are six guard towers at different heights to prevent air attacks. To get out, the inmates would have to pass through seven 3-inch-thick steel doors, each of which can be opened only after the previous one has closed. If a guard tower is ever seized, all controls are switched to the next station. If the whole prison is seized, it can be controlled from the outside. It appears that the only way out is via good works and behavior, through which an inmate can earn transfer to another prison within 3 years.

Civil rights watchdog groups charge that these super-maximum prisons violate the United Nations standards for the treatment of inmates. They are typically located in rural areas, which makes staffing difficult in the professional areas of dentistry, medicine, and counseling. Senior officers would rather not work in these institutions, leaving the most difficult inmates in the hands of the most inexperienced correctional officers.

A recent survey by Leena Kurki and Norval Morris found that although conditions vary from state to state, many super-maxes subject inmates to nearly complete isolation and deprivation of sensory stimuli.⁹¹ While the long-term effects of such conditions on inmates are still uncertain, they believe that these conditions are likely to have an extremely harmful effect on inmates, especially those who suffer from preexisting mental illness or those with subnormal intelligence. Kurki and Morris argue that while the super-max prison is considered the ultimate control mechanism for disruptive inmates, individuals are actually less to blame for prison violence and disruption than the dysfunctional prison regimes and misguided prison administrators.

To read about the conditions in the new super-maximum security prisons, read: "Cruel and Unusual Punishment," *Harper's* 303 (2001): 92.

FARMS AND CAMPS In addition to closed institutions, prison farms and camps are used to detain offenders. This type of facility is found primarily in the South and the West. Prisoners on farms produce dairy products, grain, and vegetable crops that are used in the state correctional system and other government facilities, such as hospitals and schools. Forestry camp inmates maintain state parks, fight forest fires, and do reforestation work. Ranches, primarily a western phenomenon, employ inmates in cattle raising and horse breeding, among other activities. Road gangs repair roads and state highways.

One controversial aspect of these open institutions has been the use of stun belts to control inmates while they work outdoors. Once confined in a stun belt, the inmate can receive a shock of 50,000 volts and 3 to 4 milliamperes for a period of 8 seconds. Although not fatal, the shock is very painful, and victims are immediately incapacitated. Burns may develop where the electrodes touch the skin above the left kidney, which may take months to heal. Critics charge that stun guns are brutal and can be used to terrorize or torture inmates.⁹²

PRIVATE PRISONS On January 6, 1986, the U.S. Corrections Corporation opened the first privately run state prison in Marion, Kentucky—a 300-bed minimum-security facility for inmates who are within 3 years of parole.⁹³ By 2000, 264 privately operated facilities were under contract with state or federal authorities to house prisoners. In one 5-year stretch, the number of inmates held in these facilities rose 459 percent (from 16,663 inmates in June 1995 to 93,077 in June 2000); As of 2004, privately operated facilities housed 95,522 inmates (5.7 percent of state and 12.6 percent of federal inmates).⁹⁴

Private facilities span the full range of correctional institutions: More than a third of the 460 community-based facilities operating in 2000 were privately operated; four maximum security prisons were privately run. In addition to running stand-alone institutions, some correctional institutions outsource services such as medical care or food supply to private for-profit companies.

Although privately run institutions have been around for a few years, their increased use may present a number of problems. For example, will private providers be able to effectively evaluate programs knowing that a negative evaluation might cause them to lose their contracts? Will they skimp on services and programs to reduce costs? Might they not skim off the easy cases and leave the hard-core inmates for state care? And will the need to keep business booming require widening the net to fill empty cells? Some private service providers have been sued because their services were inadequate, causing harm to inmates.⁹⁵

The notion of running prisons for profit may be unpalatable to large segments of the population. However, is this much different from a private hospital or college, both of which offer services also provided by the state? The issues that determine the future of private corrections may be efficiency and cost effectiveness, not fairness and morality. Privately run correctional institutions have been found to provide better services at lower cost than public facilities.⁹⁶ They may experience some of the same problems as state-run institutions, but there is little conclusive evidence that they cannot operate as or even more efficiently than traditional institutions.⁹⁷ A recent review of private prisons by Richard Harding finds that they now play an important correctional role in the United States, Australia, and the United Kingdom. Harding finds clear evidence that the development of private prisons has stimulated improvement in the correctional system but also that private prisons can experience the same failures and problems as public institutions.⁹⁸

LEGAL ISSUES There are also unresolved legal problems that can emerge quickly: Can privately employed guards patrol the perimeter and use deadly force to stop escape attempts? Do private correctional officers have less immunity from lawsuits than state employees? The 2001 case of *Correctional Services Corp. v. Malesko* helps define the rights and protections of inmates in private correctional facilities.⁹⁹ Malesko had a heart condition but was forced to walk stairs rather than take an elevator. When he suffered a heart attack, he sued the Correctional Services Corp., which was operating the prison, under the Federal Civil Rights Act alleging that the denial of proper medical care violated his civil rights. Citizens are generally allowed to seek damages against federal agents who violate their civil rights. However, the U.S. Supreme Court ruled that although Malesko could sue an individual employee of the private correctional corporation for allegedly violating his or her constitutional rights, he may not sue the correctional corporation itself. This decision shields the private prison corporation from suits brought under the federal civil rights statute. The *Malesko* decision upholds the concerns of some critics who view the private prison as an insidious expansion of state control over citizens: a state supported entity that actually has more freedom to exert control than the state itself.¹⁰⁰

Use "prison management companies" as a subject guide in InfoTrac College Edition.

In the abstract, a private correctional enterprise may be an attractive alternative to a costly correctional system, but these legal, administrative, and cost issues need to be resolved before private prisons can become widespread.¹⁰¹ A balance must be reached between the need for a private business to make a profit and the integrity of a prison administration that must be concerned with such complex issues as security, rehabilitation, and dealing with highly dangerous people in a closed environment.¹⁰²

Prison Inmates: Male

As expected, prisoners reflect the same qualities that are found in samples of arrestees. Inmates of state prisons are predominantly poor, young adult males with less than a high school education. However, although inmates tend to be young, longer sentences have dictated an aging inmate population; there is a growing pool of inmates aged 35 plus. Prison inmates who are aged 51 and beyond will make up 33 percent of the total prison population by the year 2010, placing pressure on prison administrators to devise ways of keeping aged inmates in the prison workforce, helping them maintain family ties, and assuring them access to medical and mental health specialists.¹⁰³

Prison is not a new experience for many inmates: Over 60 percent have been incarcerated before. About 80 percent of all inmates have had prior sentences to either probation or incarceration; about 5 percent have had 100 or more prior sentences! This criminal record is not surprising considering that most prison inmates have had extremely troubled backgrounds. Many grew up in single-parent households; many had parents who abused drugs or alcohol; the great majority have been substance abusers themselves. For example, one study of 400 Texas inmates found that almost 75 percent suffer from lifetime substance abuse or dependence disorder, which is characterized by psychologists as abuse of drugs for at least 1 continuous month (or repeated symptoms occurring over a longer period), “failure to fulfill major role obligations,” and “substance-related legal problems.”¹⁰⁴ Considering this background, it should come as no surprise that more inmates die from HIV-related disease than from prison violence.¹⁰⁵

Inmates are educational and vocational underachievers. Only one-third have graduated from high school, and about one-half are employed full-time before their incarceration; about half earned under \$10,000 per year. Only 18 percent were married, far below the standard rate for adult Americans.

The profile of the prison inmate supports the reality of a problem behavior syndrome. From birth, the path that led the inmate to prison was littered with insurmountable family, economic, and social problems.

Living in Prison

Inmates quickly learn what the term *total institution* really means.¹⁰⁶ When they arrive at the prison, they are stripped, searched, shorn, and assigned living quarters. Before they get there, though, their first experience occurs in a classification or reception center, where they are given a series of psychological and other tests and are evaluated on the basis of their personality, background, offense history, and treatment needs. Based on the classification they are given, they will be assigned to a permanent facility. Hard-core, repeat, and violent offenders will go to the maximum-security unit; offenders with learning disabilities may be assigned to an institution that specializes in educational services; mentally disordered offenders will be held in a facility that can provide psychiatric

care; and so on. Some states have instituted rigorous classification instruments designed to maximize the effectiveness of placements, thereby cutting down on the cost of incarceration. If classification can be conducted in an efficient and effective manner, nondangerous offenders would not needlessly be kept in expensive high-security facilities.¹⁰⁷

Inmates in large, inaccessible prisons find themselves physically cut off from families, friends, and former associates. Those who are fathers may become depressed because they are anxious about their kids.¹⁰⁸ Their families and friends may find it difficult to travel great distances to visit them; mail is censored and sometimes destroyed. The prison regulates dress, work, sleep, and eating habits.¹⁰⁹

Inmates soon find themselves in a totally new world with its own logic, behavior, rules, and language. They must learn to live with the stress of prison life. According to Gresham Sykes, the major losses are goods and services, liberty, heterosexual relationships, autonomy, and security.¹¹⁰ Prisoners find they have no privacy; even when locked in their own cells, they are surrounded and observed by others.

Inmates must adjust to the incentives prison administrators have created to promote security and control behavior.¹¹¹ One type of incentive involves the level of comfort provided the inmate. Those obeying rules are given choice work assignments, privileges, and educational opportunities. Those who flout prison rules may be segregated, locked in their cells, or put in solitary confinement (**the hole**).

Administrators can also control the amount of time spent in prison. Furloughs can be dispensed to allow prisoners the opportunity to work or visit outside prison walls. Good-time credit can be extended to lessen sentences. Parole decisions can be influenced by reports on inmates' behavior. Inmates who maintain their innocence may find that their denial is communicated to paroling authorities, thereby putting their release date in jeopardy. This is especially vexing for those inmates who are actually innocent and who actively refuse to accept their institutional label of convicted criminal.¹¹²

The inmate must learn to deal with sexual exploitation and violence in the prison. One position says that this phenomenon is a function of racial conflict; another holds that inmates who become victims are physically weaker and less likely to form cohesive defensive groups.¹¹³ In one study, criminologist Daniel Lockwood found that inmate aggressors come from a street culture that stresses violence and continue to behave violently while in prison.¹¹⁴ Young males may be raped and kept as sexual slaves by older, more aggressive inmates. When these “slave holders” are released, they often sell their “prison wives” to other inmates.¹¹⁵

To avoid victimization, inmates must learn to adopt a lifestyle that shields them from victimization.¹¹⁶ They must discover areas of safety and danger, whom to trust and whom to avoid. Some learn how to fight back to prove they are not people who can be exploited. Whereas some kill their attackers and get even longer sentences, others join cliques and gangs that provide protection and the ability to acquire power within the institution. Gangs are powerful in the

larger prison systems, especially in California. Some inmates seek transfers to a different cell block or prison, ask for protective custody, or simply remain in their cells all the time.

Part of inmates' early adjustment involves their becoming familiar with and perhaps participating in the hidden, black market economy of the prison—the hustle. Hustling provides inmates with a source of steady income and the satisfaction of believing they are beating the system.¹¹⁷ Hustling involves the sale of such illegal commodities as drugs (uppers, downers, pot), alcohol, weapons, and illegally obtained food and supplies. When prison officials crack down on hustled goods, it merely drives the price up—giving hustlers a greater incentive to promote their black market activities.¹¹⁸

Inmates must also learn to deal with daily racial conflict. Prisoners tend to segregate themselves and, if peace is to reign in the institution, stay out of one another's way. Often racial groupings are quite exact; for example, Latinos may separate themselves according to their national origin (Mexicans, Puerto Ricans, Colombians, and so on). In large California prisons, segregation and power struggles create even narrower divisions. For example, Latino gangs are now organized by area of origin: northern California (Nortenos), southern California (Surenos), and Mexican-born (Border Brothers).¹¹⁹ Prisons represent one area in which minorities often hold power; as sociologist James B. Jacobs observed, "Prison may be the one institution in American society that blacks control."¹²⁰

Prisoners must learn to deal with their frustrations over getting a "rotten deal." They may find that some other inmates received far lower sentences for similar crimes. They may be turned down for parole and then observe that others with similar records are granted early release. There is some evidence that perceived discrimination in the distribution of rewards and treatment may contribute to dissatisfaction, maladjustment, and prison violence.¹²¹

Finally, as the inmates' sentences wind down and their parole dates near, they must learn to cope with the anxiety of being released into the outside world. During this period, inmates may question their ability to make it in an environment in which they have failed before. Have their families stood by them? Are they outcasts? Facing release, these inmates often experience low self-esteem, become depressed, and suffer anxiety.¹²²

Of course, not all inmates learn to cope. Some repeatedly violate institutional rules. One reason is that in the United States and abroad many inmates suffer from serious psychological and emotional problems. A review of inmate mental health in twelve countries including the United States found that almost 4 percent of the male inmates suffered from psychotic illnesses, 10 percent were diagnosed with major depression, and 65 percent had a personality disorder, including 47 percent with antisocial personality disorder. Prisoners were several times more likely to have psychosis and major depression and about ten times more likely to have antisocial personality disorder than the general population.¹²³ The prevalence of psychological disorders in the inmate population makes coping problematic.

INMATE SOCIETY A significant element of the inmate's adjustment to prison is the encounter with what is commonly known as the **inmate subculture**.¹²⁴ One major aspect of the inmate subculture is a unique **social code**—unwritten guidelines that express the values, attitudes, and types of behavior that the older inmates demand of younger inmates. Passed on from one generation of inmates to another, the inmate social code represents the values of interpersonal relations within the prison.

National attention was first drawn to the inmate social code and subculture by Donald Clemmer. In *The Prison Community*, Clemmer presented a detailed sociological study of life in a maximum-security prison.¹²⁵ Clemmer was able to identify a unique language (argot) of prisoners. In addition, Clemmer found that prisoners tend to group themselves into cliques on the basis of such personal criteria as sexual preference, political beliefs, and offense history. He found that there were complex sexual relationships in prison and concluded that many heterosexual men will turn to homosexual relationships when faced with long sentences and the loneliness of prison life.

Clemmer's most important contribution may have been his identification of the **prisonization process**. This he defined as the inmate's assimilation into the prison culture through acceptance of its language, sexual code, and norms of behavior. Those who become the most prisonized will be the least likely to reform on the outside.

Not all prison experts believe that the prison culture is a function of the harsh conditions in a total institution. In 1962 John Irwin and Donald Cressey published a paper in which they conceded that a prison culture exists but claimed that its principles are actually imported from the outside world.¹²⁶ In their **importation model**, Irwin and Cressey conclude that inmate culture is affected by the values of newcomers: Many inmates come to prison with a record of many terms in correctional institutions. These men, some of whom have institutional records dating back to early childhood, bring with them a ready-made set of patterns they apply to the new situation, taking control of the prison culture's content.

THE NEW INMATE CULTURE Although the "old" inmate subculture may have been harmful because its norms and values insulated the inmate from change efforts, it also helped create order within the institution and prevented violence among the inmates. People who violated the code and victimized others were sanctioned by their peers. An understanding developed between guards and inmate leaders: The guards would let the inmates have things their own way, and the inmates would not let things get out of hand and draw the attention of the administration.

The old system may be dying or already dead in most institutions. The change seems to have been precipitated by the Black Power movement in the 1960s and 1970s. Black inmates were no longer content to fill a subservient role and challenged the power of established white inmates. As the Black Power movement gained prominence, racial tension in prisons created divisions that severely altered the inmate

subculture. Older, respected inmates could no longer cross racial lines to mediate disputes. Predatory inmates could victimize others without fear of retaliation.¹²⁷ Consequently, more inmates than ever are assigned to protective custody for their own safety.

Sociologist James B. Jacobs is perhaps the most influential expert on the changing inmate subculture. His research has helped him to conclude that the development of “black (and Latino) power” in the 1960s, spurred by the Black Muslim movement, significantly influenced the nature of prison life.¹²⁸

According to Jacobs, black and Latino inmates are much more cohesively organized than whites. Their groups are sometimes rooted in religious and political affiliations, such as the Black Muslims; are created specifically to combat discrimination in prison, such as La Familia; or are reformations of street gangs, such as the Vice Lords, Disciples, or Blackstone Rangers in the Illinois prison system and the Crips in California. Only in California have white inmates successfully organized, and there it is in the form of neo-Nazi groups, such as the Aryan Brotherhood. Racially homogeneous gangs are so cohesive and powerful that they are able to supplant the original inmate code with their own. Consider the oath taken by new members of Nuestra Familia (Our Family), a Latin gang operating in California prisons: “If I go forward, follow me. If I hesitate, push me. If they kill me, avenge me. If I am a traitor, kill me.”

Racial conflict prompted Jacobs to suggest that it may be humane and appropriate to segregate inmates along racial lines to maintain order and protect individual rights. Jacobs believes that in some prisons, administrators use integration as a threat to keep inmates in line; to be transferred to a racially mixed setting may mean beatings or death.

Although Jacobs paints the new prison culture as one of danger and chaos, in some areas, prison life has become even

more disorganized, with new gangs forming and engaging in ever-increasing violent confrontations. The new breed of inmate is younger, more dangerous, and disdainful of older gang members.¹²⁹ As the prison population expands, the violence and danger of the streets will be imported into the prison culture.

Prison Inmates: Female

Women make up between 5 and 6 percent of the adult prison population. While their numbers are much smaller, the percentage of women in prison is increasing at a faster pace, a phenomenon that reflects the increasing presence of women in the crime rate (Table 17.1).

Prisoners under the Jurisdiction of State or Federal Correctional Authorities, by Gender, 1995, 2002, and 2003

	Men	Women
All inmates		
6/30/03	1,360,818	100,102
6/30/02	1,324,574	95,363
12/31/95	1,057,406	68,468
Percent change, 2002–2003	2.7%	5.0%
Average annual, 1995–2003	3.4%	5.2%
Sentenced to more than 1 year		
6/30/03	1,305,496	90,946
6/30/02	1,271,566	86,889
12/31/95	1,021,059	63,963
Incarceration rate*		
6/30/03	914	61
6/30/02	902	60
12/31/95	781	47

*The total number of prisoners with a sentence of more than 1 year per 100,000 U.S. residents.

Source: *Prison and Jail Inmates at Midyear 2003* (Washington, DC: Bureau of Justice Statistics, 2004).

Corrections officials are now experimenting with new methods of helping female inmates maintain close ties with their families. While demonstrating the Family Virtual Visitation Program at the Pennsylvania Prison Society in Philadelphia, June 28, 2001, Komoya Goodjoines, 4, waves to her mother Sonya Goodjoines (extreme right of video screen). Sonya Goodjoines is imprisoned at Cambridge Springs in Crawford County. About 100 inmates and their families have been making “virtual visits” in a pilot program operated by the Pennsylvania Department of Corrections and the Pennsylvania Prison Society and paid for by a \$134,000 federal grant allocated by the Pennsylvania Commission on Crime and Delinquency.



© AP/Wide World Photos

Female inmates are usually housed in minimum-security institutions more likely to resemble college dormitories than high-security male prisons. Women in prison tend to be of three basic types, described by Esther Heffernan: “the square,” who is basically a noncriminal but who, in a fit of rage, may have shot or stabbed a husband or boyfriend; “the life,” who is a repeat offender (shoplifter, prostitute, drug user, or pusher); and “the cool,” who is part of the sophisticated criminal underworld. The square usually espouses conventional values and wants to follow the rules; the life rejects prison authority and is a rebel; the cool is aloof, manipulates the environment, and does not participate in prison life.¹³⁰

Like men, female inmates must adjust to the prison experience. Female inmates first go through a period in which they deny the reality of their situation. Then comes a period of anger over the circumstances that led to their incarceration; during this phase, they begin to accept the circumstances of their imprisonment. A third stage finds female inmates greatly depressed because they can no longer deny that they are in prison to stay. Many female inmates eventually find reason to hope that their lives will improve.¹³¹

Daily life in the women’s prison community is also somewhat different from that in male institutions. For one thing, women usually do not present the immediate physical danger to staff and fellow inmates that many male prisoners do. For another, the rigid, antiauthority inmate social code found in many male institutions does not exist in female prisons. Recent research conducted in the California prison system finds that few female inmates experience the violent atmosphere common in male institutions, nor do they suffer the racial and ethnic conflict and divisiveness.¹³²

Confinement for women, however, may produce severe anxiety and anger because they are separated from families and loved ones and unable to function in normal female roles. Low self-esteem is a major problem among female inmates.¹³³ Unlike men, who direct their anger outward, female prisoners may revert to more self-destructive acts to cope with their problems. Female inmates are perhaps more likely than males to mutilate their own bodies and attempt suicide. It is not surprising, considering these circumstances, that female inmates are more likely to be treated with mood-altering drugs and placed in psychiatric care, whereas male inmates’ adjustment difficulties are viewed as disciplinary problems.¹³⁴

One common form of adaptation to prison employed by women is the **surrogate family**. This group contains masculine and feminine figures acting as fathers and mothers; some even act as children and take on the role of either brother or sister. Formalized marriages and divorces may be conducted. Sometimes multiple roles are held by one inmate, so that a “sister” in one family may “marry” and become the “wife” in another.¹³⁵

HELPING THE FEMALE INMATE The special needs of female inmates must be addressed by correctional authorities. Health care is an issue. Many institutions have inadequate

facilities to care for women who are pregnant when they enter prison or become pregnant during their prison stay.¹³⁶ There is a growing problem of HIV-related illnesses as the ongoing war on drugs increases the number of substance-abusing female inmates who are at risk for AIDS.¹³⁷

Helping women to adjust after they leave the institution is another goal. Surveys indicate that the prison experience does little to prepare women to re-enter the workforce after their sentences have been completed. Gender stereotypes still shape vocational opportunities.¹³⁸ Female inmates are still being trained for “women’s roles,” such as childrearing, and are not given the programming to make successful adjustments in the community.¹³⁹

Female offenders are more likely than males to be convicted of a nonviolent crime and incarcerated for a low-level involvement in drug offenses, such as driving a boyfriend to make a drug deal. The female offender may end up serving a longer sentence than the boyfriend simply because they are less likely to work out a plea arrangement that their so-called boyfriends.¹⁴⁰ It is not surprising that many women display psychological problems including serious psychopathology.¹⁴¹ One recent survey found that 4 percent of incarcerated women in twelve nations including the United States had psychotic illnesses, 12 percent with depression and 42 percent with a personality disorder, including 21 percent with antisocial personality disorder.¹⁴²

• To learn more about the problems faced by women in prison, read: Susie Day, “Cruel but Not Unusual: The Punishment of Women in U.S. Prisons,” *Monthly Review* 53 (July 2001): 42.

Correctional Treatment

Correctional treatment has been an integral part of prison life since Z. R. Brockway introduced it as part of the daily regimen at the Elmira Reformatory. Today more than 90 percent of all prison inmates participate in some form of program or activity after admission.¹⁴³ There are many approaches to treatment. Some, based on a medical model, rely heavily on counseling and clinical therapy. Others attempt to prepare inmates for reintegration into the community; they rely on work release, vocational training, and educational opportunities. Others stress self-help through 12-step or Alcoholics Anonymous programs. The most popular programs have a religious theme and involve Bible clubs and other pious activities. Although it is beyond the scope of this book to describe the vast number of correctional treatment programs, a few important types will be discussed.

THERAPY AND COUNSELING The most traditional type of treatment in prison involves psychological counseling and therapy. Counseling programs exist in almost every major institution. Some stress individual treatment with psychotherapy or other techniques. However, because of lack

of resources, it is more common for group methods to be used. Some groups are led by trained social workers, counselors, or therapists; others rely on lay personnel as leaders.

Group counseling in prison usually tries to stimulate inmates' self-awareness and their ability to deal with everyday problems.¹⁴⁴ Various innovative psychological treatment approaches have been used in the prison system:

- *Behavior therapy* uses tokens to reward conformity and help develop positive behavior traits.
- *Reality therapy* is meant to help satisfy individuals' needs to feel worthwhile to themselves and others.
- *Transactional analysis* encourages inmates to identify the different aspects of their personalities and to be their own therapists.
- *Milieu therapy* uses the social structure and processes of the institution to influence the behavior patterns of offenders.¹⁴⁵

THERAPEUTIC COMMUNITIES Because drug abuse is so prevalent among inmates, some institutions have been organized into **therapeutic communities (TCs)** in order to best serve their clientele. The TC approach to substance abuse uses a psychosocial, experiential learning process that relies on positive peer pressure within a highly structured social environment.¹⁴⁶ The community itself, including staff and program participants, becomes the primary method of change. They work together as members of a "family" in order to create a culture where community members confront one another's negative behavior and attitudes and establish an open, trusting and safe environment; TC relies then on mutual self-help. The TC approach encourages personal disclosure rather than the isolation of the general prison culture. Participants view staff as role models and rational authorities rather than as custodians or treatment providers.

Therapeutic communities have several distinctive characteristics:

- They present an alternative concept of inmates that is usually much more positive than prevailing beliefs.
- Their activities embody positive values, promote positive social relationships, and start a process of socialization that encourages a more responsible and productive way of life.
- Their staff, some of whom are recovering addicts and former inmates, provide positive role models.
- They provide transition from institutional to community existence, with treatment occurring just prior to release and with continuity of care in the community.¹⁴⁷

Therapeutic communities are also viewed as a viable alternative to treat the numerous multi-problem inmate who suffers from a variety of social and personal ills such as mental health and substance abuse issues.¹⁴⁸

EDUCATIONAL PROGRAMS The first prison treatment programs were educational. A prison school was opened at the Walnut Street Jail in 1784. Elementary courses were offered in New York's prison system in 1801 and in Pennsylvania's in 1844. An actual school system was established in Detroit's House of Corrections in 1870, and Elmira Reformatory opened a vocational trade school in 1876.

Today most correctional institutions (90 percent) provide some type of educational experience. Some prisons allow inmates to obtain a high school diploma through equivalency exams or general educational development (GED) certificates. Some prisons provide college courses, usually staffed by teachers who work at nearby institutions. These services are extremely important because about two-thirds of all state prison inmates did not receive a high school diploma. Recent federal surveys indicate that about one-quarter of state prison inmates were able to complete the GED while serving time in a correctional facility; more than half take education courses while confined.¹⁴⁹

VOCATIONAL REHABILITATION Most prisons operate numerous vocational training programs designed to help inmates develop skills for securing employment on their release. In the past, the traditional prison industries of laundry and license plate manufacture failed to provide these skills. Today programs stress such marketable skills as dental laboratory work, computer programming, auto repair, and radio and television work.

Unfortunately, prisons often have difficulty obtaining the necessary equipment to run meaningful programs. Therefore, many have adopted work furlough programs that allow inmates to work in the community during the day and return to the institution at night.

Several state correctional departments also have instituted prerelease and postrelease employment services. Employment program staff members assess inmates' backgrounds to determine their abilities, interests, goals, and capabilities. They also help them create job plans (which are essential to their receiving early parole) and help them obtain placements in sheltered environments so that inmates can bridge the gap between the institution and the outside world; services include job placement, skill development, family counseling, and legal and medical attention.

PRIVATE INDUSTRY IN PRISON A new version of vocational rehabilitation is the development of private industry in prison. This can take many different forms, including private citizens sitting on prison industry boards, private vendors marketing goods from prison industry, inmates manufacturing and marketing their own goods, private management of state-owned prison industry, franchising within the prison system in which manufactured goods are marketed under license from a private firm, and privately owned industries on prison grounds employing inmate labor.

Another approach is the **free-venture programs** developed in the 1980s in Minnesota, Kansas, and other areas



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Vocational training is common in most correctional systems. Some have gone as far as setting up actual working facilities to train inmates for post-release jobs. Waiter Dave Anderson, left, takes a meal to a patron, as fellow waiter Kazantzaky Parfait returns to the kitchen, at the Mates Inn at the Garden State Correctional Facility, in Trenton, New Jersey. About 14 minimum-security inmates work at the restaurant, where they learn all aspects of the food trade from preparing the menu, to ordering supplies, cooking meals, and waiting on customers.

with the aid of the federal government.¹⁵⁰ The programs involve businesses set up by private entrepreneurs off prison grounds that contract with state officials to hire inmates at free-market wages and produce goods that are competitively marketed. Inmates can be fired by being sent back to the general prison population.

On paper, private industry in prison is quite attractive. It teaches inmates skills in usually desirable commercial areas, such as data processing. It increases employment opportunities on the outside in areas where the ex-offender can earn enough to forgo a life of crime. Various evaluations of the programs have given them high marks. However, private industry programs have so far used relatively few inmates. It is questionable whether they could be applied to the general prison population, which contains many people with educational deficiencies and a history of substance abuse. Yet a policy of full employment in prison may be one way of reducing future recidivism.¹⁵¹

ELDERLY INMATES Restrictive crime control policies such as three strikes and truth in sentencing, coupled with an aging general population, have also produced another special-needs group: elderly inmates who require healthcare, diets, and work and recreational opportunities that are different from those of the general population.¹⁵²

There are about 40,000 inmates 55 and over in the correctional system today. In 1990 there were forty-nine people over 55 for every 100,000 residents; by 1996 the number had jumped to sixty-nine, and today it is more than 141.¹⁵³ If current trends persist, some states such as California will see their elderly inmate population rise significantly in the next decade.¹⁵⁴

Research indicates that older prisoners tend to be “loners” who may experience symptoms of depression or anxiety. They suffer from an assortment of physical and health problems associated with aging including arthritis, ulcers, prostate problems, hypertension, and emphysema. Because many have had a long history of smoking and alcohol consumption, they may suffer incontinence as well as heart, respiratory, and degenerative diseases. After reviewing available evidence, one study found:

- The proportion of state and federal inmates 55 years of age and older is steadily increasing. The number of inmates older than 75 will continue to increase in the future if current sentencing practices remain in place.
- The older inmate is most likely an unmarried white man with children who did not graduate from high school.
- Older offenders are most likely to be incarcerated for violent crimes, often perpetrated against family members in the home.
- Older inmates are likely to report one or more chronic health problems. Cigarette and alcohol use is common.
- Most states and the Federal Bureau of Prisons have implemented limited provisions to accommodate older inmates with special needs.¹⁵⁵

To meet this growing problem, some correctional systems have responded to the growing number of elderly inmates by creating facilities tailored to their needs. Yet, these special services are quite costly and add to the burden of an already overtaxed prison system.

INMATE SELF-HELP Recognizing that the probability of failure on the outside is acute, inmates have attempted to organize self-help groups to provide the psychological tools needed to prevent recidivism.¹⁵⁶ Some are chapters of common national organizations such as Alcoholics Anonymous. Membership in these programs is designed to improve inmates’ self-esteem and help them cope with common problems such as alcoholism, narcotics abuse, or depression. Special-needs inmates at the Kentucky State Reformatory outside Louisville have taken the unusual step of forming a

Policy and Practice in Criminology

The RSAT Program

The Residential Substance Abuse Treatment (RSAT) program was created by the Violent Crime Control and Law Enforcement Act of 1994 in response to the increasing number of incarcerated individuals in the United States with substance abuse problems. RSAT encourages states to develop substance abuse treatment programs for incarcerated offenders by providing funds for their development and implementation. To receive RSAT funding, programs must be 6 to 12 months in duration; provide residential facilities that are set apart from the general correctional population; be devoted to substance abuse treatment; teach inmates the social, behavioral, and vocational skills to resolve substance abuse problems; and require drug and alcohol testing.

States are also required to give preference to programs that provide aftercare services. In all, by March 2001, more than 2,000 programs were

in place in all fifty states and U.S. territories.

As part of this initiative, the South Idaho Correctional Center developed a RSAT program that gave chronic substance abusers intensive 9- to 12-month treatment by a private contract provider. The program addresses both addiction and criminality. To enter the program, inmates must be recommended by both parole officers and parole commission hearing officers; this is typically because the inmates are relatively low-risk parole violators with chronic substance abuse problems and have at least 18 months to serve on their sentences. Favored candidates also tend to have positive attitudes toward treatment and adequate potential to obtain resources after release.

Once in the Idaho program, clients are involved in treatment in a therapeutic community, which is located within the confines of the prison. This TC provides individuals with the strength, support, and insight to make needed changes that would be

more difficult to achieve on their own. The community environment enables its members to fight a common enemy (an addictive and criminal lifestyle) and reach a common goal (new ways of “right living”).

The program employs cognitive self-change and behavioral strategies. Cognitive approaches help inmates consider rethinking behaviors that lead to substance abuse and criminal activity. Inmates are taught how to better understand the connections among thinking, behavior, and consequences. They practice techniques designed to promote prosocial thought processes; prepare “thinking reports” to objectively identify thoughts and feelings associated with high-risk behavior in given situations; and document their personal thinking process, behavior, and motivations in a journal. Staff and inmates periodically review the thinking reports and journals to gauge treatment progress.

The Idaho treatment program also relies on a 12-step program that uses

Boy Scout Troop within prison walls to serve as a vehicle for self-help and group solidarity.¹⁵⁷

Other groups are organized along racial and ethnic lines. For example, there are chapters of the Chicanos Organizados Pintos Aztlan (COPA), the Afro-American Coalition, and the Native American Brotherhood in prisons stretching from California to Massachusetts. These groups try to establish a sense of brotherhood in order to work together for individual betterment. Members hold literacy, language, and religious classes as well as offering counseling, legal advice, and prerelease support. Ethnic groups seek ties with outside minority organizations such as the NAACP, Urban League, La Raza, and American Indian Movement as well as the religious and university communities.

A third type of self-help group includes those developed specifically to help inmates find the strength to make it on the outside. The most well known are the Fortune society, which claims 30,000 members, and the Seventh Step organization, which was developed by ex-offender Bill Sands. The Prison Fellowship is a religiously oriented group that sponsors seminars and Bible studies. Inmates who frequently attend services and seminars appear to have lower recidivism rates than other inmates.¹⁵⁸

DOES REHABILITATION WORK? Despite the variety and number of treatment programs in operation, some question their effectiveness. In an often-cited study from thirty-five years ago, Robert Martinson and his associates found that, with few exceptions, rehabilitative efforts seemed to have no appreciable effect on recidivism.¹⁵⁹

Martinson's work was followed by efforts that found, embarrassingly, that some high-risk offenders were more likely to commit crimes after they had been placed in treatment programs than before the onset of rehabilitation efforts.¹⁶⁰ Even California's highly touted community treatment program, which matched youthful offenders and counselors on the basis of their psychological profiles, was found by Paul Lerman to exert negligible influence on its clients.¹⁶¹

These less-than-enthusiastic reviews of correctional rehabilitation helped develop a more conservative view of corrections, which means that prisons are viewed as places of incapacitation and confinement; their purpose is punishment, not treatment.¹⁶² Current social policy stresses eliminating the nonserious offender from the correctional system while increasing the sentences of serious, violent offenders. The development of lengthy mandatory and determinate sentences to punish serious offenders and the simultaneous

the group process and employs recovering alcoholics and addicts as counselors. It emphasizes individual counseling by professional staff, lectures, group reading, life history work, Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) attendance, and recreational and physical activity.

Program Evaluation

After the South Idaho RSAT program had been in operation for 2 years, researchers began a 15-month process evaluation of the program's operations. Their goal was to assess the RSAT program's strengths and weaknesses so that its best attributes might be applied by correctional administrators elsewhere. The evaluation showed that the RSAT program largely conforms to what is known to be the most successful substance abuse treatment in correctional institutions. Researchers found that program participants had more prosocial attitudes after finishing treatment than before they began.

Participants were tested at the beginning of the program and 3 months later, and their scores show they understood and retained course material and, thus, received appropriate instruction.

As part of the evaluation, participants were asked to list the programs greatest strengths:

- NA and AA meetings
- Counselors
- Feelings of fellowship among community members
- The support system
- The therapeutic community atmosphere

And also its greatest weaknesses:

- The presence of inmates who retaliated against others
- The relatively open location of the therapeutic community within the prison
- Petty requirements and rules
- Poor instruction in cognitive self-change

The RSAT evaluation is an example of how criminologists can work with justice system executives to improve the quality of their programs.

Critical Thinking

What are some of the problems a criminologist faces when she attempts to evaluate the success of this program? Is it possible, for example, that even if most clients did not recidivate it was because only those with low recidivism risk were chosen for the program? How could this problem be avoided?

InfoTrac College Edition Research

Use “drug rehabilitation” and “drug treatment” as subject guides in InfoTrac College Edition in order to learn more about efforts being made to help substance abusers.

Source: Mary K. Stohr, Craig Hemmens, Diane Baune, Jed Dayley, Mark Gornik, Kirstin Kjaer, and Cindy Noon, *Residential Substance Abuse Treatment for State Prisoners: Breaking the Drug-Crime Cycle among Parole Violators* (Washington, DC: National Institute of Justice, 2003).

evolution of alternative sanctions to limit the nonserious offender's interface with the system are manifestations of this view.

Some criminologists continue to challenge the “nothing works” philosophy.¹⁶³ Recent analysis of education, vocation, and work programs indicate that they may be able to lower recidivism rates and increase postrelease employment.¹⁶⁴ Inmates who have completed higher levels of education find it easier to gain employment upon release and consequently are less likely to recidivate over long periods.¹⁶⁵

In general, treatment seems to be most effective if it is matched with the needs of inmates.¹⁶⁶ Programs that teach interpersonal skills, utilize individual counseling, and make use of behavioral modification techniques to improve cognitive reasoning and develop social skills have produced positive results both in the community and within correctional institutions.¹⁶⁷ Among the characteristics associated with the most successful programs are these:

- Services are intensive, lasting only a few months.
- Programs are cognitive, aimed at helping inmates learn new skills in order to better cope with personality problems such as impulsivity.

- Program goals are reinforced firmly and fairly, using positive rewards rather than negative punishment.
- Therapists relate to clients sensitively and positively. Therapists are trained and supervised appropriately.
- Clients are insulated from disruptive interpersonal networks and placed in environments where prosocial activities predominate.¹⁶⁸

So although the concept of correctional treatment is often questioned, many criminologists still believe that it is possible to help some inmates within prison walls. The Policy and Practice in Criminology feature illustrates one such program and its evaluation.


Prison Violence

On August 9, 1973, Stephen Donaldson, a Quaker peace activist, was arrested for trespassing after participating in a pray-in at the White House. Sent to a Washington, DC, jail for two nights, Donaldson was gang raped approximately sixty times by numerous inmates. Donaldson later became President of Stop Prisoner Rape, a nonprofit organization that advocates for the protection of inmates from sexual

assault and offers support to victims. On July 18, 1996, at the age of 49, Donaldson passed away from infections complicated by AIDS that he contracted through prisoner rape.¹⁶⁹

Conflict, violence, and brutality are sad but ever-present facts of institutional life. Violence can involve individual conflict: inmate versus inmate, inmate versus staff, staff versus inmate. One common threat is sexual assault. Research has shown that prison rapes usually involve a victim who is viewed as weak and submissive and a group of aggressive rapists who can dominate the victim through their collective strength. Sexual harassment leads to fights, social isolation, fear, anxiety, and crisis. Nonsexual assaults may stem from an aggressor's desire to shake down the victim for money and personal favors, may be motivated by racial conflict, or may simply be used to establish power within the institution. Surveys indicate that at least 20 percent of all inmates are raped during the course of their prison stay.¹⁷⁰ The problem is so severe that Congress enacted the Prison Rape Reduction Act of 2003, which established three programs in the Department of Justice:

1. A program dedicated to collecting national prison rape statistics, data, and conducting research
2. A program dedicated to the dissemination of information and procedures for combating prison rape
3. A grant program to assist in funding state programs¹⁷¹

 To read about the history of correctional violence, go to InfoTrac College Edition and read: Curtis R. Blakely, "A History of Correctional Violence: An Examination of Reported Causes of Riots and Disturbances," *Corrections Today* 61 (February 1999): 80.

One of the more significant problems facing prison administrators is the constant fear of interpersonal and collective violence. Hans Toch, an expert on violence, has said,

Jails and prisons . . . have a climate of violence which has no free-world counterpart. Inmates are terrorized by other inmates and spend years in fear of harm. Some inmates request segregation, others lock themselves in, and some are hermits by choice. Many inmates injure themselves.¹⁷²

What are the causes of prison violence? There is no single explanation for either collective or individual violence, but theories abound. One position holds that inmates are often violence-prone individuals who have always used force to get their own way. In the crowded, dehumanizing world of the prison, it is not surprising that they resort to force to dominate others.¹⁷³

A second view is that prisons convert people to violence by their inhumane conditions, including overcrowding, depersonalization, and threats of rape. One social scientist, Charles Silberman, suggests that even in the most humane prisons, life is a constant put-down, and prison conditions threaten the inmates' sense of self-worth; violence is a consequence of these conditions.¹⁷⁴

Still another view is that prison violence stems from mismanagement, lack of strong security, and inadequate

control by prison officials.¹⁷⁵ This view has contributed to the escalated use of solitary confinement in recent years as a means of control. Also contributing to prison violence is the changing prison population. Younger, more violent inmates, who often have been members of teenage gangs, now dominate prison life. The old code of "do your own time" and "be a right guy" may be giving way to a prison culture dominated by gangs, whose very nature breeds violence.

PRISON RIOTS Sometimes prison violence takes the form of large-scale rioting. The American Correctional Association gives these reasons for such prison flare-ups:

- Unnatural institutional environment
- Antisocial characteristics of inmates
- Inept management
- Inadequate personnel practices
- Inadequate facilities
- Insufficient constructive, meaningful activity
- Insufficient legitimate rewards
- Basic social values and unrest in the larger community
- Inadequate finances
- Inequities and complexities in the criminal justice system¹⁷⁶

Randy Martin and Sherwood Zimmerman have identified the following causes of prison riots:

- *Environmental Conditions:* Poor physical conditions make the prison a time bomb waiting to explode.
- *Spontaneity:* Some spark, such as a fight between gangs, escalates into a general prison disturbance.
- *Conflict:* A repressive administration denies inmate rights, which leads to violence.
- *Collective Behavior and Social Control:* Informal social control mechanisms, such as inmate leaders and councils, break down and violence escalates.
- *Power Vacuum:* A conflict between guards and the administration creates an anomic condition exploited by the inmates.
- *Rising Expectations:* Inmates expect increased freedom and better conditions. When these expectations are not met, inmates' frustration leads to collective violence.¹⁷⁷

Each of these conditions can trigger collective prison disturbances.

Corrections and the Rule of Law

For many years, the nation's courts did not interfere in prison operations, maintaining what is called the hands-off doctrine (see Chapter 14). The judiciary's reluctance to interfere in

prison matters was based on the belief that it lacked technical competence in prison administration, society's general apathy toward prisons, and the belief that prisoners' complaints involved privileges rather than rights.¹⁷⁸ The hands-off doctrine was lifted in the 1960s. General concern with civil and human rights, increasing militancy in the prison population, and the reformist nature of the Warren Court created a climate conducive to change.

For many years the Supreme Court upheld inmates' rights, granting them access to the courts to seek legal redress for improper or damaging prison conditions. Recently claims that prisoner-inspired lawsuits were clogging the courts swayed a more conservative Court to limit the methods by which inmates can seek release or redress, for example, by discouraging inmates from filing "frivolous" lawsuits.¹⁷⁹ Then in 1996 Congress enacted the Prison Litigation Reform Act (PLRA), which makes it harder for prisoners to file lawsuits in federal court. The PLRA mandates that before an inmate can file a lawsuit, the inmate must try to resolve the complaint through the prison's grievance procedure, which usually requires filing a written description of the complaint or grievance with a prison official.¹⁸⁰

Nonetheless, some of the gains won by inmates continue in force, including the following:

- **Freedom of Speech and Press:** The courts have ruled that inmates retain freedom of speech and press unless correctional authorities can show that it interferes with or threatens institutional freedom. In *Procunier v. Martinez*, a court ruled that an inmate's mail could be censored only if there existed substantial belief that its contents would threaten security. However, in *Saxbe v. Washington Post*, the right of an inmate to grant press interviews was limited; the Supreme Court argued that such interviews would enhance the reputations of particular inmates and jeopardize authorities' desire to treat everyone equally.¹⁸¹
- **Medical Rights:** After many years of indifference, inmates have been given the right to secure proper medical attention. To gain their medical rights, prisoners have generally resorted to class action suits to ask courts to require adequate medical care.¹⁸² In 1976, after reviewing the legal principles established over the preceding twenty years, the Supreme Court in *Estelle v. Gamble* clearly stated the inmate's right to medical care. The court said:¹⁸³

Deliberate indifference to serious medical needs of prisoners constitutes the "unnecessary and wanton infliction of pain," . . . proscribed by the Eighth Amendment. This is true 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.¹⁸⁴

- Lower courts will decide, case by case, whether "deliberate indifference" has actually occurred.

In an important 1998 case, *Pennsylvania Department of Corrections v. Yeskey*, the Court held that correctional authorities' refusal (because of the inmate's history of hypertension) to allow the inmate to participate in a boot camp program that would offer him early release violated Title II of the Americans with Disabilities Act of 1990 (ADA), which prohibits disability-based discrimination against qualified individuals.¹⁸⁵ The Court found that the ADA's protections extended to cover prison inmates as well as any other citizen.

Cruel and Unusual Punishment

Prisoners have long suffered severe physical punishment in prison, ranging from whipping to extended periods of solitary confinement. The courts have held that such treatment is unconstitutional when it


- Degrades the dignity of human beings¹⁸⁶
- Is more severe than the offense for which it has been given¹⁸⁷
- Shocks the general conscience and is fundamentally unfair¹⁸⁸


The courts have also ruled on the necessity of maintaining the general prison system in a humane manner. For example, in 1970, the entire prison system in Arkansas was declared unconstitutional because its practices of overt physical punishment were ruled to violate the Eighth Amendment.¹⁸⁹

In *Rhodes v. Chapman*, the Supreme Court upheld the practice of double-bunking two or more inmates in a small cell (50 square feet).¹⁹⁰ "Conditions of confinement," the Court argued, "must not involve the wanton and unnecessary infliction of pain nor may they be grossly disproportionate to the severity of the crime warranting imprisonment," but "conditions that cannot be said to be cruel and unusual under contemporary standards are not unconstitutional. To the extent that such conditions are restrictive and even harsh, they are part of the penalty that criminal offenders pay for their offenses against society."¹⁹¹

In a recent case, *Hope v. Pelzer*, the Supreme Court ruled that correctional officials who knowingly violate the Eighth Amendment rights of inmates can be held liable for damages.¹⁹² Hope, an Alabama prison inmate, was twice handcuffed to a hitching post for disruptive conduct. He was handcuffed above shoulder height, and when he tried moving his arms to improve circulation, the handcuffs cut into his wrists, causing pain and discomfort. Hope filed a suit against three guards, charging them with violating his civil rights. The Supreme Court ruled that Hope's treatment amounted to "unnecessary and wanton" inflictions of pain, constituting cruel and unusual punishment forbidden by the Eighth Amendment. The Court reasoned that any reasonable security or safety concerns had long since ended by the time Hope was handcuffed to the hitching post, because he had already been subdued, handcuffed, placed in leg irons, and transported back to prison. The *Hope* case shows that correctional officials can be sued if their behavior violates an

inmate's constitutional rights and that officials or any reasonable person should have surmised that the behavior was in violation of accepted practices.


 To quiz yourself on this material, go to the Criminology 9e website.

 Use "cruel and unusual punishment" as a subject guide in InfoTrac College Edition to learn more about this topic.

PAROLE

Parole is the planned release and community supervision of incarcerated offenders before the expiration of their prison sentences. It is usually considered a way of completing a prison sentence in the community and is not the same as a pardon; the paroled offender can be legally recalled to serve the remainder of his or her sentence in an institution if parole authorities deem the offender's adjustment inadequate or if the offender commits another crime while on parole.

The decision to parole is determined by statutory requirement and usually involves the completion of a minimum sentence. Parole is granted by a state (or federal) parole board: a body of men and women who review cases and determine whether an offender has been rehabilitated sufficiently to deal with the outside world. The board also dictates the specific parole rules a parolee must obey.

 The **Federal Parole Board** maintains a website: <http://www.usdoj.gov/uspc/>. For an up-to-date list of weblinks, go to http://cj.wadsworth.com/siegel_crim_9e.

A major correctional concern is the high rate of parole failure and the problems parolees have as they re-enter society. Some corrections departments are now taking steps to improve parole effectiveness. Parolees Teresa Partlow (left) and Sandi Havel talk on the campus of L.I.F.E. Tech, in Wetumpka, Alabama. L.I.F.E. Tech is a transition center that helps parolees with mental health or substance abuse problems make the transition back into society after receiving counseling and job training.



© AP/Wide World Photos

Some states with determinate sentencing statutes do not use parole boards but release inmates at the conclusion of their maximum terms less accumulated good time. This form of mandatory parole release has been increasing rapidly as states adopt various forms of determinate sentencing. State inmates released from prison as a result of a parole board decision dropped from 50 percent of all adults entering parole in 1995 to 39 percent in 2002, while mandatory releases based on a statutory requirement increased from 45 percent to 52 percent.¹⁹³

In states where discretionary parole is used, the decision is made at a **parole grant hearing**. There the full board or a subcommittee reviews information, may meet with the offender, and then decides whether the parole applicant has a reasonable chance of succeeding outside prison. Candidates for parole may be chosen by statutory eligibility on the basis of time served in relation to their sentences. In most jurisdictions, good time reduces the minimum sentence and therefore hastens eligibility for parole. In making its decision, the board considers the inmate's offense, time served, evidence of adjustment, and opportunities on the outside.

To help these parole decision makers, parole prediction tables have been developed.¹⁹⁴ These tables correlate personal information on inmates who were released in the past with their rates of re-arrest. The best-known predictive device is the Salient Factor Score Index. The salient factor score includes age, type of offense, prior parole revocations, history of heroin use, and employment background.¹⁹⁵

The Parolee in the Community

Once community release has begun, the offender is supervised by a trained staff of parole officers who help the offender adjust to the community and search for employment as they monitor behavior and activities to ensure that the offender conforms to the conditions of parole.

Parolees are subject to strict standardized or personalized rules that guide their behavior and limit their activities. If at any time these rules are violated, the offender can be returned to the institution to serve the remainder of the sentence; this is known as a technical parole violation. Inmates released in determinate sentencing states can have part or all of their good time revoked if they violate the conditions of their release.

Parole can also be revoked if the offender commits a second offense; the offender may be tried and sentenced for this crime. The Supreme Court has granted parolees due process rights similar to those of probationers at revocation hearings.

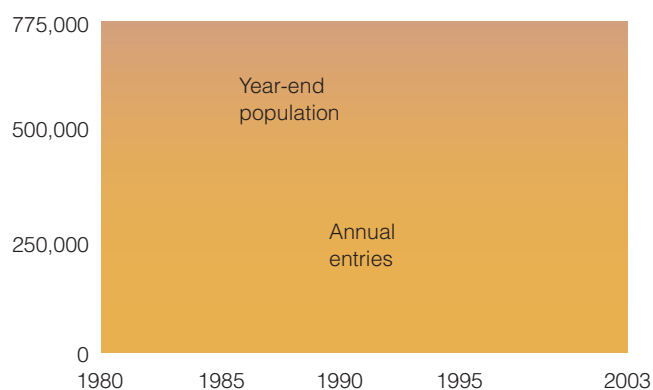
Parole is viewed as an act of grace on the part of the criminal justice system. It is a manifestation of the policy of returning the offender to the community. There are two conflicting sides to parole, however: The paroled offender is given a break and allowed to serve part of the sentence in the community; on the other hand, the sentiment exists that parole is a privilege, not a right, and that the parolee is in reality a dangerous criminal who must be carefully watched and supervised. The conflict between the treatment and enforcement aspects of parole has not been reconciled by the criminal justice system, and the parole process still contains elements of both orientations.

More than 775,000 criminals are now on parole; the parole population has tripled since 1980 (Figure 17.6).¹⁹⁶

How Effective Is Parole?

Conservative thinkers criticize parole because it allows possibly dangerous offenders into the community before the completion of their sentences. Parole decision making relies on human judgment, so it is quite possible that dangerous offenders, who should actually have remained inside a secure facility, are released into society while others who would probably make a good adjustment to the community are denied release.

Annual State Parole Population and Entries to State Parole, 1980–2003



Source: Timothy Hughes and Doris James Wilson, *Reentry Trends in the United States: Inmates Returning to the Community after Serving Time in Prison* (Washington, DC: Bureau of Justice Statistics, 2003). Updated 2004.

The evaluation of parole effectiveness has produced some disturbing results. Despite all efforts to treat, correct, and rehabilitate incarcerated offenders, the fact remains that a majority return to prison shortly after their release. Federal surveys indicate that about two-thirds of all released inmates are re-arrested within three years of leaving prison for a felony or serious misdemeanor (Figure 17.7).¹⁹⁷ About half are reconvicted for a new crime. Within three years, about half were back in prison, serving time for a new prison sentence or for a technical violation of their release, like failing a drug test, missing an appointment with their parole officer, or being arrested for a new crime.

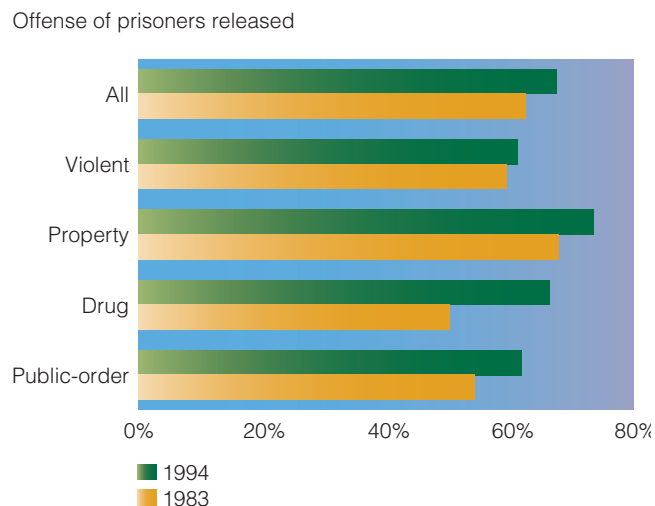
What factors predict parole failure? Prisons may do little to help inmates to adjust on the outside. As correctional expert Stephen Duguid maintains, by their very nature, prisons seek to impose and maintain order and conformity rather

Levels of Substance Abuse and Mental Illness among State Prisoners Re-Entering Society

Drug/Alcohol Involved	73.6%
Drug use	
In month before offense	59.2%
At time of offense	33.7%
Intravenous use in past	22.2%
Alcohol abuse	
Binge drinkers	41.8%
Alcohol dependent	25.2%
At time of offense	35.7%
Identified as Mentally Ill	14.4%
Co-Occurring Disorders (substance abuse and mentally ill)	11.4%

Source: Allen Beck, "State and Federal Prisoners Returning to the Community: Findings from the Bureau of Justice Statistics." Unpublished paper presented at the First Reentry Courts Initiative Cluster Meeting, Washington, DC, April 2000.

Percentage of Released Prisoners Re-Arrested within 3 Years, by Offense, 1983 and 1994



Source: Timothy Hughes and Doris James Wilson, *Reentry Trends in the United States: Inmates Returning to the Community after Serving Time in Prison* (Washington, DC: Bureau of Justice Statistics, 2003).

The Problems of Re-Entry

Because of America's two-decade long imprisonment boom, more than 500,000 inmates are now being released back into the community each year. In New York City alone, the New York State Department of Correctional Services releases approximately 25,000 people a year to the city, and the New York City jails release almost 100,000. In California, more than 125,000 prisoners are released each year, almost ten times the number of releases only twenty years earlier

Criminologist Joan Petersilia warns that there are a number of unfortunate collateral consequences of releasing people back into the community, many of whom have not received adequate treatment and are unprepared for life in conventional society. The risks they present to the community include increases in child abuse, family violence, the spread of infectious diseases, homelessness, and community disorganization.

Increased re-entry risks can be tied to legal changes in the way people are released from prison. In the past, offenders were granted early release only if a parole board believed they were rehabilitated and had ties to the community—such as a family or a job. Inmates were encouraged to enter

treatment programs to earn parole. Changes in sentencing laws have resulted in the growth of mandatory release and the limits on discretionary parole. People now serve a fixed sentence, and the discretion of parole boards has been blunted. Inmates may be discouraged from seeking involvement in rehabilitation programs (they do not influence the chance of parole), and the lack of incentive means that fewer inmates leaving prison having participated in programs to address work, education, and substance use deficiencies. For example, only 13 percent inmates who suffer addiction receive any kind of drug abuse treatment in prison. Nor does the situation improve upon release. Many inmates are not assigned to supervision case-loads once released into the community; about 100,000 released inmates go unsupervised each year.

Petersilia argues that once back in the community, offenders may increase their criminal activity because they want to make up for lost time and resume their criminal careers. The majority leave prison with no savings, no immediate entitlement to unemployment benefits, and few employment prospects. One year after release, as many as 60 percent of former inmates are not employed in the regular labor market, and there is increasing reluctance among employers to hire

ex-offenders. Unemployment is closely related to drug and alcohol abuse. Losing a job can lead to substance abuse, which in turn is related to child and family violence. Mothers released from prison have difficulty finding services such as housing, employment, and childcare, and this causes stress for them and their children. Children of incarcerated and released parents often suffer confusion, sadness, and social stigma, and these feelings often result in school-related difficulties, low self-esteem, aggressive behavior, and general emotional dysfunction. If the parents are negative role models, children fail to develop positive attitudes about work and responsibility. Children of incarcerated parents are five times more likely to serve time in prison than are children whose parents are not incarcerated

Prisoners have significantly more medical and mental health problems than the general population, due to lifestyles that often include crowded or itinerant living conditions, intravenous drug use, poverty, and high rates of substance abuse. Inmates with mental illness (about 16 percent of all inmates) also are increasingly being imprisoned—and being released. Even when public mental health services are available, many mentally ill individuals fail to use them because they fear institutionalization, deny they are mentally

than to help inmates develop skills such as independence and critical thinking, factors that may be essential once the inmate is forced to cope outside the prison's walls.¹⁹⁸

Inmates themselves may have a long history of criminal behavior, an antisocial personality, a record of substance abuse, and childhood experiences with family dysfunction—factors that are correlated with postrelease recidivism.¹⁹⁹ Many releasees have suffered from a lifetime of substance abuse or dependence disorder.²⁰⁰ A history of physical and sexual abuse has also been linked to recidivism.²⁰¹ More than

10 percent exhibit both mental illness and substance abuse (Table 17.2).

Parolees who have had a good employment record in the past and who maintain jobs after their release are the most likely to avoid recidivating.²⁰²

The specter of recidivism is especially frustrating to the American public: It is so difficult to apprehend and successfully prosecute criminal offenders that it seems foolish to grant them early release so they can prey on more victims. As corrections expert Joan Petersilia puts it:

ill, or distrust the mental health system. The situation will become more serious as more and more parolees are released back into the disorganized communities whose deteriorated conditions may have motivated their original crimes.

Fear of a prison stay has less of an impact on behavior than ever before. As the prison population grows, the negative impact of incarceration may be lessening. In neighborhoods where “doing time” is more a rule than the exception, it becomes less of a stigma and more of a badge of acceptance. It also becomes a way of life from which some ex-convicts do rebound. Teens may encounter older men who have gone to prison and have returned to begin their lives again. With the proper skills and survival techniques, prison is considered “manageable.” While a prison stay is still unpleasant, it has lost its aura of shame and fear. By becoming commonplace and mundane, the myth and fear of the prison experience has been exposed and its deterrent power reduced.

The Effect on Communities

Parole expert Richard Seiter has written on the effect returnees have on communities. When there were only a few hundred thousand prisoners, and a few thousand releasees per year, the issues surrounding the release of

offenders did not overly challenge communities. Families could house ex-inmates, job-search organizations could find them jobs, and community social service agencies could respond to their individual needs for mental health or substance abuse treatment. Today, the sheer number of re-entering inmates has taxed the communities to which they are returning.

The results of this system overload were recently studied in Tallahassee, Florida, by Todd Clear and his associates. Data collected indicated that crime rates increase markedly one year after large numbers of inmates are released into the community. Disturbingly, the Clear research found that high rates of prison admissions, leading to high rates of re-entry, can ultimately produce high crime rates. Clearly the national policy of relying on prison as a deterrent to crime may produce results that policymakers had not expected or wanted.

Critical Thinking

1. All too often, government leaders jump on the incarceration bandwagon as a panacea for the nation's crime problem. Is it a “quick fix” whose long-term consequences may be devastating for the nation's cities, or are these problems counterbalanced

by the crime reducing effect of putting large numbers of high-rate offenders behind bars?

2. If you agree that incarceration undermines neighborhoods, can you think of some other indirect ways that high incarceration rates help increase crime rates?

InfoTrac College Edition Research

Alternatives to prison are now being sought because high incarceration rates may undermine a community's viability. What do you think? For some interesting developments, check out: Joe Loconte, “Making Criminals Pay: A New York County's Bold Experiment in Biblical Justice,” *Policy Review* 87 (1998): 26; Katarina Ivanko, “Shifting Gears to Rehabilitation,” *Corrections Today* 59 (1997): 20.

Sources: Joan Petersilia, “When Prisoners Return to Communities: Political, Economic, and Social Consequences,” *Federal Probation* 65 (2001): 3–9; Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry* (New York/London: Oxford University Press, 2003); Todd Clear, Dina Rose, Elin Waring and Kristen Scully, “Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization,” *Justice Quarterly* 20 (2003): 33–65; Richard Seiter, “Prisoner Reentry and the Role of Parole Officers,” *Federal Probation* 66 (2002).

Persons released from prison face a multitude of difficulties. They remain largely uneducated, unskilled, and usually without solid family support systems—to which are added the burdens of a prison record. Not surprisingly, most parolees fail, and rather quickly—re-arrests are most common in the first six months after release.²⁰³

The Criminological Enterprise feature discusses Petersilia's research and the work of others on the problems of parole failure.

In sum, many parolees are returned to prison for technical violations. It is therefore likely that one of the reasons for prison overcrowding is the large number of technical parole violators who are returned within three years of their release. If overcrowding is to be successfully dealt with, a more realistic parole violation policy may have to be developed in areas where the correctional system is under stress.



To quiz yourself on this material, go to the Criminology 9e website.

SUMMARY

- Corrections involve the punishment, treatment, and incapacitation of convicted criminal offenders.
- Today's correctional institutions can trace their development from European origins. Early punishments were physical and brutal. At first fines were levied to compensate the victims and their families for losses. Then cruel corporal and capital punishment were developed. The mercantile system and the development of overseas colonies created the need for labor, so slavery and forced labor began to replace physical punishment.
- Punishment methods developed in Europe were modified and improved by American colonists, most notably William Penn. Later, as needs grew, the newly formed states created their own large facilities. Discipline was harsh within them, and most enforced a code of total and absolute silence.
- New York developed the system of congregate working conditions during the day and isolation at night at Auburn Prison. Pennsylvania adopted an isolate system that required inmates be locked into their cells for the duration of their sentence.
- Probation is the community supervision of convicted offenders by order of the court. It is a sentence reserved for defendants whom the magistrate views as having potential for rehabilitation without needing to serve prison or jail terms.
- Probation is practiced in every state and by the federal government and includes both adult and juvenile offenders. In the decision to grant probation, most judges are influenced by their personal views and the presentence reports of the probation staff.
- Once on probation, the offender must follow a set of rules or conditions, the violation of which may lead to revocation of probation and reinstatement of a prison sentence. These rules vary from state to state but usually involve such demands as refraining from using alcohol or drugs, obeying curfews, and terminating past criminal associations.
- In recent years, the U.S. Supreme Court has granted probationers greater due process rights; today, when the state wishes to revoke probation, it must conduct a full hearing on the matter and provide the probationer with an attorney when that assistance is warranted.
- To supplement probation, intermediate sanctions have been developed. Widely used intermediate sanctions include fines and forfeiture, intensive probation supervision, electronic monitoring, and community-based correctional facilities.
- Alternative sentencing options may allow residents to be eligible for work and educational release during the day while attending group sessions at night. Although these options are less costly and can free up prison space for more violent offenders, their effectiveness has not been adequately tested.
- Jails are used for misdemeanants and minor felons. Because conditions are so poor in jails, they have become a major trouble spot for the criminal justice system. New generation jails have improved security and reduced violence.
- Federal and state prisons—classified as minimum, medium, and maximum security—house most of the nation's incarcerated felons. Their poor track record has spurred the development of other correctional models, specifically boot camps, the halfway houses, and community correctional centers.
- One newer development is privately run correctional institutions operated by private companies, which receive a fee for their services.
- The prison population has skyrocketed in the past few years, but recent data indicate that the boom may be leveling off.
- On entering prison, offenders must make tremendous adjustments to survive. Inmates learn to obey the inmate social code, which dictates proper behavior and attitudes. If inmates break the code, they may be unfavorably labeled. Prison violence is very common.
- Inmates are eligible for a large number of treatment devices designed to help them readjust to the community once they are released. Some programs include individualized and group psychological counseling, therapeutic communities, and vocational training with work furloughs.
- The courts have recognized that inmates have rights—which include access to the courts and legal counsel, the exercise of religion, the rights to correspondence and visitation, and the right to adequate medical treatment.
- Most inmates are paroled before the completion of their maximum term. Parole can be revoked if the offender violates the rules of parole or commits a new crime.
- Ex-inmates have a tough time adjusting on the outside, and the recidivism rate is disturbingly high.

Thinking like a Criminologist

You are a corrections expert, and the governor has asked your opinion on a proposal that will allow prisoners to have completely private regular meetings with their families. The explicit purpose of this visitation program is to grant inmates access to normal family and sexual outlets and thereby counteract the pain of imprisonment.

Those who favor family visitation argue that, if properly administered, it could provide a number of important benefits: Inmate frustration levels would diminish, family ties would be strengthened, and normal sexual patterns would continue. Those opposed argue that such visits can serve only the minority of inmates who are married; appropriate

facilities are almost universally lacking; family visits can create jealousy among the unmarried inmates; spouses may feel embarrassment at openly sexual visits; and children may be born to parents who cannot support them.

Given the controversy surrounding the issue of family visits, would you recommend the program to the governor?

Doing Research on the Web

Before you answer the question above, use InfoTrac College Edition to read: Christopher Hensley, Sandra Rutland, and Phyllis Gray-Ray, "The Effects of Conjugal Visits on Mississippi Inmates," *Corrections Compendium* 25 (2000): 1–9.

You might also want to check out what Encarta has to say: http://encarta.msn.com/encyclopedia_761573083_3/Prison.html.

For an opposing view, see: <http://www.drc.state.oh.us/web/Articles/article76.htm>.

KEY TERMS

corporal punishment (593)
poor laws (593)
Walnut Street Jail (594)
Auburn system (594)
congregate system (595)
contract system (595)
convict-lease system (595)
state account system (595)
Z. R. Brockway (595)
offender classification (598)
revocation (599)
technical violation (599)
intermediate sanctions (599)
day fines (600)

forfeiture (601)
monetary restitution (601)
community service restitution (601)
split sentencing (601)
shock probation (601)
intensive probation supervision (IPS) (601)
home confinement (HC) (603)
electronic monitoring (EM) (603)
residential community corrections (RCC) (604)
boot camps (605)
shock incarceration (SI) (605)
jail (605)

new generation jails (607)
prison (607)
penitentiary (607)
super-max prison (608)
the hole (610)
inmate subculture (611)
social code (611)
prisonization process (611)
importation model (611)
surrogate family (613)
therapeutic communities (TCs) (614)
free-venture programs (614)
parole (620)
parole grant hearing (621)

CRITICAL THINKING QUESTIONS

1. What conditions would you require for a convicted child molester who was offered probation? What about a burglar? Any differences?
2. What rights should a probationer have before his community sentence is revoked? Is probation a privilege or a right? And if a privilege, would you recommend that it be revoked for the slightest rule violation?
3. Should a convicted criminal make restitution to a wealthy victim who does not really need the money? When is restitution inappropriate?
4. Should offenders be fined based on the severity of what they did or according to their ability to pay? Is it fair to gear fines to wages? Should some offenders be punished more severely because they are financially successful?
5. Do house arrest and electronic monitoring involve a violation of personal freedom? Does wearing an ankle bracelet smack of Big Brother? Would you want the government monitoring your daily activities? Could this practice be expanded, for example, to monitor the whereabouts of AIDS patients or political protestors?

6. Should private companies be allowed to run correctional institutions? What are the drawbacks to

having a private company take on a sensitive and sometimes dangerous

function such as administering prisons and jails?

NOTES

- James Stephan and Jennifer Karberg, *Census of State and Federal Correctional Facilities, 2000* (Washington, DC: Bureau of Justice Statistics, 2003).
- Ros Burnett and Shadd Maruna, "So 'Prison Works,' Does It? The Criminal Careers of 130 Men Released from Prison under Home Secretary Michael Howard," *Howard Journal of Criminal Justice* 43 (2004): 390–404.
- Barbara Sims and Eric Johnston, "Examining Public Opinion about Crime and Justice: A Statewide Study," *Criminal Justice Policy Review* 15 (2004): 270–294.
- Graeme Newman, *The Punishment Response* (Philadelphia: Lippincott, 1978), p. 13.
- Among the most helpful sources for this section are Benedict Alper, *Prisons Inside-Out* (Cambridge, MA: Ballinger, 1974); Gustave de Beaumont and Alexis de Tocqueville, *On the Penitentiary System in the United States and Its Application in France* (Carbondale: Southern Illinois University Press, 1964); Orlando Lewis, *The Development of American Prisons and Prison Customs 1776–1845* (Montclair, NJ: Patterson-Smith, 1967); Leonard Orland, ed., *Justice, Punishment and Treatment* (New York: Free Press, 1973); J. Goebel, *Felony and Misdemeanor* (Philadelphia: University of Pennsylvania Press, 1976); Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New York: Russell and Russell, 1939); Samuel Walker, *Popular Justice* (New York: Oxford University Press, 1980); Newman, *The Punishment Response*.
- Rusche and Kirchheimer, *Punishment and Social Structure*, p. 9.
- Rusche and Kirchheimer, *Punishment and Social Structure*, p. 19.
- Marvin Wolfgang, "Crime and Punishment in Renaissance Florence," *Journal of Criminal Law and Criminology* 81 (1990): 567–584.
- G. Ives, *A History of Penal Methods* (Montclair, NJ: Patterson-Smith, 1970).
- Leon Radzinowicz, *A History of English Criminal Law*, vol. 1 (London: Stevens, 1943), p. 5.
- Newman, *The Punishment Response*, p. 139.
- Walker, *Popular Justice*, p. 34.
- Lewis, *The Development of American Prisons and Prison Customs*, p. 17.
- Lewis, *The Development of American Prisons and Prison Customs*, p. 29.
- Alexis Durham III, "Social Control and Imprisonment During the American Revolution: Newgate of Connecticut," *Justice Quarterly* 7 (1990): 293–324.
- De Beaumont and de Tocqueville, *On the Penitentiary System in the United States*, p. 49.
- Orland, *Justice, Punishment and Treatment*, p. 143.
- Walker, *Popular Justice*, p. 70.
- Larry Goldsmith, "History from the Inside Out: Prison Life in Nineteenth-Century Massachusetts," *Journal of Social History* 31 (1997): 109–136.
- Walker, *Popular Justice*, p. 71.
- See Z. R. Brockway, "The Ideal of a True Prison System for a State," in *Transactions of the National Congress on Penitentiary and Reformatory Discipline*, reprint ed. (Washington, DC: American Correctional Association, 1970), pp. 38–65.
- This section relies heavily on David Rothman, *Conscience and Convenience* (Boston: Little, Brown, 1980). See also David Rothman, *The Discovery of the Asylum* (Boston: Little, Brown, 1970).
- Rothman, *Conscience and Convenience*, p. 23.
- Rothman, *Conscience and Convenience*, p. 133.
- See, generally, Jameson Doig, *Criminal Corrections: Ideals and Realities* (Lexington, MA: Lexington Books, 1983).
- See, generally, Chris Eskridge, Richard Seiter, and Eric Carlson, "Community Based Corrections: From the Community to the Community," in *Critical Issues in Corrections*, eds. V. Webb and R. Roberg (St. Paul: West Publishing, 1981), pp. 171–203.
- Gagnon v. Scarpelli*, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed.2d 655 (1973).
- Lauren E. Glaze and Seri Palla, *Probation and Parole in the United States, 2003* (Washington, DC: Bureau of Justice Statistics, 2004).
- Patricia Harris, "Client Management Classification and Prediction of Probation Outcomes," *Crime and Delinquency* 40 (1994): 154–174; Barbara Sims and Mark Jones, "Predicting Success or Failure on Probation: Factors Associated with Felony Probation Outcomes," *Crime and Delinquency* 43 (1997): 314–327.
- Karol Lucken, "Privatizing Discretion: 'Rehabilitating' Treatment in Community Corrections," *Crime and Delinquency* 43 (1997): 243–259.
- David Duffee and Bonnie Carlson, "Competing Value Premises for the Provision of Drug Treatment to Probationers," *Crime and Delinquency* 42 (1996): 574–592.
- Laurie Schaffner, "Families on Probation: Court-Ordered Parenting Skills Classes for Parents of Juvenile Offenders," *Crime and Delinquency* 43 (1997): 412–437.
- Paul von Zielbauer, "Probation Dept. Is Now Arming Officers Supervising Criminals," *New York Times*, 7 August 2003, p. 5.
- Nicole Leeper Piquero, "A Recidivism Analysis of Maryland's Community Probation Program," *Journal of Criminal Justice* 31 (2003): 295–308.
- Karl Hanson and Suzanne Wallace-Carpretta, "Predictors of Criminal Recidivism among Male Batterers," *Psychology, Crime & Law* 10 (2004): 413–427.
- United States v. Knights*, 122 S.Ct. 587 (2001).
- Joan Petersilia, "An Evaluation of Intensive Probation in California," *Journal of Criminal Law and Criminology* 82 (1992): 610–658.
- Glaze and Palla, *Probation and Parole in the United States, 2003*.
- M. Kevin Gray, Monique Fields, and Sheila Royo Maxwell, "Examining Probation Violations: Who, What, and

- When," *Crime and Delinquency* 47 (2001): 537–557.
40. Matthew DuRose and Patrick Langan, *Felony Sentences in the United States, 2000* (Washington, DC: Bureau of Justice Statistics, 2003).
 41. Joan Petersilia, Susan Turner, James Kahan, and Joyce Peterson, *Granting Felons Probation: Public Risks and Alternatives* (Santa Monica, CA: Rand Corporation, 1985).
 42. Cassia Spohn and David Holleran, "The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders," *Criminology* 40 (2002): 329–359.
 43. Kevin Minor, James Wells, and Crissy Sims, "Recidivism among Federal Probationers—Predicting Sentence Violations," *Federal Probation* 67 (2003): 31–37.
 44. W. Reed Benedict and Lin Huff-Corzine, "Return to the Scene of the Punishment: Recidivism of Adult Male Property Offenders on Felony Probation, 1986–1989," *Journal of Research in Crime and Delinquency* 34 (1997): 237–252.
 45. Lynette Feder and Laura Dugan, "A Test of the Efficacy of Court-Mandated Counseling for Domestic Violence Offenders: The Broward Experiment," *Justice Quarterly* 19 (2002): 343–376.
 46. For a thorough review, see James Byrne, Arthur Lurigio, and Joan Petersilia, eds., *Smart Sentencing: The Emergence of Intermediate Sanctions* (Newbury Park, CA: Sage, 1992).
 47. Allen Beck, *Recidivism of Prisoners Released in 1983* (Washington, DC: Bureau of Justice Statistics, 1989).
 48. Michael Tonry and Richard Will, *Intermediate Sanctions, Preliminary Report to the National Institute of Justice* (Washington, DC: National Institute of Justice, 1988), p. 6.
 49. Tonry and Will, *Intermediate Sanctions*, p. 8.
 50. Ben Crouch, "Is Incarceration Really Worse? Analysis of Offenders' Preferences for Prison over Probation," *Justice Quarterly* 10 (1993): 67–88.
 51. David Pauly and Carolyn Friday, "Drexel's Crumbling Defense," *Newsweek* (19 December 1988): 44.
 52. George Cole, Barry Mahoney, Marlene Thorton, and Roger Hanson, *The Practices and Attitudes of Trial Court Judges Regarding Fines as a Criminal Sanction* (Washington, DC: U.S. Government Printing Office, 1987).
 53. Voncile Gowdy, *Intermediate Sanctions* (Washington, DC: National Institute of Justice, 1993); "Day Fines' Being Tested in a New York City Court," *Criminal Justice Newsletter* (1 September 1988): pp. 4–5.
 54. Cole, Mahoney, Thorton, and Hanson, *The Practices and Attitudes of Trial Court Judges Regarding Fines as a Criminal Sanction*.
 55. C. Yorke, *Some Consideration on the Law of Forfeiture for High Treason* 26 (2nd ed. 1746), cited in David Freid, "Rationalizing Criminal Forfeiture," *Journal of Criminal Law and Criminology* 79 (1988): 328–436 at 329.
 56. Gerard Rainville and Brian A. Reaves *Felony Defendants in Large Urban Counties, 2000* (Washington, DC: Bureau of Justice Statistics, 2003), p. 34.
 57. For a further analysis of restitution, see Larry Siegel, "Court Ordered Victim Restitution: An Overview of Theory and Action," *New England Journal of Prison Law* 5 (1979): 135–150.
 58. Thomas Kelly, Daniel Kennedy, and Robert Homant, "Evaluation of an Individualized Treatment Program for Adolescent Shoplifters," *Adolescence* 38 (2003): 725–733.
 59. Joan Petersilia, *The Influence of Criminal Justice Research* (Santa Monica, CA: Rand Corporation, 1987).
 60. Michael Agopian, "The Impact of Intensive Supervision Probation on Gang-Drug Offenders," *Criminal Justice Policy Review* 4 (1990): 214–222; Peter Jones, "Expanding the Use of Non-Custodial Sentencing Options: An Evaluation of the Kansas Community Corrections Act," *Howard Journal* 29 (1990): 114–129; Patrick Langan and Mark Cuniff, *Recidivism of Felons on Probation, 1986–1989* (Washington, DC: Bureau of Justice Statistics, 1992), pp. 1–4.
 61. James Ryan, "Who Gets Revoked? A Comparison of Intensive Supervision Successes and Failures in Vermont," *Crime and Delinquency* 43 (1997): 104–118.
 62. Joan Petersilia, "An Evaluation of Intensive Probation in California," *Journal of Criminal Law and Criminology* 82 (1992): 610–658; Joan Petersilia, "Comparing Intensive and Regular Supervision for High-Risk Probationers: Early Results from an Experiment in California," *Crime and Delinquency* 36 (1990): 87–111; see also Joan Petersilia, "Conditions that Permit Intensive Supervision Programs to Survive," *Crime and Delinquency* 36 (1990): 126–145.
 63. Joan Petersilia, *Expanding Options for Criminal Sentencing* (Santa Monica, CA: Rand Corporation, 1987), p. 32.
 64. Petersilia, *Expanding Options for Criminal Sentencing*, p. 28.
 65. Petersilia, *Expanding Options for Criminal Sentencing*, p. 13.
 66. Kenneth Moran and Charles Lindner, "Probation and the Hi-Technology Revolution: Is Reconceptualization of the Traditional Probation Officer Role Model Inevitable?" *Criminal Justice Review* 3 (1987): 25–32.
 67. Kevin E. Courtright, Bruce L. Berg, and Robert J. Mutchnick, "The Cost Effectiveness of Using House Arrest with Electronic Monitoring for Drunk Drivers," *Federal Probation* 61 (1997): 19–22.
 68. Mary Finn and Suzanne Muirhead-Steves, "The Effectiveness of Electronic Monitoring with Violent Male Parolees," *Justice Quarterly* 19 (2002): 293–313.
 69. J. Robert Lilly, Richard Ball, G. David Curry, and John McMullen, "Electronic Monitoring of the Drunk Driver: A Seven-Year Study of the Home Confinement Alternative," *Crime and Delinquency* 39 (1993): 462–484.
 70. Alexander Esteves, "Electronic Incarceration in Massachusetts: A Critical Analysis," *Social Justice* 17 (1991): 76–90.
 71. James Byrne and Linda Kelly, *Restructuring Probation as an Intermediate Sanction: An Evaluation of the Massachusetts Intensive Probation Supervision Program* (Final Report to the National Institute of Justice, Research Program on the Punishment and Control of Offenders, 1989), p. 33.
 72. Personal contact, Kelly Owens, Case Manager, September 22, 2004; Portland House website: <http://www.lssmn.org/portland.htm>.
 73. Doris Layton Mackenzie, Robert Brame, David McDowall, and Claire Souryal, "Boot Camp Prisons and Recidivism in Eight States," *Criminology* 33 (1995): 327–357.

74. Mackenzie, Brame, McDowall, and Souryal, "Boot Camp Prisons and Recidivism in Eight States," pp. 328–329.
75. See, for example, Dale Sechrest, "Prison 'Boot Camps' Do Not Measure Up," *Federal Probation* 53 (1989): 15–20.
76. Doris Layton Mackenzie and James Shaw, "The Impact of Shock Incarceration on Technical Violations and New Criminal Activities," *Justice Quarterly* 10 (1993): 463–487.
77. Doris Layton Mackenzie, "Boot Camp Prisons: Components, Evaluations, and Empirical Issues," *Federal Probation* 54 (1990): 44–52.
78. Doris Layton MacKenzie and Alex Piquero, "The Impact of Shock Incarceration Programs on Prison Crowding," *Crime and Delinquency* 40 (1994): 222–249.
79. Mackenzie, Brame, McDowall, and Souryal, "Boot Camp Prisons and Recidivism in Eight States." pp. 352–353.
80. Francis Cullen, John Paul Wright, and Brandon K. Applegate, "Control in the Community: The Limits of Reform?" in *Choosing Correctional Interventions that Work: Defining the Demand and Evaluating the Supply*, ed. Alan T. Harland (Thousand Oaks, CA: Sage, 1996), pp. 69–116.
81. "Many State Legislatures Focused on Crime in 1995, Study Finds," *Criminal Justice Newsletter* 27 (1 January 1996): 2.
82. Margaret Wilson, *The Crime of Punishment*, Life and Letter Series no. 64 (London: Jonathan Cape Ltd., 1934), p. 186.
83. Doris James, *Profile of Jail Inmates, 2002* (Washington, DC: Bureau of Justice Statistics, 2004).
84. See, generally, Daniel Kennedy, "A Theory of Suicide While in Police Custody," *Journal of Police Science and Administration* 12 (1984): 191–200.
85. Allen Beck, Thomas Bonczar, and Darrell Gilliard, *Jail Inmates 1992* (Washington, DC: Bureau of Justice Statistics, 1993), p. 3.
86. Brandon Applegate, Ray Surette, and Bernard McCarthy, "Detention and Desistance from Crime: Evaluating the Influence of a New Generation of Jail on Recidivism," *Journal of Criminal Justice* 27 (1999): 539–548.
87. Ibid.
88. Rainville and Reaves, *Felony Defendants in Large Urban Counties, 2000*.
89. Paige Harrison, *Prisoners in 2003* (Washington, DC: Bureau of Justice Statistics, 2004).
90. The following sections are based on Richard H. Franklin, "Assessing Supermax Operations," *Corrections Today* 60 (1998): 126–128; Chase Riveland, *Supermax Prison: Overview and General Considerations* (Longmont, CO: National Institute of Corrections, 1998); Federal Bureau of Prisons, *State of the Bureau, 1995* (Washington, DC: U.S. Government Printing Office, 1996); Dennis Cauchon, "The Alcatraz of the Rockies," *USA Today*, 16 November 1994, p. 6a.
91. Leena Kurki and Norval Morris, "The Purpose, Practices, and Problems of Supermax Prisons," in *Crime and Justice: An Annual Edition*, ed. Michael Tonry (Chicago: University of Chicago Press, 2001), pp. 385–422.
92. Lawrence Hinman, "Stunning Morality: The Moral Dimensions of Stun Belts," *Criminal Justice Ethics* 17 (1998): 3–6.
93. John Dilulio, *Private Prisons* (Washington, DC: U.S. Government Printing Office, 1988); Joan Mullen, *Corrections and the Private Sector* (Washington, DC: National Institute of Justice, 1984).
94. Harrison, *Prisoners in 2003*; James Stephan and Jennifer Karberg, *Census of State and Federal Correctional Facilities, 2000* (Washington, DC: Bureau of Justice Statistics, 2003).
95. Danica Coto, "Medical care company Named in Numerous Jail Lawsuits," *The Charlotte Observer*, 30 August 2004.
96. Charles Logan and Bill McGriff, "Comparing Costs of Public and Private Prisons: A Case Study," *NIJ Reports* (September–October 1989): 2–8.
97. Philip Ethridge and James Marquart, "Private Prisons in Texas: The New Penology for Profit," *Justice Quarterly* 10 (1993): 29–48.
98. Richard Harding, "Private Prisons," in *Crime and Justice: An Annual Edition*, ed. Michael Tonry (Chicago: University of Chicago Press, 2001), pp. 265–347.
99. *Correctional Services Corp. v. Malesko*, 534 U.S. 61, 122 S. Ct. (2001).
100. Ahmed A. White, "Rule of Law and the Limits of Sovereignty: The Private Prison in Jurisprudential Perspective," *American Criminal Law Review* 38 (2001): 111–147.
101. Lawrence Travis, Edward Latessa, and Gennaro Vito, "Private Enterprise and Institutional Corrections: A Call for Caution," *Federal Probation* 49 (1985): 11–17.
102. Patrick Anderson, Charles Davoli, and Laura Moriarty, "Private Corrections: Feast or Fiasco," *Prison Journal* 65 (1985): 32–41.
103. Connie L. Neeley, Laura Addison, and Delores Craig-Moreland, "Addressing the Needs of Elderly Offenders," *Corrections Today* 59 (1997): 120–24.
104. Roger Peters, Paul Greenbaum, John Edens, Chris Carter, and Madeline Ortiz, "Prevalence of DSM-IV Substance Abuse and Dependence Disorders Among Prison Inmates," *American Journal of Drug and Alcohol Abuse* 24 (1998): 573–580.
105. Craig Hemmens and James Marquart, "Fear and Loathing in the Joint: The Impact of Race and Age on Inmate Support for Prison AIDS Policies," *Prison Journal* 78 (1998): 133–152.
106. For a description of prison life and how to survive it, see Jeffrey Ian Ross and Stephen Richards, *Behind Bars: Surviving Prison* (Indianapolis: Alpha Books, 2002).
107. Richard Berk, Heather Ladd, Heidi Graziano, and Jong-Ho Baek, "A Randomized Experiment Testing Inmate Classification Systems," *Criminology and Public Policy* 2 (2003): 215–242.
108. C. S. Lanier, "Affective States of Fathers in Prison," *Justice Quarterly* 10 (1993): 48–65.
109. See E. Goffman, "Characteristics of Total Institutions," in *Justice, Punishment and Treatment*, ed. Leonard Orland (New York: Free Press, 1973), pp. 153–158.
110. Gresham Sykes, *The Society of Captives* (Princeton, NJ: Princeton University Press, 1958), pp. 79–82.
111. Nicolette Parisi, "The Prisoner's Pressures and Responses," in *Coping with Imprisonment*, ed. N. Parisi (Beverly Hills: Sage, 1982), pp. 9–16.
112. Kathryn Campbell and Myriam Denov, "The Burden of Innocence: Coping with a Wrongful Imprisonment," *Canadian Journal of Criminology and Criminal Justice* 46 (2004): 139–164.
113. Daniel Lockwood, "The Contribution of Sexual Harassment to Stress and Coping in Confinement," in *Coping with Imprisonment*, ed. N. Parisi (Beverly Hills: Sage, 1982), p. 47.

114. Lockwood, "The Contribution of Sexual Harassment to Stress and Coping in Confinement."
115. Wilbert Rideau and Ron Wikberg, *Life Sentences: Rage and Survival Behind Bars* (New York: Times Books, 1992), pp. 78–80.
116. John Wooldredge, "Inmate Lifestyles and Opportunities for Victimization," *Journal of Research in Crime and Delinquency* 35 (1998): 480–502.
117. Sandra Gleason, "Hustling: The 'Inside' Economy of a Prison," *Federal Probation* 42 (1978): 32–39.
118. Gleason, "Hustling: The 'Inside' Economy of a Prison," p. 39.
119. Geoffrey Hunt, Stephanie Riegel, Tomas Morales, and Dan Waldorf, "Changes in Prison Culture: Prison Gangs and the Case of the 'Pepsi Generation,'" *Social Problems* 40 (1993): 398–407.
120. James B. Jacobs, "The Killing Ground," *Newsweek* (18 February 1980): 75.
121. Parisi, "The Prisoner's Pressures and Responses."
122. Thomas Castellano and Irina Soderstrom, "Self-Esteem, Depression, and Anxiety Evidenced by a Prison Inmate Sample: Interrelationships and Consequences for Prison Programming," *Prison Journal* 77 (1997): 259–271.
123. Seena Fazel and John Danesh, "Serious Mental Disorder in 23,000 Prisoners: A Systematic Review of 62 Surveys," *Lancet* 359 (2002): 545–561.
124. John Irwin, "Adaptation to Being Corrected: Corrections from the Convict's Perspective," in *Handbook of Criminology*, ed. Daniel Glazer (Chicago: Rand McNally, 1974), pp. 971–993.
125. Donald Clemmer, *The Prison Community* (New York: Holt, Rinehart & Winston, 1958).
126. John Irwin and Donald Cressey, "Thieves, Convicts, and the Inmate Culture," *Social Problems* 10 (1962): 142–155.
127. Paul Gendreau, Marie-Claude Tellier, and J. Stephen Wormith, "Protective Custody: The Emerging Crisis Within Our Prisons," *Federal Probation* 69 (1985): 55–64.
128. James B. Jacobs, *New Perspectives on Prisons and Imprisonment* (Ithaca, NY: Cornell University Press, 1983); James B. Jacobs, "Street Gangs Behind Bars," *Social Problems* 21 (1974): 395–409;
- James B. Jacobs, "Race Relations and the Prison Subculture," in *Crime and Justice*, eds. N. Morris and M. Tonry (Chicago: University of Chicago Press, 1979), pp. 1–28.
129. Hunt, Riegel, Morales, and Waldorf, "Changes in Prison Culture," pp. 405–408.
130. Esther Heffernan, *Making It in Prison: The Square, the Cool and the Life* (New York: Wiley, 1972).
131. Christina Jose-Kampfner, "Coming to Terms with Existential Death: An Analysis of Women's Adaptation to Life in Prison," *Social Justice* 17 (1991): 110–120.
132. Candace Kruttschnitt, Rosemary Gartner, and Amy Miller, "Doing Her Own Time? Women's Responses to Prison in the Context of the Old and New Penology," *Criminology* 38 (2000): 681–718.
133. Beverly Fletcher, Lynda Dixon Shaver, and Dreama Moon, *Women Prisoners: A Forgotten Population* (Westport, CT: Greenwood Press, 1993), chap. 3.
134. Ira Sommers and Deborah Baskin, "The Prescription of Psychiatric Medications in Prison: Psychiatric Versus Labeling Perspectives," *Justice Quarterly* 7 (1990): 739–755.
135. Rose Giallombardo, *Society of Women: A Study of a Women's Prison* (New York: Wiley, 1966), pp. 165–189.
136. John Wooldredge and Kimberly Masters, "Confronting Problems Faced by Pregnant Inmates in State Prisons," *Crime and Delinquency* 39 (1993): 195–203.
137. James Marquart, Victoria Brewer, Janet Mullings, and Ben Crouch, "The Implications of Crime Control Policy on HIV/AIDS-Related Risk among Women Prisoners," *Crime and Delinquency* 45 (1999): 82–98.
138. Pamela Schram, "Stereotypes about Vocational Programming for Female Inmates," *Prison Journal* 78 (1998): 244–271.
139. Merry Morash, Robin Harr, and Lila Rucker, "A Comparison of Programming for Women and Men in U.S. Prison in the 1980's," *Crime and Delinquency* 40 (1994): 197–221, at 214–217.
140. Polly Radosh, "Reflections on Women's Crime and Mothers in Prison: A Peace-making Approach," *Crime and Delinquency* 48 (2002): 300–316.
141. Rebecca Jackson, Richard Rogers, Craig Neuman, and Paul Lambert, "Psychopathy in Female Offenders: An Investigation of its Underlying Dimensions," *Criminal Justice and Behavior* 29 (2002): 692–705.
142. Fazel and Danesh, "Serious Mental Disorder in 23,000 Prisoners: A Systematic Review of 62 Surveys."
143. Allen Beck, *Survey of State Prison Inmates, 1991* (Washington, DC: Bureau of Justice Statistics, 1993), p. 27.
144. See, generally, G. Kassebaum, D. Ward, and D. Wilner, "Group Counseling," in *Legal Process and Corrections*, eds. N. Johnston and L. Savitz (New York: Wiley, 1982), pp. 255–270.
145. See William Glasser, *Reality Therapy* (New York: Harper & Row, 1965).
146. Therapeutic Communities in Correctional Settings, Appendix B: Revised TCA Standards for TCs in Correctional Settings (The Prison-Based TC Standards Development Project Final Report of Phase II) (Washington, DC: Office of National Drug Control Policy, 1999).
147. William Burdon, David Farabee, Michael Prendergast, Nena Messina, and Jerome Cartier, "Prison-Based Therapeutic Community Substance Abuse Programs—Implementation and Operational Issues," *Federal Probation* 66 (2002): 3–9.
148. Roger Peters, Michelle LeVasseur, and Redonna Chandler, "Correctional Treatment for Co-Occurring Disorders: Results of a National Survey," *Behavioral Sciences and the Law* 22 (2004): 563–584.
149. Caroline Wolf Harlow, *Education and Correctional Populations* (Washington, DC: Bureau of Justice Statistics, 2003).
150. See, generally, Michael Fedo, "Free Enterprise Goes to Prison," *Corrections* 7 (1981): 11–18.
151. Timothy Flanagan and Kathleen Maguire, "A Full Employment Policy for Prisons in the United States: Some Arguments, Estimates and Implications," *Journal of Criminal Justice* 21 (1993): 117–130.
152. Ronald H. Aday, *Aging Prisoners: Crisis in American Corrections* (Westport, CT: Praeger, 2003).
153. Paige M. Harrison and Allen Beck, *Prisoners in 2002* (Washington, DC: Bureau of Justice Statistics, 2003); Darrell Gilliard and Allen Beck, *Prisoners*

- in 1997 (Washington, DC: Bureau of Justice Statistics, 1998).
154. Kathleen Auerhahn, "Selective Incapacitation, Three Strikes, and the Problem of Aging Prison Populations," *Criminology and Public Policy* 1 (2002): 353–387.
 155. Catherine Lemieux, Timothy Dyeson, and Brandi Castiglione, "Revisiting the Literature on Prisoners Who Are Older: Are We Wiser?" *Prison Journal* 82 (2002): 432–456.
 156. This section leans heavily on Mark Hamm, "Current Perspectives on the Prisoner Self-Help Movement," *Federal Probation* 52 (1988): 49–56.
 157. Al Parke, "Bringing the Boy Scouts of America into Prison," *Corrections Today* 53 (1991): 154–157.
 158. Byron Johnson, David Larson, and Timothy Pitts, "Religious Programs, Institutional Adjustment, and Recidivism among Former Inmates in Prison Fellowship Programs," *Justice Quarterly* 14 (1997): 145–166.
 159. D. Lipton, R. Martinson, and J. Wilks, *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies* (New York: Praeger, 1975).
 160. Charles Murray and Louis Cox, *Beyond Probation: Juvenile Corrections and the Chronic Delinquent* (Beverly Hills: Sage, 1979).
 161. Paul Lerman, *Community Treatment and Social Control* (Chicago: University of Chicago Press, 1975).
 162. John Whitehead and Steven Lab, "A Meta-Analysis of Juvenile Correctional Treatment," *Journal of Research in Crime and Delinquency* 26 (1989): 276–295; Charles Logan, *Well Kept: Comparing the Quality of Confinement in a Public and Private Prison* (Washington, DC: National Institute of Justice, 1991).
 163. Francis Cullen and Karen Gilbert, *Reaffirming Rehabilitation* (Cincinnati: Anderson Publications, 1982).
 164. David Wilson, Catherine Gallagher, and Doris Mackenzie, "A Meta-Analysis of Corrections-Based Education, Vocation, and Work Programs for Adult Offenders," *Journal of Research in Crime and Delinquency* 37 (2000): 347–368.
 165. Mary Ellen Batiuk, Paul Moke, and Pamela Wilcox Rountree, "Crime and Rehabilitation: Correctional Education as an Agent of Change—A Research Note," *Justice Quarterly* 14 (1997): 167–180.
 166. D. A. Andrews, Ivan Zinger, Robert Hoge, James Bonta, Paul Gendreau, and Francis Cullen, "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis," *Criminology* 28 (1990): 369–405; for an alternative view, see Steven Lab and John Whitehead, "From Nothing Works to the Appropriate Works: The Latest Stop on the Search for the Secular Grail," *Criminology* 28 (1990): 405–419.
 167. Frank Pearson, Douglas Lipton, Charles Cleland, and Dorline Yee, "The Effects of Behavioral/Cognitive-Behavioral Programs on Recidivism," *Crime and Delinquency* 48 (2002): 476–497; Mark Lipsey and David Wilson, "Effective Intervention for Serious Juvenile Offenders: A Synthesis of Research," in *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, eds. Rolf Loeber and David Farrington (Thousand Oaks, CA: Sage, 1998).
 168. Paul Gendreau and Claire Goffin, "Principles of Effective Correctional Programming," *Forum on Correctional Research* 2 (1996): 38–41.
 169. Christopher D. Man and John P. Cronan, "Forecasting Sexual Abuse in Prison: The Prison Subculture of Masculinity as a Backdrop for 'Deliberate Indifference,'" *Journal of Criminal Law and Criminology* (2001): 127–166.
 170. Jesse Walker, "Rape Behind Bars," *Reason* 35 (2003): 10–12.
 171. Prison Rape Reduction Act of 2003 (Bill S. 1435, 2003).
 172. Hans Toch, Police, *Prisons and the Problems of Violence* (Washington, DC: U.S. Government Printing Office, 1977), p. 53.
 173. For a series of papers on the position, see A. Cohen, G. Cole, and R. Baily, eds., *Prison Violence* (Lexington, MA: Lexington Books, 1976).
 174. Charles Silberman, *Criminal Violence, Criminal Justice* (New York: Vintage Books, 1978).
 175. See Hans Toch, "Social Climate and Prison Violence," *Federal Probation* 42 (1978): 21–23.
 176. American Correctional Association, *Riots and Disturbances in Correctional Institutions* (Washington, DC: American Correctional Association, 1970), p. 1.
 177. Randy Martin and Sherwood Zimmerman, "A Typology of the Causes of Prison Riots and an Analytical Extension to the 1986 West Virginia Riot," *Justice Quarterly* 7 (1990): 711–737.
 178. *National Advisory Commission on Criminal Justice Standards and Goals, Volume on Corrections* (Washington, DC: U.S. Government Printing Office, 1973), p. 18.
 179. *Lewis v. Casey*, 94 L. Ed. 2d 1511 (1996).
 180. (42 U.S.C. § 1997e(a)) 1996.
 181. *Procunier v. Martinez*, 416 U.S. 396 (1974); *Saxbe v. Washington Post*, 41 L. Ed. 2d 514 (1974).
 182. *Newman v. Alabama*, 349 F. Supp. 278 (M.D. Ala., 1974).
 183. *Estelle v. Gamble*, 429 U.S. 97 (1976).
 184. 97 S. Ct. 291 (1976).
 185. *Pennsylvania Department of Corrections v. Yeskey*, 524 U.S. 206 (1998).
 186. See, for example, *Trop v. Dulles*, 356 U.S. 86, 78 S. Ct. 590 (1958); see also *Furman v. Georgia*, 408 U.S. 238, 92 S. Ct. 2726, 33 L. Ed. 2d 346 (1972).
 187. See, for example, *Weems v. United States*, 217 U.S. 349, 30 S. Ct. 544, 54 L. Ed. 793 (1910).
 188. See, for example, *Lee v. Tahash*, 352 F.2d 970 (8th Cir., 1965).
 189. 309 F. Supp. 362 (E.D. Ark. 1970); aff'd 442 F.2d 304 (Ninth Cir., 1971).
 190. *Rhodes v. Chapman*, 452 U.S. 337 (1981).
 191. *Rhodes v. Chapman*.
 192. *Hope vs. Pelzer*, et. Al, No. 01–309. June 27, 2002.
 193. Glaze and Palla, *Probation and Parole in the United States*, 2003.
 194. See Peter Hoffman and Lucille DeGostin, "Parole Decision-Making: Structuring Discretion," *Federal Probation* 38 (1974): 19–21.
 195. Peter Hoffman and Barbara Stone-Meierhoefer, "Post-Release Arrest Experiences of Federal Prisoners: A Six Year Follow-Up," *Journal of Criminal Justice* 7 (1979): 193–216.
 196. Glaze and Palla, *Probation and Parole in the United States*, 2003.
 197. Timothy Hughes and Doris James Wilson, *Reentry Trends in the United States, Inmates Returning to the Community after Serving Time in Prison* (Washington, DC: Bureau of Justice Statistics, 2003); Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (Washington, DC: Bureau of Justice Statistics, 2002).

198. Stephen Duguid, *Can Prisons Work? The Prisoner as Object and Subject in Modern Corrections* (Toronto: University of Toronto Press, 2000).
199. James Bonta, Moira Law, and Karl Hanson, "The Prediction of Criminal and Violent Recidivism Among Mentally Disordered Offenders: A Meta-Analysis," *Psychological Bulletin* 123 (1998): 123–142.
200. Peters, Greenbaum, Edens, Carter, and Ortiz, "Prevalence of DSM-IV Substance Abuse and Dependence Disorders among Prison Inmates."
201. Catherine Hamilton, Louise Falshaw, and Kevin D. Browne, "The Link between Recurrent Maltreatment and Offending Behavior," *International Journal of Offender Therapy & Comparative Criminology* 46 (2002): 75–95.
202. Thomas Hanlon, David Nurco, Richard Bateman, and Kevin O'Grady, "The Response of Drug Abuser Parolees to a Combination of Treatment and Intensive Supervision," *Prison Journal* 78 (1998): 31–45.
203. Joan Petersilia, "When Prisoners Return to Communities: Political, Economic, and Social Consequences," *Federal Probation* 65 (2001): 3–9.

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acquaintance rape Forcible sex in which offender and victim are acquainted with each other.

acquaintance robbery Robbers who focus their thefts on people they know.

active precipitation The view that the source of many criminal incidents is the aggressive or provocative behavior of victims.

actual authority The authority a corporation knowingly gives to an employee.

actus reus An illegal act. The *actus reus* can be an affirmative act, such as taking money or shooting someone, or a failure to act, such as failing to take proper precautions while driving a car.

adolescent-limited offender Offender who follows the most common criminal trajectory, in which antisocial behavior peaks in adolescence and then diminishes.

adversarial process The procedure used to determine truth in the adjudication of guilt or innocence in which the defense (advocate for the accused) is pitted against the prosecution (advocate for the state), with the judge acting as arbiter of the legal rules. Under the adversarial system, the burden is on the state to prove the charges beyond a reasonable doubt. This system of having the two parties publicly debate has proved to be the most effective method of achieving the truth regarding a set of circumstances. (Under the accusatory, or inquisitorial, system, which is used in continental Europe, the charge is evidence of guilt that the accused must disprove, and the judge takes an active part in the proceedings.)

aggravated rape Rape involving multiple offenders, weapons, and victim injuries.

aggressive preventive patrol A patrol technique designed to suppress crime before it occurs.

aging out The process by which individuals reduce the frequency of their offending behavior as they age. It is also known as spontaneous remission, because people are believed to spontaneously reduce the rate of their criminal behavior as they mature. Aging out is thought to occur among all groups of offenders.

alien conspiracy theory The view that organized crime was imported to the United States by Europeans and that crime cartels have a policy of restricting their

membership to people of their own ethnic background.

alternative sanctions The group of punishments falling between probation and prison; "probation plus." Community-based sanctions, including house arrest and intensive supervision, serve as alternatives to incarceration.

American Dream The goal of accumulating material goods and wealth through individual competition; the process of being socialized to pursue material success and to believe it is achievable.

anal stage In Freud's schema, the second and third years of life, when the focus of sexual attention is on the elimination of bodily wastes.

androgens Male sex hormones.

anomie A condition produced by normlessness. Because of rapidly shifting moral values, the individual has few guides to what is socially acceptable. According to Merton, anomie is a condition that occurs when personal goals cannot be achieved by available means. In Agnew's revision, anomie can occur when positive or valued stimuli are removed or negative or painful ones applied.

antithesis An opposing argument.

apparent authority Authority that a third party, like a customer, reasonably believes the agent has to perform the act in question.

appeal Taking a criminal case to a higher court on the grounds that the defendant was found guilty because of legal error or violation of constitutional rights; a successful appeal may result in a new trial.

appellate courts Courts that reconsider a case that has already been tried to determine whether the measures used complied with accepted rules of criminal procedure and were in line with constitutional doctrines.

arousal theory A view of crime suggesting that people who have a high arousal level seek powerful stimuli in their environment to maintain an optimal level of arousal. These stimuli are often associated with violence and aggression. Sociopaths may need greater than average stimulation to bring them up to comfortable levels of living; this need explains their criminal tendencies.

arraignment The step in the criminal jus-

tice process at which the accused are read the charges against them, asked how they plead, and advised of their rights. Possible pleas are guilty, not guilty, *nolo contendere*, and not guilty by reason of insanity.

arrest The taking of a person into the custody of the law, the legal purpose of which is to restrain the accused until he or she can be held accountable for the offense at court proceedings. The legal requirement for an arrest is probable cause. Arrests for investigation, suspicion, or harassment are improper and of doubtful legality. The police have the responsibility to use only the reasonable physical force necessary to make an arrest. The summons has been used as a substitute for arrest.

arson The intentional or negligent burning of a home, structure, or vehicle for criminal purposes such as profit, revenge, fraud, or crime concealment.

arson for profit People looking to collect insurance money, but who are afraid or unable to set the fire themselves, hire professional arsonists. These professionals have acquired the skills to set fires yet make the cause seem accidental.

arson fraud A business owner burns his or her property, or hires someone to do it, to escape financial problems.

assault An attack that may not involve physical contact; includes attempted battery or intentionally frightening the victim by word or deed.

assigned counsel system A list of private bar members who accept cases of indigent criminals on a judge-by-judge, court-by-court, or case-by-case basis; this system is used in less populated areas, where case flow is minimal and a full-time public defender is not needed.

atavistic anomalies According to Lombroso, the physical characteristics that distinguish born criminals from the general population and are throwbacks to animals or primitive people.

at risk Children and adults who lack the education and skills needed to be effectively in demand in modern society.

attention deficit hyperactivity disorder (ADHD) A psychological disorder in which a child shows developmentally inappropriate

ate impulsivity, hyperactivity, and lack of attention.

Auburn system The prison system developed in New York during the nineteenth century that stressed congregate working conditions.

authority conflict pathway The path to a criminal career that begins with early stubborn behavior and defiance of parents.

bail The monetary amount for or condition of pretrial release, normally set by a judge at the initial appearance. The purpose of bail is to ensure the return of the accused at subsequent proceedings. If the accused is unable to make bail, he or she is detained in jail. The Eighth Amendment provides that excessive bail shall not be required.

bail bonding agent A person whose business is providing bail to needy offenders, usually at an exorbitant rate of interest.

bail guidelines Standard bail amounts set based on such factors as criminal history and the current charge.

battery A physical attack that includes hitting, punching, slapping, or other offensive touching of a victim.

behavior modeling Process of learning behavior (notably aggression) by observing others. Aggressive models may be parents, criminals in the neighborhood, or characters on television or in video games and movies.

behaviorism The branch of psychology concerned with the study of observable behavior rather than unconscious motives. It focuses on the relationship between particular stimuli and people's responses to them.

bias crimes Violent acts directed toward a particular person or members of a group merely because the targets share a discernible racial, ethnic, religious, or gender characteristic; also called hate crimes.

Bill of Rights The first ten amendments to the U.S. Constitution.

biological determinism A belief that criminogenic traits can be acquired through indirect heredity from a degenerate family whose members suffered from such ills as insanity, syphilis, and alcoholism, or through direct heredity—being related to a family of criminals.

biophobia Sociologists who held the view that no serious consideration should be given to biological factors when attempting to understand human nature.

biosocial theory An approach to criminology that focuses on the interaction between biological and social factors as they relate to crime.

bipolar disorder An emotional disturbance

in which moods alternate between periods of wild elation and deep depression.

blue curtain subculture According to Westly, the secretive, insulated police culture that isolates the officer from the rest of society.

booking Fingerprinting, photographing, and recording of personal information of a suspect in police custody.

booster Professional shoplifter who steals with the intention of reselling stolen merchandise.

boot camp A short-term militaristic correctional facility in which inmates undergo intensive physical conditioning and discipline.

bourgeoisie In Marxist theory, the owners of the means of production; the capitalist ruling class.

Z. R. Brockway The warden at the Elmira Reformatory in New York, he advocated individualized treatment, indeterminate sentences, and parole. The reformatory program initiated by Brockway included elementary education for illiterates, designated library hours, lectures by local college faculty members, and a group of vocational training shops.

brothel A house of prostitution, typically run by a madam who sets prices and handles "business" arrangements.

brutalization effect The belief that capital punishment creates an atmosphere of brutality that enhances rather than deters the level of violence in society. The death penalty reinforces the view that violence is an appropriate response to provocation.

bucketing A form of stockbroker chiseling in which brokers skim customer trading profits by falsifying trade information.

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Government agency that has jurisdiction over the sale and distribution of firearms, explosives, alcohol, and tobacco products.

burglary Breaking into and entering a home or structure for the purposes of committing a felony.

California Personality Inventory (CPI) A frequently administered personality test used to distinguish deviants from nondeviant groups.

call girls Prostitutes who make dates via the phone and then service customers in hotel rooms or apartments. Call girls typically have a steady clientele who are repeat customers.

capable guardians Effective deterrents to crime, such as police or watchful neighbors.

capital punishment The use of the death penalty to punish transgressors.

capitalist bourgeoisie The owners of the means of production.

career criminal A person who repeatedly violates the law and organizes his or her lifestyle around criminality.

carjacking Theft of a car by force or threat of force.

cartographic school of criminology An approach developed in Europe in the early nineteenth century making use of social statistics to provide important demographic information on the population, including density, gender, religious affiliations, and wealth. Many of the relationships between crime and social phenomena identified then still serve as a basis for criminology today.

cerebral allergies A physical condition that causes brain malfunction due to exposure to some environmental or biochemical irritant.

chemical restraints Antipsychotic drugs such as Haldol, Stelazine, Prolixin, and Risperdal, which help control levels of neurotransmitters (such as serotonin/dopamine), that are used to treat violence-prone people; also called chemical straightjackets.

chemical straightjackets Another term for chemical restraints; antipsychotic drugs used to treat violence prone people.

Chicago School Group of urban sociologists who studied the relationship between environmental conditions and crime.

child abuse Any physical, emotional, or sexual trauma to a child for which no reasonable explanation, such as an accident, can be found. Child abuse can also be a function of neglecting to give proper care and attention to a young child.

chiseling Crimes that involve using illegal means to cheat an organization, its consumers, or both, on a regular basis.

chivalry hypothesis The idea that low female crime and delinquency rates are a reflection of the leniency with which police treat female offenders.

chronic offender According to Wolfgang, a delinquent offender who is arrested five or more times before he or she is 18 and who stands a good chance of becoming an adult criminal; such offenders are responsible for more than half of all serious crimes.

chronic victimization Those who have been crime victims maintain a significantly higher chance of future victimization than people who have remained nonvictims. Most repeat victimizations occur soon after a previous crime has occurred, suggesting that repeat victims share some personal characteristic that makes them a magnet for predators.

churning A white-collar crime in which a

stockbroker makes repeated trades to fraudulently increase commissions.

classical criminology The theoretical perspective suggesting that (1) people have free will to choose criminal or conventional behaviors; (2) people choose to commit crime for reasons of greed or personal need; and (3) crime can be controlled only by the fear of criminal sanctions.

cleared crimes Crimes are cleared in two ways: when at least one person is arrested, charged, and turned over to the court for prosecution; or by exceptional means, when some element beyond police control precludes the physical arrest of an offender (for example, the offender leaves the country).

closure A term used by Lemert to describe people from a middle-class background who have little identification with a criminal subculture but cash bad checks because of a financial crisis that demands an immediate resolution.

Code of Hammurabi The first written criminal code developed in Babylonia around 4,000 years ago.

coercion An act by an individual or individuals against the will or without the permission of another human being. Coercion can be psychological or physical, direct or indirect, interpersonal or impersonal.

coercive ideation The world is conceived as full of coercive forces that can only be overcome through the application of equal or even greater coercive responses.

cognitive theory The study of the perception of reality and of the mental processes required to understand the world in which we live.

cohort A sample of subjects whose behavior is followed over a period of time.

collective efficacy Social control exerted by cohesive communities, based on mutual trust, including intervention in the supervision of children and maintenance of public order.

college boy A disadvantaged youth who embraces the cultural and social values of the middle class and actively strives to be successful by those standards. This type of youth is embarking on an almost hopeless path, because he is ill-equipped academically, socially, and linguistically to achieve the rewards of middle-class life.

commitment to conformity A strong personal investment in conventional institutions, individuals, and processes that prevents people from engaging in behavior that might jeopardize their reputation and achievements.

common law Early English law, developed by judges, that incorporated Anglo-Saxon tribal custom, feudal rules and practices,

and the everyday rules of behavior of local villages. Common law became the standardized law of the land in England and eventually formed the basis of the criminal law in the United States.

communist manifesto In this document, Marx focused his attention on the economic conditions perpetuated by the capitalist system. He stated that its development had turned workers into a dehumanized mass who lived an existence that was at the mercy of their capitalist employers.

community-oriented policing (COP) A police strategy that emphasizes fear reduction, community organization, and order maintenance rather than crime fighting.

community service restitution An alternative sanction that requires an offender to work in the community at such tasks as cleaning public parks or helping handicapped children in lieu of an incarceration sentence.

complaint A sworn allegation made in writing to a court or judge that an individual is guilty of some designated (complained of) offense. This is often the first legal document filed regarding a criminal offense. The complaint can be "taken out" by the victim, the police officer, the district attorney, or another interested party. Although the complaint charges an offense, an indictment or information may be the formal charging document.

compurgation In early English law, a process whereby an accused person swore an oath of innocence while being backed up by a group of twelve to twenty-five "oath-helpers," who would attest to his character and claims of innocence.

computer virus A program that disrupts or destroys existing programs and networks, causing them to perform the task for which the virus was designed.

computer worm A program that attacks computer networks (or the Internet) by self-replicating and "sending" itself to other users, generally via e-mail without the aid of the operator.

concentration effect As working- and middle-class families flee inner-city poverty areas, the most disadvantaged population is consolidated in urban ghettos.

concurrent sentences Literally, running sentences together. Someone who is convicted of two or more charges must be sentenced on each charge. If the sentences are concurrent, they begin the same day and are completed after the longest term has been served.

conduct disorder (CD) A psychological condition marked by repeated and severe episodes of antisocial behaviors.

conduct norms Behaviors expected of social group members. If group norms conflict with those of the general culture, members of the group may find themselves described as outcasts or criminals.

confidence game A swindle, usually involving a get-rich-quick scheme, often with illegal overtones, so that the victim will be afraid or embarrassed to call the police.

conflict view The view that human behavior is shaped by interpersonal conflict and that those who maintain social power will use it to further their own needs.

congregate system This prison system included congregate working conditions, the use of solitary confinement to punish unruly inmates, military regimentation, and discipline.

conscience One of two parts of the superego; it distinguishes between what is right and wrong.

consecutive sentences Prison sentences for two or more criminal acts that are served one after the other.

consensus view of crime The belief that the majority of citizens in a society share common ideals and work toward a common good and that crimes are acts that are outlawed because they conflict with the rules of the majority and are harmful to society.

consent In prosecuting rape cases, it is essential to prove that the attack was forced and that the victim did not give voluntary consent to her attacker. In a sense, the burden of proof is on the victim to show that her character is beyond question and that she in no way encouraged, enticed, or misled the accused rapist. Proving victim dissent is not a requirement in any other violent crime.

constable The peacekeeper in early English towns. The constable organized citizens to protect his territory and supervised the night watch.

constructive possession In the crime of larceny, willingly giving up temporary physical possession of property but retaining legal ownership.

contagion effect Genetic predispositions and early experiences make some people, including twins, susceptible to deviant behavior, which is transmitted by the presence of antisocial siblings in the household.

containment theory The idea that a strong self-image insulates a youth from the pressures and pulls of criminogenic influences in the environment.

contextual discrimination A practice in which African Americans receive harsher punishments in some instances (as when they victimize whites) but not in others (as when they victimize other blacks).

continuity of crime The view that crime begins early in life and continues throughout the life course. Thus, the best predictor of future criminality is past criminality.

contract attorney system Providing counsel to indigent offenders by having attorneys under contract to the county handle some or all such cases.

contract system A prison work system in which officials sell the labor of inmates to private businesses.

Control Balance Theory According to Tittle, a developmental theory that attributes deviant and criminal behaviors to imbalances between the amount of control that the individual has over others and that others have over him or her.

convict-lease system The system used earlier in the century in which inmates were leased out to private industry to work.

corner boy According to Cohen, a role in the lower-class culture in which young men remain in their birth neighborhood, acquire families and menial jobs, and adjust to the demands of their environment.

corporal punishment The use of physical chastisement, such as whipping or electroshock, to punish criminals.

corporate crime White-collar crime involving a legal violation by a corporate entity, such as price fixing, restraint of trade, or hazardous waste dumping.

courtroom work group All the parties in the adversarial process who work together to settle cases with the least amount of effort and conflict.

covert pathway A path to a criminal career that begins with minor underhanded behavior and progresses to fire starting and theft.

crackdown The concentration of police resources on a particular problem area, such as street-level drug dealing, to eradicate or displace criminal activity.

crime A violation of societal rules of behavior as interpreted and expressed by a criminal legal code created by people holding social and political power. Individuals who violate these rules are subject to sanctions by state authority, social stigma, and loss of status.

crime control model A model of criminal justice that emphasizes the control of dangerous offenders and the protection of society. Its advocates call for harsh punishments, such as the death penalty, as a deterrent to crime.

crime discouragers Discouragers can be grouped into three categories: guardians, who monitor targets (such as store security guards); handlers, who monitor potential

offenders (such as parole officers and parents); and managers, who monitor places (such as homeowners and doorway attendants).

crime displacement An effect of crime prevention efforts in which efforts to control crime in one area shift illegal activities to another.

crime typology The study of criminal behavior involving research on the links between different types of crime and criminals. Because people often disagree about types of crimes and criminal motivation, no standard exists within the field. Some typologies focus on the criminal, suggesting the existence of offender groups, such as professional criminals, psychotic criminals, occasional criminals, and so on. Others focus on the crimes, clustering them into categories such as property crimes, sex crimes, and so on.

criminal anthropology Early efforts to discover a biological basis of crime through measurement of physical and mental processes.

criminal charge A formal written document identifying the criminal activity, the facts of the case, and the circumstances of the arrest.

criminal justice system The agencies of government—police, courts, and corrections—responsible for apprehending, adjudicating, sanctioning, and treating criminal offenders.

criminality A personal trait of the individual as distinct from a “crime,” which is an event.

criminal trial A full-scale inquiry into the facts of the case before a judge, a jury, or both.

criminological enterprise The areas of study and research that taken together make up the field of criminology. Criminologists typically specialize in one of the subareas of criminology, such as victimology or the sociology of law.

criminologists Researchers who use scientific methods to study the nature, extent, cause, and control of criminal behavior.

criminology The scientific study of the nature, extent, cause, and control of criminal behavior.

crisis intervention Emergency counseling for crime victims.

critical criminologists Researchers who view crime as a function of the capitalist mode of production and not the social conflict that might occur in any society regardless of its economic system.

critical criminology The view that capitalism produces haves and have-nots, each

engaging in a particular branch of criminality. The mode of production shapes social life. Because economic competitiveness is the essence of capitalism, conflict increases and eventually destabilizes social institutions and the individuals within them.

critical feminist Scholars, both male and female, who focus on the effects of gender inequality and the unequal power of men and women in a capitalist society.

cross-examination The process in which the defense and the prosecution interrogate witnesses during a trial.

cross-sectional survey Uses survey data derived from all age, race, gender, and income segments of the population measured simultaneously. Because people from every age group are represented, age-specific crime rates can be determined. Proponents believe this is a sufficient substitute for the more expensive longitudinal approach that follows a group of subjects over time to measure crime rate changes.

crusted over Children who have been victims of or witnesses to violence and do not let people inside, nor do they express their feelings. They exploit others and in turn are exploited by those older and stronger; as a result, they develop a sense of hopelessness.

cultural deviance theory Branch of social structure theory that sees strain and social disorganization together resulting in a unique lower-class culture that conflicts with conventional social norms.

cultural transmission The concept that conduct norms are passed down from one generation to the next so that they become stable within the boundaries of a culture. Cultural transmission guarantees that group lifestyle and behavior are stable and predictable.

culture conflict According to Sellin, a condition brought about when the rules and norms of an individual's subcultural affiliation conflict with the role demands of conventional society.

culture of poverty The view that people in the lower class of society form a separate culture with its own values and norms that are in conflict with conventional society; the culture is self-maintaining and ongoing.

cyber crime The use of modern technology for criminal purpose.

cycle of violence The idea that victims of crime, especially childhood abuse, are more likely to commit crimes themselves.

date rape Forcible sex during a courting relationship.

day fines Fines geared to the average daily income of the convicted offender in an effort to bring equity to the sentencing process.

deadly force The ability of the police to kill suspects if they resist arrest or present a danger to an officer or the community. The police cannot use deadly force against an unarmed fleeing felon.

death squads Government troops used to destroy political opposition parties.

decadence Spur of the moment, irrational acts such as child molesting.

deconstructionist An approach that focuses on the use of language by those in power to define crime based on their own values and biases; also called postmodernist.

decriminalized Reducing the penalty for a criminal act but not actually legalizing it.

defective intelligence Traits such as feeble-mindedness, epilepsy, insanity, and defective social instinct, which Goring believed had a significant relationship to criminal behavior.

defensible space The principle that crime prevention can be achieved through modifying the physical environment to reduce the opportunity individuals have to commit crime.

defiance Challenging control mechanisms but stopping short of physical harm: for example, vandalism, curfew violations, and unconventional sex.

deliberation Planning a homicide after careful thought, however brief, rather than acting on sudden impulse.

delinquent boy A youth who adopts a set of norms and principles in direct opposition to middle-class values, engaging in short-run hedonism, living for today and letting tomorrow take care of itself.

demystify To unmask the true purpose of law, justice, or other social institutions.

Department of Homeland Security (DHS) An agency of the federal government charged with preventing terrorist attacks within the United States, reducing America's vulnerability to terrorism, and minimizing the damage and aiding recovery from attacks that do occur.

deposit bail system A system that allows defendants to post a percentage of their bond (usually 10 percent) with the court; the full amount is required only if the defendant fails to show for trial.

desist To spontaneously stop committing crime.

determinate sentences Fixed terms of incarceration, such as 3 years' imprisonment. Determinate sentences are felt by many to be too restrictive for rehabilitative purposes; the advantage is that offenders know how much time they have to serve—that is, when they will be released.

deterrence theory The view that if the probability of arrest, conviction, and sanctioning increases, crime rates should decline.

developmental theory A branch of criminology that examines change in a criminal career over the life course. Developmental factors include biological, social, and psychological change. Among the topics of developmental criminology are desistance, resistance, escalation, and specialization.

deviant behavior Behavior that departs from the social norm.

deviant place theory People become victims because they reside in socially disorganized, high-crime areas where they have the greatest risk of coming into contact with criminal offenders.

dialectic method For every idea, or thesis, there exists an opposing argument, or antithesis. Because neither position can ever be truly accepted, the result is a merger of the two ideas, a synthesis. Marx adapted this analytic method for his study of class struggle.

Differential Association Theory According to Sutherland, the principle that criminal acts are related to a person's exposure to an excess amount of antisocial attitudes and values.

differential opportunity The view that lower-class youths, whose legitimate opportunities are limited, join gangs and pursue criminal careers as alternative means to achieve universal success goals.

differential reinforcement Behavior is reinforced by being either rewarded or punished while interacting with others; also called direct conditioning.

Differential Reinforcement Theory An attempt to explain crime as a type of learned behavior. First proposed by Akers in collaboration with Burgess in 1966, it is a version of the social learning view that employs differential association concepts as well as elements of psychological learning theory.

differential social control A process of labeling that may produce a reevaluation of the self, which reflects actual or perceived appraisals made by others.

Differential Social Support and Coercion Theory (DSSCT) According to Colvin, a theory that holds that perceptions of coercion become ingrained and guide reactions to adverse situations that arise in both family and nonfamily settings.

diffusion An effect that occurs when an effort to control one type of crime has the unexpected benefit of reducing the incidence of another.

direct conditioning Behavior is reinforced by being either rewarded or punished

while interacting with others; also called differential reinforcement.

direct examination The questioning of one's own (prosecution or defense) witness during a trial.

directed verdict The right of a judge to direct a jury to acquit a defendant because the state has not proven the elements of the crime or otherwise has not established guilt according to law.

discouragement An effect that occurs when an effort to eliminate one type of crime also controls others, because it reduces the value of criminal activity by limiting access to desirable targets.

discretion The use of personal decision making by those carrying out police, judicial, and sanctioning functions within the criminal justice system.

disorder Any type of psychological problem (formerly labeled neuroses or psychoses), such as anxiety disorders, mood disorders, and conduct disorders.

disposition For juvenile offenders, the equivalent of sentencing for adult offenders. The theory is that disposition is more rehabilitative than retributive. Possible dispositions may be to dismiss the case, release the youth to the custody of his or her parents, place the offender on probation, or send him or her to a correctional institution. For adult defendants found guilty, sentencing usually involves a fine, probation, and/or incarceration.

diversion programs Programs of rehabilitation that remove offenders from the normal channels of the criminal justice system, thus avoiding the stigma of a criminal label.

division of markets Firms divide a region into territories, and each firm agrees not to compete in the others' territories.

double jeopardy A defendant cannot be prosecuted by a jurisdiction more than once for a single offense.

dramatization of evil As the negative feedback of law enforcement agencies, parents, friends, teachers, and other figures amplifies the force of the original label, stigmatized offenders may begin to reevaluate their own identities. The person becomes the thing he is described as being.

drift According to Matza, the view that youths move in and out of delinquency and that their lifestyles can embrace both conventional and deviant values.

Drug Enforcement Administration (DEA) The federal agency that enforces federal drug control laws.

dual sovereignty doctrine If a single act violates the laws of two states, the offender may be punished for each offense.

due process model View that focuses on protecting the civil rights of those accused of crime.

early onset A term that refers to the assumption that a criminal career begins early in life and that people who are deviant at a very young age are the ones most likely to persist in crime.

ecological view A belief that social forces operating in urban areas create criminal interactions; some neighborhoods become natural areas for crime.

economic crime An act in violation of the criminal law that is designed to bring financial gain to the offender.

edgework The excitement or exhilaration of successfully executing illegal activities in dangerous situations.

egalitarian families Families in which spouses share similar positions of power at home and in the workplace.

ego The part of the personality, developed in early childhood, that helps control the id and keep people's actions within the boundaries of social convention.

ego ideal Part of superego; directs the individual into morally acceptable and responsible behaviors, which may not be pleasurable.

elder abuse A disturbing form of domestic violence by children and other relatives with whom elderly people live.

eldercide The murder of a senior citizen.

Electra complex A stage of development when girls begin to have sexual feelings for their fathers.

electroencephalograph (EEG) A device that can record the electronic impulses given off by the brain, commonly called brain waves.

electronic monitoring (EM) Offenders wear devices attached to their ankles, wrists, or neck that send signals back to a control office; used to monitor home confinements.

elite deviance White-collar and economic crimes.

embezzlement A type of larceny that involves taking the possessions of another (fraudulent conversion) that have been placed in the thief's lawful possession for safekeeping, such as a bank teller misappropriating deposits or a stockbroker making off with a customer's account.

enterprise crime The use of illegal tactics to gain profit in the marketplace. Enterprise crimes can involve both the violation of law in the course of an otherwise legitimate occupation or the sale and distribution of illegal commodities.

enterprise theory of investigation (ETI) A standard investigation tool of the FBI that

focuses on criminal enterprise and investigation attacks on the structure of the criminal enterprise rather than on criminal acts viewed as isolated incidents.

equipotentiality View that all individuals are equal at birth and are thereafter influenced by their environment.

eros The instinct to preserve and create life; eros is expressed sexually.

ex post facto law Those laws that are made to punish actions committed before the existence of such laws and that had not been declared crimes by preceding laws.

exclusionary rule The principle that prohibits using evidence illegally obtained in a trial. Based on the Fourth Amendment "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," the rule is not a bar to prosecution, as legally obtained evidence may be available that may be used in a trial.

exploitation (of criminals) Using others to commit crimes: for example, as contract killers or drug runners.

exploitation (of victims) Forcing victims to pay for services to which they have a clear right.

expressive crimes Crimes that have no purpose except to accomplish the behavior at hand, such as shooting someone.

expressive violence Violence that is designed not for profit or gain but to vent rage, anger, or frustration.

extinction The phenomenon in which a crime prevention effort has an immediate impact that then dissipates as criminals adjust to new conditions.

false pretenses Illegally obtaining money, goods, or merchandise from another by fraud or misrepresentation.

Federal Bureau of Investigation (FBI) The arm of the U.S. Justice Department that investigates violations of federal law, gathers crime statistics, runs a comprehensive crime laboratory, and helps train local law enforcement officers.

federal courts of appeal Courts that hear appeals from the U.S. district courts.

felony A serious offense that carries a penalty of incarceration in a state prison, usually for one year or more. People convicted of felony offenses lose the right to vote, hold elective office, or maintain certain licenses.

felony murder A homicide in the context of another felony, such as robbery or rape; legally defined as first-degree murder.

fence A buyer and seller of stolen merchandise.

feticide Endangering or killing an unborn fetus.

fine A dollar amount usually exacted as punishment for a minor crime. Although fines are most commonly used in misdemeanors, they are also frequently employed in felonies where the offender benefited financially. Fines may also be combined with other sentencing alternatives, such as probation or confinement.

first-degree murder The killing of another person after premeditation and deliberation.

fixated An adult that exhibits behavior traits characteristic of those encountered during infantile sexual development.

flash houses Public meeting places in England, often taverns, that served as headquarters for gangs.

flashover An effect in a fire when heat and gas at the ceiling of a room reach 2,000 degrees, and clothes and furniture burst into flame, duplicating the effects of arsonists' gasoline or explosives. It is possible that many suspected arsons are actually the result of flashover.

focal concerns According to Miller, the value orientations of lower-class cultures; features include the needs for excitement, trouble, smartness, fate, and personal autonomy.

foot patrols Police patrols that take officers out of cars and put them on a walking beat to strengthen ties with the community.

forfeiture The seizure of personal property by the state as a civil or criminal penalty.

fraud Taking the possessions of another through deception or cheating, such as selling a person a desk that is represented as an antique but is known to be a copy.

free-venture programs Privately run industries in a prison setting in which the inmates work for wages and the goods are sold for profit.

front running A form of stockbroker chiseling in which brokers place personal orders ahead of a large order from a customer to profit from the market effects of the trade.

gang rape Forcible sex involving multiple attackers.

gatekeepers The police, who initiate contact with law violators and decide whether to formally arrest them and start their journey through the criminal justice system, settle the issue informally (such as by issuing a warning), or simply take no action at all.

gateway model An explanation of drug abuse that posits that users begin with a more benign drug (alcohol or marijuana) and progress to ever-more potent drugs.

gay bashing Violent hate crimes directed toward people because of their sexual orientation.

general deterrence A crime control policy that depends on the fear of criminal penalties. General deterrence measures, such as long prison sentences for violent crimes, are aimed at convincing the potential law violator that the pains associated with crime outweigh its benefits.

General Strain Theory (GST) According to Agnew, the view that multiple sources of strain interact with an individual's emotional traits and responses to produce criminality.

General Theory of Crime (GTC) According to Gottfredson and Hirschi, a developmental theory that modifies social control theory by integrating concepts from biosocial, psychological, routine activities, and rational choice theories.

gentrification A residential renewal stage in which obsolete housing is replaced and upgraded; areas undergoing such change seem to experience an increase in their crime rates.

globalization The process of creating transnational markets, politics, and legal systems in an effort to form and sustain a global economy.

good burglar Professional burglars use this title to characterize colleagues who have distinguished themselves as burglars. Characteristics of the good burglar include technical competence, maintenance of personal integrity, specialization in burglary, financial success, and the ability to avoid prison sentences.

grand jury A group (usually consisting of twenty-three citizens) chosen to hear testimony in secret and to issue formal criminal accusations (indictments). It also serves an investigatory function.

grand larceny Theft of money or property of substantial value, punished as a felony.

group boycott A company's refusal to do business with retail stores that do not comply with its rules or desires.

guerilla The term means "little war" and developed out of the Spanish rebellion against French troops after Napoleon's 1808 invasion of the Iberian Peninsula. Today the term is used interchangeably with the term *terrorist*.

hands-off doctrine The judicial policy of not interfering in the administrative affairs of a prison.

hate crimes Acts of violence or intimidation designed to terrorize or frighten people considered undesirable because of their race, religion, ethnic origin, or sexual orientation.

heels Professional shoplifters who steal with the intention of reselling stolen merchandise to pawnshops or fences, usually at half the original price.

the hole Solitary confinement used as punishment for prisoners who flout prison rules.

home confinement (HC) Convicted offenders must spend extended periods in their own homes as an alternative to incarceration; also called house arrest or home detention.

homophobia Extremely negative overreaction to homosexuals.

homosexuality Erotic interest in members of one's own sex.

human nature theory A belief that personal traits, such as genetic makeup, intelligence, and body build, may outweigh the importance of social variables as predictors of criminal activity.

humanistic psychology A branch of psychology that stresses self-awareness and "getting in touch with feelings."

hung jury A jury that cannot reach a decision in a criminal case. If a jury is hung, the prosecution can retry the case.

hypermasculine Men who typically have a callous sexual attitude and believe violence is manly. They perceive danger as exciting and are overly sensitive to insult and ridicule. They are also impulsive, more apt to brag about sexual conquests, and more likely to lose control, especially when using alcohol.

hypoglycemia A condition that occurs when glucose (sugar) levels in the blood fall below the necessary level for normal and efficient brain functioning.

id The primitive part of people's mental makeup, present at birth, that represents unconscious biological drives for food, sex, and other life-sustaining necessities. The id seeks instant gratification without concern for the rights of others.

identity crisis A psychological state, identified by Erikson, in which youth face inner turmoil and uncertainty about life roles.

impact statement A victim's statement considered at a sentencing hearing.

imperatively coordinated associations These associations are composed of two groups: those who possess authority and use it for social domination and those who lack authority and are dominated.

impersonal coercion Pressures beyond individual control, such as economic and social pressure caused by unemployment, poverty, or business competition.

importation model The view that the violent prison culture reflects the criminal cul-

ture of the outside world and is neither developed in nor unique to prisons.

incapacitation effect The idea that keeping offenders in confinement will eliminate the risk of their committing further offenses.

incarceration Confinement in jail or prison.

inchoate offenses Incomplete or contemplated crimes such as criminal solicitation or criminal attempts.

incivilities Rude and uncivil behavior; behavior that indicates little caring for the feelings of others.

indeterminate sentence A term of incarceration with a stated minimum and maximum length, such as a sentence to prison for a period of from 3 to 10 years. The prisoner would be eligible for parole after the minimum sentence had been served. Based on the belief that sentences should fit the criminal, indeterminate sentences allow individualized sentences and provide for sentencing flexibility. Judges can set a high minimum to override the purpose of the indeterminate sentence.

index crimes The eight crimes that, because of their seriousness and frequency, the FBI reports the incidence of in the annual Uniform Crime Report. Index crimes include murder, rape, assault, robbery, burglary, arson, larceny, and motor vehicle theft.

indictment A written accusation returned by a grand jury charging an individual with a specified crime, based on the prosecutor's presentation of probable cause.

inevitable discovery rule A rule of law stating that evidence that almost assuredly would be independently discovered can be used in a court of law, even though it was obtained in violation of legal rules and practices.

infanticide The murder of a very young child.

inferiority complex People who have feelings of inferiority and compensate for them with a drive for superiority.

influence peddling Using an institutional position to grant favors and sell information to which their co-conspirators are not entitled.

informal sanctions Disapproval, stigma, or anger directed toward an offender by significant others (parents, peers, neighbors, teachers), resulting in shame, embarrassment, and loss of respect.

information Like an indictment, a formal charging document. The prosecuting attorney makes out the information and files it in court. Probable cause is determined at the preliminary hearing, which, unlike grand jury proceedings, is public and attended by the accused and his or her attorney.

information processing A branch of cognitive psychology that focuses on the way people process, store, encode, retrieve, and manipulate information to make decisions and solve problems.

inheritance school Advocates of this view trace the activities of several generations of families believed to have an especially large number of criminal members.

inmate subculture The loosely defined culture that pervades prisons and has its own norms, rules, and language.

insider trading Illegal buying of stock in a company based on information provided by someone who has a fiduciary interest in the company, such as an employee or an attorney or accountant retained by the firm. Federal laws and the rules of the Securities and Exchange Commission require that all profits from such trading be returned and provide for both fines and a prison sentence.

institutional anomie theory The view that anomie pervades U.S. culture because the drive for material wealth dominates and undermines social and community values.

instrumental crimes Offenses designed to improve the financial or social position of the criminal.

instrumental critical theory The view that criminal law and the criminal justice system are capitalist instruments for controlling the lower class.

instrumental violence Violence used in an attempt to improve the financial or social position of the criminal.

integrated theories Models of crime causation that weave social and individual variables into a complex explanatory chain.

intensive probation supervision (IPS) A type of intermediate sanction involving small probation caseloads and strict daily or weekly monitoring.

interactionist view The view that one's perception of reality is significantly influenced by one's interpretations of the reactions of others to similar events and stimuli.

interdisciplinary science Involving two or more academic fields.

intermediate sanctions An alternative to prison; these sanctions include fines, forfeiture, home confinement, electronic monitoring, intensive probation supervision, restitution, community corrections, and boot camps.

Internal Revenue Service (IRS) Government agency that enforces violations of income, excise, stamp, and other tax laws.

international terrorism Terrorism involving citizens or the territory of more than one country.

interpersonal coercion The use of force, threat of force, or intimidation by parents, peers, or significant others.

interrogation The questioning of a suspect in police custody.

involuntary manslaughter A homicide that occurs as a result of acts that are negligent and without regard for the harm they may cause others, such as driving under the influence of alcohol or drugs.

jail A place to detain people awaiting trial, hold drunks and disorderly individuals, and confine convicted misdemeanants serving sentences of less than one year.

judge The senior officer in a court of criminal law.

jury array The initial list of persons chosen, which provides the state with a group of citizens potentially capable of serving on a jury; also called a venire.

just desert The philosophy of justice that asserts that those who violate the rights of others deserve to be punished. The severity of punishment should be commensurate with the seriousness of the crime.

justice model A philosophy of corrections that stresses determinate sentences, abolition of parole, and the view that prisons are places of punishment and not rehabilitation.

justice of the peace Established in 1326 in England to assist the shire reeve in controlling the county, these justices eventually took on judicial functions in addition to being peacekeepers.

justification A defense to a criminal charge in which the accused maintains that his or her actions were justified by the circumstances and therefore he or she should not be held criminally liable.

La Cosa Nostra A national syndicate of twenty-five or so Italian-dominated crime families who control crime in distinct geographic areas.

labeling theory Theory that views society as creating deviance through a system of social control agencies that designate certain individuals as deviants. The stigmatized individual is made to feel unwanted in the normal social order. Eventually, the individual begins to believe that the label is accurate, assumes it as a personal identity, and enters into a deviant or criminal career.

landmark decision A decision handed down by the Supreme Court that becomes the law of the land and serves as a precedent for similar legal issues.

larceny Taking for one's own use the property of another, by means other than force or threats on the victim or forcibly breaking into a person's home or workplace; theft.

latency A developmental stage that begins at age 6. During this period, feelings of sexuality are repressed until the genital stage begins at puberty; this marks the beginning of adult sexuality.

latent delinquency A psychological predisposition to commit antisocial acts because of an id-dominated personality that renders an individual incapable of controlling impulsive, pleasure-seeking drives.

latent trait A stable feature, characteristic, property, or condition, present at birth or soon after, that makes some people crime prone over the life course.

latent trait theories Theoretical views that criminal behavior is controlled by a master trait, present at birth or soon after, that remains stable and unchanging throughout a person's lifetime.

law of criminal procedure Judicial precedents that define and guarantee the rights of criminal defendants and control the various components of the criminal justice system.

left realism An approach that views crime as a function of relative deprivation under capitalism and that favors pragmatic, community-based crime prevention and control.

legal code The specific laws that fall within the scope of criminal law.

liberal feminist theory Theory suggesting that the traditionally lower crime rate for women can be explained by their second-class economic and social position. As women's social roles have changed and their lifestyles have become more like those of men, it is believed that their crime rates will converge.

life course persister One of the small group of offenders whose criminal career continues well into adulthood.

life course theories Theoretical views studying changes in criminal offending patterns over a person's entire life. Are there conditions or events that occur later in life that influence the way people behave, or is behavior predetermined by social or personal conditions at birth?

life domains According to Agnew, the five key elements that influence human behavior involving self, education, work, peers, and family relations.

lifestyle theory People may become crime victims because their lifestyle increases their exposure to criminal offenders.

lineup Witnesses may be brought in to view the suspect in a group of people with similar characteristics and asked to pick out the suspect.

lumpen proletariat The fringe members at

the bottom of society who produce nothing and live, parasitically, off the work of others.

madam A woman who employs prostitutes, supervises their behavior, and receives a fee for her services.

Mafia A criminal society that originated in Sicily, Italy, and is believed to control racketeering in the United States.

mala in se Acts that are outlawed because they violate basic moral values, such as rape, murder, assault, and robbery.

mala prohibitum Acts that are outlawed because they clash with current norms and public opinion, such as tax, traffic, and drug laws.

mandatory prison term A statutory requirement that a certain penalty shall be set and carried out in all cases on conviction for a specified offense or series of offenses.

manslaughter A homicide without malice.

marginal deterrence The concept that a penalty for a crime may prompt commission of a marginally more severe crime because that crime receives the same magnitude of punishment as the original one.

marginalization Displacement of workers, pushing them outside the economic and social mainstream.

marital exemption The practice in some states of prohibiting the prosecution of husbands for the rape of their wives.

marital rape Forcible sex between people who are legally married to each other.

mark The target of a con man or woman.

Marxist criminologists Criminologists who view crime as a product of the capitalist system.

Marxist criminology The view that crime is a product of the capitalist system; also known as critical criminology or radical criminology.

Marxist feminism The approach that explains both victimization and criminality among women in terms of gender inequality, patriarchy, and the exploitation of women under capitalism.

masculinity hypothesis The view that women who commit crimes have biological and psychological traits similar to those of men.

mass murder The killing of a large number of people in a single incident by an offender who typically does not seek concealment or escape.

mechanical solidarity A characteristic of a pre-industrial society, which is held together by traditions, shared values, and unquestioned beliefs.

mens rea "Guilty mind." The mental ele-

ment of a crime or the intent to commit a criminal act.

meta-analysis A research technique that uses the grouped data from several different studies.

middle-class measuring rods According to Cohen, the standards by which teachers and other representatives of state authority evaluate lower-class youths. Because they cannot live up to middle-class standards, lower-class youths are bound for failure, which gives rise to frustration and anger at conventional society.

Minnesota Multiphasic Personality Inventory (MMPI) A widely used psychological test that has subscales designed to measure many different personality traits, including psychopathic deviation (Pd scale), schizophrenia (Sc scale), and hypomania (Ma scale).

Miranda warning The result of two U.S. Supreme Court decisions (*Escobedo v. Illinois* [378 U.S. 478] and *Miranda v. Arizona* [384 U.S. 436]) that require police officers to inform individuals under arrest of their constitutional right to remain silent and to know that their statements can later be used against them in court, that they can have an attorney present to help them, and that the state will pay for an attorney if they cannot afford to hire one. Although aimed at protecting an individual during in-custody interrogation, the warning must also be given when the investigation shifts from the investigatory to the accusatory stage—that is, when suspicion begins to focus on an individual.

mission hate crimes Violent crimes committed by disturbed individuals who see it as their duty to rid the world of evil.

Missouri Plan A way of picking judges through nonpartisan elections as a means of ensuring judicial performance standards.

modus operandi (MO) The working methods of particular offenders.

monetary restitution A sanction requiring that convicted offenders compensate crime victims by reimbursing them for out-of-pocket losses caused by the crime. Losses can include property damage, lost wages, and medical costs.

moral crusaders People who strive to stamp out behavior they find objectionable. Typically, moral crusaders are directed at public order crimes, such as drug abuse or pornography.

moral development The way people morally represent and reason about the world.

moral entrepreneurs Interest groups that attempt to control social life and the legal order in such a way as to promote their own personal set of moral values. People

who use their influence to shape the legal process in ways they see fit.

morals squad Plainclothes police officers or detectives specializing in victimless crimes such as prostitution or gambling.

Mosaic Code The laws of the ancient Israelites, found in the Old Testament of the Judeo-Christian Bible.

motivated offenders The potential offenders in a population. According to rational choice theory, crime rates will vary according to the number of motivated offenders.

mug shots Pictures of offenders that can be viewed by victims in an attempt to identify the perpetrator.

Multidimensional Personality Questionnaire (MPQ) A test that allows researchers to assess such personality traits as control, aggression, alienation, and well-being. Evaluations using this scale indicate that adolescent offenders who are crime prone maintain negative emotionality, a tendency to experience aversive affective states such as anger, anxiety, and irritability.

murder The unlawful killing of a human being (homicide) with malicious intent.

naive check forgers Amateurs who cash bad checks because of some financial crisis but have little identification with a criminal subculture.

narcissistic personality disorder A condition marked by a persistent pattern of self-importance, need for admiration, lack of empathy, and preoccupation with fantasies of unlimited success, power, brilliance, beauty, or ideal love.

National Crime Victimization Survey (NCVS) The ongoing victimization study conducted jointly by the Justice Department and the U.S. Census Bureau that surveys victims about their experiences with law violation.

National Incident-Based Reporting System (NIBRS) A relatively new program that requires local police agencies to provide a brief account of each incident and arrest within twenty-two crime patterns, including incident, victim, and offender information.

nature theory The view that intelligence is largely determined genetically and that low intelligence is linked to criminal behavior.

negative affective states According to Agnew, the anger, depression, disappointment, fear, and other adverse emotions that derive from strain.

negative reinforcement Using either negative stimuli (punishment) or loss of reward (negative punishment) to curtail unwanted behaviors.

neglect Not providing a child with the care and shelter to which he or she is entitled.

negligent manslaughter A homicide that occurs as a result of acts that are negligent and without regard for the harm they may cause others, such as driving under the influence of alcohol or drugs; also called involuntary manslaughter.

neocortex A part of the human brain; the left side of the neocortex controls sympathetic feelings toward others.

neuroallergies Allergies that affect the nervous system and cause the allergic person to produce enzymes that attack whole-some foods as if they were dangerous to the body. They may also cause swelling of the brain and produce sensitivity in the central nervous system—conditions that are linked to mental, emotional, and behavioral problems.

neuropsychology The study of brain activity.

neutralization theory Neutralization theory holds that offenders adhere to conventional values while “drifting” into periods of illegal behavior. In order to drift, people must first overcome (neutralize) legal and moral values.

new generation jails Jails that allow for continuous observation of residents. There are two types: direct and indirect supervision.

nolle prosequi The term used when a prosecutor decides to drop a case after a complaint has been formally made. Reasons for a *nolle prosequi* include insufficient evidence, reluctance of witnesses to testify, police error, and office policy.

nonintervention model The view that arresting and labeling offenders does more harm than good, that youthful offenders in particular should be diverted into informal treatment programs, and that minor offenses should be decriminalized.

nonnegligent manslaughter A homicide committed in the heat of passion or during a sudden quarrel; although intent may be present, malice is not; also called voluntary manslaughter.

normative groups Groups, such as the high school in-crowd, that conform to the social rules of society.

nurture theory The view that intelligence is not inherited but is largely a product of environment. Low IQ scores do not cause crime but may result from the same environmental factors.

obscenity According to current legal theory, sexually explicit material that lacks a serious purpose and appeals solely to the prurient interest of the viewer. While nudity per se is not usually considered obscene, open sexual behavior, masturbation,

and exhibition of the genitals is banned in most communities.

obsessive-compulsive disorder An extreme preoccupation with certain thoughts and compulsive performance of certain behaviors.

occasional criminals Offenders who do not define themselves by a criminal role or view themselves as committed career criminals.

Oedipus complex A stage of development when males begin to have sexual feelings for their mothers.

offender classification If the offender is placed on probation, the department diagnoses his or her personality and treatment needs; offenders classified as minimal risks will be given little supervision, perhaps a monthly phone call or visit, whereas those classified as high risk will receive close supervision and intensive care and treatment.

offender-specific crime The idea that offenders evaluate their skills, motives, needs, and fears before deciding to commit crime.

offense-specific crime The idea that offenders react selectively to the characteristics of particular crimes.

oral stage In Freud's schema, the first year of life, when a child attains pleasure by sucking and biting.

ordeal Based on the principle of divine intervention and the then-prevalent belief that divine forces would not allow an innocent person to be harmed, this was a way of determining guilt involving such measures as having the accused place his or her hand in boiling water or hold a hot iron to see if God would intervene and heal the wounds. If the wound healed, the person was found not guilty; conversely, if the wound did not heal, the accused was deemed guilty of the crime for which he or she was being punished.

organic solidarity Postindustrial social systems, which are highly developed and dependent upon the division of labor; people are connected by their interdependent needs for one another's services and production.

organizational crime Crime that involves large corporations and their efforts to control the marketplace and earn huge profits through unlawful bidding, unfair advertising, monopolistic practices, or other illegal means.

organized crime Illegal activities of people and organizations whose acknowledged purpose is profit through illegitimate business enterprise.

overt pathway Pathway to a criminal career that begins with minor aggression, leads to physical fighting, and eventually escalates to violent crime.

paranoid schizophrenics Individuals who suffer complex behavior delusions involving wrongdoing or persecution—they think everyone is out to get them.

paraphilias Bizarre or abnormal sexual practices that may involve recurrent sexual urges focused on objects, humiliation, or children.

parole The early release of a prisoner subject to conditions set by a parole board. Depending on the jurisdiction, inmates must serve a certain proportion of their sentences before becoming eligible for parole. If an inmate is granted parole, the conditions may require him or her to report regularly to a parole officer, refrain from criminal conduct, maintain and support his or her family, avoid contact with other convicted criminals, abstain from using alcohol and drugs, remain within the jurisdiction, and so on. Violations of the conditions of parole may result in revocation of parole, in which case the individual will be returned to prison. The concept behind parole is to allow the release of the offender to community supervision, where rehabilitation and readjustment will be facilitated.

parole grant hearing A meeting of the full parole board or a subcommittee that reviews information, may meet with the offender, and then decides whether the parole applicant has a reasonable chance of succeeding outside prison. Good time credits reduce the minimum sentence and hasten eligibility for parole. In making its decision, the board considers the inmate's offense, time served, evidence of adjustment, and opportunities on the outside.

Part I crimes Another term for index crimes; eight categories of serious, frequent crimes.

Part II crimes All crimes other than index and minor traffic offenses. The FBI records annual arrest information for Part II offenses.

passive precipitation The view that some people become victims because of personal and social characteristics that make them attractive targets for predatory criminals.

paternalistic families Traditional family model in which fathers assume the role of breadwinners, while mothers tend to have menial jobs or remain at home to supervise domestic matters.

patriarchy A society in which men dominate public, social, economic, and political affairs.

peacemaking An approach that considers punitive crime control strategies to be counterproductive and favors the use of humanistic conflict resolution to prevent and control crime.

pedophiles Sexual offenders who target children.

penitentiary State or federally operated facility for the incarceration of felony offenders sentenced by the criminal courts; prison.

penology An aspect of criminology that overlaps with criminal justice; penology involves the correction and control of known criminal offenders.

peremptory challenge The dismissal of a potential juror by either the prosecution or the defense for unexplained, discretionary reasons.

permeable neighborhood Areas with a greater than usual number of access streets from traffic arteries into the neighborhood.

persistence The idea that those who started their delinquent careers early and who committed serious violent crimes throughout adolescence were the most likely to persist as adults.

personality The reasonably stable patterns of behavior, including thoughts and emotions, that distinguish one person from another.

petit (petty) larceny Theft of a small amount of money or property, punished as a misdemeanor.

phallic stage In Freud's schema, the third year, when children focus their attention on their genitals.

phishing Sometimes called carding or brand spoofing, phishing is a scam where the perpetrator sends out e-mails appearing to come from legitimate web enterprises such as eBay, Amazon, PayPal, and America Online in an effort to get the recipient to reveal personal and financial information.

phrenologist A scientist who studied the shape of the skull and bumps on the head to determine whether these physical attributes are linked to criminal behavior; phrenologists believed that external cranial characteristics dictate which areas of the brain control physical activity.

physiognomist A scientist who studied the facial features of criminals to determine whether the shape of ears, nose, and eyes and the distance between them are associated with antisocial behavior.

pigeon drop A con game in which a package or wallet containing money is "found" by a con man or woman. A passing victim is stopped and asked for advice about what to do, and soon another "stranger," who is part of the con, approaches and enters the discussion. The three decide to split the money; but first, one of the swindlers goes off to consult a lawyer. The lawyer claims the money can be split up, but each party must prove he or she has the means to reimburse the original owner, should one

show up. The victim then is asked to give some good-faith money for the lawyer to hold. When the victim goes to the lawyer's office to pick up a share of the loot, he or she finds the address bogus and the money gone. In the new millennium, the pigeon drop has been appropriated by corrupt telemarketers, who contact typically elderly victims over the phone to bilk them out of their savings.

pillage Theft by employees through stealth or deception.

plea bargaining The discussion between the defense counsel and the prosecution by which the accused agrees to plead guilty for certain considerations. The advantage to the defendant may be a reduction of the charges, a lenient sentence, or (in the case of multiple charges) dropped charges. The advantage to the prosecution is that a conviction is obtained without the time and expense of lengthy trial proceedings.

pleasure principle According to Freud, a theory in which id-dominated people are driven to increase their personal pleasure without regard to consequences.

pledge system An early method of law enforcement that relied on self-help and mutual aid.

plunder Using power without regard for others, such as committing a hate crime or polluting the environment.

poachers Early English thieves who typically lived in the country and supplemented their diet and income with game that belonged to a landlord.

poor laws Laws first appearing in England during the early seventeenth century that required that the poor, vagrants, and vagabonds be put to work in public or private enterprise under supervision of a state-appointed master.

population All people who share a particular personal characteristic, such as all high school students or all police officers.

pornography Sexually explicit books, magazines, films, or tapes intended to provide sexual titillation and excitement for paying customers.

positivism The branch of social science that uses the scientific method of the natural sciences and suggests that human behavior is a product of social, biological, psychological, or economic forces.

postmodernist Approach that focuses on the use of language by those in power to define crime based on their own values and biases; also called deconstructionist.

posttraumatic stress disorder (PTSD) Psychological reaction to a highly stressful event; symptoms may include depres-

sion, anxiety, flashbacks, and recurring nightmares.

power The ability of people and groups to control the behavior of others, to shape public opinion, and to define deviance.

power-control theory The view that gender differences in crime are a function of economic power (class position, one-versus two-earner families) and parental control (paternalistic versus egalitarian families).

precedent A rule derived from previous judicial decisions and applied to future cases; the basis of common law.

predation Direct forms of physical violence, such as robbery, sexual assault, or other forms of physical violence.

preliminary hearings The step at which criminal charges initiated by an information are tested for probable cause; the prosecution presents enough evidence to establish probable cause—that is, a *prima facie* case. The hearing is public and may be attended by the accused and his or her attorney.

premeditation Consideration of a homicide before it occurs.

premenstrual syndrome (PMS) The stereotype that several days prior to and during menstruation females are beset by irritability and poor judgment as a result of hormonal changes.

presentencing investigation An investigation performed by a probation officer attached to a trial court after the conviction of a defendant. The report contains information about the defendant's background, education, previous employment, and family; his or her own statement concerning the offense; the person's prior criminal record; interviews with neighbors or acquaintances; and his or her mental and physical condition (that is, information that would not be made part of the record in the case of a guilty plea or that would be inadmissible as evidence at a trial but could be influential and important at the sentencing stage). After conviction, a judge sets a date for sentencing (usually 10 days to 2 weeks from the date of conviction), during which time the presentence report is made. The report is required in felony cases in federal courts and in many states, is optional with the judge in some states, and in others is mandatory before convicted offenders can be placed on probation. In the case of juvenile offenders, the presentence report is also known as a social history report.

preventive detention The practice of holding dangerous suspects before trial without bail.

price fixing A conspiracy to set and control the price of a necessary commodity.

primary deviance According to Lemert, deviant acts that do not help redefine the self-image and public image of the offender.

primary prevention programs Treatment programs that seek to correct or remedy personal problems before they manifest themselves as crime.

prison A state or federal correctional institution for incarceration of felony offenders for terms of one year or more.

prisonization process The inmate's assimilation into the prison culture through acceptance of its language, sexual code, and norms of behavior. Those who become the most prisonized will be the least likely to reform on the outside.

probable cause The evidentiary criterion necessary to sustain an arrest or the issuance of an arrest or search warrant; less than absolute certainty or "beyond a reasonable doubt" but greater than mere suspicion or hunch. A set of facts, information, circumstances, or conditions that would lead a reasonable person to believe that an offense was committed and that the accused committed that offense. An arrest made without probable cause may be susceptible to prosecution as an illegal arrest under false imprisonment statutes.

probable cause hearing A hearing to determine if there is sufficient evidence to warrant a trial; also called a preliminary hearing.

probation A sentence entailing the conditional release of a convicted offender into the community under the supervision of the court (in the form of a probation officer), subject to certain conditions for a specified time. The conditions are usually similar to those of parole. (Probation is a sentence, an alternative to incarceration; parole is administrative release from incarceration.) Violation of the conditions of probation may result in revocation of probation.

problem behavior syndrome (PBS) A cluster of antisocial behaviors that may include family dysfunction, substance abuse, smoking, precocious sexuality and early pregnancy, educational underachievement, suicide attempts, sensation seeking, and unemployment, as well as crime.

problem-oriented policing (POP) A style of police management that stresses proactive problem solving rather than reactive crime fighting.

productive forces Technology, energy sources, and material resources.

productive relations The relationships that

exist among the people producing goods and services.

professional criminals Offenders who make a significant portion of their income from crime.

professional fence An individual who earns his or her living solely by buying and reselling stolen merchandise.

proletariat A term used by Marx to refer to the working class members of society who produce goods and services but who do not own the means of production.

prosecutor Representative of the state (executive branch) in criminal proceedings; advocate for the state's case—the charge—in the adversary trial; for example, the attorney general of the United States, U.S. attorneys, attorneys general of the states, district attorneys, and police prosecutors. The prosecutor participates in investigations both before and after arrest, prepares legal documents, participates in obtaining arrest or search warrants, decides whether to charge a suspect and, if so, with which offense. The prosecutor argues the state's case at trial, advises the police, participates in plea negotiations, and makes sentencing recommendations.

prosocial bonds Socialized attachment to conventional institutions, activities, and beliefs.

prostitution The granting of nonmarital sexual access for remuneration.

psychoanalytic (psychodynamic) perspective Branch of psychology holding that the human personality is controlled by unconscious mental processes developed early in childhood.

psychopathic personality A personality characterized by a lack of warmth and feeling, inappropriate behavior responses, and an inability to learn from experience. Some psychologists view psychopathy as a result of childhood trauma; others see it as a result of biological abnormality.

psychosis A mental state in which the perception of reality is distorted. People experiencing psychosis hallucinate, have paranoid or delusional beliefs, change personality, exhibit disorganized thinking, and engage in unusual or bizarre behavior.

public defender system An attorney employed by the state whose job is to provide free legal counsel to indigent defendants.

public order crimes Acts that are considered illegal because they threaten the general well-being of society and challenge its accepted moral principles. Prostitution, drug use, and the sale of pornography are considered public order crimes.

public safety doctrine Evidence can be obtained without a Miranda warning if the in-

formation the police seek is needed to protect public safety.

racial profiling Selecting suspects on the basis of their ethnic or racial background.

Racketeer Influenced and Corrupt Organizations (RICO) Act Federal legislation that enables prosecutors to bring additional criminal or civil charges against people whose multiple criminal acts constitute a conspiracy. RICO features monetary penalties that allow the government to confiscate all profits derived from criminal activities. Originally intended to be used against organized criminals, RICO has also been used against white-collar criminals.

radical criminologists Criminologists who view crime as a product of the capitalist system.

radical criminology The view that crime is a product of the capitalist system; also known as Marxist criminology or critical criminology.

rape Unlawful sexual intercourse with a female without her consent.

rational choice The view that crime is a function of a decision-making process in which the potential offender weighs the potential costs and benefits of an illegal act.

reaction formation According to Cohen, rejecting goals and standards that seem impossible to achieve. Because a boy cannot hope to get into college, for example, he considers higher education a waste of time.

reactive (defensive) hate crimes Perpetrators believe they are taking a defensive stand against outsiders who they believe threaten their community or way of life.

reactive policing Police officers responding only to calls for help.

reality principle According to Freud, the ability to learn about the consequences of one's actions through experience.

reasoning criminal According to the rational choice approach, law-violating behavior occurs when an offender decides to risk breaking the law after considering both personal factors (such as the need for money, revenge, thrills, and entertainment) and situational factors (how well a target is protected and the efficiency of the local police force).

rebuttal evidence Evidence that was not used when the prosecution initially presented its case.

reciprocal altruism According to sociobiology, acts that are outwardly designed to help others but that have at their core benefits to the self.

recognizance Pledge by the accused to return for trial, which may be accepted in lieu of bail.

recovery agent An individual hired by the bonding agent to track down a fugitive in order to recover the lost bond. These modern bounty hunters receive a share of the recovery, and unlike police, bounty hunters can enter a suspect's home without a warrant in most states; also called a skip tracer.

redirect examination Questions asked by the prosecutor about information brought out during cross-examination.

reeve In early England, the senior law enforcement figure in a county, the forerunner of today's sheriff.

reflective role taking According to Matsueda and Heimer, the phenomenon that occurs when youths who view themselves as delinquents give an inner voice to their perceptions of how significant others feel about them.

rehabilitation model View that sees criminals as victims of social injustice, poverty, and racism and suggests that appropriate treatment can change them into productive, law-abiding citizens.

reintegrative shaming A method of correction that encourages offenders to confront their misdeeds, experience shame because of the harm they caused, and then be reincluded in society.

relative deprivation The condition that exists when people of wealth and poverty live in close proximity to one another. Some criminologists attribute crime rate differentials to relative deprivation.

release on recognizance (ROR) A non-monetary condition for the pretrial release of an accused individual; an alternative to monetary bail that is granted after the court determines that the accused has ties in the community, has no prior record of default, and is likely to appear at subsequent proceedings.

removed for cause Removing a juror because he or she is biased, has prior knowledge about a case, or otherwise is unable to render a fair and impartial judgment in a case.

residential community corrections (RCC) A freestanding nonsecure building that is not part of a prison or jail and houses pretrial and adjudicated adults. The residents regularly depart to work, attend school, and/or participate in community corrections activities and programs.

restitution agreement A condition of probation in which the offender repays society or the victim of crime for the trouble the offender caused. Monetary restitution involves a direct payment to the victim as a form of compensation. Community service restitution may be used in victimless crimes

and involves work in the community in lieu of more severe criminal penalties.

restorative justice Using humanistic, non-punitive strategies to right wrongs and restore social harmony.

restorative justice model View that emphasizes the promotion of a peaceful, just society through reconciliation and reintegration of the offender into society.

retaliatory hate crimes A hate crime motivated by revenge for another hate crime, either real or imaginary, which may spark further retaliation.

retrospective cohort study A study that uses an intact cohort of known offenders and looks back into their early life experiences by checking their educational, family, police, and hospital records.

retrospective reading The reassessment of a person's past to fit a current generalized label.

revocation An administrative act performed by a parole authority that removes a person from parole, or a judicial order by a court removing a person from parole or probation, in response to a violation on the part of the parolee or probationer.

right to counsel The right of a person accused of crime to have the assistance of a defense attorney in all criminal prosecutions.

road rage A term used to describe motorists who assault each other.

robbery Taking or attempting to take something of value by force or threat of force and/or by putting the victim in fear.

role exit behaviors In order to escape from a stifling life in male-dominated families, girls may try to break away by running away and or even attempting suicide.

routine activities theory The view that the volume and distribution of predatory crime is closely related to the interaction of suitable targets, motivated offenders, and capable guardians.

sampling Selecting a limited number of people for study as representative of a larger group.

schizophrenia A type of psychosis often marked by bizarre behavior, hallucinations, loss of thought control, and inappropriate emotional responses. Schizophrenic types include catatonic, which characteristically involves impairment of motor activity; paranoid, which is characterized by delusions of persecution; and hebephrenic, which is characterized by immature behavior and giddiness.

search warrant A judicial order, based on probable cause, allowing police officers to search for evidence in a particular place, seize that evidence, and carry it away.

secondary deviance According to Lemert, accepting deviant labels as a personal identity. Acts become secondary when they form a basis for self-concept, as when a drug experimenter becomes an addict.

secondary prevention programs Treatment programs aimed at helping offenders after they have been identified.

second-degree murder A homicide with malice but not premeditation or deliberation, as when a desire to inflict serious bodily harm and a wanton disregard for life result in the victim's death.

selective incapacitation The policy of creating enhanced prison sentences for the relatively small group of dangerous chronic offenders.

self-control A strong moral sense that renders a person incapable of hurting others or violating social norms.

self-control theory According to Gottfredson and Hirschi, the view that the cause of delinquent behavior is an impulsive personality. Kids who are impulsive may find that their bond to society is weak.

self-report survey A research approach that requires subjects to reveal their own participation in delinquent or criminal acts.

semiotics The use of language elements as signs or symbols beyond their literal meaning.

sentencing circle A peacemaking technique in which offenders, victims, and other community members are brought together in an effort to formulate a sanction that addresses the needs of all.

sentencing disparity People convicted of similar criminal acts may receive widely different sentences.

sentencing guidelines Guidelines to control and structure the sentencing process and make it more rational; the more serious the crime and the more extensive the offender's criminal background, the longer the prison term recommended by the guidelines.

serial murder The killing of a large number of people over time by an offender who seeks to escape detection.

serial rape Multiple rapes committed by one person over time.

sexual abuse Exploitation of a child through rape, incest, or molestation by a parent or other adult.

sexual predator law Law that allows authorities to keep some criminals convicted of sexually violent crimes in custody even after their sentences are served.

sheriff The chief law enforcement officer in a county.

Sherman Antitrust Act Law that subjects to

criminal or civil sanctions any person “who shall make any contract or engage in any combination or conspiracy” in restraint of interstate commerce.

shield laws Laws designed to protect rape victims by prohibiting the defense attorney from inquiring about their previous sexual relationships.

shire Counties in England and much of Europe in the eleventh century.

shock incarceration A short prison sentence served in boot camp–type facilities.

shock probation A sentence in which offenders serve a short prison term to impress them with the pains of imprisonment before they begin probation.

shoplifting The taking of goods from retail stores.

siblicide Sibling homicide. The median age of sibling homicide offenders is 23, and the median age of their victims is 25. The vast majority of sibling homicide offenders are males (87 percent), and they are most likely to kill their brothers. When lethal violence by brothers against their sisters occurs, it is more likely in juvenile sibling relationships rather than adult sibling relationships (31 percent versus 14 percent). Sisters killing their brothers or sisters are relatively rare events.

siege mentality Residents who become so suspicious of authority that they consider the outside world to be the enemy out to destroy the neighborhood.

situational crime prevention A method of crime prevention that stresses tactics and strategies to eliminate or reduce particular crimes in narrow settings, such as reducing burglaries in a housing project by increasing lighting and installing security alarms.

situational inducement Short-term influence on a person's behavior, such as financial problems or peer pressure, that increases risk taking.

skeezers Prostitutes who trade sex for drugs, usually crack.

skilled thieves Thieves who typically work in the larger cities, such as London and Paris. This group includes pickpockets, forgers, and counterfeiters, who operated freely.

skip tracer An individual hired by the bonding agent to track down a fugitive in order to recover the lost bond. These modern bounty hunters receive a share of the recovery, and unlike police, bounty hunters can enter a suspect's home without a warrant in most states; also called a recovery agent.

smugglers Thieves who move freely in sparsely populated areas and transport goods, such as spirits, gems, gold, and

spices, without bothering to pay tax or duty.

snitches Amateur shoplifters who do not self-identify as thieves but who systematically steal merchandise for personal use.

social altruism Voluntary mutual support systems, such as neighborhood associations and self-help groups, that reinforce moral and social obligations.

social bond Ties a person has to the institutions and processes of society. According to Hirschi, elements of the social bond include commitment, attachment, involvement, and belief.

social capital Positive relations with individuals and institutions that are life sustaining.

social code The unwritten guidelines that express the values, attitudes, and types of behavior older inmates demand of younger inmates. Passed on from one generation of inmates to another, the inmate social code represents the values of interpersonal relations within the prison.

social conflict theory The view that crime is a function of class conflict and power relations. Laws are created and enforced by those in power to protect their own interests.

social control function The ability of society and its institutions to control, manage, restrain, or direct human behavior.

social control theory The view that people commit crime when the forces that bind them to society are weakened or broken.

social development model (SDM) A developmental theory that attributes criminal behavior patterns to childhood socialization and pro- or antisocial attachments over the life course.

social disorganization theory Branch of social structure theory that focuses on the breakdown of institutions such as the family, school, and employment in inner-city neighborhoods.

social ecology Environmental forces that have a direct influence on human behavior.

social harm A view that behaviors harmful to other people and society in general must be controlled. These acts are usually outlawed, but some acts that cause enormous amounts of social harm are perfectly legal, such as the consumption of tobacco and alcohol.

socialization Process of human development and enculturation. Socialization is influenced by key social processes and institutions.

socialization view One view is that people learn criminal attitudes from older, more experienced law violators. Another view is that crime occurs when children develop

an inadequate self-image, which renders them incapable of controlling their own misbehavior. Both of these views link criminality to the failure of socialization, the interactions people have with the various individuals, organizations, institutions, and processes of society that help them mature and develop.

social learning theory The view that human behavior is modeled through observation of human social interactions, either directly from observing those who are close and from intimate contact, or indirectly through the media. Interactions that are rewarded are copied, while those that are punished are avoided.

social process theory The view that criminality is a function of people's interactions with various organizations, institutions, and processes in society.

social reaction theory The view that people become criminals when significant members of society label them as such and they accept those labels as a personal identity. Also known as labeling theory.

social reality of crime The view that the main purpose of criminology is to promote a peaceful, just society.

social structure theory The view that disadvantaged economic class position is a primary cause of crime.

sodomy Illegal sexual intercourse. Sodomy has no single definition, and acts included within its scope are usually defined by state statute.

somatotype A system developed for categorizing people on the basis of their body build.

specific deterrence A crime control policy suggesting that punishment be severe enough to convince convicted offenders never to repeat their criminal activity.

split sentencing A jail term is part of the sentence and is a condition of probation.

stalking A pattern of behavior directed at a specific person that includes repeated physical or visual proximity, unwanted communications, and/or threats sufficient to cause fear in a reasonable person.

state account system Prisoners produce goods in prison for state use.

state police A law enforcement agency with statewide jurisdiction; the major role of state police is controlling traffic on the highway system, tracing stolen automobiles, and aiding in disturbances and crowd control.

status frustration A form of culture conflict experienced by lower-class youths because social conditions prevent them from achieving success as defined by the larger society.

statutory crimes Crimes defined by legislative bodies in response to changing social conditions, public opinion, and custom.

statutory rape Sexual relations between an underage individual and an adult; though not coerced, an underage partner is considered incapable of giving informed consent.

stigma An enduring label that taints a person's identity and changes him or her in the eyes of others.

sting An undercover police operation in which police pose as criminals to trap law violators.

sting or swindle A white-collar crime in which people use their institutional or business position to trick others out of their money.

strain The emotional turmoil and conflict caused when people believe they cannot achieve their desires and goals through legitimate means. Members of the lower class might feel strain because they are denied access to adequate educational opportunities and social support.

strain theorists Criminologists who view crime as a direct result of lower-class frustration and anger.

strain theory Branch of social structure theory that sees crime as a function of the conflict between people's goals and the means available to obtain them.

stratified society Grouping according to social strata or levels. American society is considered stratified on the basis of economic class and wealth.

street crime Common theft-related offenses such as larcenies and burglaries, embezzlement, and theft by false pretenses.

strict liability crimes Illegal acts whose elements do not contain the need for intent, or *mens rea*; they are usually acts that endanger the public welfare, such as illegal dumping of toxic wastes.

structural critical theory The view that criminal law and the criminal justice system are means of defending and preserving the capitalist system.

subculture A group that is loosely part of the dominant culture but maintains a unique set of values, beliefs, and traditions.

subculture of violence Norms and customs that, in contrast to society's dominant value system, legitimize and expect the use of violence to resolve social conflicts.

submission Passive obedience to the demands of others, such as submitting to physical or sexual abuse without response.

substantive criminal law A body of specific rules that declare what conduct is criminal and prescribe the punishment to be imposed for such conduct.

subterranean values Morally tinged influences that have become entrenched in the culture but are publicly condemned. They exist side by side with conventional values and while condemned in public may be admired or practiced in private.

sufferance The aggrieved party does nothing to rectify a conflict situation; over time, the unresolved conflict may be compounded by other events that cause an eventual eruption.

suitable target According to routine activities theory, a target for crime that is relatively valuable, easily transportable, and not capably guarded.

superego Incorporation within the personality of the moral standards and values of parents, community, and significant others.

super-max prison An enhanced high-security facility that houses the most dangerous felons in almost total isolation. Also called ultra-max prison.

surety bond The 10 percent the defendant pays to the bonding agent, which serves as the bonding agent's commission.

surplus value The Marxist view that the laboring classes produce wealth that far exceeds their wages and goes to the capitalist class as profits.

surrogate family A common form of adaptation to prison employed by women, this group contains masculine and feminine figures acting as fathers and mothers; some even act as children and take on the role of either brother or sister. Formalized marriages and divorces may be conducted. Sometimes multiple roles are held by one inmate, so that a "sister" in one family may "marry" and become the "wife" in another.

symbolic interaction theory The sociological view that people communicate through symbols. People interpret symbolic communication and incorporate it within their personality. A person's view of reality, then, depends on his or her interpretation of symbolic gestures.

synthesis A merger of two opposing ideas.

systematic forgers Professionals who make a living by passing bad checks.

systematic review A research technique that involves collecting the findings from previously conducted studies, appraising and synthesizing the evidence, and using the collective evidence to address a particular scientific question.

target hardening strategies Making one's home or business crime proof through the use of locks, bars, alarms, and other devices.

target removal strategies Displaying dummy or disabled goods as a means of preventing shoplifting.

technical violation Revocation of parole because conditions set by correctional authorities have been violated.

temperance movement An effort to prohibit the sale of liquor in the United States that resulted in the passage of the Eighteenth Amendment to the Constitution in 1919, which prohibited the sale of alcoholic beverages.

terrorism The illegal use of force against innocent people to achieve a political objective.

terrorist group Any group practicing, or that has significant subgroups that practice, international terrorism.

testosterone The principal male steroid hormone. Testosterone levels decline during the life cycle and may explain why violence rates diminish over time.

thanatos According to Freud, the instinctual drive toward aggression and violence.

theory of anomie A modified version of the concept of anomie developed by Merton to fit social, economic, and cultural conditions found in modern U.S. society. He found that two elements of culture interact to produce potentially anomic conditions: culturally defined goals and socially approved means for obtaining them.

therapeutic communities (TCs) A treatment approach using a psychosocial, experiential learning process that relies on positive peer pressure within a highly structured social environment.

thesis In the philosophy of Hegel, an original idea or thought.

three strikes Policies whereby people convicted of three felony offenses receive a mandatory life sentence.

thrill-seeking hate crimes Acts by hate-mongers who join forces to have fun by bashing minorities or destroying property; inflicting pain on others gives them a sadistic thrill.

tithing During the Middle Ages, groups of about ten families who were responsible for maintaining order among themselves and dealing with disturbances, fires, wild animals, and so on.

trait theory The view that criminality is a product of abnormal biological and/or psychological traits.

transitional neighborhood An area undergoing a shift in population and structure, usually from middle-class residential to lower-class mixed use.

truly disadvantaged Wilson's term for the lowest level of the underclass; urban, inner-city, socially isolated people who occupy the bottom rung of the social ladder and are the victims of discrimination.

truth-in-sentencing laws Laws that require offenders to serve a substantial portion of their prison sentence behind bars.

turning points According to Laub and Sampson, the life events that alter the development of a criminal career.

tying arrangement A corporation requires customers of one of its services to use other services it offers.

underclass The lowest social stratum in any country, whose members lack the education and skills needed to function successfully in modern society.

Uniform Crime Report (UCR) Large database, compiled by the Federal Bureau of Investigation, of crimes reported and arrests made each year throughout the United States.

USA Patriot Act (USAPA) Legislation giving U.S. law enforcement agencies a freer hand to investigate and apprehend suspected terrorists.

U.S. district courts Trial courts that have jurisdiction over cases involving violations of federal law, such as interstate transportation of stolen vehicles and racketeering.

U.S. marshals Court officers who help implement federal court rulings, transport prisoners, and enforce court orders.

U.S. Supreme Court The court of last resort for all cases tried in the various federal and state courts.

utilitarianism The view that people's behavior is motivated by the pursuit of pleasure and the avoidance of pain.

venire The group called for jury duty from which jury panels are selected.

viatical investments The selling of a death benefit policy, at less than face value, by a terminally ill person to a third party.

vice squad Police officers assigned to enforce morally tinged laws, such as those governing prostitution, gambling, and pornography.

victim compensation The victim ordinarily receives compensation from the state to pay for damages associated with the crime.

Rarely are two compensation schemes alike, however, and many state programs suffer from lack of both adequate funding and proper organization within the criminal justice system. Compensation may be made for medical bills, loss of wages, loss of future earnings, and counseling. In the case of death, the victim's survivors can receive burial expenses and aid for loss of support.

victimization (by the justice system) While the crime is still fresh in their minds, victims may find that the police interrogation following the crime is handled callously, with innuendos or insinuations that they were somehow at fault. Victims have difficulty learning what is going on in the case; property is often kept for a long time as evidence and may never be returned. Some rape victims report that the treatment they receive from legal, medical, and mental health services is so destructive that they cannot help but feel "re-raped."

victimization survey A statistical survey (such as the NCVS) that measures the amount, nature, and patterns of victimization in the population.

victimless crimes Crimes that violate the moral order but in which there is no actual victim or target. In these crimes, which include drug abuse and sex offenses, it is society as a whole and not an individual who is considered the victim.

victimologist A person who studies the victim's role in criminal transactions.

victim precipitation theory The idea that the victim's behavior was the spark that ignited the subsequent offense, as when the victim abused the offender verbally or physically.

victim-witness assistance programs Government programs that help crime victims and witnesses; may include compensation, court services, and/or crisis intervention.

vigilantes Individuals who go on moral crusades without any authorization from legal authorities. The assumption is that it is okay to take matters into your own hands if the cause is right and the target is immoral.

virility mystique The belief that males must

separate their sexual feelings from needs for love, respect, and affection.

voir dire The process in which a potential jury panel is questioned by the prosecution and the defense to select jurors who are unbiased and objective.

voluntary manslaughter A homicide committed in the heat of passion or during a sudden quarrel; although intent may be present, malice is not.

Walnut Street Jail At this institution, most prisoners were placed in solitary cells, where they remained in isolation and did not have the right to work.

warez A term computer hackers and software pirates use to describe a game or application that is made available for use on the Internet in violation of its copyright protection.

watch system In medieval England, men organized in church parishes to guard against disturbances and breaches of the peace at night; they were under the direction of the local constable.

Wechsler Adult Intelligence Scale One of the standard IQ tests.

Wernicke-Korsakoff disease A deadly neurological disorder.

white-collar crime Illegal acts that capitalize on a person's status in the marketplace. White-collar crimes can involve theft, embezzlement, fraud, market manipulation, restraint of trade, and false advertising.

Wickersham Commission Created in 1931 by President Herbert Hoover to investigate the state of the nation's police forces, a commission that found police training to be inadequate and the average officer incapable of effectively carrying out his duties.

workplace violence Irate employees or former employees attack coworkers or sabotage machinery and production lines; now considered the third leading cause of occupational injury or death.

writ of certiorari An order of a superior court requesting that the record of an inferior court (or administrative body) be brought forward for review or inspection.

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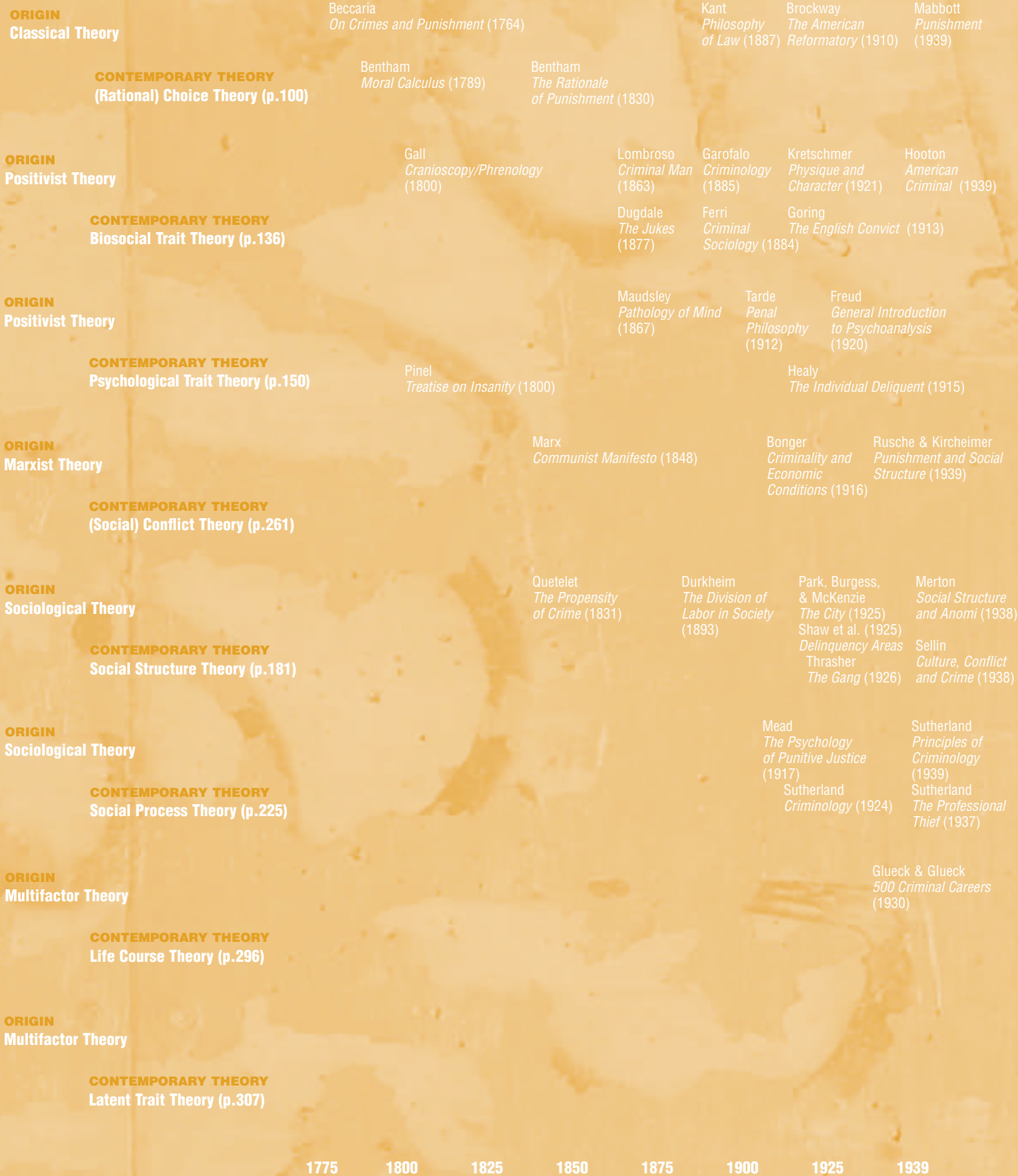
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Time Line of Criminological Theories



Time Line of Criminological Theories (continued)



